

## OSCEOLA CITY COUNCIL

Tuesday, October 1, 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, October 1, 2024 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: George Fotiadis, Thomas Bahls, Sonya Hicks, Dan Hooper 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: Dave Beck, Andrew Clark, Candra Brooks and others that did not sign in.

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

Mayor update council on various projects and events within the community.

No one spoke during open forum.

Dave Beck and Ty Wheeler updated Council on what the Clarke County Reservoir Commission has been up to.

Motion by Hooper and second Hicks to approve the special events permit for Clarke Band/Timber Ridge drive thru Meal Fundraiser; roll call vote: Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; motion carried.

Motion by Vargas and second by Hooper to approve the special events permit for the Clarke Homecoming Parade; roll call vote: Fotiadis, nay; Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; motion carried.

Motion by Fotiadis and second by Hooper to approve the third reading of the Ordinance amending Chapter 40 pertaining to Noise and Chapter 69 pertaining to parking; roll call vote: Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; motion carried.

Ordinance 679:

AN ORDINANCE AMENDING THE CITY OSCEOLA CODE OF ORDINANCES PERTAINING TO NOISE AND PARKING. BE IT ENACTED by the City Council of the City of Osceola, Iowa: SECTION 1. SECTION MODIFIED. Chapter 40.03(2) of the City of Osceola, Iowa Code of Ordinances is repealed and the following adopted in lieu thereof: 2) Noise. Make loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof. (Code of Iowa, Sec. 723.4[2]) a) INCLUDED SOUNDS. Except those sounds excluded in Section 40.03(2.b), the term 'Noise' means any of the following sounds: i) Injurious or Disturbing Sounds Generally. Any sound which endangers or injures the welfare, safety or health of a human being or disturbs a reasonable human being of normal sensitivities or causes or tends to cause an adverse physiological or physical effect on human beings or devalues or injures property. ii) Selling by "Hawking" or "Barking." The sound of selling by shout or outcry when made within the area of the City zoned residential. iii) Loading and Unloading. Excessive sound, beyond that which is usual and customary, made by outdoor loading, unloading, opening, closing or handling of boxes, crates, containers, building materials, garbage cans, trash receptacles or similar objects between the hours of ten o'clock (10:00) p.m. and five o'clock (5:00) a.m. emanating from within any area of the City zoned residential or at the real property boundary of residential property. iv) Engine Repairs and Testing. The sound made by the repairing, rebuilding, modifying or testing of a motor vehicle or recreational vehicle which is received between the hours of ten o'clock (10:00) p.m. and six-thirty o'clock (6:30) a.m. emanating from within any area of the City zoned residential or at the real property boundary of residential property. v) Musical Instruments. The sound made by a drum, horn, reed instrument, string instrument or other musical instrument or device which is received between the hours of ten o'clock (10:00) p.m. and six-thirty o'clock (6:30) a.m. emanating

from within any area of the City zoned residential or at the real property boundary of residential property; however, the sound made by musical instruments as part of a school sponsored or hosted event or instruction is not a noise disturbance. vi) Off-road Motorcycle and Recreational Vehicle Noise. The sound made on private property or on City-owned property other than a public right-of-way by a motorcycle or recreational vehicle and received between the hours of ten o'clock (10:00) p.m. and six-thirty o'clock (6:30) a.m. emanating from within any area of the City zoned residential or at the real property boundary of residential property; however, the sound made by a motorcycle when traveling from private property to a public right-of-way, or vice versa, in pursuance of normal ingress or egress for purposeful transportation is not a noise disturbance. vii) Construction Noise. The sound made by tools or equipment in assembly, demolition, excavation, drilling or other such construction work which is received between the hours of ten o'clock (10:00) p.m. and six-thirty o'clock (6:30) a.m. emanating from within any area of the City zoned residential or at the real property boundary of residential property. viii) Lawn Care and Landscaping Equipment. The sound made by tools or equipment used in the maintenance, upkeep, construction, or rehabilitation of lawn, gardens, or outdoor living spaces of any variety which is received between the hours of ten o'clock (10:00) p.m. and six-thirty o'clock (6:30) a.m. emanating from within any area of the City zoned residential or at the real property boundary of residential property. b) EXCLUDED SOUNDS. the term "Noise," as used in this chapter, does not mean or include the following sounds: i) Emergencies. The sound emitted in the performance of emergency work or to alert persons to the existence of an emergency. ii) Alarms. The sound emitted by the intentional sounding outdoor of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device for emergency purposes, or for the essential testing of such device when conducted between the hours of six-thirty o'clock (6:30) a.m. and ten o'clock (10:00) p.m. iii) Church Bells. The sound emitted by church carillons, bells or chimes. iv) Special Event Permit. The sound emitted by programming that is part of an approved Special Event Permit. v) Automobile Radios. The sound emitted by an automobile or truck radio, tape deck or player or other such standard equipment used and intended for the use and enjoyment of such vehicle's occupants while such vehicle is on the public right-of-way, provided that the sound emitted therefrom is not audible for more than fifty (50) feet. vi) Railroad. Any sound emanating from the railroad right-of-way. vii) Certain Signaling Devices. The sound emitted by mobile radio or telephone signaling devices. viii) Religious Ceremonies. The sound emitted in conjunction with a religious celebration. ix) Law Enforcement. The sounds made or caused to be made by law enforcement officials in the performance of their official duties. x) Utility or Municipal Vehicles and Equipment. Any sound emanating from municipal, private, or franchise utilities vehicles or equipment, or contractors working under the direction thereof, including solid waste collection. xi) Snow Removal. Any sound, including that from machinery, made during the process of removing snow and ice accumulations from private and public driveways, sidewalks, and parking areas. xii) Business and Industrial Operations. Any sound emanating from a property zoned as B-1, B-2, B-3, I-1, I-2, or B-1H that is usual and customary to the permitted use of the zoning district. xiii) Fireworks. Noise emanating from fireworks shall not be regulated under this chapter, but shall comply with all requires pursuant to Chapter 41 of this Code of Ordinances. SECTION 2. SECTION MODIFIED. Chapter 69.07 of the City of Osceola, Iowa Code of Ordinances is hereby amended by adding the following subsection: 57. The 200 – 300 Blocks of Wildflower Drive on the east and west sides. 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 Fotiadis and second by Hicks to approve the third reading of ordinance amendment pertain to Chapter 99 Rates and charges; roll call vote: Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; Vargas, aye; motion carried.

**Ordinance 680:**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OSCEOLA, IOWA, BY AMENDING PROVISIONS PERTAINING TO SEWER SERVICE CHARGES

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

SECTION 1. SECTION MODIFIED. Section 99.03 (1.A) of the Code of Ordinances of the City of Osceola, Iowa is hereby amended by adding the following language underlined below:

**99.03 RATES AND CHARGES.**

A. User Charges. The user charge for all classifications shall be an amount of money per thousand gallons of potable water delivered to customers during a billing period, as measured by the potable water system meter or other reliable means. It shall be computed for each individual user by multiplying the volume of potable water delivered to said user by the appropriate classification user rate, plus the minimum bill. There shall be no minimum usage. Such rates are as follows

- (1) Residential Users - \$6.00 per 1,000 gallons
- (2) Commercial Users - \$8.15 per 1,000 gallons
- (3) Industrial Class A Users - \$7.00 per 1,000 gallons
- (4) Industrial Class B Users - \$7.00 per 1,000 gallons
- (5) High Volume Rate - \$7.00 per 1,000 gallons

SECTION 2. SECTION MODIFIED. Section 99.03 (2) of the Code of Ordinances of the City of Osceola, Iowa is hereby struck: 99.03 RATES AND CHARGES.

2. Surcharge. In addition to the user sewer rates shown above, a sewer surcharge of \$28.00 per month shall be charged to all customers connected to the City's sewer system.

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. SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect immediately after passage and publication.

Motion by Fotiadis and second by Hooper to move the following Council dates: October 15<sup>th</sup>'s meeting to October 22<sup>nd</sup> and Change November 5<sup>th</sup>'s meeting not November 12<sup>th</sup>; roll call vote: Fotiadis, aye; Hooper, aye; Bahls, aye; Vargas, aye; Hicks, aye; motion carried

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 Hicks to approve the Consent Agenda:

The following Claims were paid:

Name , Invoice Desc, Check Amount;

ADVANTAGE COMPANIES , LIBRARY: SERVICES, 350;  
AFLAC , Employee Deductions, 262.8; AGRILAND FS - MURRAY , STREET:  
SUPPLIES, 4173.49; AHLERS & COONEY PC , CITY: SERVICES, 700.5;  
ALLIANT ENERGY , STREET: UTILITIES, 212.32; AMAZON CAPITAL SERVICES  
, P&R: SUPPLIES, 110.91; BARRY LARSON & SON GENERAL CONTRACTORS  
INC , CITY: PROJECT, 79915.93; BART'S TIRE & AUTO LLC , STREET:  
SERVICES, 590; BAUER BUILT , POLICE: SUPPLIES, 518.32; BUD JONES  
CONSTRUCTION , POLICE: SERVICES, 3227.5; CARD SERVICE CENTER , FIRE:  
SUPPLIES, 878.58; CARD SERVICES - CITY CREDIT , CITY: SERVICES, 237.71;  
CARQUEST OF OSCEOLA , AIRPORT: SUPPLIES, 21.78; CENTRAL PUMP &  
MOTOR LLC , WWTP: SUPPLIES, 2817.9; CHESNUT LAWN & LANDSCAPE  
, STREET: SERVICES, 6298; CINTAS CORP ORATION (PW) , STREET:  
SUPPLIES, 35.49; CINTAS-SERVICES (GOLF) , GOLF COURSE: SERVICES, 59.54;  
CITY OF MURRAY , CITY: SERVICES, 2732.06; CITY OF WOODBURN , CITY:  
SERVICES, 910.69; CLARKE CO RECORDER , CITY: SERVICES, 64; COLLECTION  
SERVICE CENTER , CHILD SUPPORT, 1781; CONTINENTAL RESEARCH CORP.  
, P&R: SUPPLIES, 269.77; CRESTON PUBLISHING COMPANY , CITY:

PUBLICATION,969.63;DAVIS EQUIPMENT CORP. ,GOLF COURSE:  
SUPPLIES,1171.98;DESIGN FARM ,CITY: SERVICES,2500;  
DON'S JONS ,P&R: SERVICES,765;ECHO ELECTRIC SUPPLY ,CITY:  
SUPPLIES,865.42;ECOSYSTEMS INC ,WWTP: SUPPLIES,2850;  
EFTPS ,FEDERAL WITHHOLDING,39915.5;FAREWAY STORES ,GOLF COURSE:  
SUPPLIES,424.8;FAREWAY STORES ,GOLF COURSE:  
SUPPLIES,167.96;GILBERTS TRUE VALUE HOME CENTER ,WWTP:  
SUPPLIES,79.53;GOLDEN EAGLE DISTRIBUTING ,GOLF COURSE:  
SUPPLIES,472.58;OLF CARS OF IOWA ,GOLF COURSE: SERVICES,1625;  
HIGHWAY LUMBER ,P&R: SUPPLIES,16634.42;HY-VEE FOOD STORES ,GOLF  
COURSE: SUPPLIES,141.37;IDEAL READY MIX CO. ,STREET:  
SUPPLIES,40019.5;IDEXX DISTRIBUTION INC ,WWTP: SUPPLIES,60.02;  
INTERSTATE ALL BATTERY CENTER ,WWTP: SUPPLIES,78.4;IOWA  
BEVERAGE ,GOLF COURSE: SUPPLIES,352;IOWA LAW ENFORCEMENT  
ACADEMY ,POLICE: SERVICES,380;IOWA ONE CALL ,CITY: SERVICES,63;  
IPERS ,MONTHLY CONTRIBUTION,27212.73;J P AUTO ,WWTP:  
SUPPLIES,130.34;JIM'S SANITATION& TRUCK REPAI ,CITY:  
SERVICES,38122.67;JJ BLAKER LLC ,GOLF COURSE: SERVICES,1200;  
KD TIRES LLC ,POLICE: SERVICES,120;LINDE GAS & EQUIPMENT INC  
,WWTP: SUPPLIES,422.61;MAINSTAY SYSTEMS OF IOWA LLC ,POLICE:  
SERVICES,177;MARC ELCOCK ,CITY: SERVICES,1500;MEDIACOM ,DEPOT:  
UTILITIES,739.68;MENARDS ,WWTP: SUPPLIES,124.95;MET LIFE ,CITY:  
INSURANCE,4932.48;MIDWEST CURB GRINDING LLC ,STREET:  
SERVICES,364;MIDWEST OFFICE TECH. CO. ,WWTP: SERVICES,146.36;  
MOTOROLA SOLUTIONS ,POLICE: SUPPLIES,172.5;MUNICIPAL SUPPLY INC  
,GOLF COURSE: SUPPLIES,100.7;MUTUAL OF OMAHA ,CITY PORTION LIFE  
INSURANCE,566.39;NORTH CENTRAL LABORATORIES OF WISCONSIN  
,WWTP: SUPPLIES,987.3;O'REILLY AUTOMOTIVE INC. ,P&R: SUPPLIES,3.99;  
OSCEOLA FARM & HOME ,P&R: SUPPLIES,721.47;OSCEOLA WATER WORKS  
,GOLF COURSE: UTILITIES,4780.35;PAULUA CONCRETE LLC ,CITY:  
SERVICES,7188;SCHILDBERG CONST. CO. ,STREET: SUPPLIES,7192.24;  
SERVICE TECHS INC ,P&R: SUPPLIES,217.32;SOLUTIONS ,WWTP:  
SUPPLIES,53.83;SPOKE COMMUNICATIONS LLC ,CITY: SERVICES,300;  
STOREY KENWORTHY /MATT PARROTT & SONS ,CITY: SUPPLIES,978.61;  
SYMMETRY ENERGY SOLUTIONS ,CITY: UTILITIES,761.07;TREASURER ST.  
OF IOWA ,STATE INCOME TAX,6497;US CELLULAR ,CITY: UTILITIES,964.21;  
USA BLUEBOOK ,WWTP: SUPPLIES,159.64;UTILITY EQUIPMENT CO. ,WWTP:  
SUPPLIES,976.86;VEENSTRA & KIMM INC. ,CITY: SERVICES,82195.78;  
WELLMARK - CITY OF OSCEOLA ,CITY: INSURANCE,75028.25;WINDSTREAM  
,WWTP: UTILITIES,351.42;ZIEGLER INC ,STREET: SUPPLIES,6065.87;ZIMCO  
SUPPLY CO. ,GOLF COURSE: SUPPLIES,1887.5; ,Grand Total ,489047.52;  
EFTS: 001248-001251 ,,;Check Numbers: 301818-301886 ,,;Fund Recap: ,,;1 ,General  
,95729.5;33 ,Golf Course,15882.21;110 ,Road Use Tax,70824.69;112 ,Employee  
Deductions,28042.76;312 ,CDBG Façade,79915.93;313 ,Trade Home  
Expense,18183.05;315 ,Downtown/streetscape,24411.28;317 ,Sewer Plant ,412.5;  
321 ,Recirculation Work ,57100;600 ,Water,1009.04;610 ,Waste Water,22508.31;800  
,Health Insurance,75028.25; ,Grand Total ,489047.52;

There being no further business, motion by Hooper and second by Bahls to adjourn the meeting at 8:00 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