

OSCEOLA CITY COUNCIL

Tuesday, March 6, 2018

Regular Meeting

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

The City Council met on Tuesday, March 6, 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, Dan Hooper, Dennis Page (Phone) and George Fotiadis. Dave Walkup was absent. City Staff present were Ty Wheeler– City/Administrator/Clerk, Britanee Ward – Accounting Manager/Assistant City Clerk and Marty Duffus – Police Chief. Also present were: Derek Lumsden, Bill Trickey, Donnie McCuddin, Matt Stoll, Michael Keller, Kaitlyn Johnson, Molly Sickels, Ann Diehl, Arian Flowers, Luce & Ryan Sullivan and others didn’t sign in.

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

Bill Trickey updates Council the CCDC Dashboard. Ann Diehl update the Council on Historic Preservation Commission and Depot oversight. No one else spoke during open forum.

Mayor reminded of Council with school bond and update council on operation recreation.

Motion by Fotiadis and second by Gay to open the public hearing for Fiscal Year 2019 Budget; roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Page, aye; motion carried. Bill Trickey and Luce Sillivan spoke during open forum. There were no written comments. Motion by Fotiadis and second by Hooper to close the public hearing; roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Page, aye; motion carried.

Motion by Fotiadis and second by Gay to approve the resolution 2018-12 adopting the budget; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Resolution 2018- 12 A RESOLUTION ADOPTING THE FY 2019 BUDGET. BE IT RESOLVED by the City Council of the City of Osceola hat the FY 2019 Budget be

20-170

Adoption of Budget and Certification of City Taxes

FISCAL YEAR BEGINNING JULY 1, 2018 - ENDING JUNE 30, 2019

The City of: Osceola County Name: Osceola Resolution No.: _____ Date Budget Adopted: _____

Report Date: _____

Code	Detail	Regular	Ag Land	Ag Land	Rate
0000	Regular General Levy	1,410,772	3,389,537	8.10000	
0000	Non-Voted Other Financials Levies				
0000	Contract for Use of Bridge				
0000	City of Miami Judicial Bond Trust				
0000	Plant, Ins. Maint of Civic Center				
0000	City of Miami of Civic Center				
0000	Planning & Sanitary Disposal Project				
0000	Arts and Recreation Center (See 10)				
0000	Levies Imp. fund in special charter city				
0000	Liability, property & land insurance costs	164,000	161,237	0.24100	
0000	Support of a Local Emergency Management Commission				
0000	Voted Other Financials Levies				
0000	Mathematical/Fiscal Music Groups				
0000	Municipal Building				
0000	Symphony Orchestra				
0000	Cultural & Scientific Facilities				
0000	County Bridge				
0000	Maint & Repair Road Bridge Const.				
0000	Job & A Travel Company				
0000	Maintenance (not included by 00000000)				
0000	City of Emergency Medical District				
0000	Support Public Library				
0000	United Land Development				
0000	Total General Fund Regular Levies (S 194-24)	1,574,772	3,550,774		
0000	Ag Land		3,389,537	0.20000	
0000	Total General Fund Tax Levies (S 1 + 26)	1,574,772	6,940,311		
0000	Special Revenue Levies				
0000	Emergency of general fund (at long term)	47,000	46,918	0.27000	
0000	Police & Fire Retirement				
0000	PCH & PERS (general fund at long term)				
0000	Other Employee Benefits	100,000	98,074	0.24000	
0000	Total Special Revenue Levies (S 28-32)	147,000	145,092		
0000	Sub Total Special Revenue Levies (S 28-32)	147,000	145,092		
0000	Other Levies & Fees				
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scale; NOW THEREFORE BE IT RESOLVED by the City Council of the City of Osceola, Iowa that the non-union pay-scale be increased by 2.5%.

Motion by Fotiadis and second by Gay to approve the resolution 2018-14 to set public hearing for the proposed ordinance amending provisions pertaining to the Sanitary Sewer System and Sewer Rates and Charges; Roll Call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Page, aye; motion carried.

Resolution 2018- 14 TO FIX A TIME AND A DATE FOR A PUBLIC HEARING REGARDING PROPOSED AMENDMENTS TO THE CODE OF ORDINANCES REGARDING SANITARY SEWER SYSTEM AND RATES AND CHARGES. 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 March 20, 2018 at 7:00 PM to discuss the proposed amendments to the sanitary sewer rates and the proposed repeal of the requirement to obtain a Certificate of Compliance for Inflow and Infiltration. 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 open public hearing Regarding the Sewer Revenue Loan and Disbursement Agreement in a principal amount not to exceed \$1,220,000; roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Page, aye; motion carried. There were no written comments/verbal. Motion by Fotiadis and second by Gay to close the public hearing, Roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Page, aye; motion carried.

Motion by Fotiadis and second by Hooper to approve Resolution 2018-15 taking additional action with respect to a Sewer Revenue Loan and Disbursement Agreement and authorizing, approving and securing the payment of a \$1,220,000 Sewer Revenue Loan and Disbursement Agreement Anticipation Project Note (IFA Interim Loan and Disbursement Agreement); Roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Page, aye; motion carried.

RESOLUTION NO. 2018-15

Resolution taking additional action with respect to a Sewer Revenue Loan and Disbursement Agreement and authorizing, approving and securing the payment of a \$1,220,000 Sewer Revenue Loan and Disbursement Agreement Anticipation Project Note (IFA Interim Loan and Disbursement Agreement) WHEREAS, the City of Osceola (the "City"), in Clarke County, State of Iowa, did heretofore establish a Municipal Sanitary Sewer System (the "Utility") in and for the City which has continuously supplied sanitary sewer service in and to the City and its inhabitants since its establishment; and WHEREAS, the management and control of the Utility are vested in the City Council (the "Council"), and no board of trustees exists for this purpose; and WHEREAS, pursuant to a prior resolution of the Council, the City previously issued its \$4,700,000 Sewer Revenue Improvement and Refunding Bonds, Series 2012, dated May 31, 2012 (the "Series 2012 Bonds"), a portion of which remain outstanding; and WHEREAS, pursuant to a prior resolution of the Council, the City previously issued its \$1,800,000 Sewer Revenue Note, dated May 1, 2017 (the "Series 2017 Note"), a portion of which remains outstanding; and WHEREAS, pursuant to the resolutions (the "Outstanding Bond Resolutions") authorizing the issuance of the Series 2012 Bonds and the Series 2017 Note (together, the "Outstanding Bonds"), the City reserved the right to issue additional obligations payable from the net revenues of the Utility and ranking on a parity with the Outstanding Bonds under the terms and conditions set forth in the Outstanding Bond Resolutions; and WHEREAS, the City has heretofore proposed to borrow money and enter into a Sewer Revenue Loan and Disbursement Agreement (the "Loan and Disbursement Agreement") with the Iowa Finance Authority (the "Lender") and to issue in accordance therewith Sewer Revenue Bonds (the "Bonds") in a principal amount not to exceed \$1,220,000 to provide funds to pay the cost, to that extent, of planning, designing, and constructing improvements and extensions to the Utility (the "Project"), and has published notice of the proposed action and has held a hearing thereon on March 6, 2018; and WHEREAS, it is necessary at this time to authorize and approve the issuance of a \$1,220,000 Sewer Revenue Loan and Disbursement Agreement

Anticipation Project Note (IFA Interim Loan and Disbursement Agreement) (the “Project Note”) pursuant to the provisions of Section 76.13 of the Code of Iowa in anticipation of the receipt of and payable from the proceeds of the Loan and Disbursement Agreement (the “Loan Proceeds”) in order to pay authorized costs in connection with planning and designing the Project; NOW, THEREFORE, Be It Resolved by the City Council of the City of Osceola, Iowa, as follows: Section 1. The City Council hereby covenants for the benefit of the Lender and all who may at any time be the holder of the Project Note to enter into the Loan and Disbursement Agreement and to issue and deliver the Bonds prior to the Maturity Date, as defined in the Project Note, and declares that this resolution constitutes the “additional action” required by Section 384.24A of the Code of Iowa. The Bonds are hereby ordered to be issued at such time as the City enters into the Loan and Disbursement Agreement. Section 2. The Project Note in the principal amount of \$1,220,000 is hereby authorized to be issued to the Lender. The Project Note shall be dated as of the date of closing, shall mature on the Maturity Date as defined in the Project Note, and shall bear interest at the rate of 0% per annum. The Project Note shall be executed on behalf of the City with the official manual or facsimile signature of the Mayor and attested with the official manual or facsimile signature of the City Clerk and shall be a fully registered instrument without interest coupons. In case any officer whose signature or the facsimile of whose signature appears on the Project Note shall cease to be such officer before the delivery of the Project Note, such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The City Clerk is hereby designated as the Registrar and Paying Agent for the Project Note and may be hereinafter referred to as the “Registrar” or the “Paying Agent.” The City reserves the right to prepay principal of the Project Note in whole or in part on any date prior to the Maturity Date, as defined in the Project Note, at a prepayment price equal to the principal amount thereof prepaid. The Project Note shall be fully registered as to both principal and interest in the name of the owner in the records of the City kept for such purpose, after which no transfer shall be valid unless made on said records by the City Clerk, and then only upon a written instrument of transfer satisfactory to the City, duly executed by the registered owner or the duly authorized attorney for such registered owner. The City shall maintain as confidential the record of identity of owners of the Project Note, as provided by Section 22.7 of the Code of Iowa. Section 3. The Project Note shall be in substantially the following form: UNITED STATES OF AMERICA STATE OF IOWA CLARKE COUNTY CITY OF OSCEOLA SEWER REVENUE LOAN AND DISBURSEMENT AGREEMENT ANTICIPATION PROJECT NOTE (IFA INTERIM LOAN AND DISBURSEMENT AGREEMENT) No. 1 MAXIMUM PRINCIPAL AMOUNT: \$1,220,000

INTEREST RATE	PROJECT NOTE DATE
0%	March 23, 2018

This Sewer Revenue Loan and Disbursement Agreement Anticipation Project Note (IFA Interim Loan and Disbursement Agreement) (the “Project Note”) is issued to the Iowa Finance Authority (the “Lender”) by the City of Osceola, Iowa (the “City”), as of the Project Note Date. The Lender shall loan to the City an interim amount not to exceed \$1,220,000. The City has adopted a resolution (the “Resolution”) authorizing and approving this Project Note pursuant to the provisions of Sections 76.13 and 384.24A of the Code of Iowa, 2017, as amended, and providing for the issuance and securing the payment of this Project Note, and reference is made to the Resolution for a more complete statement as to the source of payment of this Project Note and the rights of the owners of this Project Note. This Project Note, together with any additional obligations as may be hereafter issued and outstanding from time to time under the conditions set forth in the Resolution, shall be payable solely and only from the proceeds (the “Loan Proceeds”) of an authorized Loan and Disbursement Agreement and the corresponding future issuance of Sewer Revenue Bonds, a sufficient portion of which have been appropriated to the payment hereof. The proceeds of this Project Note shall be used for the purposes set forth in the Resolution and shall be made available to the City in the form of one or more periodic disbursements. This Project Note shall be executed and delivered to the Lender in evidence of the City’s obligation to repay the amounts payable hereunder and shall bear interest at 0%. This Project Note shall be payable as to principal in full on the Maturity Date (hereinafter defined) and in the total aggregate amount drawn by the City pursuant to this Project Note, shall be subject to prepayment in whole or in part on any date at a prepayment price equal to the principal amount hereof prepaid, and shall contain such other terms and provisions as provided in the Resolution. This Project Note is payable as to principal three years from the Project Note Date (the “Maturity Date”). If the City enters into a Loan and Disbursement Agreement with the Lender

pursuant to the Iowa Water Pollution Control Works and Drinking Water Facilities Financing Program by the Maturity Date, the Lender may provide for the repayment in full of this Project Note pursuant to the terms of such Loan and Disbursement Agreement and the resolution authorizing the Loan and Disbursement Agreement. This Project Note is executed pursuant to the provisions of Sections 76.13 and 384.24A of the Code of Iowa and shall be read and construed as conforming to all provisions and requirements of the statute. In the event of any inconsistency or conflict between the terms and conditions of the Resolution and this Project Note, the parties acknowledge and agree that the terms of this Project Note shall take precedence over any such terms of the Resolution.

And It Is Hereby Certified and Recited that all acts, conditions and things required by the laws and Constitution of the State of Iowa, to exist, to be had, to be done or to be performed precedent to and in the issue of this Project Note were and have been properly existent, had, done and performed in regular and due form and time; and that the issuance of this Project Note does not exceed any constitutional or statutory limitations.

IN TESTIMONY WHEREOF, the City of Osceola, Iowa has caused this Project Note to be executed by its Mayor and attested by its City Clerk all as of the Project Note Date. CITY OF OSCEOLA, IOWA Section 4. The Project Note shall be executed as herein provided as soon after the adoption of this resolution as may be possible and thereupon shall be delivered to the Registrar for registration and delivery to the Lender, upon receipt of the Project Note proceeds. Section 5. The Loan Proceeds are hereby appropriated to the payment of the Project Note and may also be appropriated to the payment of other obligations issued to pay costs of the Project. At its sole discretion, the City Council may appropriate to the payment of the Project Note proceeds to be received from state or federal grants and/or income or revenues from sources to be received and expended for the Project during the period of Project construction. The Project Note is a limited obligation of the City payable solely and only from the Loan Proceeds and shall not constitute a general obligation of the City, nor shall it be payable in any manner by taxation, and under no circumstances shall the City be in any manner liable by reason of the failure of the Loan Proceeds to be sufficient for the payment in whole or in part of the Project Note. Section 6. Upon a breach or default of a term of the Project Note or any Parity Obligations and this resolution, a proceeding may be brought in law or in equity by suit, action or mandamus to enforce and compel performance of the duties required under the terms of this resolution and Section 76.13 of the Code of Iowa. Section 7 The City reserves the right to issue additional obligations (the "Parity Obligations") payable from the Loan Proceeds, and ranking on a parity with, the Project Note. The Project Note or any Parity Obligations shall not be entitled to priority or preference one over the other in the application of the Loan Proceeds regardless of the time or times of the issuance of such Project Note or Parity Obligations, it being the intention of the City that there shall be no priority among the Project Note or Parity Obligations, regardless of the fact that they may have been actually issued and delivered at different times. Section 8. The provisions of this resolution shall constitute a contract between the City and the owners of the Project Note and Parity Obligations as may from time to time be outstanding, and after the issuance of the Project Note, no change, variation or alteration of any kind of the provisions of this resolution shall be made without prior consent of the Lender which will adversely affect the owners of the Project Note or Parity Obligations until the Project Note and Parity Obligations and the interest thereon shall have been paid in full. Section 9. If any section, paragraph, clause or provision of this resolution shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution. Section 10. All resolutions and orders or parts thereof in conflict with the provisions of this resolution are, to the extent of such conflict, hereby repealed. Section 11. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Wheeler reported Osceola Chamber Main Street had conditionally agreed to take of the 4th of July Celebration subject to getting financial support from the City. Following a long discussion, Motion by Gay and second by Fotiadis approving a contribution of \$12,000 to the Chamber Main Street for the 2018 Fourth of July with the understanding that Chamber will conduct a thorough review of how future festivals could be financed based on the information they receive from the defunct 4th of July Committee. Roll call vote: Fotiadis, aye; Gay, aye; Hooper, nay; Page, aye; motion carried.

Motion by Gay and second by Hooper to authorize Chamber Main Street to work with the Historic Preservation Commission to develop Historic Commercial District zoning ordinances, to place a moratorium on first floor residential development in the Historic

Commercial District, and temporarily require all building permits issued for projects in the Historic Commercial District be reviewed by Council to ensure they do not negatively impact the district; Roll Call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Page, aye; motion carried.

Motion by Hooper and second by Fotiadis to approve resolution 2018-16 setting Public Hearing proposed repealing of Chapter 124 Title Taxi Cabs; roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Page, aye; motion carried.

Resolution 2018- 16 TO FIX A TIME AND A DATE FOR A PUBLIC HEARING FOR THE PROPOSED REPEALING OF CHAPTER 124 TITLED TAXICABS. 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 March 20, 2018 at 7:00 PM to inform the public on the proposed repealing of Chapter 124 title Taxicabs. 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 Gay and second by Hooper to approve the Engagement Letter with SICOG for the 2018 Housing Sustainability CDBG Block Grant program; Roll call Vote: Fotiadis, aye; Gay, aye; Hooper, aye; Page, aye; motion carried.

Motion by Gay and second by Hooper to approve the concept proposed Housing Development on and near NW View Drive; roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Page, aye; motion carried.

Motion by Fotiadis and second by Gay to approve the submission of the Economic Opportunity Zone application; roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Page, aye; motion carried.

Motion by Fotiadis and second by Gay to approve the resolution 2018-17 for tax abatement for 214 North Temple; roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Page, aye; motion carried.

RESOLUTION NO. 2018-17 A RESOLUTION APPROVING APPLICATION(S) FOR TAX ABATEMENT UNDER THE CITY-WIDE URBAN REVITALIZATION PLAN BE IT RESOLVED, that application from the following persons for the following projects be approved by the City Council of Osceola, Iowa and that they be forwarded to the County Assessor, for the physical review of the improvements, after the issuance of a building permit by the Zoning Administrator if required and not already secured.

Name	Property Address	Type of Improvement
Justin and Laurie Besco	214 N Temple	New Construction

Motion by Hooper and second by Gay to approve the sewer adjustment for 214 South Jackson; Roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Page, aye; motion carried.

Ty Wheeler – City Administrator/Clerk update council on upcoming and ongoing projects.

Fotiadis had concerns regarding reservoir; Gay had concerns regarding stop sign setbacks; Hooper wanted to congratulate the new Board member; Page wanted to thank for the City staff for working hard on the budget.

Motion by Hooper and second by Fotiadis to approve the consent agenda: Council Minutes February 20th ; Liquor License: Wal-Mart (LE0001422); La Pequena (BC000029024); Alley Bowl (BB0033158) and the following claims:

ALLIANT ENERGY, Utilities, 13582.74 ; BLAKELY TREE SERVICE, Services, 625 ; BLUEGLOBES LLC, Supplies, 287.19 ; BOBS AUTO SUPPLY, Supplies, 102.61 ; BUD JONES TRUCKING, Services, 278 ; CARD SERVICE CENTER, Services, 506.6 ;

CARPENTER UNIFORM& PROMOTIONAL, Supplies, 256.34 ; CARQUEST OF OSCEOLA, Services, 7.78 ; CASEY'S GENERAL STORES, INC., Fuel, 2201.51 ; CINTAS CORPORTATION, Supplies, 42.42 ; CL CARROLL CO INC, Services, 800 ; CRESTON PUBLISHING COMPANY, Publication, 440.09 ; CROSS DILLON TIRE, Services, 2200 ; CUMMINS CENTRAL POWER, LLC, Services, 796.25 ; ECHO ELECTRIC SUPPLY, Services, 17.08 ; ELLIOTT OIL CO., Fuel, 110.85 ; FELD FIRE, Services, 99.5 ; FLEETSIDE FORD, Services, 385.06 ; FLOWERS N MORE, Services, 59 ; FRIDAY INS. CO., Insurance, 128 ; GILBERTS TRUE VALUE HOME CENTER, Supplies, 313.4 ; HAWKEYE TRUCK EQUIPMENT, Services, 572 ; HIGHWAY LUMBER, Supplies, 66.15 ; HOTSY CLEANING SYSTEMS, Services, 114 ; HUSSMANN CORP/TAYLOR IND, Services, 1368.22 ; HY-VEE FOOD STORES, Supplies, 291.49 ; IOWA LAW ENFORCEMENT ACADEMY, Dues, 1140 ; IOWA PUBLIC AIRPORT ASSO, Services, 150 ; J P AUTO, Supplies, 445.97 ; JIM'S SANITATION& TRUCK REPAIR, Services, 30514.08 ; M & M AG SERVICE, Services, 76.67 ; Madyson Hill, Services, 70 ; MARC ELCOCK, Services, 3237 ; MEDIACOM, Utilities, 69.95 ; MIDLAND GIS SOLUTIONS, Services, 2400 ;MIDWEST OFFICE TECH. CO., Services, 40 ;NEWTON OVERHEAD DOORS, Services, 221.5 ;NORTHLAND PRODUCTS COMPANY, Services, 636 ;OSCEOLA FARM & HOME - ALL, Supplies, 241.94 ;OSCEOLA VET. CLINIC, Services, 18.6 ;PETTY CASH, Petty Cash, 152.7 ; PITNEY BOWES, Postage, 503.5 ;SCHILDBERG CONST. CO., Services, 454.6 ;SICOG, Services, 3000 ;SOLUTIONS, Supplies, 364.06 ;STOP STICK LTD, Supplies, 44 ;THIELE GEOTECH INC, Supplies, 13600 ;UNITED STATES TENNIS ASSOC, DEPT 643767, Services, 155 ;US CELLULAR, Utilities, 476.49 ;USA BLUEBOOK, Services, 929.57 ;VEENSTRA & KIMM INC., Services, 61565.1 ;VERMEER SALES & SERVICE - IOWA, Services, 244.12 ;WILDER'S TRUCK SERVICE, Services, 37.78 WINDSTREAM, Utilities, 1077.72 ;, Grand Total , 147517.63;Checks: 289362-289418, Fund Recap: 1, Sewer, 55476.56 ;101, Insurance, 128 ;110, Road Use Tax , 6965.41 ;317, Sewer Plant, 73600 ;335, Old Plant Force Main , 3000 ;610, Sewer, 8347.66 ;, Grand Total , 147517.63 ;

There being no further business, motion by Fotiadis and second by Hooper to adjourn the meeting at 8:50 PM. All voting aye, motion carried.

Thomas J. Kedley – Mayor

Attest:

Britanee Ward – Accounting Manager/ Assistant City Clerk
Website: osceolaia.net