

OSCEOLA CITY COUNCIL

Tuesday, April 17, 2018

Regular Meeting

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

The City Council met on Tuesday, April 17, 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, Dave Walkup, Dennis Page and George Fotiadis. 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, Matt Stoll, Charissa Lewis, Laura Sue, David Miller and others didn't sign in.

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

No one spoke during open forum.

Mayor Report: Ronald Regan quote; Mosaic conference; meeting with Governor Reynolds next week; Ipads and Arts Council meeting.

Motion by Fotiadis and second by Gay to approve the third reading of amending provisions pertaining to the Sanitary Sewer System and Sewer Rates and Charges; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Ordinance No. 589 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 Section 99.03 (1) of the Code of Ordinances of the City of Osceola, Iowa is repealed and the following adopted in lieu thereof: 99.03 RATES AND CHARGES. 1. 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. Such rates are as follows:

- A. Residential Users - \$3.96 per 1,000 gallons
- B. Commercial Users - \$4.11 per 1,000 gallons
- C. Industrial Class A Users - \$4.32 per 1,000 gallons
- D. Industrial Class B Users - \$4.47 per 1,000 gallons
- E. High Volume Rate- \$4.47 per 1,000 gallons

SECTION 2. SECTION REPEALED. Section 95.10 of the Code of Ordinances of the City of Osceola is repealed in its entirety. 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 for the June 2018 usage period, billed on the 7/1/18 utility bills after its final passage, approval and publication as provided by law.

Motion by Hooper and second by Page to approve the third reading of the Ordinance repealing Chapter 124 of the City of Osceola Code of Ordinances titled "Taxicabs; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Ordinance No. 590 AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OSCEOLA, IOWA, BY REPEALING CHAPTER 124 TITLED "TAXICABS" BE IT ENACTED by the City Council of the City of Osceola, Iowa: SECTION 1. SECTION MODIFIED. Chapter 124 "Taxicabs" of the Code of Ordinances of the City of Osceola, Iowa is hereby repealed in its entirety. 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 after its final passage, approval and publication as provided by law.

Motion by Fotiadis and second by Page to approve Resolution 2018-22 setting public hearing for the proposed amendment to chapter 69 titled parking regulations; Roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Resolution 2018- 22 TO FIX A TIME AND A DATE FOR A PUBLIC HEARING FOR THE PROPOSED AMENDMENT TO CHAPTER 69 TITLED PARKING REGULATIONS. 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 May 1, 2018 at 7:00 PM to inform the public on the proposed amendments to Chapter 69 titled Parking Regulations. 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 Hooper and second by Fotiadis to approve the RESOLUTION NO. 2018-19A Resolution setting the date for a public hearing on proposal to enter into a General Obligation Annual Appropriation Water Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$4,500,000; roll call Cote: Fotiadis, aye; Gay, aye; Hooper, aye; Page, aye; motion carried.

RESOLUTION NO. 2018-19A Resolution setting the date for a public hearing on proposal to enter into a General Obligation Annual Appropriation Water Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$4,500,000 WHEREAS, the City of Osceola (the "City"), in Clarke County, State of Iowa, now proposes to enter into a General Obligation Annual Appropriation Water Loan Agreement (the "Loan Agreement"), pursuant to the provisions of Section 384.24A of the Code of Iowa, and to borrow money thereunder in a principal amount not to exceed \$4,500,000 for the purpose of paying the costs, to that extent, of acquiring real and personal property for a waterworks reservoir project to provide potable water to the residents of the City and paying for costs related to the issuance (the "Project") and it is now necessary to fix a date of meeting of the City Council at which it is proposed to take action to enter into the Loan Agreement and to give notice thereof as required by such law; NOW, THEREFORE, Be It Resolved by the City Council of the City of Osceola, Iowa, as follows: Section 1. The City Council shall meet on May 15, 2018, at the City Hall Council Chambers, 115 N. Fillmore Street, Osceola, Iowa, at 7 o'clock p.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Loan Agreement. Section 2. The City Clerk is hereby directed to give notice of the proposed action on the Loan Agreement setting forth the amount and purpose thereof, the time when and place where the said meeting will be held by publication at least once and not less than four (4) and not more than twenty (20) days before the date of said meeting, in a legal newspaper which has a general circulation in the City. The notice shall be in substantially the following form: NOTICE OF PROPOSED ACTION TO INSTITUTE PROCEEDINGS TO ENTER INTO A LOAN AGREEMENT AND TO BORROW MONEY THEREUNDER IN A PRINCIPAL AMOUNT NOT TO EXCEED \$4,500,000 (GENERAL OBLIGATION ANNUAL APPROPRIATION) The City Council of the City of Osceola, Iowa, will meet on May 15, 2018, at the City Hall Council Chambers, 115 N. Fillmore Street, Osceola, Iowa, at 7 o'clock p.m., for the purpose of instituting proceedings and taking action on a proposal to enter into a loan agreement (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$4,500,000 for the purpose of paying the costs, to that extent of acquiring real and personal property for a waterworks reservoir project to provide potable water to the residents of the City and paying for costs related to the issuance (the "Project"). The Loan Agreement is proposed to be entered into pursuant to authority contained in Section 384.24A of the Code of Iowa and will constitute a general obligation of the City. Some or all of the repayment of principal and interest due under the Loan Agreement may be made subject to annual appropriation by the City Council. At that time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections, the City may determine to enter into the Loan Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter. By order of the City Council of

the City of Osceola, Iowa. Ty Wheeler City Administrator Section 3. Pursuant to Section 1.150-2 of the Income Tax Regulations (the "Regulations") of the Internal Revenue Service, the City declares (a) that it intends to undertake the Project which is reasonably estimated to cost \$4,500,000, (b) that other than (i) expenditures to be paid or reimbursed from sources other than the issuance of bonds, notes or other obligations (the "Bonds"), or (ii) expenditures made not earlier than 60 days prior to the date of this Resolution or a previous intent resolution of the City, or (iii) expenditures amounting to the lesser of \$100,000 or 5% of the proceeds of the Bonds, or (iv) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, no expenditures for the Project have heretofore been made by the City and no expenditures will be made by the City until after the date of this Resolution or a prior intent resolution of the City, and (c) that the City reasonably expects to reimburse the expenditures made for costs of the City out of the proceeds of the Bonds. This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations. Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict. Section 5. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Motion by Hooper and second by Page to approve the Fiscal Year 2019 Airport State Funding Application Resolution 2018-24; roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Page, aye; motion carried.

Resolution No. 2018-24 A RESOLUTION AUTHORIZING THE SUBMISSION OF APPLICATION FOR IOWA GENERAL AVIATION VERTICAL INFRASTRUCTURE PROGRAM AND CERTIFYING ELIGIBILITY REQUIREMENTS WHEREAS, the City of Osceola desires to make application for General Aviation Vertical Infrastructure Program funding to the Iowa Department of Transportation for certain improvements at the Osceola Municipal Airport as described as follows: Construction of a 42' x 32' Hanger WHEREAS, the Iowa Department of Transportation requires a resolution certifying certain application requirements, commitments, and criteria; and WHEREAS, on behalf of the City, Kirkham Michael, Inc. has prepared an application describing the proposed improvements. NOW THEREFORE BE IT RESOLVED THAT: The City hereby endorses the Applications for Iowa General Aviation Vertical Infrastructure Program funding for said improvements. The City is hereby authorized to sign and submit the Application The City hereby commits availability of the local share of the funds as outlined in the applications.

There was no action taking at this time regarding keeping chickens at 119 East Garfield.

motion by gay and second by page to approve resolution 2018-23 resolution in support of continued funding of statewide reimbursement of commercial/industrial property tax revenue reductions; roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Page, aye; motion carried.

Resolution 2018-23 RESOLUTION IN SUPPORT OF CONTINUED FUNDING OF STATEWIDE REIMBURSEMENT OF COMMERCIAL/INDUSTRIAL PROPERTY TAX REVENUE REDUCTIONS WHEREAS, reforms approved by the Iowa Legislature in 2013 created a reduction in property values subject to taxation for commercial, industrial and railroad properties; WHEREAS, the Iowa Legislature also established a statewide reimbursement to local governments to fund property tax revenue reductions resulting from the reforms, also known as "the backfill"; WHEREAS, the Iowa Legislature has approved a full appropriation to the backfill since its inception; WHEREAS, local governments efficiently provide essential community services and budget appropriately to meet its commitment to citizens; NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Osceola, Iowa supports the continued funding of the backfill by the Iowa Legislature to help ensure local governments are able to provide effective community services

Motion by Fotiadis and second by Page to extended the order to demo for 215 North Park Street until June 1st 2018; 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 nothing to report. Gay had nothing to report. Hooper had concerns regarding the underpass painting a line; Page had questions regarding 214 South Jackson.

Motion by Hooper and second by Page to approve the consent agenda: Council Minutes April 3rd ; Liquor License: La Pequena (BC0029024); Westside Tavern (New Owners May 1st); Clarke County 4-H Fair (LC0036207); Tobacco License: Westside Tavern (New Owners) Old Plant Pump Station Sewer Project: Pay Estimate #11 \$73,407.69 and the following claims:

Agrivision ,Services , 107.89; Alliant Energy ,Utilities , 9818.92;Amazon.Com Credit ,Services , 187.35;Baker & Taylor Entertainment ,Services , 1109;Barco Mun. Products ,Supplies, 36179;Batteries Included ,Supplies, 210;Casey's General Stores, Inc. ,Fuel , 2190.41;Caterpillar Financial Services ,Services , 12626.49;Chat Mobility ,Utilities , 293.06;Clarke Co Recorder ,Services , 120;Kim Bales ,Services , 5499.75;Clarke Electric Coop ,Utilities , 4994.54;Cole-Parmer ,Services , 255.19;Demco Inc ,Services , 147.15;Directv ,Utilities , 147.39;Donna Phillips ,Services , 240;Dust Pros Janitorial ,Services , 1400;Echo Electric Supply ,Services , 47.29;Elliott Oil Co. ,Fuel , 360.61;Fleetside Ford ,Services , 657.75;Franklin Sports ,Supplies, 162;Friday Ins. Co. ,Insurance, 3533;Gilberts True Value Home Center ,Services , 332.68;Hawkeye Truck Equipment ,Services , 6050;Highway Lumber ,Supplies, 204.34;Hy-Vee Food Stores ,Services , 26.6;Independent Salt Co. ,Services , 3186.46;Invinci Graphics ,Supplies, 255;Iowa Department Of Agriculture & Land St ,Services , 9;Iowa Native Trees And Shrubs ,Services , 6130;Iowa One Call ,Services , 54;Iowa State University ,Services , 60;J P Auto ,Supplies, 195.19;Kd Tires, Llc ,Services , 195;Keystone Laboratories, Inc ,Services , 2370.42;Kim Johnston ,Reimb, 25;Koch Brothers, Inc ,Supplies, 60.16;Leslie Gardens ,Services , 1310;Mainstay Systems Inc. ,Services , 177;Marc Elcock ,Services , 3042;Mediacom ,Utilities , 271.75;Midamerica Books ,Services , 39.9;Midwest Office Tech. Co. ,Services , 205.59;National Geographic Society ,Services , 39;Newcom Technologies, Inc ,Services , 350;Ogle's Greenhouse ,Services , 6425;O'reilly Automotive Inc. ,Supplies, 14.7;Osceola Farm & Home - All ,Supplies, 41.55;Osceola Water Works ,Special Assessments , 839.29;Recorded Books ,Services , 379.2;Sirwa ,Utilities , 54.6;Solutions ,Supplies, 1142.23;Southern Iowa Saddle Shop ,Supplies, 200;The Library Store ,Services , 153.27;Tyler Technologies, Inc. ,Services , 10104.02;Unitypoint Clinic ,Services , 359;Verizon ,Utilities , 280.13;Whites' Woodworking ,Services , 137.17;Windstream ,Utilities , 1196.24;Woman's Day ,Services , 6.25; ,Grand Total , 90391.32;Check Number: 289561-289621 Fund Recap: , , 1 ,General , 59211.57;101 ,Insurance, 3533;110 ,Road Use , 4806.58;600 ,Water, 839.29;610 ,Waste Water , 22000.88; ,Grand Total , 90391.32;

Revenue November General, 410361.18; Road Use, 56932.16; Trust/Agency, 13800.29; Special, 78088.54; TIF, 235960.71; Debt, 106133.51; Capital, 0; Permanent, 3.68; Proprietary, 138519.22; TOTAL BALANCE, 1039799.29;

Revenue December General, 718412.65; Road Use, 54460.16; Trust/Agency, 6692.1; Special, 159160.21; TIF, 20414.41; Debt, 38474.77; Capital, 49779; Permanent, 164.99; Proprietary, 124472.82; TOTAL BALANCE, 1172031.11;

Revenue January General, 226167.93; Road Use, 41119.31; Trust/Agency, 2391.05; Special, 74489.28; TIF, 19411.49; Debt, 13634.67; Capital, 7005; Permanent, 4.29; Proprietary, 114703.46; TOTAL BALANCE, 498926.48;

Revenue February General, 148820.45; Road Use, 69630.29; Trust/Agency, 668.41; Special, 0; TIF, 0; Debt, 3811.54; Capital, 20588.91; Permanent, 2228.15; Proprietary, 113151.84; TOTAL BALANCE, 358899.59;

Revenue March General, 233735.06; Road Use, 43911.5; Trust/Agency, 7313.92; Special, 202511.64; TIF, 0; Debt, 41706.79; Capital, 0; Permanent, 3833.57; Proprietary, 123190.54; TOTAL BALANCE, 656203.02;

There being no further business, motion by Hooper and second by Page to adjourn the meeting at 8:07 PM. All voting aye, motion carried.

Thomas J. Kedley – Mayor

Attest:

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

UNOFFICIAL