

## OSCEOLA CITY COUNCIL

Tuesday, August 7, 2018  
Regular Meeting

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

The City Council met on Tuesday, August 7, 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: Dave Walkup, Dan Hooper, Dennis Page and George Fotiadis. Doug Gay 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: Mary DeLong, Janeen Eddy, Kathy Lern, John Welcher, Jennifer Welcher, Courtney White, Michael Keller, Rod Clark, Matt Stoll, Ed Stoll, Jim & Cris Peddecord, Tobey Clark, Sarah Truitt, Shirley Kessel, Dich Judel, Bill Trickey and others that didn't sign in.

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

No one spoke during open forum.

Mayor reported on the progress of ongoing quality of life initiatives including the Q Pond Trail and East Lake Trail projects.

Motion by Fotiadis and second by Page to appoint the following:

- Board of Adjustment- Amy Lundquist (term expires 6/30/2023)
- Board of Adjustment- Duane Matthes (term expires 6/30/2023)
- Board of Adjustment- Josh Manternach (term expires 6/30/2023)

Roll call vote: Fotiadis, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Fotiadis and second by Walkup to approve the Agreement with Osceola Chamber Main Street for the employment of the Chamber Main Street Director. Roll Call Vote: Fotiadis, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

John and Jennifer Welcher presented a petition to the City Council requesting action be taken to remove the dogs at property 214 South Jackson. John also presented pictures to the Council of the current conditions and list of various ordinances he believed the property and/or dog owner(s) were in violation of. Following a long discussion, Council and Mayor directed the police department to take whatever steps appropriate by City Code to remedy the issue.

Motion by Fotiadis and second by Page to open public hearing regarding proposed amendment B-1 general Business District, roll call vote: Fotiadis, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried. Janeen Eddy of CHCSI and Kathy Lerma of Cross Mental Health Region informed Council on what an access center is and information on what would take place at the access center. Kris Peddicord expressed concern regarding possible danger those seeking mental health care may present to the general public in the downtown district and Rod Clark expressed concern that the presence of a mental health access center downtown may hurt his business. Mary DeLong and Bill Trickey expressed to Council the benefits it will have to the community. Sarah Truitt expressed how tonight was about the usage being amended not the plans. Motion by Page and second by Hooper to close the public hearing; roll call vote: Fotiadis, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Fotiadis and second by Walkup to approve the first reading of the Ordinance Amending Code of Ordinance Chapter 166.08 B-1 General Business District by adding 'mental health access center' as a permitted use; roll call vote: Fotiadis, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Fotiadis and second by Walkup to approve the second reading of vacation the west half of the east/west alley and the south half of the north/south alley in Block 5 of East Osceola; roll call vote: Fotiadis, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried. Motion by Page and second by Hooper to wave the third reading; roll call vote: Fotiadis, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

**ORDINANCE NO. 593** AN ORDINANCE PROVIDING FOR THE VACATION AND CONVEYANCE OF AN ALLEY 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 alley 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: 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 utility easement. SECTION III. VACATION The following described alley is hereby declared vacated :All the West Half of the East/West Alley and the South Half of the North/South Alley in Block 5 of East Osceola. SECTION IV. CONVEYANCE This Ordinance hereby authorizes conveyance of said property to the adjoining 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 Page to approve the third reading of the Ordinance Chapter 52 of the Code of Ordinances Pertaining to Excessive Vegetation; roll call vote: Fotiadis, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

**ORDINANCE NO. 594** AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OSCEOLA, IOWA, 2007, BY AMENDING PROVISIONS PERTAINING TO WEEDS AND GRASS. Be It Enacted by the City Council of the City of Osceola, Iowa: SECTION 1. SECTION MODIFIED. Chapter 52 of the Code of Ordinances of the City of Osceola, Iowa, 2007, is hereby amended by adding the following subsection: 52.08 EXCESSIVE VEGETATION. It shall be unlawful for any property owner of any residential property to permit the growth of excessive vegetation upon the property or in the adjacent parking area. Excessive vegetation shall include any grasses, weeds, trees, or brush which are voluntary in nature, exceeds a height of 8 inches, and which grows generally against or within fence rows, tree lines, primary or accessory structures, utility poles, mailbox posts, or other similar structures. Excessive vegetation shall not include flower gardens, timber, drainage swales, or any other customary landscaping which may include perennial plantings, ornamental grasses, trees, shrubs, or property currently zoned or in use for agricultural purposes. 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.

After Long discussion, motion by Hooper and second by Page to set public hearing for changing the zoning of property at 216 West Webster from R-3 to B-1; roll call vote: Fotiadis, nay; Walkup, nay; Hooper, aye; Page, aye; motion died.

Motion by Page and second by Fotiadis to direct staff to proceed with demolition of the house at 216 West Webster with the quote from Bud Jones Construction; roll call vote: Fotiadis, aye; Walkup, aye; Hooper, nay; Page, aye; motion carried.

There was no action at this time regarding fireworks.

Motion by Page and second by Walkup to approve the Municipal Advisor Services Agreement with D.A. Davidson for the Waste Water Treatment Plant Project; roll call vote; Fotiadis, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

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

Fotiadis had concerns regarding a dog. Walkup express his aggravation with an email from a candidate; Hooper had nothing at this time. Page had nothing to report.

Motion by Hooper and second by Page to approve the consent agenda: Council Minutes July 17th ; Liquor License: None. and the following claims:

ALLIANT ENERGY, Utilities , 4045.72 ; ANN DIEHL, Reimb, 731.85 ; ARROW ENERGY, Fuel, 23576.38 ; ATLANTIC BOTTLING CO., Supplies, 124.37 ; BLAKELY TREE SERVICE, Services, 1710 ; CAPITAL CITY EQUIPMENT CO., Supplies, 53.91 ; CAPITAL SANITARY SUPPLY CO., Services, 49.73 ; CARD SERVICE CENTER, Services, 2277.08 ; CARQUEST OF OSCEOLA, Supplies, 15.98 ; CASEY'S GENERAL STORES, INC., Fuel, 3316.3 ; CENTERPOINT ENERGY, Utilities , 902.13 ; CENTRAL PUMP & MOTOR, LLC, Services, 6850.06 ; CHAT MOBILITY, Utilities , 229.93 ; CHESNUT LAWN & LANDSCAPE, Services, 1390 ; CINTAS CORPORTATION, Supplies, 25.94 ; CLARKE CO RECORDER, Services, 17 ; CLARKE CO. RESERVOIR COMM., Services, 12959.1 ; CLEAR REFLECTIONS JANITORAL, Services, 520 ; OMMUNICATIONS SOLUTIONS, Services, 2980.44 ; CORE-MARK MIDCONTINENT INC., Services, 1098.63 ; CR SERVICES, Services, 107.51 ; CRESTON PUBLISHING COMPANY, Publication, 584.45 ; Cydney Chipp, Reimb, 175 ; D & D PEST CONTROL, Services, 55 ; DIAMOND OIL CO, Fuel, 1129.65 ; DIVERSIFIED METAL FABRICATORS, Services, 450 ; DUAYNE FLETCHER, Reimb, 83.21 ; Erica Cosner, Reimb, 175 ; EXCEL MECHANICAL CO, INC, Services, 1050.38 ; FAREWAY STORES, Supplies, 11.96 ; FERRELLGAS, Utilities , 344.72 ; FLEETSIDE FORD, Services, 1247.38 ; GALLS/ QUARTERMASTER LLC, Supplies, 98.85 ; GEORGE B JONS, ATTORNEY AT LAW, Services, 1.87 ; GILBERT HOME COMFORT, Services, 387.82 ; GILBERTS TRUE VALUE HOME CENTER, Supplies, 313.26 ; HACH COMPANY, Services, 255.89 ; HAZARD CONTROL TECHNOLOGIES, Supplies, 2089.75 ; HIGHWAY LUMBER, Supplies, 1545.49 ; HUSSMANN CORP/TAYLOR IND, Supplies, 554.97 ; HY-VEE FOOD STORES, Supplies, 372.34 ; IDEAL READY MIX CO., Services, 7465.75 ; IMWCA, Dues, 2840 ; INTOXIMETERS, Supplies, 175.75 ; IOWA DEPARTMENT OF NATURAL RESOURCES, Services, 1275 ; IOWA WORKFORCE DVELOPMENT, Services, 64.23 ; J P AUTO, Supplies, 437.22 ; JIM'S SANITATION& TRUCK REPAIR, Supplies, 30677.16 ; JUMP STATE WELLNESS & FITNESS, Supplies, 150 ; KARL CHEVROLET, Services, 323.55 ; KD TIRES, LLC, Supplies, 110 ; KIMBALL MIDWEST, Services, 181.59 ; KIRKHAM MICHAEL & ASSOCIATES, Services, 6215.4 ; LOCKSMITH SERVICE, Services, 263.6 ; LYLE PERSELS, Reimb, 15.5 ; MARC ELCOCK, Services, 2500 ; MEDIACOM, Utilities , 157.8 ; MID-IOWA SOLID WASTE EQUIPMENT CO., INC, Services, 591.66 ; MIDWEST OFFICE TECH. CO., Services, 40 ; MIKE FRY, Reimb, 49.5 ; MUNICIPAL SUPPLY INC, Services, 686.27 ; MUTUAL OF OMAHA BANK ATIRACREDIT, Services, 1745.73 ; O'REILLY AUTOMOTIVE INC., Supplies, 3.42 ; OSCEOLA FARM & HOME - ALL, Supplies, 796.98 ; PETTY CASH, Petty Cash, 121.73 ; Philip Coe, Reimb, 69.22 ; POOL TECH, Services, 460.8 ; RUSTY'S AUTO SALES & SER, Services, 166.25 ; SERVICE TECHS INC, Services, 940.23 ; SHIELD TECHNOLOGY CORPORATION, Services, 4988 ; SNYDER PLUMBING, Services, 673.91 ; SOLUTIONS, Supplies, 8720.52 ; STOP STICK LTD, Services, 44 ; TOM & JOHN'S AUTO - JOHN, Supplies, 657.49 ; TRAFFIC AND TRANSPORTATION, Services, 520.92 ; TRENTON DENNEY, Services, 1355 ; UNITED FARMERS COOPERATIVE, Services, 240.46 ; US CELLULAR, Utilities , 804.61 ; USA BLUEBOOK, Services, 1285.81 ; VANWALL EQUIPMENT, Services, 41.29 ; WILDER'S TRUCK SERVICE, Services, 948.41 ; WINDSTREAM, Utilities , 1158.86 ; WTR SOLUTIONS LLC, Services, 23901 ; ZIEGLER INC, Supplies, 572.65 ; ZIMCO SUPPLY CO., Supplies, 460 ; , Grand Total , 178806.32 ; Check Number: 290179-290267; Fund Recap: 1, General, 141531.28 ; 101, Insurance, 2904.23 ; 110, Road Use Tax , 10738.21 ; 300, Airport Land, 6215.4 ; 610, Waste Water, 17417.2 ; , Grand Total , 178806.32 ;

Chapter 7: April-June:

Payroll ,March,28373.47;Payroll ,March,21097.29;Payroll ,April ,20451.89;Payroll ,April ,21121.38;Payroll ,April ,21038.94;Payroll ,April ,28310.01;Payroll ,May,21397.85;Payroll ,May,21377.66;Payroll ,May,22445.92;Payroll ,May,29187.49;Payroll ,June ,22810.68; Payroll ,June ,24926.15;Payroll ,June ,26713.2;Payroll ,June ,34715.65;Payroll ,June ,34337.71; Linda Persels ,March 289495,1416.25;Linda Persels ,April 289635,1416.25;Linda Persels ,May 289780,1416.25;Linda Persels ,June 290007,1416.25;Met Life ,March 289496,2080.31;Met Life ,April 289636,2471;Met Life ,May 289781,2123.72;Met Life ,June 29008,2187.34;Mutual of Omaha, March 289485,691.66;Mutual of Omaha, March 289497,102.24;Mutual of Omaha, April 289625,560.48; Mutual of Omaha, April 289636,175.8;Mutual of Omaha, May 289782,546.76;Mutual of Omaha, May 289782,202.29;Mutual of Omaha, June 289996,669.14;Mutual of Omaha, June 290009,202.29; Kemper Benefits, March 289494 ,1256.9;Kemper Benefits, April 289634,1415.7;Kemper Benefits, May 289778,1321.81;Kemper Benefits, June 290005,1321.81;Treasurer st of iowa ,March,7078; Treasurer st of iowa ,April ,5686;Treasurer st of iowa ,May,5803;Treasurer st of iowa ,June ,8029; IPERS, March,24413.9;IPERS, April ,19625.61;IPERS, May,19540.69;IPERS, June ,25419.69; AFLAC, March,538.35;AFLAC, April ,497.1;AFLAC, May,497.1;AFLAC, June ,501.6;Collection Service Center, March,692.3;Collection Service Center, April ,553.84;Collection Service Center, May,553.84; Collection Service Center, June ,692.3;EFTPS, March,37009.4;EFTPS, April ,29765.67;EFTPS, May ,30906.03;EFTPS, June ,45076.3;George Fotitadis, March 289484,92.35;George Fotitadis, April 289624,92.35;George Fotitadis, May 289769,92.35;George Fotitadis, June 289994,92.35; Teamster ,March 289487,147;Teamster ,April 289627,147;Teamster ,May 289772,147;Teamster ,June 289998,147;United Healthcare, March 289488,2622.75;United Healthcare, March 289499,32905.47;

United Healthcare, April 289628,2227.14; United Healthcare, April 289640,34542.64; United Healthcare, May 289773,2270.12; United Healthcare, May 289784,34499.66; United Healthcare, June 2899998,2837.65; United Healthcare, June 290012,33932.13; City of Murray, March 289491,2546.04; City of Murray, April 289630,3404.23; City of Murray, May 289775,3177.99; City of Murray, June 2900001,2803.49; City of Woodburn, March 2894492,848.68; City of Woodburn, April 289631,1134.74; City of Woodburn, May 289776,1039.93; City of Woodburn, June 290002,934.5; Clarke Co Reservoir, March 2894493,63077.19; Clarke Co Reservoir, April 289632,63077.19; Clarke Co Reservoir, May 289767,63077.19; Clarke Co Reservoir, June 290003,73703.14; Jarood Coe, Payroll 289420,277.05; Andrew Barber, Reimb 289490,10; Progressive Structures, Project, 9807.8; United State Postal Services, City 289500,150; Clarke County Treasurer, City 289622,100; Kim Bales, Project 289623,5499.75; Progressive Structures, Project 289638,73407.69; Treat America Dining, Police 289639,1500.86; Cole Paulsen, Payroll 289706,289.46; Cole Paulsen, Payroll 289707,136.88; Progressive Structures, Project 289768,72247.58; Dust Pros Janitorial, City 289777,1484.5; Spoke Communications, City 289783,170; Mallory Zimmerman, Payroll 289785,62.33; Austin Taylor, Payroll 289994,970.77; Clarke County School, City 290003,1500; Progressive Structures, Project 290010,48051.25; Solutions, POLICE 290011,1480.6; Nelson Fry, Payroll 290013,300; James Cartwright, Payroll 290014,300; Mike Henry, Payroll 290015,300; Byron Jimmerson, Payroll 290016,300; Jesse Maher, Payroll 290017,300; Bryce Thomas, Payroll 290018,300; Austin Taylor, Payroll 290019,300; Bryant Schiltz, Payroll 290020,300; Matthew Thomas, Payroll 290021,300; Imagetek, March, 235; Imagetek, April, 235; Imagetek, May, 235; Imagetek, June, 235; State of Iowa, Sales Tax, 4065; State of Iowa, Sales Tax, 3443; State of Iowa, Sales Tax, 3543; State of Iowa, Sales Tax, 3783; Grand Total, 1325419.05; Fund Recap 1, General, 334790.31; 101, LOST, 262934.71; 110, Road Use Tax, 58206.25; 112, Street, 394924.1; 300, Airport Land, =, 335; Old Plant Force Main, 203514.32; 610, Sewer, 71049.36; Grand Total, 1325419.05;

<b>Fund Type</b>	<b>Revenue April</b>	<b>Revenue May</b>	<b>June Revenue</b>
General	General, 847336.5;	General, 198888.54;	General, 192447.42;
Road Use	Road Use, 23971.4;	Road Use, 59204.61;	Road Use, 48447.76;
Trust/Agency	Trust/Agency, 51680.45;	Trust/Agency, 6158.57;	Trust/Agency, 8924.44;
Special	Special, 63077.21;	Special, 145365.14;	Special, 73703.12;
TIF	TIF, 329063;	TIF, 4271.12;	TIF, 18689.91;
Debt	Debt, 261523.74;	Debt, 35657.96;	Debt, 1897.68;
Capital	Capital, 180000;	Capital, ;	Capital, ;
Permanent	Permanent, 5.03;	Permanent, 1311.73;	Permanent, 3.04;
Proprietary	Proprietary, 109788.36;	Proprietary, 108151.23;	Proprietary, 235751.66;
<b>TOTAL BALANCE</b>	<b>TOTAL BALANCE, 1866445.69;</b>	<b>TOTAL BALANCE, 559008.9;</b>	<b>TOTAL BALANCE, 579865.03 ;</b>

Motion by Fotiadis and second by Hooper to enter into 17. Closed Session 2.5 (1)(j)- To discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price of the governmental body would receive for the property; roll call vote: Fotiadis, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried. Motion by Fotiadis and second by Hooper to exit close session; roll call vote; Fotiadis, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Fotiadis and second by Hooper to authorize staff to proceed forward with \$800 purchase of 217 S Delaware; roll call vote: Fotiadis, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Fotiadis and second by Hooper to return an offer to owner at 121 S Temple; roll call vote: Fotiadis, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

There being no further business, motion by Page and second by Hooper to adjourn the meeting at 9:05 PM. All voting aye, motion carried.

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Thomas J. Kedley – Mayor

Attest:

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

UNOFFICIAL