

OSCEOLA CITY COUNCIL

Tuesday, March 20, 2018

Regular Meeting

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

The City Council met on Tuesday, March 20, 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 (Phone) 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, Ed Stoll, Matt Stoll, Oswaldo Torres, Fornando Vargas, Oscar Quintanilla, Jose Mendez and others didn't sign in.

Motion by Gay and second by Hooper 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 gave his condolences to the Cook family. Mayor Kedley wanted to remind people to remove their garbage toters from the right of way and inform council his Washington D.C trip over spring break.

Motion by Fotiadis and second by Gay to open the public hearing regarding the proposed ordinance 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. There were no written or verbal comments during the open forum.

Motion by Gay and second by Walkup to close the public hearing; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Fotiadis and second by Hooper to approve the first reading of the Ordinance 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.

Motion by Gay and second by Walkup to open public hearing regarding proposed amendment to City of Osceola Code of Ordinances pertaining to taxicabs; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried. There were no written or verbal comments during public hearing. Motion by Fotiadis and second by Hooper to close public hearing; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Fotiadis and second by walkup to approve the first 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.

Motion by Hooper and second by Gay to approve the Engagement Letter with Ahlers & Cooney for legal services pertaining to the airport land acquisition project; Roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Gay and second by Hooper to approve resolution 2018-18 Approving Amendment To The Amended And Restated Intergovernmental Agreement Of The Clarke County Reservoir Commission; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

RESOLUTION NO. 2018-18 APPROVING AMENDMENT TO THE AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT OF THE CLARKE COUNTY RESERVOIR COMMISSION WHEREAS, the Clarke County Reservoir Commission (the "Commission") was created pursuant to Chapter 28E of the Code of Iowa, as amended; and WHEREAS, the Commission desires to provide for individual Members of the Commission to incur indebtedness for financing the purchase of land, improvements, construction and paying for any and all costs related to the reservoir project, including costs of issuance, to provide potable drinking water to the citizens of Members of the

Commission; and WHEREAS, in order to properly provide for repayment of indebtedness incurred separately and individually by Members of the Commission and provide for each Member to timely, efficiently and in the most cost effective manner provide for repayment of indebtedness of each individual Member, it is recognized and agreed an amendment to the Intergovernmental Agreement of the Commission is necessary; NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE COMMISSION THAT ARTICLE XI of the Intergovernmental Agreement shall be submitted for approval by the governing bodies of the Members as follows: ARTICLE XI Notwithstanding anything in this Intergovernmental Agreement to the contrary, to the extent any Member in its individual capacity has incurred any indebtedness or financial liability as a result of the issuance of bonds, notes, letters of credit, lines of credit, or entered into loans for the purpose of providing moneys to the Commission to be used by the Commission for any of the Commission's lawful purposes, prior to providing for the payments of expenses, costs, budgetary items, liabilities or any other monetary liabilities of the Commission, each or any Member having incurred such indebtedness individually shall have the sole right and authority individually to first provide for the repayment of such outstanding indebtedness or financial liability of the individual Member so incurred, including without limitation principal, interest, premium, if any, and including providing for the pre-payment of any such indebtedness or financial liability in accordance with the terms of the indebtedness or financial liability incurred by the individual Member.

Motion by Gay and second by Hooper to approve resolution 2018-19 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 vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

RESOLUTION NO. 2018-19 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 April 17, 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 April 17, 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 Fotiadis and second by Hooper to give the owner of 215 N Main 30 days to complete the demolition of the property and to authorize City staff to proceed with the demolition if not completed by the 30 day deadline; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Fotiadis and second by Gay to direct City staff to assemble a list of intersections of where prohibited parking would be needed; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Walkup and second by Gay to approve the special events permit for Easter Egg Hunt; roll call vote: Fotiadis, aye; Gay, 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 yield signs; Gay had concerns regarding houses; Walkup wanted to Thank the Osceola Chamber for taking the Fourth of July festival. Hooper and Page had nothing to report at this time.

Motion by Fotiadis and second by Hooper to approve the consent agenda: Council Minutes March 6th ; Liquor License: and the following claims:

Advantage Companies ,Supplies, 385; Agriland Fs - Murray ,Fuel , 1910.82;Alliant Energy ,Utilities , 573.2;Amazon.Com Credit ,Supplies, 79.21;Ben Sall ,Services, 250;Booklist ,Supplies, 167.5;Bsn Sports Inc ,Supplies, 219.95;Bud Jones Trucking ,Services, 220.86;Carpenter Uniform& Promotional ,Supplies, 549.84;Center Point Large Print ,Supplies, 140.22;Chat Mobility ,Utilities , 293.06;Chesnut Lawn & Landscape ,Services, 75;Clarke Electric Coop ,Utilities , 4712.23;Communications Solutions ,Services, 850;Competition Specialties ,Supplies, 644.75;Country Woman ,Supplies, 14.98;Cr Services ,Services, 61.07;D & D Pest Control ,Services, 85;Demco Inc ,Services, 420.68;Directv ,Services, 147.39;Donna Phillips ,Services, 240;Dust Pros Janitorial ,Services, 1247.5;Electrical Engineering ,Supplies, 488;Fleet Services ,Services, 657.75;Gall/ Quartermaster Llc ,Supplies, 1378.34;Gilberts True Value Home Center ,Supplies, 77.05;Hach Company ,Supplies, 503.64;Hostiowa.Net ,Services, 288;Hy-Vee Food Stores ,Supplies, 273.64;Ideal Ready Mix Co. ,Services, 651.5;Independent Salt Co. ,Supplies, 3110.67;Interstate Chemical Company Ic. ,Services, 222;Invinci Graphics ,Supplies, 245;Iowa Dept. Of Trans. ,Supplies, 78.48;Iowa Dept.Of Pub. Health ,Services, 70;Iowa Law Enforcement Cademy ,Services, 300;J P Auto ,Supplies, 301.37;John Walsh ,Reimb, 80;Justin Besco ,Side Walk , 500;Kd Tires, Llc ,Supplies, 80;Keystone Laboratories, Inc ,Services, 2470.36;Krista Woodard ,Reimb, 56.68;Lyle Persels ,Reimb, 50;Marc Elcock ,Services, 3107;Mediacom ,Utilities , 271.75;Midwest Curb Grinding, Llc ,Services, 336;Midwest Office Tech. Co. ,Services, 267.93;Old House Journal ,Services, 29.95;Osceola Farm & Home - All ,Supplies, 285.83;Our Iowa Magazine ,Services, 19.98;Penguin Random House Llc ,Supplies, 37.5;Penworthy Company ,Supplies, 87.06;Proctor Mechanical Corporation ,Supplies, 277.5;Recorded Books ,Supplies, 74.2;Scholastic Library Publishing ,Supplies, 162.72;Sirwa ,Utilities , 50.1;Solutions ,Supplies, 74.66;Spoke Communications, Llc ,Services, 170;Tg

Technical Services ,Services, 220;Tyco Integrated Security ,Services, 207.56;Verizon ,Utilities , 280.23;Wilder's Truck Service ,Services, 14.44;Windstream ,Utilities , 993.22; ,Grand Total , 32138.37;Checks: 289421-289483 Fund Recap: 1 ,General , 16053.18;110 ,Road Use , 6267.39; 610 ,Waste Water, 9817.8; ,Grand Total , 32138.37;

Motion by Fotiadis and second by Gay to enter into Closed Session Pursuant to 21.5.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 the governmental body would receive for that property; roll call vote: Fotiadis, aye; Gay, 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; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Fotiadis and second by Walkup to proceed with the Tax Certificates for 603 E Clay; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

There being no further business, motion by Hooper and second by Fotiadis to adjourn the meeting at 8:36 PM. All voting aye, motion carried.

Thomas J. Kedley – Mayor

Attest:

Britanee Ward – Accounting Manager/ Assistant City Clerk

Website: osceolaia.net