

OSCEOLA CITY COUNCIL

Tuesday, May 16, 2017

Regular Meeting

The City Council met on Tuesday, May 16, 2017 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, Doug Gay, Dave Walkup, Dan Hooper and Dennis Page. 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, David Chen, Joey Brey, Dave Gorsline, Taylor Herzing, Meadow Cruickshank, Kevin Bethards, Ruth Bethards, Chris Bury, Susan Modeland, Michele Davis, Keith Sherman, Katie Hibbs, Diego Cavaneon and others that didn't sign in.

Motion by Fotiadis and second by Gay 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.

Mayors Report there was an update on the Rec Center, Operation Recreation to partner with Subway on May 19th, Spirit of Osceola award to Don & Peggy Gonseth, Bill & Jan Short, and Kevin & Ruth Bethards.

Susan Modeland and Michele Davis with Restoration Ranch presented to Council a presentation of what Restoration Ranch does for the community.

Motion by Fotiadis and second by Hooper to open public hearing regarding the gas and electric Franchise Fee; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried. Keith Sherman and Katie Hibbs with Alliant Energy answered any questions there was. No one else spoke during the public hearing. Motion by Gay and second by Fotiadis to close the public hearing.

Motion by Fotiadis and second by Hooper to approve the first reading of the Ordinance the Natural Gas Franchise; 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 reading of adopting electric franchise; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Walkup and second by Hooper to open public hearing regarding amending chapter 69 of the code of ordinance tilted parking prohibited; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried. There was no written or verbal comments. Motion by Page and second by Hooper 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 Gay to approve the first reading regarding the amendment of parking prohibited ordinances. Roll Call Vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Page and second by Fotiadis to waive the second and third reading of amendment to the parking prohibited ordinances;

ORDINANCE NO. 572 AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OSCEOLA, IOWA, BY ADDING A NEW SUB-SECTIONS ESTABLISHING PROHIBITED PARKING BE IT ENACTED by the City Council of the City of Osceola, Iowa: SECTION 1. NEW SECTION. The Code of Ordinances of the City of Osceola, Iowa, is amended by adding a new Sub-Sections to 69.07, entitled PARKING PROHIBITED, which is hereby adopted to read as follows: 69.07 PARKING PROHIBITED. No one person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions a peace officer, in any of the following zones: New Sub-Section: (39) The hammerhead on the south end of the 200 Block of NE Street New Sub-Section: (40) The hammerhead on the north end of the 200 Block of South Delaware New Sub-Section: (41) The hammerhead on the south end of the 500 Block of S Temple SECTION 2.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. 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 from and after its final passage, approval and publication as provided by law.

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 second reading of the ordinance vacating the Alleys in Block 1 of the Brady's Addition; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Hooper and second by Page to waive the third reading of the ordinance vacating the Alleys in Block 1 of the Brady's Addition;

ORDINANCE NO. 573 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: The described street is not needed for the use of the public. The street is presently not open and it would be better used if vacated and conveyed to the adjoining landowners. The vacation of said street will not deny owners of property abutting on the street reasonable access to their property. 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. The abutting landowners have petitioned the City Council to vacate and convey said area. There have been no objections filed in City Hall or with any city personnel. The City will retain a utility easement. SECTION III. VACATION The following described alley is hereby declared vacated: All the North/South Alley and the East Half of the East/West Alley in Block 1 of the Brady's Addition. 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.

Roll Call Vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Fotiadis and second by Gay to approve the second reading of the rezoning of 2315 North Main from I-1 light industrial to B-2 Highway Commercial; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Fotiadis and second by Page to approve Resolution 2017-27 for the vacation of South Half of the North/South Alley in Block 13 of West Osceola; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried. *You may view the entire resolution at City Hall or City website*

Resolution 2017- 27 TO FIX A TIME AND A DATE FOR A PUBLIC HEARING REGARDING THE PROPOSED VACATION OF THE SOUTH HALF OF THE NORTH/SOUTH ALLEY IN BLOCK 13 OF WEST OSCEOLA. 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 June 6, 2017 at 7:00 PM to discuss the proposed vacation of the alley in the South Half of the North/South Alley in Block 13 of West Osceola. 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 send petition to vacate the west half of the east/west alley in block 8 of West Osceola to the planning and zoning commission; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Walkup and second by Fotiadis to approve resolution 2017-28 for the approval of tax abatement for 224 South Kossuth; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried. *You may view full resolution at City Hall or City Website.*

RESOLUTION NO. 2017-28 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
JIMAL	224 S Kossuth	Residential Remodel

Motion by Gay and second by Hooper to submitted liquor license for Broken Spoke as Timely Filed; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Motion by Fotiadis and second by Hooper to approve resolution 2017-29 for 2017 Fire Department Election Officers; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried. *You may view the full Resolution at City Hall or City website.*

Resolution 2017- 29 A RESOLUTION RATIFYING THE 2017 ELECTION OF OFFICERS FOR THE OSCEOLA VOLUNTEER FIRE DEPARTMENT THE CITY COUNCIL OF THE CITY OF OSCEOLA, IA HEREBY RESOLVES AND APPROVES THE 2017 ELECTION OF OFFICERS OF THE VOLUNTEER FIRE DEPARTMENT AS FOLLOWS: Fire Chief- Mike Fry; 1st Assistant Chief- Mike Henry; 2nd Assistant Chief- Matt Timmons; Captain- Byron Jimmerson; Secretary- Donnie McCuddin

Motion by Hooper and second by Page to approve Resolution 2017-29 Budget Amendment Fiscal year 2017; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried. *You may view Resolution at City Hall or City Website.*

**NOTICE OF PUBLIC HEARING
AMENDMENT OF FY2016-2017 CITY BUDGET**

Form 653.C1

The City Council of Osceola in CLARKE County, Iowa
will meet at Osceola City hall
at 7:00 on 6/6/2017
(hour) (Date)

,for the purpose of amending the current budget of the city for the fiscal year ending June 30, 2017
(year)

by changing estimates of revenue and expenditure appropriations in the following programs for the reasons given. Additional detail is available at the city clerk's office showing revenues and expenditures by fund type and by activity.

		Total Budget as certified or last amended	Current Amendment	Total Budget after Current Amendment
Revenues & Other Financing Sources				
Taxes Levied on Property	1	2,452,013	0	2,452,013
Less: Uncollected Property Taxes-Levy Year	2	0	0	0
Net Current Property Taxes	3	2,452,013	0	2,452,013
Delinquent Property Taxes	4	0	0	0
TIF Revenues	5	548,354	0	548,354
Other City Taxes	6	2,239,265	0	2,239,265
Licenses & Permits	7	59,000	0	59,000
Use of Money and Property	8	10,500	0	10,500
Intergovernmental	9	1,415,215	-600,000	815,215
Charges for Services	10	4,016,258	17,824	4,034,082
Special Assessments	11	0	0	0
Miscellaneous	12	159,000	0	159,000
Other Financing Sources	13	3,000,000	-675,503	2,324,497

Transfers In	14	1,440,663	0	1,440,663
Total Revenues and Other Sources	15	15,340,268	-1,257,679	14,082,589
Expenditures & Other Financing Uses				
Public Safety	16	1,816,237	0	1,816,237
Public Works	17	1,437,952	55,000	1,492,952
Health and Social Services	18	0	0	0
Culture and Recreation	19	931,802	0	931,802
Community and Economic Development	20	1,187,300	20,000	1,207,300
General Government	21	652,856	70,000	722,856
Debt Service	22	1,529,423	0	1,529,423
Capital Projects	23	3,600,000	-1,900,000	1,700,000
Total Government Activities Expenditures	24	11,155,570	-1,755,000	9,400,570
Business Type / Enterprises	25	3,327,451	41,280	3,368,731
Total Gov Activities & Business Expenditures	26	14,483,021	-1,713,720	12,769,301
Transfers Out	27	1,440,663	0	1,440,663
Total Expenditures/Transfers Out	28	15,923,684	-1,713,720	14,209,964
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out for Fiscal Year	29	-583,416	456,041	-127,375
Beginning Fund Balance July 1	30	3,718,440	0	3,718,440
Ending Fund Balance June 30	31	3,135,024	456,041	3,591,065

Explanation of increases or decreases in revenue estimates, appropriations, or available cash:
Capital project timing, utility budget adjustments, and general governmental services adjustments.

Ty Wheeler – City administrator/clerk updated council on various activities and projects within the city.

Fotiadis had concerns regarding the Marina. Gay had concerns regarding a property on Ayers St. Walkup expressed his gratitude for various projects within the City. Hooper had nothing to report. Page had concerns regarding grass clippings in the street.

Motion by Fotiadis and second by Gay to approve the consent agenda: Council Minutes: May 7th ; Liquor License: Clarke County 4-H Association(LC0036207); Playa Margaritas Mexican Restaurant (LC0038462); Fareway Stores Inc. (LE0001701); Pay Est No. 1 Old Plant Pump Station- \$57,107.59; CDBG Draw Down #1- \$57,108 and following claims: Check Numbers: 287807-287880:

Alliant Energy, Utilities ,8885.52; Amazon.Com Credit,Supplies,8.13; Baker & Taylor Entertainment,Supplies,1371.92; Beemer Fisheries,Supplies,298; Boyt Harness Company,Supplies,21412; Brittany Jones,Reimb,25; Bud Jones Construction,Services,3643.3; Capital City Equipment Co.,Supplies,79.08; Carpenter Uniform& Promotional,Supplies,339.94; Casey's General Stores, Inc.,Fuel ,2331.86; Cdw-Government,Services,98.46; Centerpoint Energy, Utilities ,1044.86; Central Pump & Motor, Llc,Services,10300.75; Chat Mobility, Utilities ,403.8; Clarke Co Recorder,Services,11; Clarke Electric Coop, Utilities ,5072.3; Communications Solutions,Services,13567; Cr Services,Services,72.57; Creston Publishing Company,Publication,65.25; D & D Pest Control,Services,30; Diamond Oil Co,Fuel ,211.35; Directv,Services,142.1; Donna Phillips,Services,300; Dust Pros Janitorial,Services,1555.99; Ed Fickes,Services,1440; Electronic Engineering,Services,3389.9; Elliott Oil Co.,Fuel ,141.71; G & L Clothing/Commercial,Services,172.53; Golf Cars Of Iowa,Services,400; Grace Builders,Services,2634.39; Henry Construction,Services,111.94; Highway Lumber,Services,27.51; Hostiowa.Net,Services,564; Hy-Vee Food Stores,Supplies,111.75;Ideal Ready Mix Co.,Services,1190.25; Invinci Graphics,Supplies,254.5; Iowa Communications Network,Services,2.15; Iowa Division Of Labor,Services,40; Iowa One Call,Services,54.9; J P Auto,Supplies,201.29; J P Auto - Waste Water,Supplies,120.94; Jetco Inc,Services,464.3; Jmk Lawn Care,Services,900; Kd Tires, Llc,Services,70; M & M Ag Service,Services,135.5; Marc Elcock,Services,6500; May's Auto Body,Services,487.5; Mediacom, Utilities ,273.79; Micro Marketing Llc,Services,74.94; Mid America Books,Services,107.7; Midwest Office Tech. Co.,Services,240.21; National Association Of Chiefs Of Police,Services,60; O'reilly Automotive Inc.,Supplies,116.61; Osceola Farm & Home - P&R,Supplies,466.1; Osceola Farm & Home - Wwtp,Supplies,464.67; Peek Sales & Service,Supplies,37.57; Qt Pod,Supplies,7.67; Recorded Books,Supplies,107; Robinsons Co.,Supplies,38.82; Rychnovsky Lawn & Landscape,Services,221; Schildberg Const. Co.,Services,4367.14; Service Techs Inc,Services,106.914; Sirwa, Utilities ,33; Solutions,Supplies,2825.9; Spoke Communications, Llc,Services,170; Trenton Denney,Services,1200; United Farmers Cooperative,Supplies,28.02; Vanwall Equipment,Supplies,15.5; Verizon, Utilities ,240.08; Veronica Hullinger Signs,Services,262.15; West-E-Co,Reimb,85; Wilder's Truck Service, Services,65.84; Windstream, Utilities ,1015.63; ,Grand Total ,103316.494; Check Numbers: 287807-287880; Fund Recap: 1,Genearl ,50607.99; 110,Road Use Tax ,5745.48; 135,Urban Renewal ,21412; 610,Sewer,25551.01; ,Grand Total ,103316.48;

Chapter 7 Claims/Ach:

Payroll ,42832, 19509.98; Payroll ,42839, 21136.95; Treasurer state of Iowa, Taxes, 5599; IPERS,Insurance, 19281.86; AFLAC,Insurance, 417.96; Collection Service Center,Insurance, 1536.72; EFTPS,Taxes, 32318.79;

Dennis Page,287721/ Payroll, 81.42; George Fotiadis,287722 / Payroll, 92.35; Mutual of Omaha,287723/ Insurance, 531.16; Teamster,287725/ Insurance, 180; United Healthcare,287726/ Insurance, 1798.26; Met Life,287735/ Insurance, 2323.6; Clarke County Reservoir,287728/ LOST, 67904.35; Kemper Benefits,287733/ INSURANCE, 1301.47; Linda Persels,287734/ AIRPORT, 1287.5; United Healthcare,287736/ INSURANCE, 28603.95; Daniel & Dianne Oswald,287729/ Project, 38950; DK WHITE Properties,287730/ Project, 1760; Iowa Natural Heritage,287731/ Project, 1; Jerico Services,287732/ Services, 588; Payroll ,42846, 20585.91; Payroll ,42853, 28676.74; Imagetek ,Storage, 245.5; State of Iowa,Sales Tax, 3752; ,Grand Total , 298464.47; Fund Recap ; General , 60498.29; Road Use Tax, 17589.6; Employee Benefits, 93892.77; LOST , 67904.35; Old Plant Station Project, 40711; Sewer Utilty , 17868.46; ,Grand Total , 298464.47;

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

Motion by Fotiadis and second by Walkup to enter into close session 22. Closed Session Pursuant to Iowa Code 21.5.i: To evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried. Motion by Fotiadis and second by Walkup to exit close session; roll call vote: Fotiadis, aye; Gay, aye; Walkup, aye; Hooper, aye; Page, aye; motion carried.

Revenue:

January Revenue: General, 128688.4; Road Use, 55003.5; Trust/Agency, 743.12; Special, 80306.47; TIF, 0; Debt, 7773.36; Capital, 0; Permanent, 226.76; Proprietary, 109576.04; TOTAL BALANCE, 382317.65; February Revenue: General, 120845.9; Road Use, 58825.8; Trust/Agency, 326.2; Special, 80306.47; TIF, ; Debt, 3412.15; Capital, ; Permanent, 2079.47; Proprietary, 110106.71; TOTAL BALANCE, 375902.7; March Revenue: General, 167689.67; Road Use, 48579.27; Trust/Agency, 1369.32; Special, 132406.06; TIF, ; Debt, 14323.72; Capital, ; Permanent, 40.9; Proprietary, 110511.18; TOTAL BALANCE, 474420.12; April Revenue: General, 785954.58; Road Use, 34523.94; Trust/Agency, 99617.98; Special, 23402.22; TIF, 233394.29; Debt, 364348.01; Capital, 0; Permanent, 2770.84; Proprietary, 122457.61; TOTAL BALANCE, 1666469.47;

Motion by Walkup and second by Gay to renewal contract for three years; 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 Page 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