

## OSCEOLA CITY COUNCIL

Tuesday, December 5, 2023

Regular Meeting

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

\*<http://osceolaia.net/>\*

The City Council met on Tuesday, December 5, 2023 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, Dan Hooper, Thomas Bahls and Jose Vargas. Doug Gay Arrived at 7:04 PM. City Staff present were Ty Wheeler—City- Administrator, Britanee Ward – City Clerk, and Marty Duffus – Police Chief. All Council Meetings are streamed on the City's Website during Council meeting. The following were at the meeting: Terry Smith and others that didn't sign in.

Motion by Fotiadis and second by Bahls to approve the agenda as revised; roll call vote: Fotiadis, aye; Hooper, aye; Bahls, aye; Vargas, aye; motion carried.

Mayor Kedley update Council on water levels and various other items within the community.

Doug Gay arrived at 7:04 PM.

No one spoke during open forum.

Motion by Gay and second by Hooper to appointed Thomas Bahls to City's Ex-Officio Member for the Clarke County Development Corporation. Roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Bahls, abstain; Vargas, aye; motion carried.

Motion by Gay and second by Fotiadis to approve resolution 2023-54 approving tax abatement 211 Townline Road new construction; roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Bahls, aye; Vargas, aye; motion carried.

### **Resolution 2023-54:**

A RESOLUTION APPROVING APPLICATION(S) FOR TAX ABATEMENT UNDER THE CITY-WIDE URBAN REVITILZATION 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

NEW Cooperative 211 Townline Rd New Construction

Motion by Fotiadis and second by Hooper to open public hearing regarding the Proposed Amendment to Chapter 69 of the City of Osceola Code of Ordinances Pertaining to Parking in the 300 Block of S Main. Roll call vote; Fotiadis, aye; Gay, aye; Hooper, aye; Bahls, aye; Vargas, aye; motion carried. There were no comments during public hearing. Motion by Gay and second by Fotiadis to close the public hearing; roll call vote; Fotiadis, aye; Gay, aye; Hooper, aye; Bahls, aye; Vargas, aye; motion carried.

Motion by Fotiadis and second by Gay to approve the first reading of the Proposed Amendment to Chapter 69 of the City of Osceola Code of Ordinances Pertaining to Parking in the 300 Block of S Main. Roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Bahls, aye; Vargas, aye; motion carried.

Motion by Gay and second by Bahls to waive the second and third reading of ordinance; roll call vote: Fotiadis, nay; Hooper, nay; Gay, aye; Bahls, aye; Vargas, aye; motion died from the lack of super majority of vote.

Motion by Fotiadis and second by Gay to open public hearing regarding the Proposed Vacation of the South Half of the North South Alley in Block 5 of N Osceola. Roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Vargas, aye; Bahls, aye; motion carried. There were no public comments during public hearing. Motion by Gay and second by

Hooper to close the public hearing; roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Bahls, aye; Vargas, aye; motion carried.

Motion by Fotiadis and second by Gay to approve the first reading of the Proposed Vacation of the South Half of the North South Alley in Block 5 of N Osceola. Roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Bahls, aye; Vargas, aye; motion carried.

Motion by Gay and second by Bahls to waive the second and third reading the Proposed Vacation of the South Half of the North South Alley in Block 5 of N Osceola. Roll call vote: Fotiadis, aye; Gay, aye; Hooper, nay; Bahls, aye; Vargas, aye; motion carried.

### **Ordinance 663**

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 adjourning 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: South Half of the North/South Alley in Block 5 of N 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. It is solely the responsibility of the petitioners to have

Motion by Fotiadis and second by Gay to open public hearing regarding Proposed rezoning of Properties in the Commercial Historic District, City Owned Property, CCSD Owned Property, and Private Property North of Q Pond. Roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Bahls, aye; Hooper, aye; Vargas, aye; motion carried. There was no comments during public hearing. Motion by Gay and second by Hooper to close public hearing; roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Bahls, aye; Vargas, aye; motion carried.

Motion by Bahls and second by Gay to waive the second and third reading of Proposed Rezoning of Properties in the Commercial Historic District, City Owned Property, CCSD Owned Property, and Private Property North of Q Pond. Roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Bahls, aye; Vargas, aye; motion carried.

### **Ordinance 664:**

AN ORDINANCE CHANGING THE ZONING OF CERTAIN PROPERTY

Be It Enacted by the City Council of Osceola, Iowa: Section I.

The Properties Identified below shall be rezoned as follows:

From: B-1 to B-1H:

101 W Washington 103 W Washington 113 W Washington

115 W Washington 117 W Washington 119 W Washington

121 W Washington 127 W Washington 129 W Washington

131 W Washington 133 W Washington 100 S Fillmore

104 S Fillmore 110 W Fillmore 114 S Fillmore

118 S Fillmore 120 S Fillmore 124 S Fillmore

130 S Fillmore 200 W Jefferson 148 W Jefferson

144 W Jefferson 140 W Jefferson 136 W Jefferson  
134 W Jefferson 130 ½ W Jefferson 128 W Jefferson  
124 W Jefferson 122 W Jefferson 118 W Jefferson  
116 W Jefferson 202 S Main 208 S Main  
205 S Main 201 S Main 108 E Washington  
147 S Main 143 S Main 139 S Main  
127 S Main 123 S Main 119 S Main  
117 S Main 115 S Main 113 S Main  
109 S Main 100 S Main 101 S Main  
111 E Washington 115 E Washington 101 N Main  
115 N Main 117 N Main 123 N Main  
102 E Washington  
From I-1 to R-1  
Parcels 12240; 12241 (Osceola Ball Field Complex)  
From I-2 to R-1  
Parcels 11998, 01855 (Maple Hill Cemetery)  
From B-2 to R-2  
801 E McLane (Lauren's Bark Park)  
Parcel 13763 (E Lake Trail)  
From R-3 to R-1  
Parcels 12925, 11814 (Aquatic Center/Soccer Fields)  
Parcels 11805, 11997 (Clarke Community School Secondary Campus)  
From B-3 to R-1  
Parcel 01798 (Marco Properties)  
Parcel 13318 (Q Pond)  
From Ag to R-1  
Parcels 07111, 07112, 07113, 07114, 07103 (Marco Properties)  
From Ag to B-3  
Parcels 07102, 07107, 07106, 07109 (Marco Properties)

#### Section II. 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.

Motion by Fotiadis and second by Gay to open public hearing Enter into A Sewer Revenue Loan and Disbursement Agreement and To Borrow Money Thereunder in A Principal Amount Not to Exceed \$1,000,000. Roll call vote: Fotiadis, aye; Gay, aye; Bahls, aye; Hooper, aye; Vargas, aye; motion carried. There was no comments during public hearing. Motion by Hooper and second by Vargas to close the public hearing; roll call vote; Fotiadis, aye; Gay, aye; Hooper, aye; Bahls, aye; Vargas, aye; motion carried.

Motion by Fotiadis and second by Gay to approve resolution 2023- 55 Resolution taking additional action with respect to a Sewer Revenue Loan and Disbursement Agreement and authorizing, approving and securing the payment of a \$1,000,000 Sewer Revenue Loan and Disbursement Agreement Anticipation Project Note (IFA Interim Loan and Disbursement Agreement. Roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Bahls, aye; Vargas, aye; motion carried.

Resolution 2023-55 – can view at City Hall

Motion by Gay and second by Hooper to approve resolution 2023-56 Authorizing Execution Of And Directing Service Of Notices Under Iowa Code Section 447.9 Related To Tax Sale Certificate Held By The City Of Osceola; roll call vote: Fotiadis, aye; Gay, aye; Hooper, aye; Bahls, aye; Vargas, aye; motion carried.

Resolution 2023-56:

RESOLUTION AUTHORIZING EXECUTION OF AND DIRECTING SERVICE OF NOTICES UNDER IOWA CODE SECTION 447.9 RELATED TO TAX SALE CERTIFICATE HELD BY THE CITY OF OSCEOLA WHEREAS, the City of Osceola, Iowa (the "City") has acquired a tax sale certificate (the "Tax Sale Certificate") issued following the "public bidder" sale conducted by Clarke County Treasurer on June 17, 2019, pursuant to Iowa Code Section 446.18; and WHEREAS, Iowa Code Section 447.9

provides that notices regarding the expiration of the right of redemption related to the Tax Sale Certificate may be served beginning nine months after the date of tax sale; and WHEREAS, Iowa Code Section 447.9 requires the City Council, by resolution, to designate a city officer to sign such notices. NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF OSCEOLA IN THE STATE OF IOWA:

Section 1. That this Council does hereby authorize Jenna Sabroske, Ahlers & Cooney, P.C., as Special Counsel to the City, to execute the required notices regarding the expiration of the right of redemption related to the Tax Sale Certificate, consistent with Iowa Code Section 447.9. Section 2. That the Special Counsel and City Clerk are hereby authorized and empowered to cause said notices to be served upon the persons identified in Iowa Code Section 447.9 and in the manner directed by Iowa Code Section 447.9, including service by regular mail and certified mail and, if required, service by publication consistent with Iowa Code Section 447.10. Section 3. That, following the service of notices described in Section 2 hereof, the City Attorney is hereby authorized and directed to file an affidavit regarding such service with respect to the Tax Sale Certificate with the Clarke County Treasurer consistent with Iowa Code Section 447.12.

Austin Taylor spoke about tower report.

Ty Wheeler – City Administrator update Council on various projects.

Britanee Ward – City Clerk had nothing to report at this time.

Marty Duffus – Police Chief had nothing to report..

Council had nothing to report.

Motion by Hooper and second by Vargas to approve the consent agenda:

- a. Bills & Claims; Bills & Claims paid per Chapter 7 in City Ordinance;
- b. Council Minutes: November 21<sup>st</sup>
- c. Liquor License: Pizza Hutt (New)
- d. Street Financial Report FY 2022-2023
- e. Pay Estimate # 2 \$431,879.50 – Airport Turnaround – Absolute Group
- f. Contract 1 – Pay Estimate #31 - \$754,257.25 – Weiss Construction/PWC

The following Claims were paid:

Name ,Invoice Desc,Check Amount;

ABSOLUTE GROUP ,AIRPORT: SERVICES,431879.5;  
ACCESS SYSTEMS - PHONE ,CITY: SERVICES,936.4;  
AFLAC ,Employee Deductions,262.8;  
AHLERS & COONEY PC ,CITY: SERVICES,200;  
ALLIANT ENERGY ,CITY: UTILITIES,3005.86;  
AT & T ,POLICE: UTILITIES,181.04;  
BLACKBURN MFG. CO. ,WWTP: SUPPLIES,132.14;  
BOB'S CUSTOM TROPHIES ,CITY: SUPPLIES,37.45;  
BOK FINANCIAL ,CITY: DEBT,646665;  
CAPITAL CITY EQUIPMENT CO. ,P&R: SUPPLIES,204.48;  
CARD SERVICE CENTER ,FIRE: SUPPLIES,1500.79;  
CHESNUT LAWN & LANDSCAPE ,P&R: SERVICES,1710;  
CHESNUT LAWN & LANDSCAPE ,STREET: SERVICES,1710;  
CINTAS CORPORTATION (PW) ,WWTP: SUPPLIES,13.28;  
CINTAS-SERVICES (GOLF) ,GOLF COURSE: SERVICES,60.93;  
CITY OF MURRAY ,CITY: SERVICES,2577.41;  
CITY OF WOODBURN ,CITY: SERVICES,859.14;  
CLARKE COUNTY ANIMAL SHELTER ,CITY: SERVICES,4000;  
CLARKE COUNTY ATTORNEY OFFICE ,PD: SERVICES,854.9;  
CLEAR REFLECTIONS JANITORAL ,CITY: SERVICES,520;  
CLIA LABORATORY PROGRAM ,FIRE: SERVICES,180;  
COLLECTION SERVICE CENTER ,CHILD SUPPORT,2109.76;  
COUNTRY CONCRETE ,STREET: SERVICES,7612.72;

CRESTON PUBLISHING COMPANY ,CITY: SERVICES,856.95;  
D & D PEST CONTROL ,CITY: SERVICES,80;  
DAIDA ,CITY: SERVICES,357;  
DANIELS LAND SURVEYING ,CITY: SERVICES,610;  
DIAMOND OIL CO ,WWTP: SUPPLIES,1269.13;  
DUST PROS JANITORIAL ,CITY: SERVICES,300;  
ECHO ELECTRIC SUPPLY ,CITY: SUPPLIES,2300.2;  
ECOSYSTEMS INC ,WWTP: SERVICES,4400;  
EFTPS ,FEDERAL WITHHOLDING,39099.76;  
FINE LINE LAWN CARE ,P&R: SERVICES,1590;  
FLEETSIDE FORD ,PD & WWTP: SERVICES,2071.57;  
GALLS LLC ,FIRE: SUPPLIES,551.86;  
GILBERTS TRUE VALUE HOME CENTER ,P&R: SUPPLIES,135.16;  
GOLF CARS OF IOWA ,GOLF COURSE: SERVICES,512.36;  
HAWKEYE TRUCK EQUIPMENT ,P&R: SUPPLIES,335;  
HIGHWAY LUMBER ,STREET: SUPPLIES,5119.08;  
IDEAL READY MIX CO. ,STREET: SERVICES,1356;  
IMWCA ,CITY: INSURANCE,8505;  
INFOMAX OFFICE SYSTEMS ,CITY: SERVICES,81.83;  
IOWA DEPARTMENT OF PUBLIC SAFETY ,POLICE: SERVICES,2283;  
IOWA DEPT. OF JUSTICE ,PD: SERVICES,854.9;  
IOWA FINANCE AUTHORITY - SRF - EFT ,DEBT: SERVICES,271248.58;  
IOWA ONE CALL ,CITY: SERVICES,72.9;  
IPERS ,MONTHLY CONTRIBUTION,26784.45;  
J P AUTO ,GOLF COURSE: SUPPLIES,184.8;  
J&H CONSTRUCTION HALLS SEED ,P&R: SERVICES,2143.77;  
JIM'S SANITATION& TRUCK REPAIR ,CITY: SERVICES,34719.82;  
KD TIRES LLC ,FIRE: SERVICES,160;  
MARC ELCOCK ,CITY: SERVICES,2500;  
MEDIACOM ,CITY : UTILITIES,752.07;  
MENARDS ,WWTP: SUPPLIES,879.99;  
MET LIFE ,CITY: INSURANCE,3468.57;  
MIDWEST OFFICE TECH. CO. ,FIRE: SERVICES,86.64;  
MUTUAL OF OMAHA ,CITY PORTION LIFE INSURANCE,597.63;  
NORTHERN BALANCE & SCALE INC ,WWTP: SUPPLIES,425;  
OSCEOLA APPLIANCE ,WWTP: SUPPLIES,128.57;  
OSCEOLA FARM & HOME ,FIRE: SUPPLIES,124.73;  
OSCEOLA WATER WORKS ,WATER: SERVICES,2298.02;  
PITNEY BOWES ,CITY: POSTAGE,199.92;  
ROOF GERDES ERLBACHER PLC ,CITY: SERVICES,8250;  
RYCHNOVSKY LAWN & LANDSCAPE ,P&R: SERVICES,2100;  
SISCO FLEX - CITY OF OSCEOLA ,Employee Deductions,80;  
SOLUTIONS ,CITY: SERVICES,300;  
SPOKE COMMUNICATIONS LLC ,CITY: SERVICES,300;  
STANARD & ASSOCIATES INC ,POLICE: SERVICES,22;  
TREASURER ST. OF IOWA ,STATE INCOME TAX,5814;  
TRUCK EQUIPMENT INC. ,STREET: SUPPLIES,590.56;  
US CELLULAR ,CITY: UTILITIES,963.72;  
UTILITY EQUIPMENT CO. ,WWTP: SUPPLIES,774.41;  
WEISS CONSTRUCTION COMPANY LLC ,WWTP: SERVICES,754257.25;  
WELLMARK - CITY OF OSCEOLA ,CITY: INSURANCE,65273.5;  
WILDER'S TRUCK SERVICE ,GOLF COURSE: SUPPLIES,465.43;  
WINDSTREAM ,POOL: UTILITIES,648.46;  
,Grand Total ,2366497.19;  
EFT numbers: 000959-000967 ,;;  
Check Numbers: 300236-300300 ,;;  
Fund Recap: ,;;  
1 ,General,108199.44;  
33 ,Golf Course ,5591.39;

101 ,Insurance,8505;  
110 ,Road Use Tax ,17026.85;  
112 ,Employee Deductions,26699.94;  
200 ,Debt ,917913.58;  
307 ,Aiport Turnaround ,431879.5;  
313 ,High School Building ,6984.8;  
317 ,Sewer Plant ,754257.25;  
502 ,Forfeiture Fund ,1709.8;  
600 ,Water ,721.4;  
610 ,Waste Water,21734.74;  
800 ,Health Insurance,65273.5;  
,Grand Total ,2366497.19;

There being no further business, motion by Hooper and second by Bahls to adjourn the meeting at 8:55 PM. All voting aye, motion carried.

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Thomas J. Kedley - Mayor

Attest:

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Britanee Ward – City Clerk  
Website: [osceolaia.net](http://osceolaia.net)

UNOFFICIAL