

## OSCEOLA CITY COUNCIL

Tuesday, November 12, 2024

Regular Meeting

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

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

The City Council met on Tuesday, November 12, 2024 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, Thomas Bahls, Sonya Hicks, and Dan Hooper. Jose Vargas was absent. City Staff present were Ty Wheeler—City-Administrator, Britanee Ward – City Clerk, Marty Duffus – Police Chief. All Council Meetings are streamed on the City's Website during Council meeting. The following were at the meeting: Rod Clark, Randy Johnson, Ashleigh Eckels, Mason McCoy, and Andrew Clark.

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

Mayor Kedley update Council on various meetings and projects happening within the Community.

No one spoke during open forum.

Motion by Hooper and second by Hicks to approve resolution 2024-38 appointing Mason McCoy as City Attorney; roll call vote: Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; motion carried.

### **Resolution 2024-38:**

RESOLUTION APPOINTING MASON MCCOY AS THE CITY ATTORNEY FOR THE CITY OF OSCEOLA, IA WHEREAS, Marc Elcock has resigned as City Attorney for the City of Osceola following his acceptance of a position with the Office of the Attorney General of Iowa; and WHEREAS, Chapter 20.01 of the City of Osceola Code of Ordinances states the City Council shall appoint by majority vote a City Attorney; and, WHEREAS, Mason McCoy of Van Werden & McCoy, LLP has expressed interest in the position; and, WHEREAS, city staff have met with Mason McCoy to review the position and discuss the appointment process; and, WHEREAS, city staff recommend that Mason McCoy be appointed City Attorney for the City of Osceola, IA; NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OSCEOLA, IOWA that Mason McCoy of Van Werden & McCoy, LLP hereby is appointed the City Attorney for the City of Osceola. AND, FURTHERMORE, BE IT RESOLVED that Mason McCoy shall be compensated by the hour for services rendered, generally \$250/hr, though the rate or fee may differ depending on the type of legal work to be billed or the services rendered.

Motion by Fotiadis and second by Hicks to open public hearing regarding the Plans, Specifications, Form of Contract for the Central Business District Project. Roll call vote: Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; motion carried. Rod Clark had some concerns regarding the business owners during construction. There was no other public comments. Motion by Bahls and second by Hicks to close the public hearing; roll call vote: Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; motion carried.

Motion by Fotiadis and second by Hooper to approve resolution 2024-39 adopting plans, specifications, and form of contract for the central business district streetscape project; Roll call vote: Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; motion carried.

### **Resolution 2024-39:**

RESOLUTION ADOPTING PLANS, SPECIFICATIONS, AND FORM OF CONTRACT FOR THE CENTRAL BUSINESS DISTRICT STREETScape PROJECT WHEREAS, on the September 24, 2024 plans, specifications, form of contract and estimate of cost were filed with the Clerk for the Central Business District Streetscape Project; and WHEREAS, notice of hearing on plans, specifications, and form of contract

for said public improvements was published as required by law: NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OSCEOLA, IOWA: Section 1. That the said plans, specifications, and form of contract are hereby approved as plans, specifications, form of contract and estimate of cost for said public improvements, as described in the preamble of this Resolution.

Motion by Fotiadis and second by Hooper to approve resolution 2024-40 awarding contract for the Central Business District Project: Roll call vote: Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; Motion carried.

**Resolution 2024-40:**

RESOLUTION AWARDING THE CENTRAL BUSINESS DISTRICT STREETSCAPE PROJECT WHEREAS, pursuant to notice duly posted in the manner and form prescribed by resolution of the City Council of the City of Osceola, Iowa, and as required by law, bids and proposals were received by this Council for Central Business District Streetscape Project (the "Project"); and WHEREAS, all of the said bids and proposals have been carefully considered, and it is necessary and advisable that provision be made for the award of the contract for the Project; NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OSCEOLA, IOWA AS FOLLOWS:

Section 1. The bid for the Central Business District Streetscape Project submitted by the following contractor is fully responsive to the plans and specifications for the Contract, heretofore approved by the City Council, and is the lowest responsible bid received, such bid being as follows: TK Concrete, INC. \$6,407,520

Section 2. Section 2. The contract for the Central Business District Streetscape Project is hereby awarded to TK Concrete, INC at the total cost set out above, the final settlement to be made on the basis of the unit and lump sum prices therein set out and the actual final quantities of each class of materials furnished, the said contract awards to be subject to the terms of the aforementioned resolutions, the notices of hearing and letting, the plans and specifications, the terms of the bidders' written proposal and the following contingencies: 1. Execution of Contract and Bond documents by Contractors and formal approval of Contract and Bond documents by Resolution of the City Council.

Section 3. The Mayor and City Clerk are hereby authorized and ordered to enter into a written contract with said contractors for the Central Business District Streetscape Project, said contract shall not be binding until approved by resolution of this City Council. Section 4. The amount for each contractor's performance, payment and maintenance bond is hereby fixed and determined to be 100% of the amount of the contract. Section 5. All resolution or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Motion by Fotiadis and second by Hooper to approve the amendment the engineering services for the Central Business District Project adding Construction Services with V&K. Roll call vote: Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; motion carried.

Motion by Bahls and second by Hicks to approve the development agreement with CCDC for the lot incentive program for the listing properties; roll call vote; Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; motion carried.

Motion by Hooper and second by Hicks to approve the special events permit for Christmas in the Park; roll call vote: Fotiadis, aye; Hicks, aye; Bahls, aye; Hooper, aye; motion carried.

Motion by Bahls and second by Hooper to waive the sewer chargers for the Clarke County Animal Shelter; roll call vote: Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; motion carried.

Motion by Fotiadis and second by Bahls to deny the application due to no end date: roll call vote: Fotiadis, aye; Hooper, aye; Bahls, aye; Hicks, aye; motion carried.

Ty Wheeler – City Administrator – Report on various projects updates.

Britanee Ward – City Clerk had nothing to report.

Marty Duffus – Police Chief – had nothing to report.

Council had nothing to report at this time.

Motion by Hooper and second by Fotiadis to approve the Consent Agenda:

- a. Bills & Claims; Bills & Claims paid per Chapter 7 in City Ordinance
- b. Council Minutes: October 1st, October 22nd , October 28th
- c. Liquor License: Timber Ridge (WBN001417)
- d. Drawdown GAX # 14 for 20-CVN-016 - \$ 13,961.00
- e. CDBG façade Grant Pay Estimate #10 - \$27,920.50 (Barry Larson & Sons)
- f. Resolution Assessing Fees outstanding Nuisances Notices 2024-41
- g. Amendment #2 to Central Business District Agreement for Construction Services including review for the project.

Resolution 2024-41:

**THE CITY COUNCIL OF THE CITY OF OSCEOLA HEREBY RESOLVES** the following fees be assessed and be collected in the same manner as general property taxes:

Description	Owner Name	Owner Address	Parcel Address	Fee Totals	Parcel #
Tall Grass	YEARINGTON, KEVIN	624 N FILLMORE	624 N FILLMORE	\$665.00	454
Junk truck	JOHNS, MICHAEL	600 N FILLMORE ST	600 N FILLMORE	\$7,300.00	459
Tall grass	COFFEY, TERRI L	316 N ADAMS ST	316 N ADAMS	\$843.75	626
Tall grass	COFFEY, TERRI L	711 W ADAMS ST	316 N ADAMS	\$1,095.00	627
Sidewalk snow	SHAFFER, BRET R	401 SE Q ST APT 43	219 W. Clay	\$50.00	651
Tall grass	SANDERS, BONNIE L	216 E CLAY ST	216 E CLAY	\$710.00	678
Tall Grass	SCOTT, CAROL ANN	201 E MCLANE	201 E MCLANE	\$175.00	714
sidewalk snow	SALINAS, ABEL & MARTINEZ, NAYELY	216 WEST CLAY	216 WEST CLAY	\$50.00	729
Tall Grass	ANDERSON, MICHAEL H & DEBRA S	1328 NATURE ST	110 N ADAMS	\$135.00	818
Tall Grass	KETCHAM, JERRY D & JUDY K	230 W JEFFERSON	230 W JEFFERSON	\$973.75	954
Sidewalk snow	DAVIS, MONIKA K	115 W MCLANE ST	115 W MCLANE ST	\$50.00	1134
sidewalk snow	CLOUGH, SAMUEL J	614 S MAIN ST	614 S MAIN ST	\$50.00	1225
Tall Grass	SMITH, GEORGE R	116 E MCKINLEY	116 E MCKINLEY	\$525.00	1236
Tall Grass	TOLENTINO, ARTURO & DUENAS, FELICIA	1311 S MAIN ST	128 W. Logan ST	\$205.00	1318
0	TOLENTINO, ARTURO & DUENAS, FELICIA	1311 S MAIN ST	128 W. Logan ST	\$50.00	1318
Tall Grass	MILER, JOHN A & DELORIS D	222 E GRANT	222 E GRANT	\$125.00	1395
Tall Grass	PETERSON, JOHN & LILA	303 8TH ST	620 W JEFFERSON	\$1,118.75	1457
Tall grass	PETERSON, JOHN & LILA	303 8TH ST	620 W JEFFERSON	\$692.75	1457
tall grass	SMITH, CARRIE A	200 S VALE	200 S VALE	\$160.00	1474

Sidewalk snow	CASTILLO, EDDIE	300 WEST CLAY	300 WEST CLAY	\$50.00	1539
Tall Grass	IAT 63 LLC	520 4TH ST SW STE A	520 4TH ST SW STE A	\$1,080.00	1595
Tall grass	SWAIM, LONDA SUE	702 S MAIN ST	402 W JEFFERSON	\$1,113.75	1595
Tall Grass	SERGEANT, WILLIAM J & MARILYN	630 E AYERS	214 S JACKSON	\$193.75	1615
Tall Grass	SARNOWSKI, ERNEST J & SUSAN R	206 S LINCOLN	206 S LINCOLN	\$756.25	1686
Tall Grass	Jaime Navarro	800 N. Main	800 N MAIN	\$156.25	1735
Sidewalk Snow	KCS RENTALS LLC	2129 240TH AVE	804 W. McLane	\$50.00	1820
				\$18,374.00	

The following Claims were paid:

Name ,Invoice Desc,Check Amount;

ACCESS SYSTEMS - PHONE ,CITY: SERVICES,927.84;  
AFLAC ,Employee Deductions,96.76;ALLIANT ENERGY ,STREET:  
UTILITIES,13071.84;AMAZON CAPITAL SERVICES ,CITY: SUPPLIES,50.84;  
AT & T ,POLICE: UTILITIES,581.08;AUTUMN RIDGE ,CITY: SERVICES,12906.37;  
BARRY LARSON & SON GENERAL CONTRACTORS INC ,CITY:  
PROJECT,27920.5;BLAKELY TREE SERVICE ,GOLF COURSE: SERVICES,11117;  
BSN SPORTS INC ,P&R: SUPPLIES,528;BUD JONES CONSTRUCTION ,CITY:  
SERVICES,47626.56;CARD SERVICE CENTER ,FIRE: SUPPLIES,254.36;  
CARD SERVICES - CITY CREDIT ,WWTP: SERVICES,132.82;  
CERTIFIED POWER INC COMPANIES ,STREET: SUPPLIES,493;  
CHESNUT LAWN & LANDSCAPE ,P&R: SERVICES,3178;  
CINTAS CORPORTATION (PW) ,WWTP: SUPPLIES,10.41;  
CINTAS-SERVICES (GOLF) ,GOLF COURSE: SERVICES,59.54;  
CITY OF MURRAY ,CITY: SERVICES,2506.56;CITY OF WOODBURN ,CITY:  
SERVICES,835.52;CLARKE CO RECORDER ,CITY: SERVICES,17;  
CLARKE COUNTY ANIMAL SHELTER ,CITY: SERVICES,2000;  
CLARKE COUNTY DEV. CORP. ,CITY: SERVICES,37370.43;  
CLEAR REFLECTIONS JANITORAL ,DEPOT: SERVICES,520;  
COLE-PARMER ,WWTP: SUPPLIES,142.5;OLLECTION SERVICE CENTER  
,CHILD SUPPORT,1622.08;COMPETITION SPECIALTIES ,POLICE:  
SUPPLIES,1268.75;COUNTRY CONCRETE ,STREET: SERVICES,1141.88;  
CRESTON PUBLISHING COMPANY ,CITY: PUBLICATION,865.7;  
CULLIGAN ,POLICE: SERVICES,37.13;CUSTOM CONCRETE TECHNOLOGIES  
,STREET: SERVICES,10140;D & D PEST CONTROL ,CITY: SERVICES,80;  
DAIDA ,CITY: SERVICES,374.85;DON'S JONS ,GOLF COURSE: SERVICES,370;  
DR. ANTHONY TATMAN ,POLICE: SERVICES,150;DUST PROS JANITORIAL  
,CITY: SUPPLIES,1597;ECHO ELECTRIC SUPPLY ,CITY: SUPPLIES,7805.64;  
ECOSYSTEMS INC ,WWTP: SERVICES,13600;EFTPS ,FEDERAL  
WITHHOLDING,38226.69;AREWAY STORES ,GOLF COURSE: SUPPLIES,40.54;  
FLEETSIDE FORD ,FIRE: SERIVES,232.25;GALLS LLC ,FIRE: SUPPLIES,821.94;  
GILBERTS TRUE VALUE HOME CENTER ,FIRE: SUPPLIES,136.13;  
HALLETT MATERIALS ,P&R: SUPPLIES,1666.5;HEARTLAND - CC GOLF  
COURSE ,GOLF COURSE: SERVICES,202;HIGHWAY LUMBER ,CITY:  
SERVICES,16619.64;HOSTIOWA.NET ,CITY: SUPPLIES,1604;  
HOTSY CLEANING SYSTEMS ,FIRE: SUPPLIES,931.17;IDEAL READY MIX CO.  
,STREET: SUPPLIES,3981;IMWCA ,CITY: SERVICES,10736;  
INFOMAX OFFICE SYSTEMS ,CITY: SERVICES,358.52;INTERSTATE  
POWERSYSTEMS ,SEWER: SUPPLIES,1092.64;IOWA FIRE EQUIPMENT  
COMPANY ,GOLF COURSE: SUPPLIES,399;IOWA LAW ENFORCEMENT

ACADEMY ,POLICE: SERVICES,300;IOWA RURAL WATER ASSOC. ,WWTP: SERVICES,405;IPERS ,MONTHLY CONTRIBUTION,25561.42;J P AUTO ,FIRE: SUPPLIES,431.77;JIM'S SANITATION& TRUCK REPAIR ,CITY: SERVICES,38122.67;KD TIRES LLC ,P&R: SERVICES,25;LACAL EQUIPMENT INC. ,STREET: SUPPLIES,407.8;LYLE PERSELS ,AIRPORT: SERVICES,38.04; MAINSTAY SYSTEMS OF IOWA LLC ,POLICE: SUPPLIES,1123.6;MEDIACOM ,CITY: UTILITIES,739.82;MENARDS ,WWTP: SUPPLIES,289.29; MET LIFE ,CITY: INSURANCE,4122.06;MIDWEST CURB GRINDING LLC ,STREET: SUPPLIES,350;MIDWEST OFFICE TECH. CO. ,FIRE: SERVICES,46.8;MUNICIPAL EMERGENCY SERVICES ,FIRE: SUPPLIES,1309.44; MUTUAL OF OMAHA ,CITY PORTION LIFE INSURANCE,530.44;NORTHLAND PRODUCTS COMPANY ,STREET: SUPPLIES,103.88;O'REILLY AUTOMOTIVE INC. ,P&R: SUPPLIES,13.58;OSCEOLA FARM & HOME ,P&R: SUPPLIES,223.16; OSCEOLA WATER WORKS ,CITY: SERVICES,4143.12;POWERPLAN ,WWTP: SUPPLIES,55.21;REYNOLDSON VAN WERDEN & RENOLDSON L.L.P. ,CITY: SERVICES,90;RYCHNOVSKY LAWN & LANDSCAPE ,CITY: SERVICES,750; SCHILDBERG CONST. CO. ,STREET: SUPPLIES,392.99;SERVICE TECHS INC ,P&R: SUPPLIES,247.72;SHIELD TECHNOLOGY CORPORATION ,POLICE: SUPPLIES,8062.5;SOLUTIONS ,WWTP: SUPPLIES,456;SOUTH CENTRAL IOWA LANDFILL AGENCY ,GOLF COURSE: SUPPLIES,65;STANARD & ASSOCIATES INC ,POLICE: SERVICES,195.5;T&S INDUSTRIES INC ,GOLF COURSE: SERVICES,600;TREASURER ST. OF IOWA ,STATE INCOME TAX,6230; UNIFIED CONTRACTING SERVICES ,AIRPORT: SERVICES,1977.9;US CELLULAR ,CITY: UTILITIES,1019.47;USA BLUEBOOK ,WWTP: SUPPLIES,38.27;VEENSTRA & KIMM INC. ,CITY: SERVICES,109969.08; WASH & WEIGH ,CITY: SERVICES,430;WASKER DORR WIMMER & MARCOUILLER PC ,CITY: SERVICES,100;WINDSTREAM ,STREET: UTILITIES,1474.73;ZIEGLER INC ,STREET: SUPPLIES,1072.4;ZIMCO SUPPLY CO. ,GOLF COURSE: SUPPLIES,208; ,Grand Total ,490169.64;EFT: 001269-001272 ,,;Check Numbers: 301992-302078 ,,;  
Fund Recap: ,,;1 ,General ,106862.23;33 ,Golf Course,14035.83;101 ,Insurance,10736; 110 ,Road Use Tax ,42328.27;112 ,Employee Benefits,25978.56;135 ,Urban Renewal ,50276.8;312 ,CDBG Façade ,27920.5;313 ,House Trades Program,71934.41; 315 ,Downtwon Project,66955.18;321 ,Recirculation Work ,42747.5;600 ,Water,923.84; 610 ,Waste Water,29470.52; ,Grand Total ,490169.64;

Revenues for September 2024:

Sep-23 General, 338789.48; Capital Equipment , 0;Workforce House Incentive , 0;Franchise, 0;UR Building Fund, 0;Golf Course, 28329.11;Dog Park / Christmas Décor, 0;Parks Projects, 0;Liability Insurance, 15820.05;Emergency Property Tax , 0;Road Use Tax , 86024;Employee Benefits, 39364.45;LOST Reservoir , 54469.84;Hotel/Motel Tax , 29907.56;CCLC Post Closure, 0;Casino Revenue Fund , 18213.74;Urban Renewal Fund, 0;TIF LMI SET-ASIDE, 0;Debt , 41355.45;Debt Service Reserve , 0;Airport Land Acquisition , 0;Terminal Area Paving , 0;GAVI Terminal , 0;FY 2014 Airport Hanger, 0; Airport Joint & Crack , 0;Terminal Area Pavement , 0;Airport Turnarounds 2022, 0; CDBG Façade Project, 0;CDBG CVD Façade, 0;High School Trades, 0;StreetScape & Trail Plan , 0;Sewer Plant, 1496431.06;CDBG 20-SW-036, 0;Storm Water Project , 0;Recirculation , 0;Depot Restoration Phase 2 , 0;Friends of the Depot , 0;ARAP Monies, 0;Cemetery Savings Fund, 0;Perpetual Care , ;Police Forfeiture , 527.84;Airport EAA Chapter 1143, 0;Expandable Library , 2868.04;Water , 0;Sewer , 212353.92;Sewer Sinking Fund, 0;Sewer Rehab , 0;Sewer Reserve, 0;Self Insurance , 79960.82;Grand Total , 2444415.36;

Postpone of close session until November 19<sup>th</sup> meeting.

There being no further business, motion by Hooper and second by Fotiadis to adjourn the meeting at 8:19 PM. All voting aye, motion carried.

---

Thomas J. Kedley - Mayor

Attest:

UNOFFICIAL