

**CITY OF OSKALOOSA CITY COUNCIL MEETING
REGULAR SESSION**

**COUNCIL CHAMBERS – CITY HALL, 220 S. MARKET STREET
AUGUST 19, 2013 – 6:00 P.M.**

AGENDA

CALL TO ORDER – 6:00 P.M.

ITEM 1. INVOCATION: Pastor Rodney DeRonde, Fellowship Bible Church

ITEM 2. PLEDGE OF ALLEGIANCE.

ITEM 3. ROLL CALL.

ITEM 4. COMMUNITY COMMENTS.

ITEM 5. CONSIDER ADOPTION OF CONSENT AGENDA AS PRESENTED OR AMENDED.

All items appearing on the Consent Agenda are considered routine by the City Council and shall be enacted by one motion. If discussion is desired, that item shall be removed and discussed separately.

a) Approval of Council Minutes and Actions, subject to corrections, as recommended by the City Clerk.

1. August 5, 2013 Regular City Council Meeting Minutes
2. August 19, 2013 Agenda

b) Receive and file minutes of Boards and Commissions (ANY RECOMMENDATIONS CONTAINED IN MINUTES BECOME EFFECTIVE ONLY UPON SEPARATE COUNCIL ACTION).

1. August 12, 2013 Planning and Zoning Commission Minutes
2. July 18, 2013 Housing Trust Fund Committee Minutes
3. July 22, 2013 Library Board of Trustees Special Meeting Minutes

c) Claims

1. Consider approval of payment of IDNR claims.

d) Permit Motions and Resolutions as Recommended by the City Clerk.

New:

None.

Renewal/Transfers:

None.

Resolutions/Motions:

None.

Ordinances:

None.

----- END OF CONSENT AGENDA -----

ITEM 6. REQUESTS FROM THE COMMUNITY

- a) Consider request from the Oskaloosa High School Student Council for the Homecoming Parade.

REGULAR AGENDA – PUBLIC HEARING ITEMS:

ITEM 7. CONSIDER A RESOLUTION LEVYING A SPECIAL ASSESSMENT AGAINST PRIVATE PROPERTY FOR WEED CUTTING BY THE CITY OF OSKALOOSA, IOWA IN ACCORDANCE WITH SECTION 8.20 OF THE CITY CODE OF THE CITY OF OSKALOOSA, IOWA. (PUBLIC HEARING)

REGULAR AGENDA – ORDINANCES:

ITEM 8. CONSIDER AN ORDINANCE TO VACATE AND SELL 60’X16.5’ OF THE NORTH-SOUTH PUBLIC ALLEY ADJACENT TO 835 SOUTH 2ND STREET – 2ND READING.

REGULAR AGENDA – RESOLUTIONS & MOTIONS:

ITEM 9. CONSIDER A RESOLUTION SCHEDULING A PUBLIC HEARING TO AMEND THE ZONING ORDINANCE OF THE CITY OF OSKALOOSA, IOWA BY REZONING THE PROPERTY LOCATED AT 214 HWY. 432 FROM MIXED USE URBAN CORRIDOR WITH A AVENUE COMMERCIAL CORRIDOR OVERLAY (UC/AV) DISTRICT TO GENERAL COMMERCIAL (GC) DISTRICT.

ITEM 10. CONSIDER A RESOLUTION APPROVING THE AWARD OF CONTRACT FOR THE C AVENUE EAST AND NORTH 3RD STREET PAVEMENT REHABILITATION PROJECT TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, AND AUTHORIZING THE CITY MANAGER TO UTILIZE AN ADDITIONAL TEN PERCENT FOR PROJECT CONTINGENCY.

ITEM 11. CONSIDER A RESOLUTION DENYING THE REQUEST BY MAHASKA COUNTY, IOWA TO AMEND THE AGREEMENT PURSUANT TO CHAPTER 28E, IOWA CODE BETWEEN THE CITY OF OSKALOOSA, IOWA AND CITY OF PELLA, IOWA AND MAHASKA COUNTY, IOWA FOR THE JOINT ACQUISITION, CONSTRUCTION, EQUIPPING, USE, EXPANSION AND OPERATION OF AN AIRPORT FACILITY.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT AND OTHER APPLICABLE FEDERAL AND STATE LAWS, ALL PUBLIC HEARINGS AND MEETINGS HELD OR SPONSORED BY THE CITY OF OSKALOOSA, IOWA WILL BE ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES. PERSONS REQUIRING SERVICE SHOULD CONTACT OSKALOOSA CITY HALL AT (641) 673-9431 FIVE (5) DAYS PRIOR TO THE HEARING OR MEETING TO INFORM THE CITY OF THEIR ANTICIPATED ATTENDANCE.

ITEM 12. CONSIDER A RESOLUTION APPROVING AN AMENDMENT TO THE *AGREEMENT FOR SANITARY SEWER CONSTRUCTION*.

ITEM 13. CONSIDER A MOTION APPROVING CHANGE ORDER NO. 1 FOR A NET INCREASE OF \$15,925.00 TO THE TOTAL PROJECT COST FOR THE WEST AREA SANITARY SEWER IMPROVEMENTS PROJECT TO DELONG CONSTRUCTION, INC.

ITEM 14. REPORT ON ITEMS FROM CITY STAFF.

- a) City Manager.
- b) City Clerk.
- c) City Attorney.

ITEM 15. CITY COUNCIL INFORMATION.

ADJOURNMENT

OSKALOOSA
IOWA



CITY COUNCIL COMMUNICATION

MEETING DATE: August 19, 2013

REQUESTED BY: MAYOR & CITY COUNCIL

ITEM TITLE: CALL TO ORDER AND ROLL CALL – 6:00 p.m.

1. Invocation: Pastor Rodney DeRonde, Fellowship Bible Church
2. Pledge of Allegiance
3. Roll Call: _____ Mayor David Krutzfeldt, Council Members:

_____ Caligiuri, _____ Jimenez, _____ Moore, _____ Van Zetten,

_____ Ver Steeg, _____ Walling, _____ Yates.

EXPLANATION:

Not applicable.

BUDGET CONSIDERATION:

Not applicable.

ATTACHMENTS: None

OSKALOOSA
IOWA



CITY COUNCIL COMMUNICATION

MEETING DATE: August 19, 2013

REQUESTED BY: MAYOR & CITY COUNCIL

ITEM TITLE: COMMUNITY COMMENTS

EXPLANATION:

This item is reserved to receive comments from the community for concerns whether or not they are included in the current agenda. The community is encouraged to come and speak before the Mayor and City Council and asked to keep statements brief. Any questions are to be asked of the City staff, Council Members, or the Mayor prior to speaking to the full Council so concerns may be properly researched and answered away from the meeting. Comments are to be directed to the Mayor and City Council only.

BUDGET CONSIDERATION:

Not applicable.

ATTACHMENTS:

Consent Agenda Items: All items appearing on the Consent Agenda are considered routine in nature and no discussion is anticipated.

Item 1. Minutes and reports from city council meetings, boards and commissions:

Staff recommends council receive and file these documents.

Item 2. Consider approval of payment of IDNR claims.

OSKALOOSA
IOWA



CITY COUNCIL COMMUNICATION

MEETING DATE: August 19, 2013

REQUESTED BY: CITY MANAGER'S OFFICE

ITEM TITLE: CONSENT AGENDA – ITEM 1

EXPLANATION:

All items appearing on the Consent Agenda are considered routine by the City Council and shall be enacted by one motion. If discussion is desired, that item shall be removed, discussed separately and approved by a separate motion of the City Council.

- A. Approval of Council Minutes and Actions, subject to corrections, as recommended by the City Clerk.
 - 1. August 5, 2013 Regular City Council Meeting Minutes
 - 2. August 19, 2013 Agenda

- B. Receive and file the following reports and communications from advisory and operating boards and commissions:
 - 1. August 12, 2013 Planning and Zoning Commission Minutes
 - 2. July 18, 2013 Housing Trust Fund Committee Minutes
 - 3. July 22, 2013 Library Board of Trustees Minutes

ATTACHMENTS:

August 5, 2013 Regular City Council Meeting Minutes
August 12, 2013 Planning and Zoning Commission Minutes
July 18, 2013 Housing Trust Fund Committee Minutes
July 22, 2013 Library Board of Trustees Minutes

OSKALOOSA CITY COUNCIL
REGULAR MEETING
August 5, 2013

The Oskaloosa City Council met in regular session on Monday, August 5, 2013, at 6:00 p.m. with Mayor Pro Tem Yates presiding and the following members answering roll call: Caligiuri, Jimenez, Van Zetten, Ver Steeg, Walling and Yates. Absent: Krutzfeldt and Moore.

A moment of silence was observed for Dan Bolt, Building Official.

It was moved by Caligiuri, seconded by Jimenez to continue the item regarding an amendment to the 28E Agreement for the regional airport. The roll was called and the vote was:

AYES: Caligiuri, Jimenez, Van Zetten, Walling and Yates

NAYS: Ver Steeg

Whereupon the Mayor Pro Tem declared said motion approved.

Rob Hammond, 1526 Hwy. 163, commented regarding the amendment to the 28E Agreement for the regional airport.

Jimenez introduced Resolution No. 13-08-67 entitled "RESOLUTION OF APPRECIATION" to recognize and commemorate Jon Sullivan's service to the community as executive director of the Oskaloosa Area Chamber & Development Group and moved its approval. Ver Steeg seconded the motion. The roll was called and the vote was:

AYES: Caligiuri, Jimenez, Van Zetten, Ver Steeg, Walling and Yates

NAYS: None

Whereupon the Mayor Pro Tem declared said resolution duly adopted.

Jon Sullivan, Executive Director of the Oskaloosa Area Chamber & Development Group, spoke after receiving the resolution of appreciation.

It was moved by Ver Steeg, seconded by Caligiuri to approve the consent agenda:

1. July 15, 2013 Regular City Council Meeting Minutes
2. August 5, 2013 Agenda
3. Receive and file the following reports and communications from advisory and operating boards and commissions:
 - a. June 6, 2013 Housing Trust Fund Committee Minutes
 - b. June 10, 2013 Water Board Minutes
 - c. July 15, 2013 Historic Preservation Commission Minutes
 - d. July 1, 2013 Airport Commission Minutes
 - e. July 10, 2013 Airport Commission Special Meeting Minutes
4. Claims for July 2013
5. Renewal application for a Class C Beer Permit from Danlee Corp. dba Jiffy, 315 A Avenue East.

The roll was called and the vote was:

AYES: Caligiuri, Jimenez, Van Zetten, Ver Steeg, Walling and Yates
NAYS: None

Whereupon the Mayor Pro Tem declared said motion approved.

Ver Steeg introduced "AN ORDINANCE AMENDING THE CITY CODE OF OSKALOOSA, IOWA BY CHANGING THE ZONING OF CERTAIN PROPERTY LOCATED AT 201 TRUEBLOOD AVENUE FROM MULTIPLE FAMILY RESIDENTIAL DISTRICT (R-3) TO MULTIPLE FAMILY RESIDENTIAL DISTRICT WITH CONDITIONAL PLANNED USE OVERLAY DISTRICT (R-3/CP)" and moved its approval on the third reading. Caligiuri seconded the motion. The roll was called and the vote was:

AYES: Caligiuri, Jimenez, Van Zetten, Ver Steeg, Walling and Yates
NAYS: None

Whereupon the Mayor Pro Tem declared said ordinance duly adopted. The ordinance was assigned No. 1341.

Ver Steeg introduced "AN ORDINANCE AMENDING CHAPTER 10.48 – "PARKING REGULATIONS GENERALLY," SECTION 10.48.255 – "SCHOOL LOADING AND UNLOADING ZONES" AND SECTION 10.48.260 – "BUS LOADING ZONES"; OF THE CITY CODE OF THE CITY OF OSKALOOSA, IOWA" and moved its approval on the third reading. Caligiuri seconded the motion. The roll was called and the vote was:

AYES: Caligiuri, Jimenez, Van Zetten, Ver Steeg, Walling and Yates
NAYS: None

Whereupon the Mayor Pro Tem declared said ordinance duly adopted. The ordinance was assigned No. 1342.

The Mayor Pro Tem announced there was a vacancy on the Building Code Board of Appeals.

The Mayor Pro Tem announced this was the time and place for the public hearing to vacate and sell 60'X16.5' of the north-south public alley adjacent to 835 South 2nd Street and that citizens would now have an opportunity to comment. There were no oral or written comments received. The Mayor Pro Tem declared said hearing closed.

Jon Zobel, 1803 North 3rd Street, Chair of the Planning & Zoning Commission, commented regarding vacating the north-south public alley adjacent to 835 South 2nd Street.

Caligiuri introduced "AN ORDINANCE VACATING THE NORTH-SOUTH PUBLIC ALLEY ADJACENT TO 835 SOUTH 2ND STREET AND THE SALE OF SAID PUBLIC ALLEY RIGHT-OF-WAY" and moved its approval on the first reading. Ver Steeg seconded the motion. The roll was called and the vote was:

AYES: Caligiuri, Jimenez, Van Zetten, Ver Steeg, Walling and Yates
NAYS: None

Whereupon the Mayor Pro Tem declared said ordinance approved on the first reading.

The Mayor Pro Tem announced this was the time and place for the public hearing on amending Title 17, "Zoning," Chapter 17.28, "Off-Street Parking," Section 17.28.060 B. "Pavement and Drainage," and Section 17.28.080 – "Parking for Personal and Recreational Vehicles" and that citizens would now have an opportunity to comment. Jim Pierce, 502 South C Street, and Don Veldhuizen, 501 15th Avenue East, commented. There were no written comments received. The Mayor Pro Tem declared said hearing closed.

Jon Zobel, 1803 North 3rd Street, Chair of the Planning & Zoning Commission, commented regarding amending Title 17, "Zoning," Chapter 17.28, "Off-Street Parking," Section 17.28.060 B. "Pavement and Drainage," and Section 17.28.080 – "Parking for Personal and Recreational Vehicles."

It was moved by Caligiuri, seconded by Jimenez to approve the first reading of an ordinance amending Title 17, "Zoning," Chapter 17.28, "Off-Street Parking," Section 17.28.060 B. "Pavement and Drainage," and Section 17.28.080 – "Parking for Personal and Recreational Vehicles" and then withdrew their motions.

It was moved by Caligiuri, seconded by Jimenez to schedule a city council work session to discuss amending Title 17, "Zoning," Chapter 17, 28, "Off-Street Parking," Section 17.28.060 B. "Pavement and Drainage," and Section 17.28.080 – "Parking for Personal and Recreational Vehicles." The roll was called and the vote was:

AYES: Caligiuri, Jimenez, Van Zetten, Ver Steeg, Walling and Yates

NAYS: None

Whereupon the Mayor Pro Tem declared said motion approved.

Jimenez introduced Resolution No. 13-08-68 entitled "RESOLUTION SCHEDULING A TIME FOR HEARING FOR CONSIDERING THE MATTER OF LEVYING A SPECIAL ASSESSMENT AGAINST PRIVATE PROPERTY FOR WEED CUTTING BY THE CITY IN ACCORDANCE WITH SECTION 8.20 OF THE CITY CODE OF THE CITY OF OSKALOOSA, IOWA, AND DIRECTING NOTICE TO THE OWNER OF THE PROPERTY TO BE ASSESSED" and moved its approval. Caligiuri seconded the motion. The roll was called and the vote was:

AYES: Caligiuri, Jimenez, Van Zetten, Ver Steeg, Walling and Yates

NAYS: None

Whereupon the Mayor Pro Tem declared said resolution duly adopted.

Caligiuri introduced Resolution No. 13-08-69 entitled "RESOLUTION ACCEPTING THE WORK OF TK CONCRETE INC. FOR THE EAST MALL PARKING IMPROVEMENTS PROJECT," approving Pay Request No. 4 in the amount of \$4,854.50 and the final retainage amount of \$13,437.25. Jimenez seconded the motion. The roll was called and the vote was:

AYES: Caligiuri, Jimenez, Van Zetten, Ver Steeg, Walling and Yates

NAYS: None

Whereupon the Mayor Pro Tem declared said resolution duly adopted.

It was moved by Caligiuri, seconded by Jimenez to approve Pay Request No. 3 to Norris Asphalt Paving Co. in the amount of \$165,709.17 for work completed on the South 7th Street Pavement Rehabilitation Project. The roll was called and the vote was:

AYES: Caligiuri, Jimenez, Van Zetten, Ver Steeg, Walling and Yates

NAYS: None

Whereupon the Mayor Pro Tem declared said motion approved.

Ver Steeg introduced Resolution No. 13-08-70 entitled "RESOLUTION FOR PRELIMINARY APPROVAL OF PLANS, SPECIFICATIONS, AND ESTIMATED COST; SETTING DATE OF PUBLIC HEARING ON PLANS, SPECIFICATIONS, AND ESTIMATED COST; AND ORDERING THE ADVERTISEMENT FOR BIDS ON THE C AVENUE EAST AND NORTH THIRD STREET PAVEMENT REHABILITATION PROJECT" and moved its approval. Caligiuri seconded the motion. The roll was called and the vote was:

AYES: Caligiuri, Jimenez, Van Zetten, Ver Steeg, Walling and Yates

NAYS: None

Whereupon the Mayor Pro Tem declared said resolution duly adopted.

Jimenez introduced Resolution No. 13-08-71 entitled "A RESOLUTION APPROVING CONTRACT AND BOND FOR THE WEST AREA SANITARY SEWER IMPROVEMENTS PROJECT TO DELONG CONSTRUCTION, INC. FOR AN AMOUNT NOT TO EXCEED \$498,671.50 AND APPROVE A CONSTRUCTION CONTINGENCY NOT TO EXCEED \$24,933.57" and moved its approval. Ver Steeg seconded the motion. The roll was called and the vote was:

AYES: Caligiuri, Jimenez, Van Zetten, Ver Steeg, Walling and Yates

NAYS: None

Whereupon the Mayor Pro Tem declared said resolution duly adopted.

City Council members were given the opportunity to report to Council on the activities of the city boards and commissions they serve on.

It was moved by Caligiuri, seconded by Ver Steeg that the meeting adjourn. Motion carried unanimously. The meeting adjourned at 7:10 p.m.

Doug Yates, Mayor Pro Tem

ATTEST:

Amy Miller, City Clerk

CITY OF OSKALOOSA
MINUTES OF PLANNING & ZONING COMMISSION MEETING
August 12, 2013

A regularly scheduled meeting of the Planning and Zoning Commission for the City of Oskaloosa was called to order at 4:34 p.m. on Monday, August 12, 2013, by Chairmen Jon Zobel, at 220 South Market Street, Oskaloosa, Iowa. COMMISSION MEMBERS PRESENT: Chairmen Jon Zobel, Charlie Comfort, Dan Karow, and Michelle Purdum; COMMISSION MEMBERS ABSENT: Holden Barnhart, Brian Booy and R. D. Keep; CITY STAFF PRESENT: Public Works Director: Akhilesh Pal.

Minutes from the July 8, 2013 Planning and Zoning meeting.

Karow moved, Purdum seconded to approve the minutes from the July 8, 2013 Planning and Zoning meeting. The vote was: YES – Zobel, Karow, and Purdum; No – none; Absent – Barnhart, Booy, and Keep. Abstain: Comfort. Comfort abstained from voting because he was not present at the July 8, 2013 meeting. Motion carried.

Consider a request to amend the zoning ordinance of the City of Oskaloosa, Iowa, by rezoning of the property located at 214 Hwy 432 from Urban Corridor with A Avenue Commercial Corridor Overlay (UC/AV) District to General Commercial (GC) District.

The commission members questioned the applicant on the land use, usage of heavier vehicles and traffic circulation. They discussed about the impact of land uses in a GC district and to avoid spot zoning. They also discussed about the small strip of parcel just north of the 214 Highway 432 that will remain as a UC/AV district if this rezone request is approved. However, they considered the time constraint of the applicant and agreed to approve this rezone request. Purdum moved, Karow seconded to approve the rezone request. The vote was: YES – Zobel, Comfort, Karow, and Purdum; No – none; Absent – Barnhart, Booy, and Keep. Motion carried.

Discussion on the City Code of the City of Oskaloosa, Iowa by reviewing provisions pertaining to Chapter 17.30 – “Sign Regulations”, regarding the real estate signs.

The commission members discussed about the size of real estate signs in residential and non residential districts, setback from property lines, and the general literature of the ordinance. They all agreed that maximum size of 6 square feet is adequate in residential districts. Comfort moved, Karow seconded to have the staff present a zoning ordinance amendment on their meeting on September 9, 2013. The vote was: YES – Zobel, Comfort, and Karow; No – none; Absent – Barnhart, Booy, and Keep. Abstain: Purdum. Purdum abstained from voting because she is a realtor. Motion carried.

Discussion on vice chair person

The commission members discussed about the need and the options to elect a vice chair. Chairmen Zobel elected Comfort for the vice chair. Karow moved, Purdum seconded to approve Charlie Comfort as the vice chair of the planning and zoning commission. The vote was: YES – Zobel, Karow, and Purdum; No – none; Absent – Barnhart, Booy, and Keep. Motion carried. Abstain: Comfort. Comfort abstained from voting because he was being elected as the vice chair. Motion carried.

Chairmen Zobel adjourned the meeting at 5:12 PM.

Minutes by Akhilesh Pal

OSKALOOSA HOUSING TRUST FUND COMMITTEE MINUTES

Thursday, July 18, 2013 - 12:00 Noon

City Hall Conference Room

The committee meeting was called to order by Chair Taylor at 12:04 p.m. with the following members present: Rob Taylor, Valinn McReynolds, Jon Sullivan, Dave Polkowske, Bernice Hahn, Dan Adams, Joe Caligiuri, Julia Ross, Kandes Dalbey, and Randell Davis. Members absent: Kathie Dykstra, Noel C. Stahle and Leon McCullough. Also present: City Manager Michael Schrock, City Clerk Amy Miller, Charlie Comfort, Marilyn Johannes and Dylan Mulfinger (arrived later in the meeting).

It was moved by Dalbey, seconded by Ross to approve the June 6, 2013 Housing Trust Fund Committee Minutes. Motion carried unanimously.

Taylor asked that the FY 2013 Financial Report item be discussed before action on the demolition grant requests and asked for the balance in the accounts. Miller reviewed the FY 2013 Financial Report.

Schrock told the committee he was in favor of approval of the demolition grant request from Brian Booy of Brian Booy Construction L.L.C. Schrock said Booy submits documents timely and builds well-constructed buildings. It was moved by Adams, seconded by Davis to approve demolition grant funds up to \$4,000 for demolition of the structure located at 921 South H Street. Motion carried unanimously.

Joe Caligiuri indicated Gregory Meyer had visited with him regarding Meyer's plans for demolition of the structure located at 714 North C Street and Caligiuri provided the committee with background information regarding the property at 714 and 718 North C Street. It was moved by Ross, seconded by Dalbey to approve demolition grant funds up to \$4,000 for demolition of the structure located at 714 North C Street. (The lots located at 714 and 718 North C Street will be combined to meet requirements.) Motion carried unanimously.

It was moved by Adams, seconded by Davis to approve demolition grant funds up to \$4,000 for demolition of the structure located at 433 North 6th Street. Motion carried unanimously.

Miller explained that an OHTF member had contacted her and asked that a revision be made to the OHTF Subordination Policy and also amend all plan agreements. Adams said he had asked for the revision in order to allow a client to lower the amount of time to pay off a loan by decreasing the time from 30 years to 20 years which increased their payments by over \$300 monthly. After discussing the pros and cons of changing the plan the committee asked staff to find out if the plan could be changed to allow refinancing to pay off a loan sooner.

Taylor pointed out that according to the minutes from the last meeting Kandes Dalbey had agreed to accept election as chair and Dan Adams had agreed to continue to serve as vice-chair.

Taylor asked for nominations for chair. Ross moved to nominate Kandes Dalbey, Hahn seconded and motion carried unanimously.

Taylor asked for nominations for vice-chair. Ross moved to nominate Dan Adams, Hahn

seconded, motion carried unanimously.

It was moved by Polkowske, seconded by Adams to approve the June claims list for payment. Motion carried unanimously except for Ross who abstained.

Committee consensus was to hold the next meeting on the first Thursday of the month which is August 1.

Sullivan reported the grant application for the old post office building did not get approved with Section 5 applications, but there may be a chance that applications will be received later under Section 6 in late to mid-fall. Sullivan said 12 out of 54 units in our category got approved and indicated the projects that were approved consisted of a larger number of units (old post office was 6 units).

The meeting adjourned at 12:40 p.m.

Minutes by Marilyn Johannes

MINUTES
OSKALOOSA PUBLIC LIBRARY BOARD OF TRUSTEES
MONDAY – JULY 22, 2013 -- 4:00 P.M.

The meeting was called to order by Board president Judy Bishop. Roll call was taken by Board secretary Susan Hasso with Trustees Paul Groenenboom, Chris Harbour, Jane Ireland, Kathy Rothfus, Candace Slobe, and Mike Sytsma present. Also present was Library Director William Ottens.

Minutes: Bishop called for a motion to approve the minutes of the June 24, 2013, Board meeting. Motion was made by Sytsma, seconded by Harbour, to approve the minutes of the June 24, 2013, Board meeting. Motion passed. Bishop then called for a motion to approve the minutes of the June 27, 2013, Special Board meeting. Motion was made by Sytsma, seconded by Rothfus, to approve the minutes of the June 27, 2013, Special Board meeting. Motion passed.

Board Correspondence, Public Input or Friends Report: None

Director's Report: Library Director William Ottens highlighted some of the items in his report to the Board.

ALA Conference: William reported on the American Library Association conference in Chicago that he attended. There were over 26,000 librarians in attendance. Some of the sessions he attended were *20 Programs under \$20*, *Teens on Boards*, and *Late Nights at the Library*. William also attended several author panels and presentations.

Summer Reading Update: William told the Board that Summer Reading activities have continued to be well attended, especially the children's activities. William talked about upcoming programs and activities.

Reading Garden Fence Update: William said that he has spoken to Dan Brice from db Landscaping about getting started on the fence around the Reading Garden. Brice said that they are booked about a month out. Brice has placed an order for the bricks that we have asked him to replace, and they plan to re-lay the bricks around the same time that they install the fence.

Page Position: William informed the Board that he is in the process of filling one of the page positions. William and Paulette will be interviewing and hiring a new page for the open position.

Code of Ethics of the American Library Association: William said that one of the requirements for accreditation from the state is that the Board of Trustees receives training, or continuing education, on their roles as trustees and on libraries in general. William said that he would like to start including a small discussion at the end of his report that will serve to meet this requirement. In the following discussion of the Code of Ethics of the American Library Association, item #3 seemed to provide challenges for libraries. Item # 3 states that the library will protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired, or transmitted.

Committee Reports:

Staff Committee – Jane Ireland, chair: None.

Budget & Finance Committee – Judy Bishop, chair: None

Policy & Planning Committee – Candace Slobe, chair: None

Technology Committee – Kathy Rothfus, chair: The Technology Committee met to discuss issues with the library's current computer reservation software Vendprint Access Manager (VAM), which assigns patrons computers and manages their time. The committee agreed that the library is not getting what we are paying for and looked at two alternate time management systems. During new business the committee will recommend switching to EnvisionWare at a cost of \$5927.50 for licensing, installation, and professional services with the funds coming from

the Riefe fund. The Technology Committee also discussed developing a Technology Plan and possible replacement of the self-check machine.

Building & Grounds – Michael Collins, chair: The Building and Grounds Committee have exchanged information on the columns in the front of the building. Dennis Shankster from Shankster Masonry said that the integrity of the columns is good. The painting has been done. The carpet cleaning will be done after Summer Reading ends. Simplex Grinnell, who maintains and monitors our fire and intrusion systems, did their annual inspection, and recommended 3 upgrades to the system. William told the Board that when the panel was broken in the elevator, Schindler Elevator Company was called. William contacted the company about the invoice for the repair to the elevator panel due to the length of time the technician was in the building. Schindler re-issued the invoice, reducing the charge for travel and labor by \$68.78.

Unfinished Business: None.

New Business:

Baker Group: There are three invoices from Baker Group coming through this month. Invoice 79458 for \$1,804.00 is for the replacement of contactors, which was approved to be paid from the Library Maintenance Fund at the special Board meeting in May. Invoice 79175 for \$924.70 is for refilling of refrigerant in ACCU-4 and Invoice 78827 for \$1039 is for the replacement of the motor in ACCU-3. William said that he went ahead and authorized these emergency repairs, as these issues would have affected the air conditioning in the building. William is seeking a motion from the Board to approve the payment of Invoice 78827 for \$1039 from the Library Maintenance Fund and Invoice 79175 for \$924.70 from the General Fund. Motion was made by Rothfus, seconded by Ireland, to approve payment of Baker Group Invoice 78827 for \$1039 from the Library Maintenance Fund and Invoice 79175 for \$924.70 from the General Fund. Motion passed.

EnvisionWare Computer Reservation Software: As a result of the Technology Committee's recommendation from earlier in the meeting, William is seeking a motion to approve the installation of EnvisionWare at the cost of \$5927.50, to be paid from the Riefe Memorial Fund. Motion was made by Ireland, seconded by Slobe, to approve the installation of EnvisionWare at the cost of \$5927.50, to be paid from the Riefe Memorial Fund. Motion passed.

Approval of Claims: Motion was made by Sytsma, seconded by Slobe, to approve payment of the July claims. Motion passed.

President's Remarks: None.

Adjournment: Motion was made by Harbour, seconded by Sytsma, to adjourn. Motion passed.

The next regular meeting will be on Monday, August 26, 2013, at 4:00 p.m. in the library meeting room.

Respectfully submitted,

Susan Hasso
Library Administrative Assistant
for the Board



CITY COUNCIL COMMUNICATION

MEETING DATE: August 19, 2013

REQUESTED BY: Wastewater Department

ITEM TITLE: CONSENT AGENDA – ITEM 2

Consider approval of payment of IDNR claims.

EXPLANATION:

The City received invoices from the Iowa Department of Natural Resources in the mail on August 12, 2013. The invoices are for our annual operating permit fees at both the north and south plants. The fees must be submitted by August 30, 2013. Attached are two invoices for \$1,275.00 each for renewal of discharge permits.

Staff recommends approval.

BUDGET CONSIDERATION:

\$2,550.00.

ATTACHMENTS: Two invoices from IDNR in the amount of \$2,550.00 and cover letter.



STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
CHUCK GIPP, DIRECTOR

August 5, 2013

CITY OF OSKALOOSA
CITY HALL, 220 SOUTH MARKET ST.
OSKALOOSA, IA 52577

RE: Annual NPDES wastewater permit fees for permit numbers 6273001 and 6273002, OSKALOOSA CITY OF STP (NORTHEAST) and OSKALOOSA CITY OF STP (SOUTHWEST)

To Whom It May Concern:

Enclosed are the invoices for the annual NPDES permit fees for the state fiscal year 2014 (July 1, 2013 – June 30, 2014). This fee is referenced in the Iowa Administrative Code at 567-64.16(455B). All facilities covered by a non-storm water NPDES permit are required to submit an annual fee based on facility type.

The annual fees specified on the enclosed invoices must be submitted by August 30, 2013. Failure to submit the required amount by the due date is a violation of Iowa Administrative Code 567-64.16(455B) and may result in revocation or suspension of the facility's NPDES permit as noted in 567 IAC 64.3(11)"f.". The annual fees must be paid in full.

Sign and return the invoices together with one or more checks or money orders for the invoice amounts made payable to "Iowa Department of Natural Resources". If your current mailing address is different from that on the invoices, please clearly note the address change by correcting the address on the invoices.

If there are any questions regarding the annual fees, or you wish to pay by credit card, please contact me at 515/281-7206 or courtney.cswercko@dnr.iowa.gov.

Sincerely,

A handwritten signature in black ink that reads "Courtney Cswercko".

Courtney Cswercko
NPDES Section

Enclosures



National Pollutant Discharge
Elimination Systems (NPDES)
Annual Fee Invoice

Callier's Use Only
0945-542-NPDE-0570-
32-3201
Permit ID#:6273001
OSKALOOSA CITY OF STP
(NORTHEAST)

OSKALOOSA CITY OF STP (NORTHEAST)	
CITY OF OSKALOOSA CITY HALL, 220 SOUTH MARKET ST. OSKALOOSA, IA 525770	
Permit ID #:	6273001
Amount Due:	\$1275.00
Due Date:	8/30/2013

The facility noted above is required to submit the specified annual fee by the specified due date. Failure to submit the required amount by the due date is a violation of Iowa Administrative Code 567-64.16(455B) and may result in revocation or suspension of the facility's NPDES permit as noted in 567-64.3(11)"f." The annual fee must be paid in full.

Please sign and return this form together with a check or money order made payable to "Iowa Department of Natural Resources".

If you have any questions regarding the annual fees, please contact Courtney Cswercko at 515/281-7206.

Signature of Responsible Official: David Neubert
Printed Name: David Neubert
Title: Wastewater Director

Mail to:
Iowa Department of Natural Resources
502 East 9th Street
Des Moines, IA 50319-0034



**National Pollutant Discharge
Elimination Systems (NPDES)
Annual Fee Invoice**

Callers Use Only
0945-542-NPDE-0570-
32-3201
Permit ID#: 6273002
OSKALOOSA CITY OF STP
(SOUTHWEST)

OSKALOOSA CITY OF STP (SOUTHWEST)	
CITY OF OSKALOOSA CITY HALL, 220 SOUTH MARKET ST. OSKALOOSA, IA 525770	
Permit ID #:	6273002
Amount Due:	\$1275.00
Due Date:	8/30/2013

The facility noted above is required to submit the specified annual fee by the specified due date. Failure to submit the required amount by the due date is a violation of Iowa Administrative Code 567-64.16(455B) and may result in revocation or suspension of the facility's NPDES permit as noted in 567-64.3(11)"f." The annual fee must be paid in full.

Please sign and return this form together with a check or money order made payable to "Iowa Department of Natural Resources".

If you have any questions regarding the annual fees, please contact Courtney Cswercko at 515/281-7206.

Signature of Responsible Official: David Neubert
Printed Name: David Neubert
Title: Wastewater Director

Mail to:
Iowa Department of Natural Resources
502 East 9th Street
Des Moines, IA 50319-0034

OSKALOOSA
IOWA



CITY COUNCIL COMMUNICATION

MEETING DATE: August 19, 2013

REQUESTED BY: CITY MANAGER'S OFFICE

ITEM TITLE: REQUESTS FROM THE COMMUNITY

Consider a motion to approve the request from the Oskaloosa High School Student Council for the Homecoming Parade.

EXPLANATION:

The Oskaloosa Student Council is requesting approval for the 2013 Oskaloosa High School Homecoming Parade on Thursday, September 26, 2013, at 6:30 p.m. with lineup beginning at 5:30 p.m. They are requesting use of High Avenue East from South 3rd Street to South Market Street, South Market Street to 1st Avenue East, 1st Avenue East to South 3rd Street. Closure of South Market Street also requires approval from the Iowa Department of Transportation.

The Oskaloosa Student Council is requesting the \$25.00 street closure fee be waived.

BUDGET CONSIDERATION:

Staff time and costs to set up barricades and police escort as part of the parade.

ATTACHMENTS:

Letter from Oskaloosa High School Student Council

August 12, 2013

Dear Oskaloosa City Council:

The Oskaloosa High School student council is requesting to have its homecoming parade on Thursday, September 26th with line up starting at 5:30 pm and the parade beginning at 6:30 pm. For the parade we are requesting the use of High Ave East from South 3rd Street to South Market Street, South Market Street to 1st Ave East, 1st Ave East to South 3rd Street. All parade entries will disperse when they reach South 3rd Street. If you have any questions, please contact Kim Gile at 673-3407, extension 1860.

Sincerely,

A handwritten signature in cursive script that reads "Travis Gile / Ryder Curtis". The signature is written in black ink and is positioned above the typed names.

Travis Gile and Ryder Curtis
Co-Chairs- Homecoming Parade Committee

OSKALOOSA
IOWA



CITY COUNCIL COMMUNICATION

MEETING DATE: August 19, 2013

REQUESTED BY: Amy Miller,
City Clerk

ITEM TITLE: PUBLIC HEARINGS

Consider a resolution levying a special assessment against private property for weed cutting by the City of Oskaloosa, Iowa in accordance with Section 8.20 of the city code of the City of Oskaloosa, Iowa. (PUBLIC HEARING)

EXPLANATION:

This is the time for the public hearing on levying a special assessment against private property for weed cutting as outlined in Exhibit A. Certified notices were sent to each property owner and a notice was published in the Oskaloosa Herald.

Staff recommends opening the public hearing, receive oral and written comments, close hearing and approve resolution.

BUDGET CONSIDERATION:

\$5,200 revenue to the Sanitary Sewer Fund to offset expenses related to the work performed by the City.

ATTACHMENTS:

Resolution
Exhibit A

RESOLUTION NO. _____

RESOLUTION LEVYING A SPECIAL ASSESSMENT AGAINST PRIVATE PROPERTY FOR CUTTING AND REMOVAL OF WEEDS BY THE CITY OF OSKALOOSA, IOWA, IN ACCORDANCE WITH TITLE 8, CHAPTER 8.20 OF THE CITY CODE OF THE CITY OF OSKALOOSA, IOWA.

WHEREAS, the City of Oskaloosa, Iowa did cut and remove weeds and brush from private properties listed in Exhibit "A" attached hereto and by this reference incorporated within; and

WHEREAS, the City Council of the City of Oskaloosa, Iowa is empowered to levy such assessment as may be appropriate against said properties for such cutting and removal of weeds and brush by Title 8, Chapter 8.20 of the City Code of the City of Oskaloosa, Iowa; and

WHEREAS, hearing on said assessments was duly scheduled for the 19th day of August, 2013 at 6:00 p.m., proper notice of said hearing was given; and

WHEREAS, hearing before the City Council of the City of Oskaloosa, Iowa was held at the above mentioned date and time, and all objections to said assessments were heard; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Oskaloosa, Iowa that special assessments for the cutting and removal of weeds and brush are hereby levied against the properties described in Exhibit "A" unless said special assessments are paid in full within thirty days. All unpaid assessments will draw annual interest at nine per cent computed to the December 1st next following the due dates. The unpaid assessments shall constitute a lien against the property and shall be collected by the County Treasurer in the same manner as other taxes. Any assessments more than five hundred dollars will be paid in annual installments that will not exceed fifteen.

PASSED AND APPROVED this 19th day of August, 2013.

David Krutzfeldt, Mayor

ATTEST:

Amy Miller, City Clerk

EXHIBIT "A"
 2013 WEED CUTTING ASSESSMENTS
 MAY 2013

OWNER	ADDRESS/LEGAL	DATE MOWED	COST
Craig A/Teresa Fawcett	115 3rd Ave E S 75' Lot 8 & E 15' S 75' Lot 7 Blk 35 OP	5-15/16-2013	\$250.00
Robert W DeCook	115 5th Ave W S 1/2 Lot 5 & W 20' S 1/2 Lot 6 Blk 12 Montgomery's Addition	5/15/2013	\$250.00
Jeremy R/Christina L Anderson	313 N 1st St Lot A O L 15 O P	5/15/2013	\$250.00
Trampas V/Peggy C Sams	327 N 1st St Lot 7 O L 15 O P	5/15/2013	\$250.00
Josh Purdy	440 N 1st St Lot B Blk 6 Mulhallens Addition	5/15/2013	\$250.00
CG Holdings LLC c/o William C Kuba	505 S 1st St S 50' E 1/2 Lot 2 Blk 13 Montgomery's Addition	5/16/2013	\$250.00
Timothy Leighton Blackwell	1115 S 11th St Lots 1 & 4 NE SW Exc S 135' E 151' Lot 4	5/16/2013	\$250.00
Abby Gordon	801 10th Ave E S 1/2 Lots 141 & 142 Blk G O'Neils Addition	5/16/2013	\$250.00
Structured Asset Investment Loan Trust	1415 High Ave W Lot K Parkers SD SE SE	5/17/2013	\$250.00
Johnathon R Otto	701 11th Ave W S 119.2' E 132' Lot 70 Ninde Williams & Co Addition	5/17/2013	\$250.00
Jenny Mickles	506 4th Ave E Lot 3 & S 50' Lot 4 Blk 9 Houtzs Addition & 16 1/2' Vac Alley	5/20/2013	\$250.00
Jennifer N Keller	1117 3rd Ave E W 20' Lot 22 E 44 1/2 Lot 21 Old Orchard Place	5/20/2013	\$250.00
Diana K. Heathcote	132 Pella Lot D SE NE Exc S 188'	5/29/2013	\$100.00

EXHIBIT "A"
 2013 WEED CUTTING ASSESSMENTS
 MAY 2013

OWNER	ADDRESS/LEGAL	DATE MOWED	COST
Pacifica/Luzviminda Libanan	314 O Ave E Lot 1 SD 1 College Heights Addition	5/29/2013	\$250.00
Nicolas C Bowman	317 North J St Lot 7 Blk 8 Loughridge & Cassidays Addition	5/30/2013	\$200.00
Secretary of Housing & Urban Development	704 N 3rd St Lot 14 Blk 1 Ridge Place	5/30/2013	\$250.00
Phillip A Leech c/o Tammy Walls	436 N 3rd St Lot 43 Ninde & Searles Addition	5/30/2013	\$250.00
Robert A/Teren M Eckert	713 A Ave E S 148.5' X 55' Lot 1 NW SW	5/31/2013	\$250.00
Regional Reo Assets LLC	1320 High Ave W Lots 4 & 6 SD Lot 4 SE SE Exc S 117' Lot 6 & Exc N 6' S 123' E 189' Lot 6	5/31/2013	\$350.00
Regional Reo Assets LLC	1302 High Ave W Lots H & K SW SW	5/31/2013	\$300.00
Delbert O Brackney /Mary Beth Lyons	437 N 1st St Lot 14 Blk 5 Mulhallens Addition	5/15/2013	\$250.00

OSKALOOSA
IOWA



CITY COUNCIL COMMUNICATION

MEETING DATE: August 19, 2013

REQUESTED BY: Planning & Zoning Commission

ITEM TITLE:

Consider an ordinance to vacate and sell 60'X16.5' of the north-south public alley adjacent to 835 South 2nd Street – 2nd reading.

EXPLANATION:

Lori Poush, owner of 835 South 2nd Street and 1004 South 1st Street, has requested that the portion of the north-south alley in between the above-mentioned properties be vacated. The primary building of the applicant is located on 835 South 2nd Street, whereas the applicant intends to build an accessory structure on the vacant lot at 1004 South 1st Street. Presently, Zoning Code 17.24.030 B.6. does not permit the construction of an accessory structure without a principal building. Hence, the applicant intends to combine the two separate lots of 1004 South 1st Street & 835 South 2nd Street, by purchasing the alley, which will allow them to legally construct an accessory building on 1004 South 1st Street.

The city conducted a survey of households with direct access to the subject alley. Among the residents that responded (8 total), 50% (4) did not want the alley vacated, and 50% (4) want the alley vacated. Those who did not want the alley vacated commented that the alley is being used on a regular basis. If City Council approves this alley vacate request, driveway access easement rights should be retained for vehicular access for the adjacent property owners. This alley also contains Century Link utility infrastructure. Hence, easement rights will need to be retained for access to the above-mentioned utility.

The Planning & Zoning Commission considered this item at their July 8, 2013 meeting and recommended by a vote of 5 to 0 that the City Council approve the alley vacate request but retain utility access easement and vehicular access easement.

BUDGET CONSIDERATION:

\$100.00 in application fees and if the alley vacate is approved, there is a revenue of \$495.00 (60' X 16.5' X \$0.50/SF). Alley vacates result in revenue received by the city. The city sells residential alleys for \$0.50 per square foot.

ATTACHMENTS:

Ordinance, Location Map, Picture of Alley, Alley Vacate Application and Responses from adjacent owners and utility companies.

ORDINANCE NO. _____

AN ORDINANCE VACATING THE NORTH-SOUTH PUBLIC ALLEY ADJACENT TO 835 SOUTH 2ND STREET AND THE SALE OF SAID PUBLIC ALLEY RIGHT-OF-WAY.

BE IT ENACTED by the City Council of the City of Oskaloosa, Iowa:

SECTION 1. PURPOSE. The purpose of this ordinance is to vacate the north-south public alley right-of-way that lies adjacent to 835 South 2nd Street is legally described as follows:

The 60' X 16.5' section of the north-south alley lying adjacent to Lot 6 of the subdivision of Lot 3 of the SE ¼ of the NE ¼ of Section 24 in the City of Oskaloosa, Mahaska County, Iowa

SECTION 2. EASEMENT RESERVATION. This ordinance is adopted subject to the retention of easement rights for utilities, all municipal and other governmental services for ingress-egress to the same.

SECTION 3. REPEALER. All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. 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 5. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication by law.

Passed by the Council the _____ day of _____ 2013, and approved this _____ day of _____ 2013.

David Krutzfeldt , Mayor

ATTEST: _____
Amy Miller, City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____ 2013.

Amy Miller, City Clerk

ALLEY VACATE REQUEST FOR 835 SOUTH 2ND STREET





North-south alley west of 835 South 2nd Street, looking north.

ALLEY VACATION REQUEST
City of Oskaloosa, Iowa

Policy for sale of alleys:

Policy Adopted: 2/18/2003

1. The property owner requesting the vacation of the alley will pay the \$100.00 application fee and the purchase price of one-half of the alley at the time of the request. If the alley vacation and sale is not approved, the amount of the purchase will be refunded. Other property owners adjacent to the alley that wish to purchase their half will have 30 days after the third reading of the ordinance to purchase their portion. After the 30 days it could be sold to other adjoining property owners.
2. Alleys sold within a residentially zoned area will be sold at the residential rate (\$.50/SF), and alleys located in commercially or industrially zoned areas will be sold at commercial rates (\$1.00/SF).

Date of Request: 5/20/13

Property Owner Name: Lori Poush

Address: 835 S. 2nd St.

OSKALOOSA, IA 52577

Phone: 641-672-9271

Description of alley requested for vacation: _____

Reason for requesting alley vacation: I would like to combine my two properties so that I could put a building on my property on S. 1st. It would contain my vehicles. I would leave the alley open for traffic.

Signature Lori Poush

OFFICE USE:

Application Fee Paid

Amount Paid For 1/2 of Alley: \$ 247.50 (~~600~~ X 110.5 X \$.50 /SF) X .50

Total
\$ 495.00

Vacation Approved _____ Denied _____ Refund Payment _____

ALLEY VACATION RESPONSE : 835 South 2nd street

ADDRESS	NAME	RESPONSE	COMMENTS
918 South 1st Street	Dennie & Wanda Johnson	No, does not approve of proposed alley vacation	It's the only way to get to my back yard
920 South 1st Street	George & Linda Shook	No, does not approve of proposed alley vacation	I need access to my backyard and shed
922 South 1st Street	Cecil & Fannie Comstock	No, does not approve of proposed alley vacation	I need a way to the alley; need to get to the backyard to cut wood
924 South 1st Street	Christine Paton	No, does not approve of proposed alley vacation	I wouldn't be able to drive to the back of my trailer
829 South 2nd Street	Brian & Mary Lester	Yes Approve the proposed alley vacation	
831 South 2nd Street	Rbe LLC % Chris Roach	Yes Approve the proposed alley vacation	
833 South 2nd Street	Ruby Maxwell	Yes Approve the proposed alley vacation	She said she wasn't closing so I will go along with her
835 South 2nd Street	James & Lori Poush	Yes Approve the proposed alley vacation	
902 South 2nd Street	Clow Valve Company		

UTILITY COMPANY RESPONSE

MCG	No Utilities in Alleyway
WATER DEPT.	No Utilities in Alleyway
CENTURY LINK	Yes Utilities in Alleyway
MIDAMERICAN ENERGY	No Utilities in Alleyway



CITY COUNCIL COMMUNICATION

MEETING DATE: August 19, 2013

REQUESTED BY: Public Works Department,
Engineering Division

ITEM TITLE:

Consider a resolution scheduling a public hearing to amend the zoning ordinance of the City of Oskaloosa, Iowa by rezoning the property at 214 Highway 432 from Mixed Use Urban Corridor with A Avenue Commercial Corridor Overlay (UC/AV) District to General Commercial (GC) District.

EXPLANATION:

Kelly Bryan, owner of 214 Highway 432, has submitted a rezoning request for this property. Presently, the subject property is zoned Urban Corridor with A Avenue Commercial Overlay (UC/AV) District. The existing land use on this property is automotive rental and sales. The applicant would like to build a seed storage facility and possible future true bulk system to allow bulk seed delivery. The proposed land use being requested is Agricultural Sales and Service. According to Table 17.08B "Permitted Uses by Zoning Districts" of Chapter 17.08 in the Oskaloosa Municipal Code, the agricultural sales and service is not permitted in an UC district.

The Planning & Zoning Commission considered this item at their August 12th, 2013 meeting and recommended by a vote of 4 to 0 that the City Council approve the request that the property at 214 Hwy 432 be rezoned as General Commercial (GC) District. The proposed rezone request is not consistent with the City's adopted Comprehensive Land Use Plan.

If the City Council approves the rezone to a General Commercial district, staff recommends consideration of adding the A Avenue Commercial Overlay (GC/AV) District to allow the implementation of the comprehensive enhancement program along A Avenue.

Note: Listed below are definitions and permitted use types by zoning districts as per Oskaloosa Municipal Code.

Mixed use urban corridor district (UC):

This district recognizes the mixed use character of major urban corridors, such as A Avenue and Market Street. These corridors sometimes accommodate a combination of

residential, commercial, and office uses. Design standards maintain their character as important urban streets.

General commercial district (GC)

This district accommodates a variety of commercial uses, some of which have significant traffic or visual effect. These districts may include commercial uses which are oriented to services, including automotive services, rather than retail activities. These uses may create land use conflicts with adjacent residential areas, requiring provision of adequate buffering. This district is most appropriately located along major arterial streets or in areas that can be adequately buffered from residential districts.

A Avenue commercial corridor overlay district (AV)

Application: *The AV overlay district applies to the A Avenue corridor between the interchange of Highways 163 and 92 on the west side of the city to the intersection with 3rd Street. The exact boundaries of this overlay district are indicated on the city's official zoning map.*

Purpose: *The AV district recognizes the critical importance of the A Avenue corridor as a major commercial link between the principal entrance to Oskaloosa at the interchange of Highway 163 and Highway 92 and the city's downtown business district. The city has developed a plan for the enhancement of this corridor, designed to improve its visual quality and functional performance as a business environment. The AV overlay district provides a performance-based system, combining requirements and incentives to assure that subsequent development complements these public enhancement efforts.*

Agricultural Sales and Service. *Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.*

Automotive Rental and Sales. *Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.*

BUDGET CONSIDERATION:

Revenue of \$250.00 for rezoning application fee.

Recommended Action: Consider the Planning and Zoning Commissions recommendation; approve the resolution scheduling a public hearing for September 3rd, 2013.

ATTACHMENTS:

Resolution, Location Map, Table 17.08 – Permitted Uses, and Rezone Application.

RESOLUTION NO. _____

RESOLUTION SETTING THE DATE FOR A PUBLIC HEARING TO AMEND THE ZONING ORDINANCE OF THE CITY OF OSKALOOSA, IOWA BY CHANGING THE ZONING OF CERTAIN PROPERTIES LOCATED AT 214 HIGHWAY 432 FROM MIXED USE URBAN CORRIDOR WITH A AVENUE COMMERCIAL CORRIDOR OVERLAY (UC/AV) DISTRICT TO GENERAL COMMERCIAL WITH A AVENUE COMMERCIAL CORRIDOR OVERLAY (CC/AV) DISTRICT.

WHEREAS, the City of Oskaloosa has deemed it advisable to consider changing the zoning on certain property located at 214 Highway 432 from UC/AV, Urban Corridor with A Avenue Commercial Corridor Overlay District to GC/AV, General Commercial with A Avenue Commercial Corridor Overlay District, legally described as follows:

A part of the North Half of the Southeast Quarter of Section Fourteen, Township Seventy-five, Range Sixteen, in the City of Oskaloosa, Iowa, more particularly described as: Commencing at a point 1065.0 feet West and 594.45 feet South of the Northeast corner of the Northeast Quarter of said Southeast Quarter to the point of beginning; thence South 587.15 feet; thence N 65 degrees 41' W 14.6 feet; thence N 89 degrees 54 ½' W 273.2 feet; thence Northwesterly 588.68 feet to a point 80 feet normally distant Easterly from the centerline of former Highway #163 (now known as Highway 432) thence East 393.87 feet to the point of beginning, together with and subject to easements and restrictions of record.

WHEREAS, said zoning has been reviewed by the Planning and Zoning Commission and recommended for approval, and

WHEREAS, section 17.34.040 of the Oskaloosa Municipal Code requires a public hearing on such rezoning changes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Oskaloosa, Iowa that a public hearing shall be conducted on Tuesday, September 3, 2013 at 6:00 p.m. in the City Council Chambers, City Hall, Oskaloosa, Iowa at which time persons may appear and speak for or against the zoning change as legally described in the preamble hereof.

PASSED AND APPROVED this _____ day of August, 2013.

David Krutzfeldt, Mayor

ATTEST: _____
Amy Miller, City Clerk

PROPOSED ZONING CHANGE

Proposed zoning change for 214 Highway 432 from Urban Corridor (UC) to General Commercial (GC)

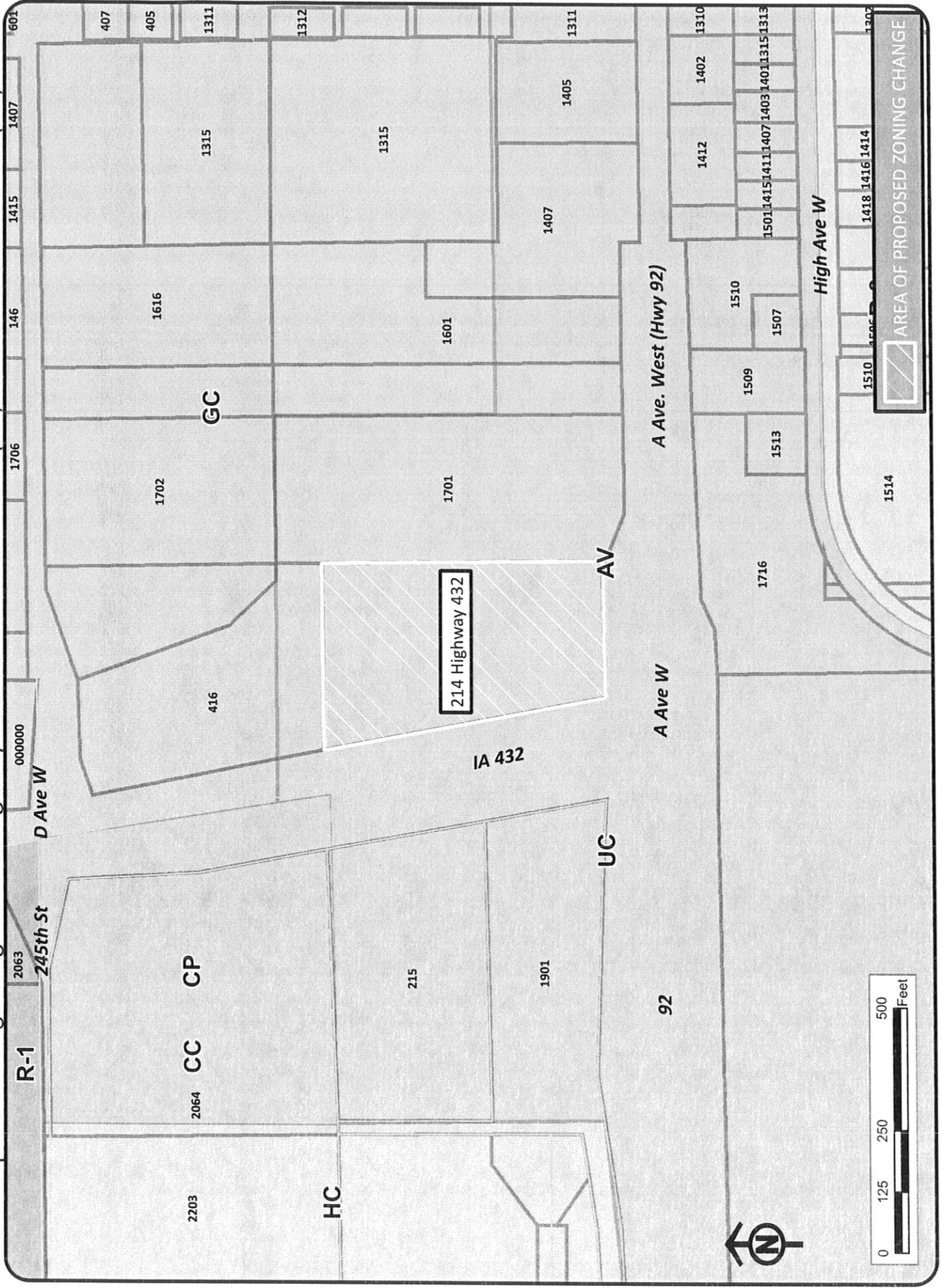


Table 17.08b
Permitted Uses by Zoning Districts

Use Types	AG	RR	R- 1	R- 2	R- 3	R- 4	UC	LC	CC	DC	GC	HC	BP	LI	GI	Additional Regulations
Agricultural Uses																
Horticulture	P	P	C	C	C	C		C	P	C	C	C				17.22.020(A)
Crop production	P	P														
Animal production	P															17.22.020(B)
Commercial feedlots																17.22.020(C)
Livestocks sales																
Residential Uses																
Single-family Detached	P	P, L(1)	P, L(1)	P, L(1)	P, L(1)	P	P, L(1)	C								17.22.030(A)
Single-family Attached	C	C	C	P	P	P	P	C								17.22.030(B)
Duplex				P	P		P	C								
Two-family				P	P		P	C								17.22.030(D)
Townhouse				P	P		P	P		P						17.22.030(C)
Multiple-family					P		C	P	C	P	C					
Downtown residential										P						17.22.030(E)
Group residential	C	C			P			C	C							17.22.030(F)
Manufactured housing residential	P	P, L(1)	P, L(1)	P, L(1)	P, L(1)	P, L(2)		C								
Mobile home park						P, L(2)										17.22.030(G)
Mobile home subdivision						P, L(2)										17.22.030(H)
Retirement residential	C	C	C	P	P		P	P	C	P	C					

L(1) = Single-family detached dwellings provided that:

All single-family detached dwellings for which a building permit has been issued (date of enactment), shall comply with the following minimum design standards

1. The dwelling shall have a minimum width facing the street of twenty-four feet.
2. The minimum horizontal dimension of the main body of the dwelling unit shall not be less than twenty feet.
3. A minimum of fifteen percent of the facade of the building facing the street shall consist of windows, doors and other building openings.
4. Any foundation skirting material shall have the appearance of masonry or poured concrete typical of site-built homes.

Installation of the skirting must be installed within thirty days following the installation of the home, or the first day of May if the ground is frozen at the time the home is placed.

L(2) = Applies to all factory built homes (Refer to Section 17.04.030 for definitions), Any foundation skirting material shall have the appearance of masonry or poured concrete typical of site-built homes. Installation of the skirting must be installed within thirty days following the installation of the home, or the first day of May if the ground is frozen at the time the home is placed.

Table 17.08B

Permitted Uses by Zoning Districts (Continued)

Use Types	AG	RR	R-1	R-2	R-3	R-4	UC	LC	CC	DC	GC	HC	BP	LI	GI	Additional Regulations
Civic Uses																
Administration		C	C	C	C	C	P	P	P	P	P	P	P	P	P	
Cemetery	P	C	C	C	C	C										
Clubs	C	C	C	C	P	C	P	P		C	P	P	C	P	P	17.22.040(A)
Clubs (social)	C	C	C	C	P	C	P	P	P	P	P	P	P	P	P	<u>17.22.040(A)</u>
College/University	C	C	C	C	P	C	P	P	P	P	P	P	P	P		
Convalescent services	C	C		C	P	C	P	P	P	C						
Cultural services	C	C	P	P	P	P	P	P	P	P	P	P	P	P		
Day care (limited)	P	P	P	P	P	P	P	P	P	P	C	C	C	C	C	17.22.040(B)
Day care (general)	C	C	C	C	P	C	P	P	P	P	P	P	P	C	C	17.22.040(B)
Detention facilities											C	C		C	C	
Elder home	P	P	P	P	P	P	P									
Emergency residential	P	P	P	P	P	P	P	P	P	P						
Family home	P	P	P	P	P	P	P	P								
Group care facility					P		P	P	P	P	P	P				17.22.040(D)
Group home	C			C	P		P	P	P	P	P	P				<u>17.22.040(D)</u>
Guidance services					P		P	P	P	P	P	P	P	P	P	
Health care					P		P	P	P	P	P	P	P	P	P	
Hospitals					C		C	C	C	P	P	P	P	C	C	
Maintenance facility	S	S					C		C		P	P		P	P	
Park and recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Postal facilities							C	P	P	P	P	P	P	P	P	
Primary education	C	P	P	P	P	P	P	P	P	P	C	C				17.22.040(C)
Public assembly							C	C	C	P	P	P	C			
Religious assembly	P	P	P	P	P	P	P	P	P	P	P	P		C		17.22.040(E)
Safety services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Secondary Education	C	C	C	C	P	C	P	C	C	C	C	C				17.22.040(C)
Utilities	P	C	C	C	C	C	C	C	C	C	P	P		P	P	

P = Uses permitted by right
 C = Uses permitted by conditional use permit
 Blank = Use not permitted

Table 17.08B

Permitted Uses by Zoning Districts (Continued)

Use Types	AG	RR	R-1	R-2	R-3	R-4	UC	LC	CC	DC	GC	HC	BP	LI	GI	Additional Regulations
Office Uses																
Corporate offices					C		P	P	P	P	P	P	P	P	P	
General offices					C		P	P	P	P	P	P	P	P	P	
Financial offices							P	P	P	P	P	P	P	P	P	
Medical offices					C		P	P	P	P	P	P	P	P	C	
Commercial Uses																
Ag sales/service									C	C	P	P		P	P	
Auto rental/sales							P		C	P	P	P		C		17.22.050(C)
Auto services							C	C	P	P	P	P		P	P	17.22.050(A), 17.22.050(B)
Body repair									C	C	P	P		P	P	17.22.050(A)
Equip rental/sales										C	P	P		P	P	17.22.050(C)
Equipment repair											P	P		P	P	17.22.050(A)
Bed and breakfast	C	C	C	C	C		P	P	P	P	P	P				17.22.050(D)
Business support							P	P	P	P	P	P	P	P	P	
Business/trade school									P	P	P	P	P	P	P	
Campground									C		C	C				17.22.050(E)
Cocktail lounge							C		P	C	P	P	C	P	P	17.22.050(F)
Commercial rec (indoor)							C	C	P	P	P	P	P	P	P	17.22.050(F)
Commercial rec (outdoor)											P	P		P	P	
Communication service							P	C	P	P	P	P	P	P	P	
Construction sales/service							C		C	C	P	P		P	P	
Consumer service							P	P	P	P	P	P	P	P		
Convenience storage									C		C	C		P	P	17.22.050(G)
Crematorium							C	C	C	C	C	C		C	C	
Food sales (convenience)							P	C	P	P	P	P	P	P	P	
Food sales (limited)							P	P	P	P	P	P	P	P	P	
Food sales (general)							C	C	P	P	P	P				

P = Uses permitted by right
 C = Uses permitted by conditional use permit
 Blank = Use not permitted

Table 17.08B

Permitted Uses by Zoning Districts (Continued)

Use Types	AG	RR	R-1	R-2	R-3	R-4	UC	LC	CC	DC	GC	HC	BP	LI	GI	Additional Regulations
Commercial Uses (Cont.)																
Food sales (supermarkets)									P	P	C	C				
Funeral service						C	P	P	P	P	P	P	P	P	P	
Kennels	P	C									C	C		P	P	
Laundry services										C	P	P		P	P	
Liquor sales									P	P	P	P		C		
Lodging							P		P	P	P	P	P	C		
Personal improvement							P	P	P	P	P	P	P	P	P	
Personal services							P	P	P	P	P	P	P	P	P	
Pet services	C						P	P	P	P	P	P	P	P		
Research services							P	P	P	P	P	P	P	P	P	
Restaurants (drive-in)							C		P	C	P	P		C	C	17.22.050(H)
Restaurants (general)							P	P	P	P	P	P	P	C	C	17.22.050(H)
Restricted business											C			C	P	17.22.050(I)
Retail services (limited)							P	P	P	P	P	P	C			
Retail services (large)								C	P	C	P	P				
Retail services (mass)									C	C	P	P				
Stables	C	C														
Surplus sales										C	P			P	P	
Trade services							C		C	C	P	P	P	P	P	
Vehicle storage (short-term)							C				P			P	P	
Veterinary services	C	C					P	C	C	C	P	P		P	P	
Parking uses																
Off-street parking							C		C	P	P	P	C	P	P	
Parking structure									C	P	C	C	C	P	P	

P = Uses permitted by right
 C = Uses permitted by conditional use permit
 Blank = Use not permitted

Table 17.08B

Permitted Uses by Zoning Districts (Continued)

Use Types	AG	RR	R-1	R-2	R-3	R-4	UC	LC	CC	DC	GC	HC	BP	LI	GI	Additional Regulations
Industrial Uses																
Agricultural industry														C	P	17.22.070
Construction yards														P	P	17.22.070
Custom manufacturing							C		C	P	P	P	P	P	P	17.22.070
Light industry														C	P	17.22.070
General industry														P	P	17.22.070
Heavy industry															C	17.22.070
Recycling collection									C	C	P			P	P	17.22.070
Recycling processing														P	P	17.22.070
Resource extraction															C	17.22.060(A), 17.22.070
Salvage services															P	17.22.060(B), 17.22.070
Vehicle storage (long-term)											C			P	P	17.22.070
Warehousing (enclosed)										C	C	C	P	P	P	17.22.070
Warehousing (open)														C	P	17.22.070
Transportation uses																
Aviation														C	C	P
Railroad facilities										C	C			C	P	P
Truck terminal											C			C	P	17.22.070
Transportation terminal									P	P	P	P		P	P	
Miscellaneous Uses																
Alternative energy production devices	C	C	C	C	C	C	C	C		C	C	C	P	P	P	
Amateur radio tower	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Communications tower	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	17.22.080(A)

P = Uses permitted by right
 C = Uses permitted by conditional use permit
 Blank = Use not permitted

Table 17.08B

Permitted Uses by Zoning Districts (Continued)

Use Types	AG	RR	R-1	R-2	R-3	R-4	UC	LC	CC	DC	GC	HC	BP	LI	GI	Additional Regulations
Industrial Uses (Continued)																
Construction batch plant											P	P		C	P	
Landfill (nonputrescible)															C	17.22.080(B)
Landfill (putrescible)																
WECS	C	C	C	C	C		C	C		C	C	C	P	P	P	17.22.070(C)

P = Uses permitted by right
 C = Uses permitted by conditional use permit
 Blank = Use not permitted

REZONING APPLICATION

APPLICANT NAME: KB Zone Auto LLC

APPLICANT ADDRESS: 214 Hwy 432
Oskaloosa, Ia 52577

OWNER NAME: Kelly Bryan

PHONE NUMBER: 641-676-4565 / 641-660-2251

ADDRESS OF PROPERTY: 214 Hwy 432

LEGAL DESCRIPTION: (Please provide a copy of the legal description from the Mahaska County Recorder's Office.)

Oct

REQUEST REZONING FROM UC
TO GC

REASON FOR REZONING APPLICATION AND THE NATURE AND OPERATING CHARACTERISTICS OF THE PROPOSED USE: Need to expand seed business and build new seed storage facility - 60x80' open barn steel (immediate)

Existing use is car & trailer sales

Also have office for my seed business
Semiloading deliveries (1000 x 50 lb equivalent) of seed → 2x True Bulk system (Bino attached to)
→ Install Bulk system → to allow seeds to delivered in bulk
FARM PRODUCT SALES → to allow seeds to delivered in bulk
Fast End of Building

NOTE: ANY GRAPHIC INFORMATION, INCLUDING SITE PLANS, ELEVATIONS, OTHER DRAWINGS, OR OTHER MATERIALS DETERMINED BY ZONING ADMINISTRATOR TO BE NECESSARY TO DESCRIBE THE PROPOSED USE TO THE PLANNING AND ZONING COMMISSION AND/OR THE CITY COUNCIL WILL BE INCLUDED WITH THIS APPLICATION. * SINGENTA TRUE BULK SYS

PLEASE SUBMIT THE \$250.00 APPLICATION FEE WITH THIS REQUEST.

Kelly Bryan
SIGNATURE OF OWNER

DATE: 6-24-13

OSKALOOSA
IOWA



CITY COUNCIL COMMUNICATION

MEETING DATE: August 19, 2013

REQUESTED BY: Public Works Department,
Engineering Division

ITEM TITLE:

Consider a resolution approving the award of contract for the C Avenue East and North Third Street Pavement Rehabilitation Project to the lowest responsive and responsible bidder, and authorizing the City Manager to utilize an additional ten percent for project contingency.

EXPLANATION:

The Pavement Rehabilitation Project was advertised to include pavement improvements on C Avenue East from Market Street to Park Avenue and North Third Street from A Avenue to E Avenue. The scope of this project includes milling existing pavement and asphalt overlay, concrete pavement reconstruction, full depth and partial depth concrete patching, repair concrete curb & gutter sections, new ADA accessible sidewalk ramp reconstruction, sidewalk and driveway pavement replacement, and alley approach improvements.

Bids are scheduled to be received and publicly read on August 16, 2013 at 10:00 AM and presented to the City Council on Monday, August 19, 2013.

Adopting Staff's recommendation will approve the resolution awarding the project as well as authorize staff to utilize 10% of the contract amount as a construction contingency for unforeseen circumstances. The contractor will need to submit a change order for City Council approval if they exceed the contract price.

BUDGET CONSIDERATION:

Funding for the project is specifically included in the city council approved FY 2014 Budget.

ATTACHMENTS:

Resolution and Pictures of driveways on 607 C Ave. East & 610 C Ave. East.

The following attachments will be provided at the City council meeting: Bid Tabulation, Letter of recommendation, Notice of Award and Bid Documents.

ATTACHMENTS:

Resolution and Pictures of driveways on 607 C Ave. East & 610 C Ave. East.

The following attachments will be provided at the City council meeting: Bid Tabulation, Letter of recommendation, Notice of Award and Bid Documents.

RESOLUTION NO. _____

A RESOLUTION TO ACCEPT BIDS AND AWARD THE CONSTRUCTION CONTRACT FOR C AVENUE EAST AND NORTH THIRD STREET PAVEMENT REHABILITATION PROJECT

WHEREAS, the City Council of the City of Oskaloosa, Iowa, has heretofore deemed it necessary and desirable for Pavement Rehabilitation on C Avenue East from Market Street to Park Avenue and North Third Street from A Avenue to E Avenue, known as the "C Avenue East and North Third Street Pavement Rehabilitation Project" (will be known as the "Project"); and

WHEREAS, the bids for the aforementioned Project were received, opened and tabulated as per published notice; and

WHEREAS, the bid from _____ in the amount of \$ _____ was the lowest responsive, responsible bid; and

WHEREAS, the Engineer has heretofore reviewed the bids and recommended that the City Council approve and accept the aforementioned bid for said Project

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oskaloosa, Iowa:

1. The bid from _____ in the total amount of \$ _____ is hereby accepted with approval. Furthermore, the Construction Contract is therefore awarded to _____ for the aforementioned bid amount.
2. The City Council authorizes the City Manager to approve a construction contingency of \$ _____ for the project to be administered by the Public Works Director during construction as necessary in order to complete this project.

PASSED AND APPROVED this _____ day of August, 2013.

David Krutzfeldt,
Mayor

ATTEST:

Amy Miller, City Clerk



08/08/2013



08/08/2013

OSKALOOSA
IOWA



CITY COUNCIL COMMUNICATION

MEETING DATE: August 19, 2013

REQUESTED BY: CITY MANAGER'S OFFICE

ITEM TITLE:

Consider a resolution denying the request by Mahaska County, Iowa to amend the *Agreement Pursuant to Chapter 28E, Iowa Code Between the City of Oskaloosa, Iowa and City of Pella, Iowa and Mahaska County, Iowa for the Joint Acquisition, Construction, Equipping, Use, Expansion and Operation of an Airport Facility.*

EXPLANATION:

At the March 19, 2013 city council meeting, the 28E Agreement for the joint acquisition, construction, equipping, use, expansion and operation of an airport facility was unanimously approved. The city of Pella and Mahaska County subsequently, and unanimously approved the same 28E Agreement document at their respective meetings following public hearings.

Since approval was received by all three parties, the South Central Regional Airport Agency (SCRAA) has initiated and continues to work through the required studies to properly evaluate the need for aviation improvements in the region as outlined within the criterion of the 28E Agreement and as necessitated by the involved State and Federal agencies.

All study work, findings and determinations are shared with the cities and public by the SCRAA as they are received. The SCRAA is presently working through the Airport Layout Plan (ALP) and the Airport Master Plan phases of the evaluation process.

On July 15, 2013, the Mahaska County Supervisors passed Resolution No. 2013-07-05 requesting an amendment to the 28E Agreement between the three parties. In summary, Mahaska County has requested the use of eminent domain, or "condemnation" be removed from the Agreement. Any amendment to the 28E Agreement requires approval of all three entities to become effective.

Consideration of Mahaska County's request for an amendment to the 28E Agreement via this item represents the city of Oskaloosa's attempt to work in good faith with the Parties to the 28E Agreement. This item and any subsequent action or inaction by the City Council represents the utilization of the City of Oskaloosa's best efforts to

expedite the acquisition, construction, equipping and use of the Airport Facility as intended by the 28E Agreement. Additionally, by the action or inaction associated with this agenda item, and as a party to the 28E Agreement, the City of Oskaloosa is choosing to exercise its legislative authority to expressly deny any significant delay in the acquisition, construction, equipping and use of the Airport Facility, as could be construed from the action taken by Mahaska County on July 15, 2013 via the adoption of Resolution No. 2013-07-05.

By way of additional information, prior to the consideration of the partnership between Oskaloosa, Pella and Mahaska County, the Federal Aviation Administration (FAA) provided a list of "FAA Expectations" to the parties. The document, attached to this item, outlines eleven key items that would be needed in order to successfully pursue the study process associated with the regional airport project. Item number six of the document states "[t]he parties must have the will to condemn property". This of course is the last avenue of property acquisition in any major public works project, but it is expected to be in play as a means to protect property owners' rights, as well as protect the taxpayers and the project from experiencing significant delays and undue expenses.

Staff recommendation: Based upon previous City Council action, discussion and input on this matter, staff recommends approval of the resolution to deny the request made by Mahaska County to amend the *Agreement Pursuant to Chapter 28E, Iowa Code Between the City of Oskaloosa, Iowa and City of Pella, Iowa and Mahaska County, Iowa for the Joint Acquisition, Construction, Equipping, Use, Expansion and Operation of an Airport Facility* as outlined in Mahaska County Resolution No. 2013-07-05.

BUDGET CONSIDERATION:

The consideration of Mahaska County's request to amend the 28E Agreement does not carry significant financial impact, however the long term financial implications of this specific amendment is expected to create significant financial consequences if supported by all three parties, specifically the cities of Oskaloosa and Pella as the two entities funding the project and seeking grant assistance from the FAA – State and Federal.

ATTACHMENTS:

1. City of Oskaloosa Resolution
2. Mahaska County Resolution No. 2013-07-05
3. Document Provided by the FAA to Oskaloosa, Pella and Mahaska County dated 08/16/2010
4. Email response from FAA to Oskaloosa City Manager dated 08/06/2013

RESOLUTION NO. _____

RESOLUTION DENYING THE REQUEST BY MAHASKA COUNTY, IOWA TO AMEND THE AGREEMENT PURSUANT TO CHAPTER 28E, IOWA CODE BETWEEN THE CITY OF OSKALOOSA, IOWA AND CITY OF PELLA, IOWA AND MAHASKA COUNTY, IOWA FOR THE JOINT ACQUISITION, CONSTRUCTION, EQUIPPING, USE, EXPANSION AND OPERATION OF AN AIRPORT FACILITY

WHEREAS, the City of Oskaloosa, the City of Pella, and Mahaska County (collectively "Parties") are all political subdivisions existing under the laws of Iowa; and

WHEREAS, with respect to Oskaloosa and Pella, Iowa Code § 384.24(2)(e) defines "airport and airport systems" as legitimate city enterprises; and

WHEREAS, with respect to Mahaska County, Iowa Code § 331.441(2)(c)(5) defines "an airport, including establishment, acquisition, equipment, improvement, or enlargement of the airport," as a legitimate general county purpose; and

WHEREAS, Iowa Code § 28E.1 expresses the legislative intent to "permit state and local governments in Iowa to make efficient use of their powers by enabling them to provide joint services and facilities with other agencies and to cooperate in other ways of mutual advantage;" and

WHEREAS, the Parties have individually made findings upon due investigation to the effect that the joint acquisition, construction, equipping, use and operation of an airport will best serve the joint and several interests of the Parties' constituents by fostering mutual advantages otherwise unattainable by the individual efforts of the Parties; and

WHEREAS, the Parties jointly agreed that their common purposes can best be achieved by the creation of a joint administrative entity under the provisions of Chapter 28E, Iowa Code, rather than by any other means authorized by law; and

WHEREAS, Mahaska County, Iowa as a Party to the 28E Agreement has requested an amendment to said Agreement under the auspices of Article XI, Section 1, to specifically remove the use of eminent domain or "condemnation"; and

WHEREAS, the Parties to the 28E Agreement were provided expectations from the Federal Aviation Administration on August 16, 2010 stating "[t]he parties must have the will to condemn property"; and

WHEREAS, all three Parties to the 28E Agreement were made aware and understood these expectations prior to formally adopting said Agreement; and

WHEREAS, discussions of land acquisition, use of eminent domain or compensation to landowners is premature given the project is still in the initial study phases; and

WHEREAS, the removal of eminent domain could significantly delay the project schedule, increase project costs and jeopardize State and Federal funding opportunities through grant participation.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Oskaloosa, Iowa hereby denies the request by Mahaska County to amend the *Agreement Pursuant to Chapter 28E, Iowa Code Between the City of Oskaloosa, Iowa, City of Pella, Iowa and Mahaska County, Iowa for the Joint Acquisition, Construction, Equipping, Use, Expansion, and Operation of an Airport Facility* as outlined in Mahaska County Resolution No. 2013-07-05.

PASSED AND APPROVED this 5th day of August 2013.

David Krutzfeldt, Mayor

ATTEST: _____
Amy Miller, City Clerk

COPY

Resolution No. 2013-07-05

A RESOLUTION TO AMEND A 28E AGREEMENT WITH THE CITY OF PELLA
AND THE CITY OF OSKALOOSA REGARDING THE JOINT ACQUISITION,
CONSTRUCTION, EQUIPPING, USE, EXPANSION, AND OPERATION OF AN
AIRPORT FACILITY

WHEREAS The Board of Supervisors of Mahaska County, Iowa is a party in a 28E agreement with the cities of Pella and Oskaloosa for the purpose of the joint acquisition, construction, equipping, use, expansion, and operation of an airport facility that was signed March 26, 2012 with the approval of the Board of Supervisors of Mahaska County, Iowa on March 21, 2012 by passing Resolution No. 2012-03-03 and

WHEREAS Article XI, Section 1 of the aforementioned 28E agreement outlines the authority and procedure to amend said 28E agreement where it says;

"Amendments: This agreement may be amended for any purpose upon the approval of the governing Boards of each Party."

NOW THEREFORE.

BE IT RESOLVED by the Board of Supervisors of Mahaska County, Iowa as follows:

1. The said Board approves amending the said 28E agreement with the cities of Pella and Oskaloosa for the purpose of the joint acquisition, construction, equipping, use, expansion, and operation of an airport facility that was signed March 26, 2012 by striking the language from Article X Section 1 to reflect the following change:

Amended Language: "Section 1. Acquisition: The SCRAA may acquire such property as it needs to accomplish its public purposes by purchase, gift, exchange, transfer, conveyance or otherwise, and shall hold all real, personal and intangible property which it acquires in its own name" and

~~STRIKE: "To the extent authorized by law, the SCRAA also may acquire real property or an interest therein for a public use or purpose related to its function by use of the power of eminent domain, and is authorized to bring an action in eminent domain in its own name or may request a Party to bring such action, which the Party shall then do so as long as the SCRAA shall fully reimburse the Party for all costs of acquisition, including the damages to be paid to the owner of the property being so acquired and all related administrative and legal expenses incurred by the Party to complete the acquisition. In the event the Board determines to contest the award~~

made by the compensation commissioners and take possession of the property at the conclusion of the eminent domain proceedings or any appeal thereof, the SCRAA shall reimburse the Party for the costs and expenses s aforesaid and any attorney fees or damages awarded to the property owner."

2. This Amendment shall become effective only upon a resolution approving this amendment and execution of signature pages by all of the Parties. Upon approval and execution by all of the Parties, the signature pages may be appended to the Revised Agreement and the Revised Agreement shall be filed with the Secretary of State and recorded with the Mahaska County Recorder.

PASSED, APPROVED, AND ADOPTED this 15th day of July, 2013.

Co - Chairperson, Board of Supervisors of Mahaska County, Iowa

Signature: Michael VanderMolen
Co-chair Michael VanderMolen

ATTEST: Leslie L. Brown
Mahaska Co Auditor

8/16/10

Proposed Regional Airport – Pella, Oskaloosa, and Mahaska County

FAA Expectations:

1. The City of Oskaloosa and the City of Pella must close their existing airports after the regional airport is open and contribute all proceeds from the sale of their existing airports to the regional airport.
2. Mahaska County must agree to close or relocate any roads to support development of the regional airport site.
3. An eligible public sponsor must undertake the ownership, study, construction and long term development of the regional airport as per the NPIAS criteria and the Airport Improvement Program. The sponsor must be a public entity with legal and financial responsibility for the airport.
4. It is suggested that the parties form an Airport Authority to be the sponsor and overall advocate for the regional airport. An Airport Authority or any other agreement must be binding and durable to outlast any elections.
5. The regional airport must have the support of the State and be included in the State Airport System Plan.
6. The parties must have the will to condemn property.
7. The parties must think about a financial plan that will be developed as part of a master planning study.
8. The parties must have the financial wherewithall to carry land costs and build landside needs. The FAA will be focusing on airside development.
9. Once airside development begins, the regional airport must be open within 5-7 years and the existing airports sold soon thereafter.
10. The Environmental Assessment for Pella's proposed replacement airport will not be completed. The Master Plan for the replacement airport will be completed with the Airport Layout Plan being conditionally approved.
11. Oskaloosa's Master Planning grant, issued June 2010, will be cancelled and federal funding recovered.

Michael Schrock

From: scott.tener@faa.gov
Sent: Tuesday, August 06, 2013 8:49 AM
To: Michael Schrock
Cc: david.krutzfeldt@oskaloosaiowa.org; 'Jim Hansen'; Jerry L Searle;
jmueller@workspaceinc.net; kim.walker@faegrebd.com; 'Mike Nardini'
Subject: Re: Regional Airport Information

Mike,

After consulting with HQ staff, the power of eminent domain for a public airport sponsor is not a requirement for entry into the NPIAS. Therefore, the SCRAA work site is still eligible for the NPIAS and still eligible to receive AIP funding.

The FAA must use AIP funding responsibly and in the best interest of the flying public. It is not prudent to invest in an airport unless we are assured that the sponsor has the means and ability to see a project to completion. Experiences from other projects show that it is unlikely that a new airport could be constructed without the use of eminent domain. If only one landowner cannot come to terms on agreeing to sell needed property, then the site is no longer a viable option and federal funds would be tied up in a project that will not come to fruition. We will require all property to be acquired before federal funding will be considered in order to protect the interests of the taxpayer.

The FAA never guarantees the amount or timing of funding even in the best of conditions, so you must weigh heavily your ability to carry a substantial amount of costs until the FAA is able to provide assistance. Losing the power of eminent domain could mean carrying costs much longer and exacerbate the situation.

We must reiterate, that the development of this regional airport is a local initiative. The FAA has not made any decisions with regard to the federal investment for this airport. We are still in the planning stages, with site selection nearing completion, beginning the master planning and ALP, then environmental assessment. At this point, the FAA is only concerned that the process is followed and that any future funding decisions are based on solid planning. Only after all of these studies are completed and the pros and cons weighed will the FAA decide whether to provide federal assistance to develop the new airport.

Please let me know if you have any questions,

Scott Tener, P.E.
Iowa Airport Planning Engineer

FAA Central Region Airports Division
901 Locust St., Room 364
Kansas City, Missouri 64106-2325
T 816.329.2639 | F 816.329.2611
<http://www.faa.gov/airports/central/>

From: "Michael Schrock" <michael.schrock@oskaloosaiowa.org>
ACE-611, Planning Section
To: Scott Tener/ACE/FAA@FAA,
Cc: "Jim Hansen" <jim.hansen@musco.com>, <kim.walker@faegrebd.com>, <david.krutzfeldt@oskaloosaiowa.org>, <jmueller@workspaceinc.net>, "Mike Nardini" <mnardini@cityofpella.com>, "Jerry L Searle" <jlsearle@snyder-associates.com>
Date: 07/29/2013 05:23 PM
Subject: Regional Airport Information

Scott –

Attached to this e-mail is the requested amendment by Mahaska County to our 28E Agreement for the South Central Regional Airport. It is our understanding the intent of the requested amendment is to remove the use of eminent domain for the project.

As you aware, only those amendments supported by all three parties to the Agreement are in fact adopted. The City of Oskaloosa and the City of Pella have not officially considered or responded to Mahaska County's request, but expect to do so as soon as additional information about the implications of the requested amendment are researched and discussed. However prior to its consideration by the respective city councils, there is a request to understand the implications on potential federal funding for the project if the requested amendment is supported by all three entities and is ratified. Can the FAA provide a written statement on how removal of eminent domain could impact potential federal funding for the project?

Thank you for your assistance on this matter.

Mike

Michael Schrock Jr.
City Manager
City of Oskaloosa, Iowa
220 S. Market Street
Oskaloosa, IA 52577
641.673.9431 - office
641.295.9070 - cell
641.673.3047 - fax
michael.schrock@oskaloosaiowa.org

To ensure compliance with the State of Iowa open meeting law, recipients of this message should not forward it to other members of the Oskaloosa City Council. Members of the City Council may reply to this message, but they should not send a copy of the reply to other members.

[attachment "Signed Resolution Eminent Domain.pdf" deleted by Scott Tener/ACE/FAA]

OSKALOOSA
IOWA



CITY COUNCIL COMMUNICATION

MEETING DATE: August 19, 2013

REQUESTED BY: CITY MANAGER'S OFFICE

ITEM TITLE:

Consider a resolution approving an amendment to the *Agreement for Sanitary Sewer Construction*.

EXPLANATION:

The city and the Iowa Department of Transportation (DOT) previously approved an Agreement to extend the city's sanitary services to include the DOT's maintenance facility located at 1970 Iowa 92 West. This partnership project includes cost sharing between the two parties.

The city recently completed the acquisition of property and easements for the project and this took longer than anticipated to complete. The city is now requesting a revision to the Agreement to a new anticipated construction completion date of November 29, 2013.

In addition to the city's requested amendment, the DOT has also submitted Change Order No. 1 for \$15,925.00 which reflects additional work needed to hook-up the DOT shop to the city's sanitary sewer system. This Change Order will be fully funded by the DOT and the city incurs no additional costs.

Because this partnership is formally memorialized through an Agreement, any changes to the document must be completed through approved amendments. This item authorizes the Mayor and Clerk to execute the needed paperwork to reflect the desired changes.

BUDGET CONSIDERATION:

There is no additional cost associated with the approval of this item. The Agreement outlines the capital cost sharing between the City of Oskaloosa and the DOT.

ATTACHMENTS:

1. Resolution
2. Change Order
3. Agreement

RESOLUTION NO. _____

**RESOLUTION APPROVING AN AMENDMENT TO THE
AGREEMENT BETWEEN THE CITY OF OSKALOOSA AND
THE IOWA DEPARTMENT OF TRANSPORTATION JOINT
CONSTRUCTION OF SANITARY SEWER INFRASTRUCTURE**

WHEREAS, the City of Oskaloosa and the Iowa Department of Transportation (collectively "Parties") are all political subdivisions existing under the laws of Iowa; and

WHEREAS, the Parties executed an Agreement to construct sanitary sewer infrastructure on February 22, 2013; and

WHEREAS, the Agreement requires any changes or modification to be memorialized through a formal amendment to be adopted by the Parties; and

WHEREAS, the City of Oskaloosa is requesting an amendment to the Agreement to reflect a change in the anticipated project completion date from October 1, 2013 to November 29, 2013; and

WHEREAS, the Iowa Department of Transportation is also requesting an amendment to the Agreement for the purposes of including Change Order No. 1, which reflects a net increase of \$15,925.000 to the total project cost of the project to be borne by the Iowa Department of Transportation;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Oskaloosa, Iowa that the Mayor and City Clerk are hereby authorized and directed to execute and record an amendment to the *Agreement for Sanitary Sewer Construction as follows*:

1. Section 2, delete *October 1, 2013* and replace with *November 29, 2013*
2. Section 4, delete *three hundred thousand dollars (\$300,000)* and replace with *three hundred fifteen thousand nine hundred and twenty five dollars (\$315,925.00) an amount representative of the original agreed upon project cost, plus the additional work associated with Change Order No. 1 attached hereto*
3. Section 5, delete *three hundred thousand dollars (\$300,000)* and replace with *three hundred fifteen thousand nine hundred and twenty five dollars (\$315,925.00) an amount representative of the original agreed upon project cost, plus the additional work associated with Change Order No. 1 attached hereto*

PASSED AND APPROVED this 19th day of August 2013.

David Krutzfeldt, Mayor

ATTEST: _____
Amy Miller, City Clerk

STAFF ACTION NO: _____

FIRST AMENDMENT TO THE AGREEMENT FOR
SANITARY SEWER CONSTRUCTION

County Mahaska
City Oskaloosa
Project No. _____
Iowa DOT
Agreement No. _____

This Agreement, is entered into by and between the Iowa Department of Transportation, hereinafter designated the "DOT", and the City of Oskaloosa, Iowa, hereafter designated the "CITY" in accordance with 761 Iowa Administrative Code Chapter 150 and Iowa Code sections 28E.12 and 306A;

WITNESSETH; that

WHEREAS, the DOT proposes establish a sanitary sewer line beyond the CITY's corporate limits so the DOT may connect the Oskaloosa Maintenance Garage at 1970 Iowa 92 W., Oskaloosa, Mahaska County, Iowa to the CITY's waste water treatment facility; and

WHEREAS, DOT proposes to utilize the CITY's utility casing under U.S. Highway 163 by completing this joint project with the CITY and upsizing the sanitary sewer line to accommodate the DOT's normal domestic wastewater usage as well as accommodate other future users in the area; and

WHEREAS, the DOT and the CITY are willing to jointly participate in said project, in the manner hereinafter provided; and

NOW, THEREFORE, IT IS AGREED as follows:

1. The CITY will design, let, and inspect construction of the following described project:

Extension of sanitary sewer services to the DOT's Oskaloosa Maintenance Garage referenced above for the purpose of connecting and disposing of normal domestic wastewater as outlined in the Oskaloosa Municipal Code, 13.08.020.

2. The CITY will perform preliminary survey and will complete the design of the sewer extension. Upon completion of design, the CITY shall forward two sets of the design plans to the DOT Office of Location and Environment, Attention: Mary Kay Solberg, 800 Lincoln Way, Ames, Iowa 50010. The CITY shall complete the proposed construction by ~~October 1, 2013~~ November 29, 2013.

3. The CITY will be responsible for obtaining any permits/approvals needed from the Iowa Department of Natural Resources (DNR), and from other political subdivisions or others as needed to construct, maintain and operate the system including the DOT for the sanitary sewer needed for the garage connection. This does not include any requirements associated with the DOT's private sanitary sewer line. Any fees required by the CITY for a sewer connection are included in the DOT contribution as stated in Section 4.
4. The actual amount of DOT contribution to the CITY for said sanitary sewer improvement project shall not exceed ~~three hundred thousand dollars (\$300,000)~~ three hundred fifteen thousand, nine hundred twenty five dollars (\$315,925.00) an amount representative of the original agreed upon project cost, plus the additional work associated with Change Order No. 1 attached hereto. This amount has been agreed upon through a study of the preliminary cost estimates to design, bid, construct and inspect the needed sanitary sewer improvements. This includes the DOT's share to construct a private service line from the Oskaloosa Maintenance Garage as well as the cost avoidance associated with boring a new casing under U.S. Highway 163 in order to connect to the existing CITY sanitary sewer system. Additional costs beyond the agreed upon DOT contribution are considered the CITY's upsizing costs for the sanitary sewer system and are not the responsibility of the DOT.
5. The CITY shall be responsible for making initial payments for the project costs. After payments have been made the CITY may submit to the DOT periodic itemized claims for reimbursement in a total amount not to exceed ~~three hundred thousand (\$300,000)~~ three hundred fifteen thousand, nine hundred twenty five dollars (\$315,925.00) an amount representative of the original agreed upon project cost, plus the additional work associated with Change Order No. 1 attached hereto, unless otherwise dictated by provisions of the Agreement or amendments hereto.
6. The CITY will perform construction inspection of the sanitary sewer improvement project.
7. Upon completion of construction, the CITY shall provide the DOT with one set of "as built" plans or one electronic copy of "as-built" plans and agrees to accept ownership of the newly constructed private sanitary sewer line(s). The CITY shall assume responsibility for all future maintenance operations associated therewith of any public sanitary sewer line improvements associated with this project, all at no additional expense or obligation to the DOT beyond typical charges that may be incurred through sanitary sewer rental charges for the system.
8. The connection of DOT private sanitary sewer line improvements shall conform to all CITY regulations and enacted standards.

Special Provisions

9. The CITY shall obtain easements associated with the sanitary sewer improvements. In the event compensation to a landowner is required to acquire the necessary easement(s) to establish a private connection between the DOT maintenance shop and the CITY lift station, this agreement shall be amended to reimburse CITY for actual expenses incurred.
10. The DOT will voluntarily annex the property located at 1970 Iowa 92 W., Oskaloosa, Mahaska County, Iowa when the parcel is contiguous to the CITY corporate boundary and be subject to all ordinances and regulations of the City of Oskaloosa, Iowa.
11. The DOT property located at 1970 Iowa 92 W., Oskaloosa, Mahaska County, Iowa shall be charged the normal in-town sewer rental rate upon connection to the City sanitary sewer.
12. The DOT shall pay for the sanitary sewer services provided by the city based on their use of the treatment works as determined by water meters acceptable to the CITY. The sanitary sewer rental fees are subject to change from time to time as determined by the Mayor and City Council.

General Provisions

13. In accordance with Iowa Code Chapter 216, the CITY shall not discriminate against any person on the basis of race, color, creed, age, sex, sexual orientation, gender identity, national origin, religion, pregnancy, or disability.
14. The CITY agrees to indemnify, defend and hold the DOT harmless from any action or liability arising out of the design, construction, maintenance, placement of traffic control devices, inspection, or use of this project. This agreement to indemnify, defend and hold harmless applies to all aspects of the DOT's application review and approval process, plan and construction reviews, and funding participation.
15. If any part of this agreement is found to be void and unenforceable then the remaining provisions of this agreement shall remain in effect.
16. This agreement is not assignable without the prior written consent of the DOT.
17. It is the intent of both parties that no third party beneficiaries be created by this Agreement.
18. In case of dispute concerning the terms of this agreement, the parties shall submit the matter to arbitration pursuant to Iowa Code Chapter 679A. Either party has the right to submit the matter to arbitration after ten (10) days notice to the other party of their intent to seek arbitration. The written notice must include a precise statement of the disputed question. The DOT and the CITY agree to be bound by the decision of the appointed arbitrator. Neither party may seek any

remedy with the State or Federal courts absent exhaustion of the provisions of this paragraph for arbitration.

19. This Agreement may be executed in two counterparts, each of which so executed will be deemed to be an original.

20. This Agreement, as well as the unaffected provisions of any previous agreement(s), addendum(s) and/or amendment(s); represents the entire Agreement between the CITY and DOT regarding this project. All previously executed agreements will remain in effect except as amended herein. Any subsequent change or modification to the terms of this Agreement will be in the form of a duly executed amendment to this document.

IN WITNESS WHEREOF, each of the parties hereto has executed this to amended Agreement No. 2013-16-161 as of the date shown opposite its signature below.

CITY OF OSKALOOSA:

By: _____ Date _____, 20__.
Title: Mayor

I, _____, certify that I am the Clerk of the CITY, and that
, who signed said Agreement for and on behalf of the CITY was duly authorized to execute the same on
the ___ day of _____, 20__.

Signed: _____
City Clerk of Oskaloosa, Iowa.

IOWA DEPARTMENT OF TRANSPORTATION:

By: _____ Date _____, 20__.
James Armstrong, P.E.
District Engineer
District 5

CHANGE ORDER

No. 1

DATE OF ISSUANCE August 7, 2013

EFFECTIVE DATE August 7, 2013

OWNER City of Oskaloosa
 CONTRACTOR DeLong Construction, Inc.
 Contract: _____
 Project: West Area Sanitary Sewer Improvements, Oskaloosa, Iowa
 OWNER's Contract No. _____ ENGINEER's Contract No. _____
 ENGINEER Garden & Associates, Ltd.

You are directed to make the following changes in the Contract Documents:

Description: Provide connection of existing Iowa DOT Maintenance Garage sanitary sewer service line to new sanitary sewer main at proposed Manhole WA22 as shown on attached drawing including removal of existing septic tank and pump station, installation of a new manhole and associated work including cleanup and seeding.

Reason for Change Order: To compensate contractor for additional work requested by the Iowa DOT which was not included in the original scope of work.

Attachments: Sketch showing work to be completed and proposal from Contractor.

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price \$ <u>498,671.50</u>	Original Contract Times: Substantial Completion: _____ Ready for final payment: <u>65</u> working days (days or dates)
Net Increase (Decrease) from previous Change Orders No. <u>-</u> to <u>-</u> : \$ <u>0</u>	Net change from previous Change Orders No. <u>-</u> to <u>-</u> : Substantial Completion: _____ Ready for final payment: <u>0</u> working days (days)
Contract Price prior to this Change Order: \$ <u>498,671.50</u>	Contract Times prior to this Change Order: Substantial Completion: _____ Ready for final payment: <u>65</u> working days (days or dates)
Net increase (decrease) of this Change Order: \$ <u>15,925.00</u>	Net increase (decrease) this Change Order: Substantial Completion: _____ Ready for final payment: <u>2</u> working days (days)
Contract Price with all approved Change Orders: \$ <u>514,596.50</u>	Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for final payment: <u>67</u> working days (days or dates)

RECOMMENDED:

APPROVED:

ACCEPTED:

By: [Signature] By: _____
 ENGINEER (Authorized Signature) OWNER (Authorized Signature)

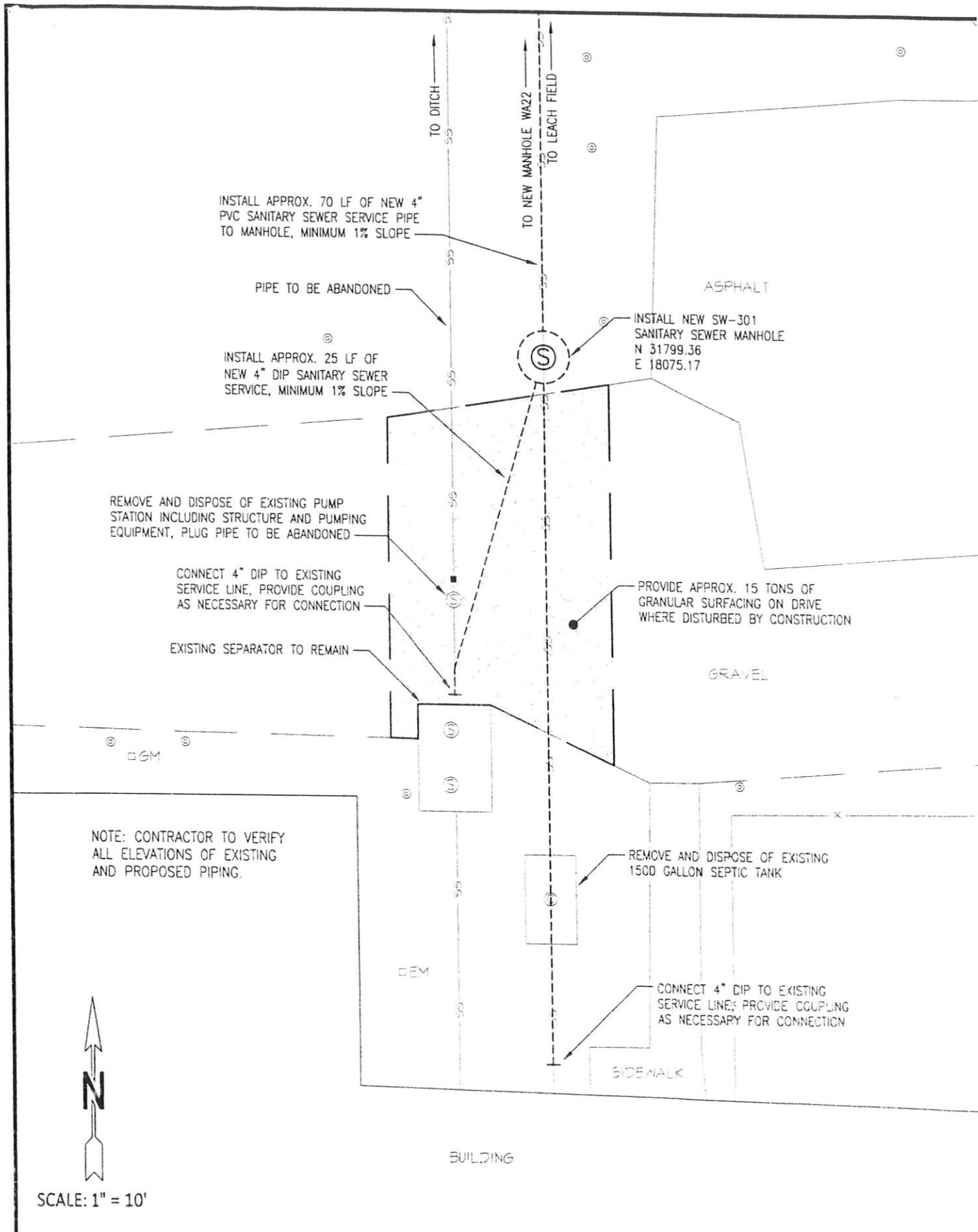
By: [Signature]
 CONTRACTOR (Authorized Signature)

Date: 8/12/13 Date: _____

Date: 8-8-13

EJCDC 1910-8-B (1996 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute



GARDEN & ASSOCIATES, LTD.
ENGINEERS & SURVEYORS

1701 3rd Avenue East, Suite 1
P.O. Box 451
Oskaloosa, Iowa 52577
641.572.2526 Phone
641.572.2091 Fax
800.491.2524 Iowa Toll Free

500 E. Taylor, Suite C
P.O. Box 631
Creston, Iowa 50801
641.787.4005 Phone
641.782.4118 Fax
email@gardenassociates.net

CHANGE ORDER NO. 1
IDOT MAINTENANCE BUILDING
SANITARY SEWER SERVICE

PROJ. NO.: 3012280

WEST AREA SANITARY
SEWER IMPROVEMENTS
OSKALOOSA, IOWA



"Our Business is Earth Moving, Our Quality is World Class"

An EEO/AA Employer

An Iowa DOT Certified DBE / WBE Contractor

1320 North 8th Avenue
PO Box 488
Washington, Iowa 52353

Ph: 319-653-3334
Fx: 319-653-3351
www.delonginc.com

August 2, 2013
West Area Sanitary Sewer Improvements
Change Order Proposal
Oskaloosa, IA

CHANGE ORDER NO. 1

SW-301 Manhole
4" Lined Ductile Iron Pipe
Connection to Existing System
Removal of Existing Pump Station
Removal of Existing Septic Tank
4" PVC Sanitary Sewer
Granular Surfacing
Restoration of Disturbed Area

\$15,925

If you have questions or need additional information, please let me know.

Sincerely,

Kyle Johnson
Estimator
DeLong Construction, Inc.

OSKALOOSA
IOWA



CITY COUNCIL COMMUNICATION

MEETING DATE: August 19, 2013

REQUESTED BY: Wastewater Department

ITEM TITLE:

Consider a motion approving Change Order No. 1 for a net increase of \$15,925.00 to the total project cost for the West Area Sanitary Sewer Improvements Project to DeLong Construction, Inc.

EXPLANATION:

The City Council at their August 5, 2013 meeting adopted a resolution to accepting the contract for the West Area Sanitary Improvements from DeLong Construction, Inc. in the amount of \$498,671.50. The resolution also established a five percent (5%) contingency in the amount of \$24,933.57.

Change order No. 1 is for additional work requested by the Iowa DOT. Work includes removal of existing septic tank and pump station, installation of a new manhole and sewer line to the Iowa DOT Maintenance Garage and cleanup and seeding the area.

Change order No. 1 will result in a contract price of \$514,596.50 to DeLong Construction, Inc. The Iowa DOT will reimburse the City for all costs associated with Change Order No. 1.

Staff recommends approval.

BUDGET CONSIDERATION:

None to the City.

ATTACHMENTS: Application for Change Order No. 1



GARDEN & ASSOCIATES, LTD.

1701 3rd Avenue East, Suite 1 • P.O. Box 451 • Oskaloosa, IA 52577

Phone: 641.672.2526 • Fax: 641.672.2091

August 12, 2013

Oskaloosa SW Sewage Treatment Plant
Attn: Dave Neubert, Wastewater Director
2632 Kent Avenue
Oskaloosa, IA 52577

Re: West Area Sanitary Sewer Improvements - 2013
Oskaloosa, Iowa
G&A #3012280

Dear Dave:

Enclosed herewith are three (3) copies of Change Order No. 1 for the referenced project. This change order is for additional work requested by the Iowa DOT to connect their maintenance garage to the new sewer system. Please review and if everything is in order, present it to the City Council for approval. If approved, have the Mayor sign all three (3) copies and send one to the Contractor, return one to our office, and keep the other for your file.

If you have any questions, please don't hesitate to contact me.

Sincerely,
GARDEN & ASSOCIATES, LTD.

Robert A. Nielsen, P.E.

RAN/ng

CHANGE ORDER

No. 1

DATE OF ISSUANCE August 7, 2013

EFFECTIVE DATE August 7, 2013

OWNER City of Oskaloosa
 CONTRACTOR DeLong Construction, Inc.
 Contract: _____
 Project: West Area Sanitary Sewer Improvements, Oskaloosa, Iowa
 OWNER's Contract No. _____ ENGINEER's Contract No. _____
 ENGINEER Garden & Associates, Ltd.

You are directed to make the following changes in the Contract Documents:

Description: Provide connection of existing Iowa DOT Maintenance Garage sanitary sewer service line to new sanitary sewer main at proposed Manhole WA22 as shown on attached drawing including removal of existing septic tank and pump station, installation of a new manhole and associated work including cleanup and seeding.

Reason for Change Order: To compensate contractor for additional work requested by the Iowa DOT which was not included in the original scope of work.

Attachments: Sketch showing work to be completed and proposal from Contractor.

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price \$ <u>498,671.50</u>	Original Contract Times: Substantial Completion: <u>---</u> Ready for final payment: <u>65 working days</u> (days or dates)
Net Increase (Decrease) from previous Change Orders No. <u>--</u> to <u>--</u> : \$ <u>0</u>	Net change from previous Change Orders No. <u>--</u> to No. <u>--</u> : Substantial Completion: _____ Ready for final payment: <u>0 working days</u> (days)
Contract Price prior to this Change Order: \$ <u>498,671.50</u>	Contract Times prior to this Change Order: Substantial Completion: _____ Ready for final payment: <u>65 working days</u> (days or dates)
Net increase (decrease) of this Change Order: \$ <u>15,925.00</u>	Net increase (decrease) this Change Order: Substantial Completion: _____ Ready for final payment: <u>2 working days</u> (days)
Contract Price with all approved Change Orders: \$ <u>514,596.50</u>	Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for final payment: <u>67 working days</u> (days or dates)

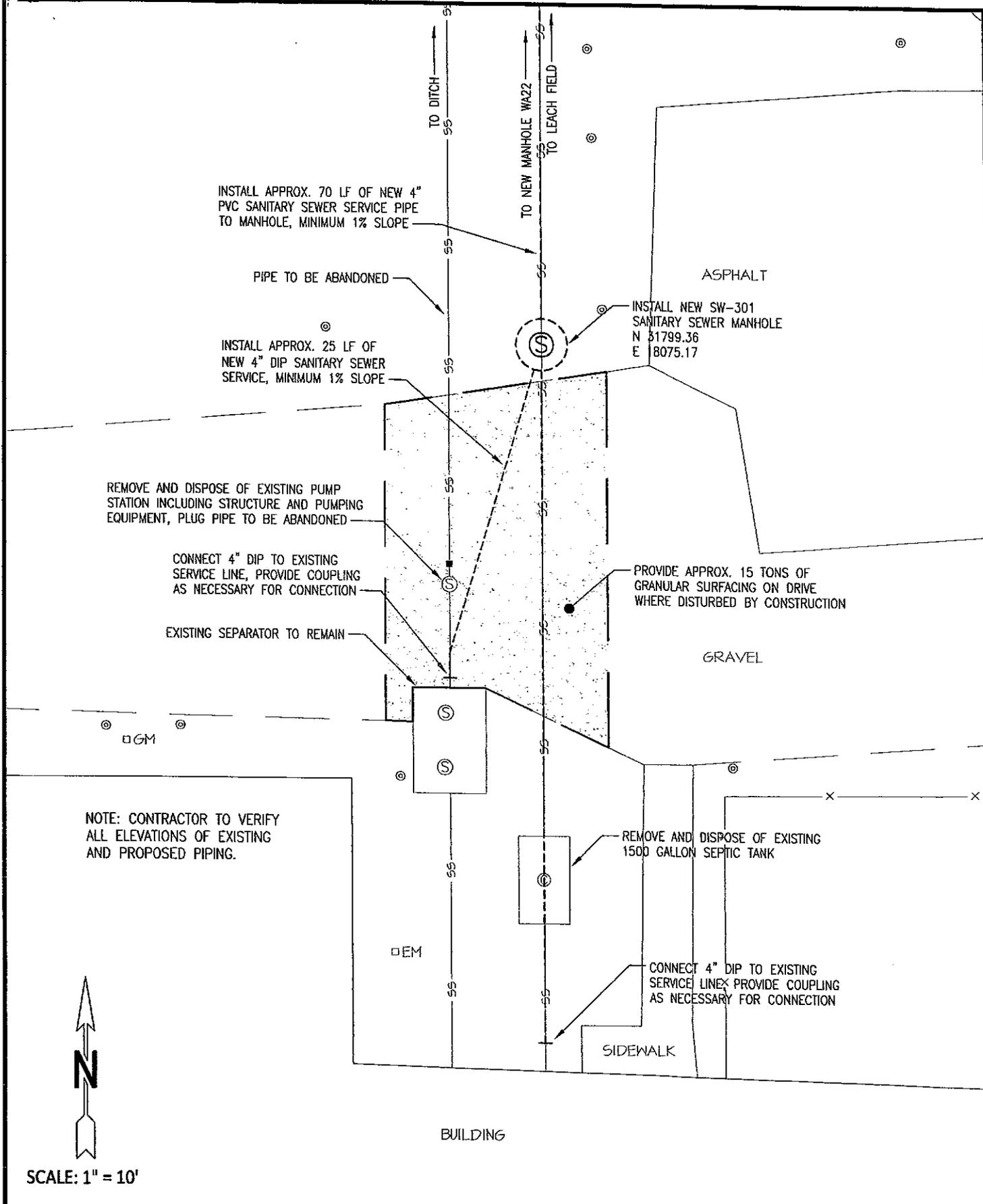
RECOMMENDED: [Signature] By: _____
 ENGINEER (Authorized Signature) OWNER (Authorized Signature)
 Date: 8/12/13 Date: _____

APPROVED:

ACCEPTED: [Signature] By: _____
 CONTRACTOR (Authorized Signature)
 Date: 8-8-13

EJCDC 1910-8-B (1996 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute.



G GARDEN & ASSOCIATES, LTD.
ENGINEERS & SURVEYORS
1701 3rd Avenue East, Suite 1
P.O. Box 452
Oskaloosa, Iowa 52577
641.672.2526 Phone
641.672.2091 Fax
800.491.2524 Iowa Toll Free

500 E. Taylor, Suite C
P.O. Box 631
Creston, Iowa 50801
641.782.4005 Phone
641.782.4118 Fax
email@gardenassociates.net

CHANGE ORDER NO. 1
DOT MAINTENANCE BUILDING
SANITARY SEWER SERVICE

PROJ. NO.: 3012280

WEST AREA SANITARY
SEWER IMPROVEMENTS
OSKALOOSA, IOWA

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August 2, 2013
West Area Sanitary Sewer Improvements
Change Order Proposal
Oskaloosa, IA

CHANGE ORDER NO. 1

SW-301 Manhole
4" Lined Ductile Iron Pipe
Connection to Existing System
Removal of Existing Pump Station
Removal of Existing Septic Tank
4" PVC Sanitary Sewer
Granular Surfacing
Restoration of Disturbed Area

\$15,925

If you have questions or need additional information, please let me know.

Sincerely,



Kyle Johnson
Estimator
DeLong Construction, Inc.



CITY COUNCIL COMMUNICATION

MEETING DATE: August 19, 2013

REQUESTED BY: COUNCIL
APPOINTED STAFF

ITEM TITLE: REPORT ON ITEMS FROM CITY STAFF.

- a) City Manager.
- b) City Clerk.
- c) City Attorney.

EXPLANATION:

This item is reserved to receive reports from the City Manager, City Clerk, and/or the City Attorney.

BUDGET CONSIDERATION:

Not applicable, report(s) only.

ATTACHMENTS:

None.



CITY COUNCIL COMMUNICATION

MEETING DATE: August 19, 2013

REQUESTED BY: MAYOR & CITY COUNCIL

ITEM TITLE: CITY COUNCIL INFORMATION.

EXPLANATION:

This item is reserved to receive reports from the Mayor and City Council. This is an opportunity for the members of the City Council to provide updates on activities, events, or items of note to the public. This is also the opportunity for the City Council to request future agenda items, or request items to be sent to Committee for review and discussion.

BUDGET CONSIDERATION:

Not applicable, report(s) only.