



Agenda

City Council Meeting
20 Second Avenue SW, Oelwein
6:00 PM

December 11, 2023
Oelwein, Iowa

Mayor: Brett DeVore

Mayor Pro Tem: Lynda Payne

Council Members: Karen Seeders, Tom Stewart, Matt Weber, Dave Garrigus, Dave Lenz

Pledge of Allegiance

Call to Order

Roll Call

Additions or Deletions

Citizens Public Comments - See Guidelines for Public Comments Below

Consent Agenda

- [1.](#) Consideration of a motion approving the November 27, 2023 minutes.
- [2.](#) Consideration of a motion approving the Class 'E' Alcohol License for Oelwein Liquors.
- [3.](#) Consideration of a motion to approve 2024 Cigarette/Tobacco Permit for Super Mart.

Public Hearing

- [4.](#) Public Hearing on proposed sale of city owned real property located at 11 12th Avenue SW.

Resolutions

- [5.](#) Consideration of a resolution approving Pay Application No. 1 in the amount of \$99,750.00 to Shift Companies for the Reed Bed Expansion and EQ Basin Liner Replacement Project.
- [6.](#) Consideration of a resolution approving Pay Application No. 4 in the amount of \$149,012.91 to Dave Schmitt Construction for Oelwein NE Sanitary Sewer Improvements project.
- [7.](#) Consideration of a resolution amending the Collection Policy.
- [8.](#) Consideration of a resolution adopting rules of Procedure for Conduct of City Council Business.
- [9.](#) Consideration of a resolution adopting a Public Comment Policy.
- [10.](#) Consideration of a resolution authorizing and approving a Loan and Disbursement Agreement and providing for the issuance and securing the payment of \$1,138,000 Sewer Revenue Bonds, Series 2023.
- [11.](#) Consideration of a resolution approving the sale of City owned real estate at 11-12th Ave. SW, Oelwein, Fayette County, Iowa.

- [12.](#) Consideration of a resolution scheduling a public hearing on December 18, 2023 at 6:00PM in the City Council Chambers regarding the proposed vacation and transfer of city alleyway right of way.

Motions

- [13.](#) Consideration of a motion approving the recommendation from the Planning, Finance, Enterprise, and Economic Development Committee on the Hotel Motel Application for the Williams Center for the Arts in the amount of \$1,500.00.
- [14.](#) Consideration of a motion approving the recommendation from the Planning, Finance, Enterprise, and Economic Development Committee on the Hotel Motel Application for T&T BBQ in the amount of \$15,000.00.

Committee Reports

- [15.](#) Report from Garrigus on the Park and Recreation Commission minutes.
- [16.](#) Report from Stewart on the Airport Board meeting minutes.

Council Updates

Mayor's Report

City Administrator's Report

- [A.](#) City Administrator.

Adjournment

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 319-283-5440



Minutes

City Council Meeting
20 Second Avenue SW, Oelwein
November 27, 2023 - 6:00 PM

Pledge of Allegiance

Call to Order

Mayor DeVore called the meeting to order at 6:00 PM.

Roll Call

Present: Garrigus, Seeders, Payne, Stewart, Weber

Also Present: Mayor DeVore, City Administrator Mulfinger, City Clerk Rigdon

Absent: Lenz

Additions or Deletions

A motion was made by Garrigus, seconded by Weber to adopt the agenda as amended.

All aye. Motion carried.

Consent Agenda

1. Consideration of a motion approving the November 13, 2023 minutes.
2. Claims resolution in the amount of \$527,306.37.
3. Consideration of a motion approving the Class 'E' Alcohol License for SuperMart.
4. Consideration of a motion approving the proposed sale of city owned real property located at 11 12th Avenue SW as recommended by the Planning, Finance, Enterprise, and Economic Development Committee.

A motion was made by Weber, seconded by Stewart to approve the consent agenda.

All aye. Motion carried.

Ordinances

5. Consideration of an ordinance updating the floodplain management. - Third and Final Reading.

A motion was made by Weber, seconded by Seeders to adopt Ordinance No. 1209.

Ayes: Garrigus, Seeders, Payne, Stewart, Weber

Nays: NA

Absent: Lenz

Motion carried.

Resolutions

6. Consideration of a resolution scheduling a public hearing on proposed sale of city owned real property located at 11 12th Avenue SW.

A motion was made by Seeders, seconded by Weber to adopt Resolution No. 5490-2023.

Ayes: Garrigus, Seeders, Payne, Stewart, Weber

Nays: NA

Absent: Lenz

Motion carried.

7. Consideration of a resolution approving a road diet for North Frederick reducing the lanes from four to three north of the Intersection of Frederick and Highway 150.

Weber stated he had two constituents not in favor of the road diet. Garrigus stated a lot of semis travel that road. Payne stated having the post office on a four lane is already an issue and felt having it on a three lane would make it worse. Also, converging from a four lane to a three lane in the middle of town could be problematic.

Item died for lack of motion.

Motions

8. Consideration of a motion approving Annual Urban Renewal Report re: Fiscal Year 2022-2023 TIF Debt Outstanding.

A motion was made by Seeders, seconded by Weber to approve Annual Urban Renewal Report re: Fiscal Year 2022-2023 TIF Debt Outstanding. All aye. Motion carried.

9. Consideration of a motion to approve staff applying for the Community Catalyst Building Remediation program offered by the Iowa Economic Development Authority for 1 South Frederick.

As noted in the November 27th Planning, Finance, Enterprise, and Economic Development minutes, more information was requested. Item died for lack of motion.

Committee Reports

10. Report from Payne on the Library Board minutes.

For full minutes, please visit: <https://www.oelwein.lib.ia.us/about/library-board-minutes-1>

11. Report from Payne on the Housing Board Minutes.

For full minutes, please visit: <https://www.cityfoelwein.org/bc-hc/page/housing-committee-8>

Mayor's Report

Mayor DeVore stated the Solid Waste Commission met last week. They will be refunding more money.

Mayor DeVore stated Decorah wrote a letter to the utility board stating they were not in favor of a 20% business and 15% residential increase. Mayor Devore directed staff to prepare a letter to the utility board stating Oelwein is also not in favor.

City Administrator's Report

City Administrator Mulfinger stated he and new council elect Anthony Ricchio will be attending Municipal Leadership Academy on Saturday, December 2.

Adjournment

A motion was made by Weber, seconded by Garrigus to adjourn the meeting at 6:22 PM.

Brett DeVore, Mayor

ATTEST:

Dylan Mulfinger, City Administrator

I, Dylan Mulfinger, City Administrator in and for the City of Oelwein, Iowa do hereby certify that the above and foregoing is a true accounting of the Council Proceedings held November 27, 2023 and copy of said proceedings was furnished to the Register November 28, 2023.

Dylan Mulfinger, City Administrator

(App-191603)

License or Permit Type

License or Permit Type

Length of License Requested

Class E Retail Alcohol License

12 Month

Tentative Effective Date

Tentative Expiration Date

2023-12-28

2024-12-27

Privileges / Sub-Permits Information

Privileges

Sub-Permits

Premises Information

Business Information

*** (required) Name of Legal Entity (The name of the individual, partnership, corporation or other similar legal entity that is receiving the income from the alcoholic beverages sold)**

OELWEIN LIQUORS, LLC

*** (required) Name of Business (D/B/A)**

Oelwein Liquors LLC

Indicate how the business will be operated

Limited Liability Company

*** (required) Federal Employer ID #**

92-1022999

*** (required) Business Number of Secretary of State**

730372

Tentative Expiration Date

Dec 27, 2024

Premises Information

Please select here if your location is in an unincorporated town

Address of Premises:

You must use the Address or location field below to search for your operating location. If your event does not populate, please find the closest applicable address and then modify your premises street field to better identify the address of your event.

Address or location

1011 South Frederick Avenue, Oelwein, Iowa, Fayette

Search by a location name or address to automatically populate the address fields below (optional)

*** (required) Premises Street**

1011 South Frederick Avenue

Premises Suite/Apt Number

*** (required) Premises City**

Oelwein

Premises State

Iowa

*** (required) Premises Zip/Postal Code**

50662

Premises County

Fayette

*** (required) Local Authority**
City of Oelwein

Control of Premises

lease

Premises Type

Liquor Store

Does your premises conform to all local and state health, fire and building laws and regulation?

Yes

Does or will your licensed location wholesale alcoholic beverages to on-premises retail alcohol licensees?

No

*** (required) The total square footage of the entire retail sales area plus any alcoholic beverage storage areas of the business. This includes areas of walk-in alcoholic beverage coolers that are accessible to the public.**

864

Hours of Operation: Beginning

8:00 AM

Hours of Operation: Ending

9:00 AM

Hours deliveries may be received: Beginning

9:00 AM

Hours deliveries may be received: Ending

5:00 PM

Are the hours of deliveries flexible?

Yes

Contact Information

* (required) Contact Name

Matthew Woodward

* (required) Business
(required) Extension Phone

(319) 238-8079

* (required) Email Address

mlw.holdings.ia@gmail.com

* (required) Phone
(required) Extension

(720) 935-3700

Same as Premises Address

Mailing Address:

You must use the Address or location field below to search for your operating location. If your event does not populate, please find the closest applicable address and then modify your premises street field to better identify the address of your event.

Address or location

2480 Hoyt St, Lakewood, Colorado,

Search by a location name or address to automatically populate the address fields below (optional)

Mailing Street

2480 Hoyt St

Mailing Suite/Apt Number

Mailing City

Mailing State

Lakewood

Colorado

Item 2.

Mailing Zip/Postal Code

Mailing County

80215

Ownership

Matthew

Woodward

Position: Managing

Member

SSN: XXX-XX-0579

US Citizen: Yes

Ownership: 45%

DOB: 04/28/1984

Laura Woodward

Position: Managing

Member

SSN: XXX-XX-6615

US Citizen: Yes

Ownership: 55%

DOB: 04/25/1980

Criminal History Information

Since the license was last issued, has anyone listed on the Ownership page been charged or convicted of a felony offense in Iowa or any other state of the United States?

No

Since the license was last issued, has anyone listed on the Ownership page been convicted of any violation of any state, county, city, federal or foreign law (not including traffic violations, except those that are alcohol related)?

No

Local Authority Information

Extension * (required) Daytime Phone for

- Local Authority

Sketch on File

Proof of Control of Property (Deed / Final Sales Contract / Lease / Written Agreement)

****Purchase agreements not accepted**

Premise's Address Correct?

Premises Zoned Properly?

Fire Inspection Completed?

Health Inspection Completed?

Was a DCI background check run?

Previous License Number for this Location

*** (required) Local Authority Email Address**

Comments

Amount Owed to Local Authority

Document Upload Information

DOCUMENT NAME

Proof of Control of Property (Deed / Final Sales Contract / Lease / Written Agreement)

**Purchase agreements not accepted

UPLOADED DOCUMENTS

MLW Holdings-Oelwein Liquore Signed Lease.pdf

ADDITIONAL COMMENTS

DOCUMENT NAME

Sketch

UPLOADED DOCUMENTS

Oelwein Liquors- Floor Layout.pdf

ADDITIONAL COMMENTS

STATE OF IOWA
RETAIL
CIGARETTE/TOBACCO/NICOTINE/VAPOR PERMIT

City Number 2017

*In accordance with laws of the state of Iowa, and the action of
the City Council of Oelwein Iowa
(City)*

Business Location Name: Super Mart -

Business Location Address: 701 South Frederick Avenue
Oelwein, IA 50662

Ownership Type: LLC

Legal Owner Name: Vision 786, LLC

Legal Owner Mailing Address: 701 South Frederick Avenue
Oelwein, IA 50662

Type of Sales: Over-the-Counter

*Is hereby authorized to sell cigarettes, tobacco, nicotine and vapor products
at the business location address above*

in the City of Oelwein County of Fayette, Iowa.

*This permit is nontransferable, is effective from January 1, 20 2024 and
automatically expires on June 30, 2024, unless suspended or revoked.*

*In Testimony Whereof, I have caused the seal of the said
City to be hereunto affixed. Done at Oelwein,
in the State of Iowa, this 11 day of December, 2023.*

Issued By: _____
City Mayor or Clerk

CITY OF OELWEIN

NOTICE OF PUBLIC HEARING ON THE PROPOSED SALE OF CITY OWNED REAL ESTATE

Notice is hereby given that the City of Oelwein, Fayette County, Iowa, proposes to sell and convey by Quit Claim Deed, the following described real estate situated in the City of Oelwein:

Lots 3 & 4, Block 6, Armstrong's Addition to Oelwein, City of Oelwein, Fayette County, Iowa

Located at 11 - 12th Ave. SW., Oelwein, Iowa
Parcel No. 1820402002

The City proposes to sell the property to Dmitry Baycharov for the sum of \$1,500.00 and other good and valuable consideration.

Public Hearing on the proposed sale, and terms associated therewith, will be held at 6:00 p.m. on December 11, 2023, before the Oelwein City Council, at Oelwein City Hall, 20 2nd Ave. SW, Oelwein, IA. After acceptance of public comment, if any, and closing of the public hearing, the City Council may act upon the proposal to sell and transfer said property.

Any person may appear at the Public Hearing to comment on the proposed terms of the sale and/or may submit written comments in advance of the Public Hearing by delivery of same to the City Clerk's Office, at Oelwein City Hall, 20 2nd Ave. SW, Oelwein, IA during regular business hours, by mailing to the City of Oelwein at the same address, or by email to the City Clerk's Office at dmulfinger@cityfoelwein.org, on or before the date and time of the Public Hearing.

Dylan Mulfinger, City Administrator
City of Oelwein, Iowa

RESOLUTION NO. _____

Resolution Approving Pay Application Number One in the Amount of \$99,750.00 to Shift Companies for the Reed Bed Expansion and EQ Basin Liner Replacement

WHEREAS, the city of Oelwein is expanding the reed beds and putting in a new equalization basin cover at the waste treatment plant; and

WHEREAS, the work provided by Shift Companies has been satisfactory thus far; and

WHEREAS, the city shall pay \$99,750.00 on this pay application;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Oelwein, Iowa Approves Pay Application Number One in the Amount of \$99,750.00 to Shift Companies for the Reed Bed Expansion and EQ Basin Liner Replacement Policy.

Passed and approved on December 11, 2023.

Brett DeVore, Mayor

It was moved by _____ and seconded by _____ that the Resolution as read be adopted, and upon roll call there were:

AYES NAYS ABSENT ABSTAIN

Attest:

Stewart
Weber
Lenz
Garrigus
Seeders
Payne

Dylan Mulfinger, City Administrator

Recorded December 12, 2023.

Contractor's Application for Payment

Owner: <u>City of Oelwein, IA</u>	Owner's Project No.: <u>1-2023</u>
Engineer: <u>Fox Strand</u>	Engineer's Project No.: _____
Contractor: <u>Shift Companies</u>	Contractor's Project No.: <u>S2308</u>
Project: <u>Reed Bed Expansion and EQ Basin Liner Replacement</u>	
Contract: <u>1-2023</u>	
Application No.: <u>1</u>	Application Date: <u>11/30/2023</u>
Application Period: From <u>10/1/2023</u> to <u>11/30/2023</u>	

1. Original Contract Price	\$ 1,347,000.00
2. Net change by Change Orders	\$ 40,000.00
3. Current Contract Price (Line 1 + Line 2)	\$ 1,387,000.00
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$ 105,000.00
5. Retainage	
a. <u>5%</u> X \$ 105,000.00 Work Completed =	\$ 5,250.00
b. _____ X \$ - Stored Materials =	\$ -
c. Total Retainage (Line 5.a + Line 5.b)	\$ 5,250.00
6. Amount eligible to date (Line 4 - Line 5.c)	\$ 99,750.00
7. Less previous payments (Line 6 from prior application)	
8. Amount due this application	\$ 99,750.00
9. Balance to finish, including retainage (Line 3 - Line 4 + Line 5.c)	\$ 1,287,250.00

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;

(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and

(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor: <u>Shift Companies</u>	
Signature: 	Date: <u>11/30/2023</u>
Recommended by Engineer	Approved by Owner
By: <u>Lane Albrit</u>	By: _____
Title: <u>Project Manager</u>	Title: <u>Mayor</u>
Date: <u>12/4/23</u>	Date: <u>December 11, 2023</u>
Approved by Funding Agency	
By: _____	By: _____
Title: _____	Title: <u>City Administrator</u>
Date: _____	Date: <u>December 11, 2023</u>

Progress Estimate - Lump Sum Work

Contractor's Application for Payment

Owner:	City of Oelwein, IA	Owner's Project No.:	1-2023
Engineer:	Fox Strand	Engineer's Project No.:	
Contractor:	Shift Companies	Contractor's Project No.:	S2308
Project:	Reed Bed Expansion and EQ Basin Liner Replacement		
Contract:	1-2023		

Application No.: 1 **Application Period:** From 10/01/23 to 11/30/23 **Application Date:** 11/30/23

A	B	C	D	E	F	G	H	I
Item No.	Description	Scheduled Value (\$)	Work Completed		Materials Currently Stored (not in D or E) (\$)	Work Completed and Materials Stored to Date (D + E + F) (\$)	% of Scheduled Value (G / C) (%)	Balance to Finish (C - G) (\$)
			(D + E) From Previous Application (\$)	This Period (\$)				
Original Contract								
1	MOBILIZATION	205,072.50		65,000.00		65,000.00	32%	140,072.50
2	ONSITE GRADING IMPORT AND EROSION CONTROL	160,000.00		40,000.00		40,000.00	25%	120,000.00
3	SITE UTILITIES	200,000.00				-	0%	200,000.00
4	SITE LINER EQ BASIN AND REEDE BED	202,500.00				-	0%	202,500.00
5	REED BED AGGREGATES AND PLANTS	200,000.00				-	0%	200,000.00
6	CONCRETE WALL AND RAMPS	170,000.00				-	0%	170,000.00
7	SLUDGE REMOVAL	75,000.00				-	0%	75,000.00
8	SITE ELECTRICAL AND FENCE	50,000.00				-	0%	50,000.00
9	ROCK PERIMETER ROAD	15,000.00				-	0%	15,000.00
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Original Contract Totals		\$ 1,277,572.50	\$ -	\$ 105,000.00	\$ -	\$ 105,000.00	8%	\$ 1,172,572.50

Progress Estimate - Lump Sum Work

Contractor's Application for Payment

Owner:	City of Oelwein, IA	Owner's Project No.:	1-2023
Engineer:	Fox Strand	Engineer's Project No.:	
Contractor:	Shift Companies	Contractor's Project No.:	S2308
Project:	Reed Bed Expansion and EQ Basin Liner Replacement		
Contract:	1-2023		

Application No.:	1	Application Period:	From 10/01/23 to 11/30/23	Application Date:	11/30/23
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A	B	C	D	E	F	G	H	I
Item No.	Description	Scheduled Value (\$)	Work Completed		Materials Currently Stored (not in D or E) (\$)	Work Completed and Materials Stored to Date (D + E + F) (\$)	% of Scheduled Value (G / C) (%)	Balance to Finish (C - G) (\$)
			(D + E) From Previous Application (\$)	This Period (\$)				
Change Orders								
CO 1	CHANGE TO USE CWG	40,000.00				-	0%	40,000.00
						-		-
						-		-
						-		-
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Change Order Totals		\$ 40,000.00	\$ -	\$ -	\$ -	\$ -	0%	\$ 40,000.00
Original Contract and Change Orders								
Project Totals		\$ 1,317,572.50	\$ -	\$ 105,000.00	\$ -	\$ 105,000.00	8%	\$ 1,212,572.50

Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner:	City of Oelwein, IA	Owner's Project No.:	1-2023
Engineer:	Fox Strand	Engineer's Project No.:	
Contractor:	Shift Companies	Contractor's Project No.:	S2308
Project:	Reed Bed Expansion and EQ Basin Liner Replacement		
Contract:	1-2023		

Application No.: 1 **Application Period: From** 10/01/23 **to** 11/30/23 **Application Date:** 11/30/23

A	B	C	D	E	F	G	H	I	J	K	L	
Bid Item No.	Description	Item Quantity	Units	Contract Information		Work Completed		Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) (\$)	
				Unit Price (\$)	Value of Bid Item (C X E) (\$)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)					
Original Contract												
10	REHAB SLUDGE PUMP	1.00	EA	30,000.00	30,000.00		-		-	0%	30,000.00	
11	REHAB UNDERDRAIN PIPE	225.00	LF	125.00	28,125.00		-		-	0%	28,125.00	
12	REPLACE REED BED PEA GRAVEL	55.00	CY	46.50	2,557.50		-		-	0%	2,557.50	
13	REPLACE REED BED ROCK LAYER	100.00	CY	87.45	8,745.00		-		-	0%	8,745.00	
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Original Contract Totals					\$	69,427.50		\$ -	\$ -	\$ -	0%	\$ 69,427.50

Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner:	City of Oelwein, IA	Owner's Project No.:	1-2023
Engineer:	Fox Strand	Engineer's Project No.:	
Contractor:	Shift Companies	Contractor's Project No.:	S2308
Project:	Reed Bed Expansion and EQ Basin Liner Replacement		
Contract:	1-2023		

Application No.: 1 Application Period: From 10/01/23 to 11/30/23 Application Date: 11/30/23

A	B	C	D	E	F	G	H	I	J	K	L
Bid Item No.	Description	Contract Information				Work Completed		Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) (\$)
		Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)				
Change Orders											
					-		-		-		-
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					-		-		-		-
					-		-		-		-
Change Order Totals					\$	-		\$	-	\$	-
Original Contract and Change Orders											
Project Totals					\$	69,427.50		\$	-	\$	-
									0%	\$	69,427.50

Stored Materials Summary

Contractor's Application for Payment

Owner: City of Oelwein, IA
 Engineer: Fox Strand
 Contractor: Shift Companies
 Project: Reed Bed Expansion and EQ Basin Liner Replacement
 Contract: 1-2023

Owner's Project No.: 1-2023
 Engineer's Project No.: _____
 Contractor's Project No.: S2308

Application No.: 1 Application Period: From 10/01/23 to 11/30/23 Application Date: 11/30/23

A	B	C	D	E	F	G			H			I	J	K	L	M	
Item No. (Lump Sum Tab) or Bid Item No. (Unit Price Tab)	Supplier Invoice No.	Submittal No. (with Specification Section No.)	Description of Materials or Equipment Stored	Storage Location	Application No. When Materials Placed in Storage	Materials Stored			Incorporated in Work			Total Amount Incorporated in the Work (J+K) (\$)	Materials Remaining in Storage (I-L) (\$)				
						Previous Amount Stored (\$)	Amount Stored this Period (\$)	Amount Stored to Date (G+H) (\$)	Amount Previously Incorporated in the Work (\$)	Amount Incorporated in the Work this Period (\$)							
Totals						\$	-	\$	-	\$	-	\$	-	\$	-	\$	-

RESOLUTION NO. _____-2023

RESOLUTION APPROVING PAY APPLICATION NO. 4 IN THE AMOUNT OF \$149,012.91 TO DAVE SCHMIDT CONSTRUCTION FOR OELWEIN NE SANITARY SEWER IMPROVEMENTS PROJECT

WHEREAS, the City of Oelwein has made great progress on the Oelwein NE Sanitary Sewer Improvements; and

WHEREAS, the pay application number 4 will cost \$149,012.91; and

WHEREAS, the project has been designed and administered by Fox Strand;

WHEREAS, the contractor is Dave Schmitt Construction;

WHEREAS, the work done on the project has been satisfactory; and

Now, therefore, be it resolved by the City Council of Oelwein, Iowa approves Pay Application No. 4 in the Amount of \$149,012.91 for Oelwein NE Sanitary Sewer Improvements project.

Passed and approved this 11th day of December, 2023.

Brett DeVore, Mayor

It was moved by _____ and seconded by _____ that the Resolution as read be adopted, and upon roll call there were:

AYES NAYS ABSENT ABSTAIN

Stewart

Weber

Lenz

Garrigus

Seeders

Payne

Attest:

Dylan Mulfinger, City Administrator

December 12, 2023.

Contractor's Application for Payment

Owner: <u>City of Oelwein</u>	Owner's Project No.: _____
Engineer: <u>FOX Strand</u>	Engineer's Project No.: <u>7038.015</u>
Contractor: <u>Dave Schmitt Construction</u>	Contractor's Project No.: _____
Project: <u>Oelwein NE Sanitary Sewer Improvements</u>	
Contract: <u>2-2023</u>	
Application No.: <u>4</u>	Application Date: <u>11/30/2023</u>
Application Period: From <u>9/29/2023</u> to <u>11/30/2023</u>	

1. Original Contract Price	\$ 1,218,960.50
2. Net change by Change Orders	\$ 18,760.30
3. Current Contract Price (Line 1 + Line 2)	\$ 1,237,720.80
4. Total Work completed and materials stored to date (Sum of Column I Lump Sum Total and Column L Unit Price Total)	\$ 1,021,771.59
5. Retainage	
a. <u>5%</u> X <u>\$ 1,021,771.59</u> Work Completed =	\$ 51,088.58
b. <u>5%</u> X <u>\$ -</u> Stored Materials =	\$ -
c. Total Retainage (Line 5.a + Line 5.b)	\$ 51,088.58
6. Amount eligible to date (Line 4 - Line 5.c)	\$ 970,683.01
7. Less previous payments (Line 6 from prior application)	\$ 821,670.10
8. Amount due this application	\$ 149,012.91
9. Balance to finish, including retainage (Line 3 - Line 4 + Line 5.c)	\$ 267,037.79

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

- (1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;
- (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and
- (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor: Dave Schmitt Construction
Signature: _____ **Date:** 12/6/23

Recommended by Engineer	Approved by Owner
By: <u>[Signature]</u>	By: _____
Title: <u>Project Manager</u>	Title: _____
Date: <u>12/6/2023</u>	Date: _____

Approved by Funding Agency

By: _____	By: _____
Title: _____	Title: _____
Date: _____	Date: _____

Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner: City of Oelwein
 Engineer: FOX Strand
 Contractor: Dave Schmitt Construction
 Project: Oelwein NE Sanitary Sewer Improvements
 Contract: 2-2023

Owner's Project No.:
 Engineer's Project No.: 7038.015
 Contractor's Project No.:

Application No.: 4 Application Period: From 09/29/23 to 11/30/23 Application Date: 11/30/23

A Bid Item No.	B Description	C Contract Information					G Value of Bid Item Original (C X F) (\$)	H Value of Bid Item Original + CO (D X F) (\$)	I Work Completed		K Materials Currently Stored (not in I) (\$)	L Work Completed and Materials Stored to Date (J + K) (\$)	M % of Value of Item (L / H) (%)	N Balance to Finish (L-H) (\$)
		Item Quantity (Original)	Change Order No.1	Change Order No.2	Quantity + Change Order	Units			Unit Price (\$)	Estimated Quantity Incorporated in the Work				
2.01	TOPSOIL STRIP, STOCKPILE, AND PREPAD	1			1	LS	\$ 33,139.00	\$ 33,139.00	0.50	16,569.50		16,569.50	50%	\$ 16,569.50
2.02	EXCAVATION FOR ROADWAY	1,231			1231	CY	\$ 13.30	\$ 16,372.30	1,152.00	15,321.60		15,321.60	94%	\$ 1,050.70
2.03	GRANULAR SUBBASE, FURNISH	6361			6361	SY	\$ 9.05	\$ 57,567.05	5,887.00	53,277.35		53,277.35	93%	\$ 4,289.70
2.04	SUBGRADE PREPARATION, 12-IN	6361			6361	SY	\$ 2.85	\$ 18,128.85	5,887.00	16,777.95		16,777.95	93%	\$ 1,350.90
2.05	SUBGRADE TREATMENT, GEOGRID (TYPE 1)	6361			6361	SY	\$ 1.70	\$ 10,813.70	5,807.00	9,871.90		9,871.90	91%	\$ 941.80
2.06	REMOVAL OF STRUCTURE, SANITARY MANHOLE	11			11	EA	\$ 1,098.00	\$ 12,078.00	8.00	8,784.00		8,784.00	73%	\$ 3,294.00
3.01	TRENCH FOUNDATION	300			300	T	\$ 23.40	\$ 7,020.00	-	-		-	0%	\$ 7,020.00
3.02	REPLACEMENT OF UNSUITABLE BACKFILL MATERIAL	100			100	CY	\$ 40.30	\$ 4,030.00	-	-		-	0%	\$ 4,030.00
3.03	TRENCH COMPACTION TESTING	1			1	LS	\$ 7,500.00	\$ 7,500.00	0.20	1,500.00		1,500.00	20%	\$ 6,000.00
4.01	SANITARY SEWER GRAVITY MAIN, TRENCHED, 8-IN	25	10	15	50	LF	\$ 69.60	\$ 1,740.00	3,480.00	51.00	3,549.60	3,549.60	102%	\$ (69.60)
4.02	SANITARY SEWER GRAVITY MAIN, TRENCHED, 12-IN	1730	50	6	1786	LF	\$ 136.50	\$ 236,145.00	1,775.00	242,287.50		242,287.50	99%	\$ 1,501.50
4.03	SANITARY SEWER GRAVITY MAIN, TRENCHED, 15-IN	251			251	LF	\$ 122.50	\$ 30,747.50	55.00	6,737.50		6,737.50	22%	\$ 24,010.00
4.04	SANITARY SEWER SERVICE, PVC WYE AND CONNECTION TO EXISTING	26	1	1	28	EA	\$ 1,237.00	\$ 32,162.00	26.00	32,162.00		32,162.00	93%	\$ 2,474.00
4.05	CONNECT PROPOSED SANITARY PIPE TO EXISTING PIPE	10	3		13	EA	\$ 316.00	\$ 3,160.00	8.00	2,528.00		2,528.00	62%	\$ 1,580.00
4.06	SANITARY SEWER SERVICE, PVC	459	5	9	473	LF	\$ 94.00	\$ 43,146.00	349.50	32,853.00		32,853.00	74%	\$ 11,609.00
4.07	SANITARY SEWER GRAVITY MAIN, TRENCHLESS, 15-IN	100			100	LF	\$ 869.00	\$ 86,900.00	100.00	86,900.00		86,900.00	100%	\$ -
4.08	BYPASS PUMPING	1			1	LS	\$ 43,577.00	\$ 43,577.00	0.30	13,073.10		13,073.10	30%	\$ 30,503.90
4.09	SANITARY SEWER CIPP, 10-IN O.D.	371			371	LF	\$ 110.00	\$ 40,810.00	371.00	40,810.00		40,810.00	100%	\$ -
4.10	SANITARY SEWER GRAVITY MAIN, TRENCHED, 10-IN	25		13	38	LF	\$ 69.60	\$ 1,740.00	27.50	1,914.00		1,914.00	72%	\$ 730.80
6.01	MANHOLE, SANITARY SEWER, SW-301, 48-IN	10			10	EA	\$ 5,387.00	\$ 53,870.00	8.00	43,096.00		43,096.00	80%	\$ 10,774.00
6.02	CONNECT TO EXISTING STRUCTURE	2			2	EA	\$ 3,700.00	\$ 7,400.00	-	-		-	0%	\$ 7,400.00
7.01	REMOVAL OF SIDEWALK	21			21	SY	\$ 21.00	\$ 441.00	5.60	117.60		117.60	27%	\$ 323.40
7.02	REMOVAL OF DRIVEWAY, PCC	38			38	SY	\$ 34.90	\$ 1,326.20	24.10	841.09		841.09	63%	\$ 485.11
7.03	REMOVAL OF CURB AND GUTTER	70			70	LF	\$ 21.00	\$ 1,470.00	93.00	1,953.00		1,953.00	133%	\$ (483.00)
7.04	REMOVAL OF PAVEMENT	5,641			5641	SY	\$ 4.90	\$ 27,640.90	5,222.00	25,587.80		25,587.80	93%	\$ 2,053.10
7.05	SIDEWALK, PCC, 4-IN	8			8	SY	\$ 79.90	\$ 639.20	6.00	479.40		479.40	75%	\$ 159.80
7.06	SIDEWALK RAMP, PCC, 6-IN	33			33	SY	\$ 76.50	\$ 2,524.50	17.60	1,346.40		1,346.40	53%	\$ 1,178.10
7.07	DETECTABLE WARNINGS	40			40	SF	\$ 40.00	\$ 1,600.00	20.00	800.00		800.00	50%	\$ 800.00
7.08	DRIVEWAY, PAVED, PCC, 6-IN	55		-37	18	SY	\$ 75.30	\$ 1,411.50	-	-		-	0%	\$ 1,355.40
7.09	DRIVEWAY, GRANULAR	80			80	SY	\$ 13.20	\$ 1,056.00	-	-		-	0%	\$ 1,056.00
7.10	PCC CURB AND GUTTER	70			70	SY	\$ 143.00	\$ 10,010.00	21.00	3,003.00		3,003.00	30%	\$ 7,007.00
7.11	PAVEMENT, HMA, 6-IN	5,141		57	5198	SY	\$ 46.80	\$ 240,598.80	5,198.00	243,266.40		243,266.40	100%	\$ -
7.12	PAVEMENT, PCC, 7-IN	758			758	SY	\$ 61.00	\$ 46,238.00	332.00	20,252.00		20,252.00	44%	\$ 25,986.00
8.01	TEMPORARY TRAFFIC CONTROL	1			1	LS	\$ 31,453.00	\$ 31,453.00	0.30	9,435.90		9,435.90	30%	\$ 22,017.10
9.01	HYDRAULIC SEEDING, FERTILIZING, AND MULCHING - TYPE 1	1			1	LS	\$ 8,000.00	\$ 8,000.00	0.05	400.00		400.00	5%	\$ 7,600.00
9.02	EROSION CONTROL MULCHING, HYDROMULCHING	1			1	LS	\$ 8,000.00	\$ 8,000.00	-	-		-	0%	\$ 8,000.00
9.03	FILTER SOCK, 8-IN	500			500	LF	\$ 3.00	\$ 1,500.00	-	-		-	0%	\$ 1,500.00
9.04	FILTER SOCKS, REMOVAL	500			500	LF	\$ 1.00	\$ 500.00	-	-		-	0%	\$ 500.00
11.01	MOBILIZATION	1			1	LS	\$ 34,029.00	\$ 34,029.00	1.00	34,029.00		34,029.00	100%	\$ -
11.02	MAINTENANCE OF POSTAL SERVICE	1			1	LS	\$ 1,526.00	\$ 1,526.00	0.50	763.00		763.00	50%	\$ 763.00
11.03	MAINTENANCE OF SOLID WASTE COLLECTION	1			1	LS	\$ 1,176.00	\$ 1,176.00	0.50	588.00		588.00	50%	\$ 588.00
11.04	STREAM CROSSING	1			1	LS	\$ 47,044.00	\$ 47,044.00	1.00	47,044.00		47,044.00	100%	\$ -
							Original Contract Totals	\$ 1,218,960.50	\$ 1,233,868.80	\$ 1,017,919.59	\$ -	\$ 1,017,919.59	82%	\$ 215,949.21

Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner: City of Oelwein
 Engineer: FOX Strand
 Contractor: Dave Schmitt Construction
 Project: Oelwein NE Sanitary Sewer Improvements
 Contract: 2-2023

Owner's Project No.:
 Engineer's Project No.: 7038.015
 Contractor's Project No.:

Application No.: 4		Application Period: From 09/29/23 to 11/30/23					Application Date: 11/30/23										
A	B	C				D	E	F	G	H	I		J	K	L	M	N
Bid Item No.	Description	Item Quantity (Original)	Change Order No.1	Change Order No.2	Quantity + Change Order	Units	Unit Price (\$)	Value of Bid Item Original (C X F) (\$)	Value of Bid Item Original + CO (D X F) (\$)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (F X I) (\$)	Materials Currently Stored (not in I) (\$)	Work Completed and Materials Stored to Date (J + K) (\$)	% of Value of Item (L / H) (%)	Balance to Finish (L-H) (\$)		
																Contract Information	
Change Order Added Items																	
CO.01	RELOCATION OF MH-40A			1		LS	\$ 1,652.00		1,652.00	1.00	1,652.00		1,652.00	100%	-		
CO2.01	INTERNAL MANHOLE DROP			1		EA	\$ 2,200.00		2,200.00	1.00	2,200.00		2,200.00	100%	-		
									-		-		-		-		
									-		-		-		-		
									-		-		-		-		
									-		-		-		-		
Change Order Added Items Totals								\$	3,852.00		\$ 3,852.00	\$ -	\$ 3,852.00	100%	\$ -		
Original Contract and Change Orders																	
Project Totals								\$	1,237,720.80		\$ 1,021,771.59	\$ -	\$ 1,021,771.59	83%	\$ 215,949.21		

Stored Materials Summary

Contractor's Application for Payment

Owner:	City of Oelwein	Owner's Project No.:	
Engineer:	FOX Strand	Engineer's Project No.:	7038.015
Contractor:	Dave Schmitt Construction	Contractor's Project No.:	
Project:	Oelwein NE Sanitary Sewer Improvements		
Contract:	2-2023		

Application No.: 4 Application Period: From 09/29/23 to 11/30/23 Application Date: 11/30/23

A	B	C	D	E	F	G	H	I	J	K	L	M	
Item No. (Lump Sum Tab) or Bid Item No. (Unit Price Tab)	Supplier Invoice No.	Submittal No. (with Specification Section No.)	Description of Materials or Equipment Stored	Storage Location	Application No. When Materials Placed in Storage	Materials Stored			Incorporated in Work			Materials Remaining in Storage (I-L) (\$)	
						Previous Amount Stored (\$)	Amount Stored this Period (\$)	Amount Stored to Date (G+H) (\$)	Amount Previously Incorporated in the Work (\$)	Amount Incorporated in the Work this Period (\$)	Total Amount Incorporated in the Work (J+K) (\$)		
Totals						\$	-	\$	-	\$	-	\$	-

RESOLUTION NO. _____-2023

A RESOLUTION AMENDING THE CITY OF OELWEIN UTILITY COLLECTION POLICY

WHEREAS, The City of Oelwein recognizes the need and importance of utility services to the community;
and

WHEREAS, a Utility Collection Policy has been established to ensure the rules and regulations are best
for the residents and city as an organization; and

WHEREAS, updates have been made to errors in billing, Insufficient Funds, Online Payments; and

WHEREAS, the City believes in transparency and commitment to all of its residents.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Oelwein, Iowa that the Utility Collection Policy
be formally amended.

Passed and approved this 11th day of December, 2023.

Brett DeVore, Mayor

It was moved by Weber and seconded by Payne that the
Resolution as read be adopted, and upon roll call there were:

AYES NAYS ABSENT ABSTAIN

Attest:

Stewart
Weber
Lenz
Garrigus
Seeders
Payne

Dylan Mulfinger, City Administrator

Recorded December 12, 2023.



City of Oelwein Collections Policy

Overview

The City of Oelwein Collections Policy is hereby created to:

- Standardize the procedures that Oelwein takes to pay off debts that are owned to the city through municipal bills or other fee and charges.
- Ensure that residents of Oelwein are treated fairly and made fully aware of the process in which the city will collect on outstanding debt.
- Create a process approved by City Council that will be implemented by staff.



Utility Collection Policy
 Adopted by Resolution #5361-2022 August 22, 2022
 Amended by Resolution # December 11, 2023

Utility Billing

Billing

The City will work through the following procedures with each customer who fails to pay their bill.

- The City each month mails a bill to the customer with a due date
- If the customer fails to pay their bill, a reminder letter is sent the day after the bill is due
- If no payment is made the second month, a second notice is mailed asking for payment or to contact City Hall to make a Payment Arrangement.
- After 10 days a door tag is hung on the residence requiring payment by 1:00 PM the next business day.
 - It is not the responsibility of the city to ensure the residence receives their door tag. The city will in most cases hang door tags on any door facing the street where the address is posted.
- If the customer continues to not make a payment; services are disconnected, and all accounts must be brought to a zero-balance including additional shut off/turn on fees.

Errors in billing

- **The City reserves the right to invoice customers and businesses for charges that may have been underbilled or omitted in error.**

Payment Arrangement

The City of Oelwein will work with residents on arrangements to ensure that they are provided adequate time to pay outstanding bills.

- Customer can make a Payment Agreement no later than the disconnection due date. Failure to make a Payment Agreement before a door tag is received will result in required payment of the door tag.
- One payment agreement is allowed per calendar year.
 - The City reserves the right to require a payment when signing an agreement.
 - Failure to sign a payment agreement before a door tag is received will result in requiring payment of the door tag fee in full at the time of signing the agreement.
- Should the customer fail to make payments on their Payment Agreement, the city will proceed with an immediate shut-off without prior notice.
- Extension to a Payment Agreement will be reviewed on individual basis.
- Payment Agreements must be made for the past due balance in full. Exceptions may be made on individual basis. No Payment Agreement shall go past four weeks.
- Should a customer fail to comply with a Payment Agreement more than once in two years, that customer will no longer be eligible for a Payment Agreement.



Transferring Services

- Accounts must be in current balance status to transfer services to another location.
- Any account that has received a disconnection notice will not be allowed to transfer services to a new location until the account is paid.
- Any final bill that has not been paid in a timely manner will receive a written notice, the balance will be transferred to their current account.

Security Deposit

City Code Section 7-46 requires that a deposit set by City Council in the city's fee schedule. Any customer not in good standing will pay double the original deposit.

A customer who is not in good standing is a result of the following

- Failure to pay a utility bill on time
- Failure to pay off an existing utility account
- Having any unpaid utility bill with the City of Oelwein

Insufficient Funds (NSF Checks)

- Return checks are charged back to the account they were posted to originally.
- An NSF fee is charged to the account owner and the account is coded as "cash only" status.
- A certified letter is mailed to the address requiring the addressee to bring cash to city hall for amount of the NSF check plus the fee within 10 days to avoid disconnection of services.
- **Customers failure to sign for receipt of a certified letter does not prevent, stop, or cancel a disconnection of your services.**
- **Customers with 3 returned insufficient funds (NSF) ACH payments will have their ACH payment stopped and future privileges canceled.**

Online Payments

- **The City reserves the right to block a customer's ability to make online payments if there are 3 returned payments due to insufficient funds (NSF), negligence, or abuse.**
- **One or more on-line payment types may be blocked by our third-party processor, Payment Service Networks, Inc.'s (PSN) discretion for nonsufficient funds, account abuse, or an invalid account.**

Delinquent Accounts – Disconnected Services

- Customers with a delinquent or disconnected services account must bring the delinquent account to zero balance including reconnection fees and may be required to provide an additional deposit to have services reconnected.
- Customers with a disconnected balance will not be allowed to activate services at another location until the balance and deposit is collected.
- The customer is sent notifications for three continuous months that they are shutoff and of the amount needed to bring the delinquent account to a zero-balance status.

Debt Collection Procedures – Final Bills

- The customer is sent notifications for three continuous months of their final billed balance.
- Customers returning to a delinquent account may make a Payment Agreement in the current calendar year provided they have not had one in the original calendar year.



- Services will not be activated in their name until the final bill is paid in full.
- If bills come back undeliverable, city staff will work to locate the customer or account holder.
- After three months, staff forwards documentation to the Iowa Income Offset Program to start collection procedures.
- Notice of the overdue bill is then sent to the tenants, property owners, and landlords
- If no response from the customer or account holder, staff sends the information to the county requesting the bill be placed on the taxes. This notification requires signature from the City Administrator.
- A monthly and a consolidated annual listing of uncollectable accounts is created and tracked as collection efforts return funds to the city bringing the uncollectable accounts to zero balance.
- Debt can be removed sooner from an account under the following conditions
 - Death
 - Bankruptcy

Waiving of Fees

- The City will not wave fees unless approved by City Council.

RESOLUTION NO. _____

Resolution Adopting Rules of Procedure for Conduct of City Council Business

WHEREAS, the city council treats council meetings as a business meeting designed to make decisions for the organization; and

WHEREAS, the city council desires an orderly meeting allowing for the most work to be completed in an efficient matter; and

WHEREAS, the policy will provide a foundation for meetings and help current and future council members during city council meetings; and

WHEREAS, the policy will be instrumental to the success of the city;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Oelwein, Iowa Adopts Rules of Procedure for Conduct of City Council Business.

Passed and approved on December 11, 2023.

Brett DeVore, Mayor

It was moved by _____ and seconded by _____ that the Resolution as read be adopted, and upon roll call there were:

AYES NAYS ABSENT ABSTAIN

Stewart
Weber
Lenz
Garrigus
Seeders
Payne

Attest:

Dylan Mulfinger, City Administrator

Recorded December 12, 2023.



**Rules of Procedure for Conduct of City Council Meetings
Oelwein, Iowa
Adopted by City Council Resolution #####-####**

1. Rules of Procedure
 - a. The Council shall determine the rules of its own proceedings by resolution, and the Clerk shall keep such rules on file for public inspection.
2. Quorum
 - a. Four (4) out of the total six (6) members of the city council constitute a quorum to do business. When there is no quorum, the Mayor, Mayor Pro Tem, or any other council member shall adjourn the meeting. If no Council Member is present, the City Administrator shall adjourn the meeting.
3. Agenda
 - a. All written petitions, communications, and other matters to be submitted to the city council for inclusion in the agenda packet for consideration at a scheduled regular, special or workshop meeting should be delivered to the City Administrator (or designee) no later than Noon on the Thursday preceding a scheduled Monday evening council meeting.
 - b. The City Administrator, in consultation with the Mayor will establish the agenda and the order of the agenda. Council members may request items on the agenda with support from an additional council member or the Mayor. Support from council members must be made in writing. These requirements are to ensure that council is working on policies that the council wants to address.
 - c. The City Administrator (or designee) shall compile the agenda, listing all matters to be considered by the Council according to the order of business, lettering and/or numbering each item consecutively. A copy of the agenda and packet will be posted online by Thursday at 5:00 PM. The agenda packet for any special or workshop council meeting shall be posted online no later than 24 hours prior to the scheduled meeting.
 - i. In the event of an issue posting the agenda the City Administrator will make note to the city council that the agenda will be posted no later than 5:00 PM on the Friday before the city council meeting.
 - d. It is strongly recommended that questions concerning the minutes of a meeting, itemized claims, an agenda item or any supporting documentation for an agenda item or items be submitted by phone, e-mail or in person to the City Administrator for research and/or explanation or correction prior to 12:00 PM (noon) on the day of the meeting. If such a question is posed to the City Administrator for the first time at the meeting of the Council at which such matter is being considered, it shall be appropriate for the Mayor, without further motion, to remove such item from the agenda and postpone consideration to a day certain to afford time for such research as may be necessary.
 - e. The city council shall have the authority to remove items from the agenda and change the order of items on the agenda.
 - i. Removing or reordering items on the agenda is completed by motion when the city council adopts the agenda.
 - f. Although the City Administrator has been delegated considerable authority and responsibility for preparation of the final agenda, there are ample protections. The Mayor and City Attorney have been allocated a slot on the agenda for their respective



communiques and can place what they want before the Council. Similarly, the individual Council members can always ask to have an item addressed under city council Updates.

4. Conduct of Meeting

a. Regular Scheduled Meeting.

- i. Meeting Time. The council shall meet in regular sessions beginning at 6:00 PM, local time, on the second and fourth Monday of each month, except upon vote of the city council.
- ii. Meeting Place. Meetings of the Council shall be held in the Council Chambers at City Hall, 20 2nd Ave SW, Oelwein, Fayette County, Iowa, unless otherwise posted and provided in the meeting notice. Attendance shall be limited to the posted seating capacity. While the Council is in session, members of the public shall not remain standing in the Council Chamber, except to address the Council at the request of the presiding officer. Sitting on the floor of the Council Chamber shall not be permitted.
- iii. Meeting Notices. All meeting calls, notices and agendas shall be prepared and given in compliance with state statutes, laws and local ordinances.
- iv. Length of Meeting. The length of any meeting shall be limited to four hours. This limitation may be extended for any particular meeting by an affirmative vote of a minimum of four (4) council members to suspend the rules and extend the meeting by the time required.

5. The Agenda Order

a. Order of Business.

- i. Call to Order.
- ii. Pledge of Allegiance.
- iii. Roll Call. (Rotating).
- iv. Approval of Minutes.
- v. Adopt Agenda: Once adopted by the Council, the business of the meeting will follow the printed agenda and all matters will be addressed in the order presented on the agenda, as amended. After the agenda has been adopted, the agenda cannot be changed except by majority vote of the Council.
- vi. Citizen Comments: See the city's Public Comment Policy
- vii. Consent Agenda: The consent agenda shall consist of administrative, routine or non-controversial matters that shall appear on the prepared agenda as such. The items comprising the consent agenda shall be furnished to each council member, Mayor, City Administrator and City Attorney and will not be considered individually and shall be adopted on one motion. The Mayor or any individual Council member may request to remove any item from the consent agenda to be considered and acted upon separately as an individual agenda item.
- viii. Public Hearings: Interested persons or their authorized representatives may address the Council regarding public hearing matters under consideration. The Mayor opens and closes public hearings. No formal resolution or motion is needed to open and close a public hearing unless required by the public hearing. Once the public hearing is closed, further discussion from the public on the matter will be denied, except upon the request of a Council Member through the presiding officer.



- ix. Ordinances. An Ordinance requiring a public hearing shall be considered immediately following the public hearing and shall be given priority on the agenda. Members of the public are invited to participate in the public hearing on the same terms and conditions applicable to “Citizen Comments”. Ordinance shall be voted on by roll call which shall be reported on the face of said Ordinance.
 - 1. All ordinances require four votes of council regardless of the quorum present.
 - 2. All tied ordinances fail and cannot be broken by the mayor.
 - x. Resolutions. A Resolution requiring a public hearing shall be considered immediately following the public hearing and shall be given priority on the agenda. Members of the public are invited to participate in the public hearing on the same terms and conditions applicable to “Citizen Comments”. A Resolution that pertains directly to another item of business may be placed in proximity with said agenda item(s). Resolutions shall be voted on by roll call which shall be reported on the face of said Resolution.
 - 1. All resolutions require four votes of council regardless of the quorum present.
 - 2. All tied resolutions fail and cannot be broken by the mayor.
 - xi. Motions. Items on the agenda may only require a simple motion. Once discussion of the item is ended, the Mayor will call for a motion and a second. A vote shall be taken after the motions affirming the direction of council.
 - 1. A tied motion can be broken by the Mayor if the motion does not lead to a resolution or ordinance.
 - xii. Committee Reports
 - xiii. City Council Updates
 - xiv. Mayor’s Report
 - xv. City Attorney Report
 - xvi. City Administrator’s Report
 - xvii. Executive Session
 - xviii. Public Action on Executive Session
 - xix. Adjournment
6. Mayor and Council Meeting Conduct
- a. Elected officials should come to each meeting having read the agenda packet and asked all questions to the City Administrator before the meeting.
 - b. Council members should remain calm and collective during the meetings. Disagreements will happen and all elected officials should remain professional.
 - c. While passion is allowed in meetings, that passion should never spill into name calling, yelling, or harassment of fellow elected officials or staff.
 - d. Any elected official that raises their voice to a fellow elected official or city staff member should excuse themselves from the meeting for the remainder of the night.
 - e. Elected Officials should refrain from coming with a hidden agenda creating moments intended to embarrass or catch fellow elected officials or city staff off guard. Elected officials should provide their information to fellow elected officials and staff before an item is discussed.
 - f. Elected Officials and staff are on the same team and meetings should be conducted as such.



- g. Mayor and Council are policy makers for the city. Elected officials should not act in an administrative role and should provide high level leadership for the community.

7. Meeting Items

- a. The City Administrator and Mayor shall have the authority to vary the Agenda and recommended schedule to expedite the conduct of business or accommodate persons doing business under consideration of the Council.
- b. The city council can delete and change order of Agenda.
- c. Method of keeping minutes. The minutes of the Council shall be prepared at the direction of the City Administrator and shall be recorded in a book kept for that purpose, with a record of each particular type of business transacted by the Council set off in paragraphs with subheadings. The minutes must contain only a record of such business as was actually passed upon by a vote of the Council and shall not be required to contain a verbatim transcript of the proceedings. A record shall be made of the names of persons addressing the Council, the title of the subject to which their remarks relate and whether they spoke in support of or in opposition to such matter.
- d. Remarks of Council. A Council Member may request, through the presiding officer, the privilege of having an abstract of that member's statements on any subject under consideration by the Council entered in the minutes. If the Council consents, such statements shall be entered in the minutes.
- e. Delivery of minutes. The City Administrator (or designee) shall cause a copy of the minutes to be forwarded to the Mayor and each Council Member and department head, typically delivered with the agenda packet for the next regular meeting.
- f. Approve Minutes. The minutes of the preceding council meeting may be approved without being read aloud, provided that the City Administrator has previously furnished each member of the Council with a copy of the minutes and that a majority of the Council has not requested such a reading.
- g. Correction of Minutes. When a Council Member wishes to correct the minutes, that Council Member should contact the City Administrator in advance of the meeting with the correction. The City Administrator will then verify the correction by listening to that meeting's audio recording. Upon verification of an error in the minutes, the City Administrator will provide the corrections to the Council in advance of the meeting, immediately prior to the meeting or during the meeting. If time constraints prevent this procedure, the Council should continue the approval, of the minutes to the next meeting, and direct the City Administrator to verify the error.
- h. Ordinances and Resolutions. All ordinances shall be prepared or reviewed by the City Attorney. Ordinances and resolutions shall be prepared for presentation to the city council upon the request of the Mayor, any Council Member, the City Administrator, or through the initiative of the City Attorney. As time allows, the City Attorney may assist individual Council Members in the preparation of ordinances for future Council consideration. All ordinances, resolutions, and contract documents to be presented to the Council shall first be approved as to form and legality by the City Attorney or an authorized representative. When substantive matters of administration are involved, the ordinance, resolution, or contract shall also be examined for administration by the City Administrator, the head of the affected department, or an authorized representative of the City Administrator.



- i. In the event of a tie on an ordinance, the ordinance dies. The failed ordinance can only be brought back by two members of the dissenting vote. A failed ordinance may be reconsidered after January following a regular city election.
 - ii. In the event of a tie on a resolution, the resolution dies. The failed resolution can only be brought back by two members of the dissenting vote. A failed resolution may be reconsidered after January following a regular city election.
 - i. Closed Sessions. A closed session may be held only by an affirmative vote of a minimum of four (4) members of the entire city council. The city council may hold a closed session only to the extent a closed session is necessary and for the discussion of any statutorily authorized purpose as referenced in the Code of Iowa § 20.17; 2 1.5; 21.9 or other authority of the Iowa Open Meetings law, State Statute or Law. The vote of each member on the question of holding the closed session and the reason for holding the closed session shall be announced publicly at the open session and entered into the minutes. Final action on any matter will be taken in open session. The detailed minutes and audio recording of a closed session shall be sealed and shall not be open to public inspection. However, upon order of the court in an action to enforce this chapter, the detailed minutes and audio recording shall be unsealed and examined by the court on camera. The court shall then determine what part, if any, of the minutes should be disclosed to the party seeking enforcement of this chapter for use in that enforcement proceeding. In determining whether any portion of the minutes or audio recording shall be disclosed to such a party for this purpose, the court shall weigh the prejudicial effects to the public interest of the disclosure of any portion of the minutes or audio recording in question, against its probative value as evidence in an enforcement proceeding. After such a determination, the court may permit inspection and use of all or portions of the detailed minutes and audio recording by the party seeking enforcement of this chapter. A governmental body shall keep the detailed minutes and audio recording of any closed session for a period of at least one year from the date of that meeting, or for as long as the matter is in litigation proceedings.
 - j. Handling Requests during Meetings: The Council has limited authority to act on a Citizen's request that arises during a meeting. The Council is permitted to:
 - i. Give administrative direction to the City Administrator to pursue a resolution of the matter and to report back at a subsequent meeting of the Council
 - ii. Defer official action with instructions that the matter be included for action on a subsequent Agenda of the Council.
 - iii. Waive the rules and amend the Agenda for official Council action. This shall only be appropriate in circumstances which the Council deems to be an emergency. This process shall be guided by the City Attorney.
 - k. In the event of a no vote on an item that council had previously voted in favor for, or provided direction to the City Administrator to commence work on, the city council should take a moment to provide direction to the City Administrator. Ordinances, Resolutions, or motions that are voted no should come with an explanation from city council and provide direction the City Administrator. This ensures the city is moving forward and that progress can be made. Providing direction to the City Administrator ensures no questions will continue to linger after a meeting.
8. Special Meetings.



- a. Special Meetings of the Council may be held at any time, upon request of the Mayor or written petition of at least four Council members. Notice of Special meetings must comply with state law and shall be sent to each member of the Council and Mayor. Special Meetings required to meet a need of a private person or entity shall be required to advance a fee set by annual Resolution of the Council.
9. Workshop Meetings.
- a. The Council may conduct workshop meetings or study sessions on matters which are expected to come before the Council for formal action at a regular meeting or otherwise need study by the Council. Items to be considered will be placed on an agenda as required by the open meetings statutes.
 - b. At workshop meetings the Council will receive information and presentation of issues from the City Administrator and City staff. The city council may ask questions and may request that certain information be provided, or issues be addressed when items are considered further at another workshop meeting or a regular meeting of the Council. Council may direct that matters under consideration be brought forward for formal action at a regular meeting, that further study be conducted if appropriate, that matters under consideration not be pursued further (except for matters requiring a public hearing), or that modifications be made before a matter is considered further.
 - c. Final action on items is not taken during workshops or study sessions. No formal vote of the Council in favor or against any workshop or study session agenda item may be taken. The city council should provide direction to the City Administrator to place items on the next city council meeting agenda.
 - d. Workshops are not public hearings. On public hearing items, public testimony will be taken before Council action on the item at a regular meeting. No member of the public or interested party has the right to make a presentation or address the Council on an item under consideration in a workshop or a study session. Questions may be directed by the Council to a member of the public or another interested party or, in appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an agenda item or a particular question related to an agenda item. The Mayor may limit or end the time for such response to questions or presentation.
10. Electronic Meetings.
- a. A governmental body may conduct a meeting by electronic means only in circumstances where such a meeting in person is impossible or impractical and only if the governmental body complies with all of the following:
 - b. The governmental body provides public access to the conversation of the meeting to the extent reasonably possible.
 - c. The governmental body complies with §2 1.4. For the purpose of this paragraph, the place of the meeting is the place from which the communication originates or where public access is provided to the conversation.
 - d. Minutes are kept of the meeting. The minutes shall include a statement explaining why a meeting in person was impossible or impractical.
 - e. A meeting conducted in compliance with this section shall not be considered in violation of this chapter.
 - f. A meeting by electronic means may be conducted without complying with paragraph D(1), above, if conducted in accordance with all of the requirements for a closed session contained in §21.5.



11. Committee Meetings.

- a. Subject to approval of the Council, the Mayor may appoint special advisory or ad hoc committees consisting of Council Members, City staff and/or private citizens, as deemed desirable and necessary to assist and advise the city council in its work.
- b. Committee meetings shall comply with all Notice and Open meeting requirements in compliance with State Statute, laws and Local Ordinance. All city council members, the Mayor, City Administrator and City Attorney are welcome to attend any Committee meeting, and notice of all Committee meetings will be provided to each Council member, the Mayor and posted for the public.
- c. Committees shall report, in writing, to the Council as the full Council requests. All Committee recommendations, decisions or proposed action shall be subject to final approval and adoption of appropriate motion, Resolution or Ordinance in formal meeting of the Council as a whole. Committee reports and recommendations shall be approved by a majority of the Committee for presentation to the Council as a whole, although a minority report and recommendation may also be made and considered in the course of the Council's regular deliberations.
- d. All Council Committees shall be comprised of three members unless the full Council specifies. The Committee shall select a Chair unless the Chair is designated by the full Council. The Mayor may take part in discussion during Council Committee meetings.

12. Mayor - Duties of Presiding Officer

- a. The Mayor (or in the Mayor's absence, the Mayor Pro Tem) shall be the presiding officer of the Council. In the absence of the Mayor and the Mayor Pro Tem, the City Administrator shall call the city council meeting to order, whereupon a temporary presiding officer shall be elected by the members of the Council who are present. Upon the arrival of the Mayor or the Mayor Pro Tem, the temporary presiding officer shall relinquish the chair upon the conclusion of the matter of business before the Council. The presiding officer shall preserve strict order and decorum at all meetings of the Council, announce the Council's decisions on all subjects, and decide all questions of order. If there is an appeal to a decision of the presiding officer, the Council as a whole shall decide the question by majority vote.
- b. The Mayor, as presiding officer, may debate, but may not make a motion.
- c. The principal functions of the Mayor during sessions of the Council are:
 - i. Call the meeting to Order.
 - ii. Announce the Order of business as provided in the Agenda.
 - iii. State motions "on the table".
 - iv. Put motions to a vote, when appropriate, and announce the result of all votes.
 - v. Prevent irrelevant or frivolous debate or discussion.
 - vi. Maintain order and decorum.
 - vii. Vote to break tie votes of the Council on motions that will not ultimately require an Ordinance or Resolution as final action.
 - viii. Otherwise enforce the Council's rules and appropriate parliamentary procedures.
- d. The Mayor Pro Tem, as presiding officer, may debate, vote as a regular Council Member and retains all of the powers as a Council Member. The presiding officer is subject to the limitations of debate that are imposed on all Council Members.



- e. In the absence of the Mayor or Mayor Pro Tem, the City Administrator shall call the meeting to Order and a temporary presiding officer shall then be selected by the Council Members present.
- f. Subject to approval of the Council, the Mayor may appoint special advisory or ad hoc committees consisting of Council Members, City staff and /or private citizens, as deemed desirable and necessary to assist and advise the Council in its work.
- g. Should a meeting approach the 10:00 PM hour, the Mayor shall call for a vote to continue the meeting.

13. Council Members

- a. Every Council Member desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine comments to the question under debate. A Council Member, once recognized, shall not be interrupted except according to rules of parliamentary procedure (e.g., for a point of order, parliamentary inquiry, question of privilege or appeal of presiding officer's procedural ruling).
- b. Procedure For Council Action. All Council Members shall vote when called upon to do so by the presiding officer. The results of the vote shall then be in the Council Chambers and the results of the vote read aloud by the City Administrator or designee. A roll call vote will be taken of all Council Members' votes on Ordinances or Resolutions. All ordinances, resolutions and other matters or subjects requiring action by the Council must be introduced and sponsored by a Council Member, by motion duly made and seconded. Council may chose to debate before a motion is made after the item is introduced by the Mayor. After the vote has been called, there will be no further discussion or debate, except that members of the Council may be permitted by the presiding officer to explain their votes. All ordinances may be introduced and passed by reading the title only. Ordinances shall be read in full only when requested by a majority of the Council.
- c. Disqualification / Abstentions. All members present at any meeting may disqualify themselves or abstain from voting, in which case the disqualification shall be publicly declared and a record made thereof. The City Attorney is available to help Council Members decide if they should declare a disqualification on any issue. In these or other instances Council Members may choose to use the phrase, "...to avoid the appearance of impropriety."
- d. Vote Required. (Reference Code of Iowa §380.4) A city council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance. (Code of Iowa §364.3).
 - i. Failure to provide an audible vote on an issue will be considered a no vote and will be reflected in the minutes as a no vote.
- e. Ordinances, Amendments and Resolutions. Passage of an ordinance, amendment, or resolution requires a majority vote of all of the members of the Council unless otherwise required by statute (i.e., passage of a Resolution of Necessity in final form). A proposed ordinance or amendment must be considered and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed, unless this requirement is suspended by a vote of not less than three-fourths of all the members of the Council. If a proposed ordinance, amendment or resolution fails to receive sufficient votes for passage at any consideration, the proposed ordinance, amendment or resolution shall be considered defeated (Code of Iowa §3 80.3). If the rules requiring three separate readings is suspended and the proposed ordinance fails to pass by the required three-fourths vote,



the proposed ordinance will be placed on the agenda for the next regular meeting of the Council.

- f. Motions. Passage of a motion requires a majority vote of a quorum of the Council. NOTE: The Mayor may cast a vote to break a tie vote of the Council on a motion that does not ultimately require an Ordinance or Resolution for final action. Mayor may not cast a vote on any Ordinance or Resolution.
- g. NOTE: Pursuant to Code of Iowa §380.4, “all of the members of the Council” refers to all of the seats of the Council including a vacant seat and a seat where the member is absent, but does not include a seat where the Council Member declines (abstains) to vote by reason of a conflict of interest. A conflict of interest is defined as “a direct relationship or pecuniary interest in a matter.” However, if a Council Member declines (abstains) to vote for any other reason, that Council Member’s seat will be included in “all of the members of the Council.”
- h. Council compensation:
 - i. Members of the Council shall be paid Fifty and No/00 dollars (\$50.00) for each Regular, Special or Committee meetings. (See Oelwein Code of Ord. 3-32)

14. City Administrator

- a. The City Administrator is the chief administrative officer for the city and oversees the day-to-day operations of the city. The City Administrator is responsible for the implementation of all policy decisions of the city council and the enforcement of all city ordinances. The City Administrator appoints, with the approval of the Council, and directly supervises the directors of the city’s operating departments and City Hall. The City Administrator oversees the administration of all city contracts, execution of all public improvements, and the construction, improvement and maintenance of all city properties and facilities. The City Administrator shall prepare the annual budget and submit the budget to the Council for consideration and approval consistent with State law, and presents recommendations and programs to the city council. The City Administrator is responsible for compliance with employment laws and regulations, coordinates the application process for all staff positions on behalf of the City, and maintains information on Civil Service requirements, employment contracts, compensation and city employee benefits, including health insurance, vacation and sick leave

15. Declaration of Policy:

- a. The city council shall select a City Administrator and shall evaluate the performance of the City Administrator on a routine basis. The City Administrator shall work with, coordinate, and supervise the various department heads who have the knowledge, ability and expertise to govern their respective departments, including day-to-day operations, personnel supervision, assignments and expenditures within the limitations of these rules.
- b. Except for the purpose of inquiry, members of the Council shall deal with the various departments of the city through the City Administrator.

16. City Attorney/Legal

- 17. The City Attorney is the chief legal officer of the city, representing the city and its boards, committees, and commissions in legal matters. The City Attorney reviews as needed all proposed ordinances, resolutions, contracts, and other legal documents. The City Attorney represents the city in litigation, advises and prepares legal opinions and prosecutes violations of city ordinances.

18. Decorum During Council Meetings - Addressing Council - Public



- a. See the city's Public Comment Policy
19. Council Procedures and Motions
- a. Motions.
 - i. Motions are the vehicles for decision-making. It is usually best to have a motion before the Council prior to discussing an agenda item in order to help the members focus on the issue before them. Motions are made in a simple two-step process. First, the Mayor recognizes the member. Second, the member makes a motion by preceding his or her desired approach with the words: "I move" A typical motion might be: "I move that we give ten days' notice in the future for all our meetings."
 - ii. Any motion made by a member must be seconded by another member. Otherwise the motion fails.
 - iii. When no motion is provided, the item fails for lack of motion.
 - b. The Mayor may initiate the motion by:
 - i. Inviting the members to make a motion: "A motion at this time would be in order."
 - ii. Suggesting a motion to the members: "A motion would be in order that we give ten days' notice in the future for all our meetings."
 - c. Four Basic Motions.
 - i. The basic motion. The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move that we create a five-member committee to plan the annual fundraiser."
 - ii. The motion to amend. If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: "I move that we amend the motion to have a ten-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.
 - iii. The substitute motion. If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."
 - iv. The motion to table. The motion may contain a specific time at which the item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion may contain no specific time for the return of the item, in which case a motion to bring the item back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.
 - 1. Motions to amend and substitute motions are often confused. A motion to amend seeks to retain the basic motion on the floor but to modify it in some way. A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it. The decision as to whether a motion is really a motion to amend or a substitute motion is left to the Mayor. If a member makes what that member calls a motion to amend, but the Mayor determines it is really a substitute motion, the Mayor's designation governs.



- d. Multiple Motions. Up to three motions may be on the floor simultaneously. The Mayor may reject a fourth motion until the three that are on the floor have been resolved.
- i. When two or three motions are on the floor (after motions and seconds) at the same time, the first vote should be on the last motion made. For example, assume the first motion is a basic motion to have a five-member committee to plan the annual fundraiser. During the discussion of this motion, a member might make a second motion to amend the main motion to have a ten-member committee, not a five-member committee, to plan the annual fund raiser. And perhaps, during that discussion, a member makes yet a third motion as a substitute motion that we not have an annual fund raiser this year.
 1. The proper procedure would be as follows.
 2. The Mayor would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken on the third motion. If the substitute motion passes, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be complete. No vote would be taken on the first or second motions.
 3. If, however, the substitute motion (the third motion) failed, the Mayor would proceed to consideration of the second (now the last) motion on the floor.
 4. Finally, the Mayor would deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee) or, if amended, would be in its amended format (ten member committee), and the question on time floor for discussion and decision would be whether a committee should plan the annual fund raiser.
- e. Debate. The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the Mayor that it is time to move on and take action.
- i. There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the city council to move on. The following motions are not debatable, so when the following motions are made and seconded, the Mayor should immediately call for a vote of the Council without debate on the motion:
 1. Motion to Adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.
 2. Motion to Recess. This motion, if passed, requires the body to immediately take a recess. Normally, the Mayor determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.
 3. Motion to Fix the Time to Adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For



example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

4. Motion to Limit Debate. The most common form of this motion is to say: “I move the previous question,” or “I move the question,” or “I call for the question.” When a member of the body makes such a motion, the member is really saying, “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the Mayor should ask for a second to the motion. If a second is received, the Mayor should stop debate and the members should vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body. Note that a motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to fifteen minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a motion to object to consideration of an item. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.
- f. Majority and Super-Majority Votes. In addition to the specific rules for passage of motions, resolutions, and ordinances as set by State law, there are procedural exceptions to the rule of passage by a simple majority. The exceptions occur when the Council is taking an action that effectively cuts off the ability of a minority opinion to take an action or discuss an item. Although these extraordinary motions require a two-thirds majority (a super-majority) to pass, the uniqueness of this requirement is minimized by the fact that the City of Oelwein is largely governed by a Council of six members. This form of government requires a minimum of four (4) votes to adopt any Ordinance or Resolution and this results in no practical distinction between a majority vote of four (4) voters or a 2/3rd Super Majority vote which also requires a minimum of four (4) votes. The limited situation when this distinction actually makes a difference is when the vote is taken on a motion as follows:
- i. Motion to Limit Debate. Whether a member says. “I move the previous question,” “I move the question,” “I call for the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a minimum of four (4) Council votes to pass.
 - ii. Motion to Object to the Consideration of a Question. Normally, such a motion is unnecessary, because the objectionable item can be tabled or defeated straight up. However, when members of the Council do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable and requires a minimum of four (4) Council votes to pass.
 - iii. Motion to Suspend the Rules. This motion is debatable but requires a minimum of four (4) Council votes to pass. This motion allows the Council to suspend its own rules for a particular purpose.
 - iv. Motion to Reconsider. There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made. A



motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

1. First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider at the same meeting can be made at any time before adjournment. A motion to reconsider made at a later time is untimely.
 2. Second, a motion to reconsider may be made only by certain members of the Council. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the Council may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the Council again and again, which would defeat the purpose of finality.
 3. If the motion to reconsider passes, then the original matter is back before the Council, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.
 4. Once a matter has been duly reconsidered, no further motion to reconsider the issue can or shall be made (without the unanimous consent of the Council).
- g. Limiting Debate And Discussion.
- i. Debate and discussion should be focused, but free and open. At the same time, the Mayor may limit the time allotted to speakers, including members of the Council, in the interest of efficiently and effectively using time.
- h. Generally, a Council member will not be interrupted by other council members but may be under the following circumstances:
- i. Privilege. The proper interruption would be: "Point of privilege." The Mayor would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.
 - ii. Order. The proper interruption would be, "Point of order." Again, the Mayor would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting, for example, if the Mayor moved to a vote on a motion that permits debate without allowing that discussion or debate.
 - iii. Appeal. If the Mayor makes a ruling with which a member of the Council disagrees, that member may appeal the ruling of the Mayor to the parliamentarian.
 - iv. Call for Orders of the Day. This is simply another way of saying, "Let's return to the agenda" If a member believes that the Council has drifted from the agenda, such a call may be made. It does not require a vote, and when the Mayor discovers that the agenda has not been followed, the Mayor simply reminds the Council to return to the agenda item properly before them.



- v. Withdraw a Motion. During debate and discussion of a motion, the maker of the motion on the floor may, at any time, interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the Mayor may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make them notion if properly
- i. Table A Motion.
 - i. The council meeting agenda is generally modified during a council meeting when voting on the “Agenda Approval.” A motion to table an agenda item during a council meeting can only be used for a reason of urgency such as a Council Member or public participant arriving late or needing to leave early and requesting an item be moved forward. A motion to table, for a reason of urgency, will only bring forward the next agenda item. If more than one item needs to be tabled before reaching the item in question, a motion to table several items at once could be made (i.e., “I move to table Items 8 through 15 in order to proceed with Item 16.”). A motion to table requires a second, is not debatable (the chair may ask the maker of the motion to state their reason for tabling the motion), is not amendable, requires a majority vote for passage and, if adopted, cannot be reconsidered. The tabled item(s) may then be taken from the table by motion, second, and a majority vote as soon as the interrupting issue is disposed of. A motion to table should not be used to postpone an agenda item, to limit public debate, or to suppress a minority of the Council.
 - ii. Items or motions that have been tabled, placed in the care of the City Administrator or Clerk, are not automatically placed on the agenda for the next meeting. If not taken from the table in the meeting at which tabled, there will be a notation made in the meeting’s minutes that the item(s) or motion(s) have been tabled. Council members interested in taking action on a tabled item or motion from the previous meeting must request that the item or motion be placed on the next council agenda.
 - iii. If a Council Member wishes to take action on a tabled item or motion during the meeting at which the item or motion had been tabled, the Council Member must bring back the item or motion by moving to “take (the item or motion) from the table.” The motion to “take from the table” needs a second, is not debatable and requires a majority vote. If an item or motion is not taken from the table during the meeting at which it was tabled or by the close of the next regularly scheduled council meeting, the item or motion dies.
 - iv. Motion to Postpone. Postponing an item or a motion to a specific date and time ensures that the item or motion will be on the agenda at the adopted date and time. Any item or motion which is to be considered at the next meeting should be postponed to that meeting rather than tabled.
- j. Robert’s Rules of Order, 11th Edition, are adopted to supplement these Rules, where not in conflict.

20. Miscellaneous

- a. Conflicts of Interest:
 - i. In the event that a member of the Council determines that the member has a direct, definite (demonstrable) conflict of interest regarding an issue before the



Council, then that conflict should be clearly stated at the beginning of Council deliberations.

1. Deliberations: Having a conflict of interest may or may not prevent the Council member from expressing an opinion on the matter under consideration largely determined by that individual Council member's personal judgment.
 2. Vote Prohibited: Having a conflict of interest, however, prohibits the conflicted Council member voting on the issue with legal consequences for a violation.
- ii. What constitutes a "conflict of interest" is often misunderstood and misstated. Obviously, elected officials are frequently motivated to seek office by virtue of their personal contact with government and an interest in what develops thereafter. The mere fact that a Council members life may be affected by a decision or vote does not equate to a conflict of interest. To constitute a "conflict of interest" something must be involved that is direct, definite and capable of demonstration, it cannot be simply a remote possibility.
 - iii. A city officer or employee shall not have an interest, direct or indirect, in any contract for work or material or the profit thereof or services to be furnished or performed (with exceptions) pursuant to Iowa Code 362.5.
 - iv. NOTE: Major exception- Contracts made by a City, upon competitive bid, publicly invited and opened; Iowa Code 362.5(4)
 - v. What constitutes a "conflict of interest" is the frequent subject of litigation and legal opinion. What constitutes a conflict of interest can only be determined by critically applying the law to the unique circumstances presented. A city official or employee presented with a potential question regarding a conflict of interest is instructed to contact the City Attorney. It is the duty of the elected official to state their conflict of interest. City council governs themselves and therefore must hold each other accountable.
- b. Gifts
- i. The State of Iowa has established laws concerning gifts to public officials, which includes elected officials, employees, persons appointed to local boards, committees and commissions (excepting purely advisory). The official definition of a "gift" is "Anything of value given by a person, doing, or seeking to do business with a public agency, within the donee's (recipient's) jurisdiction."
 - ii. Iowa law bans all gifts received from a person who might benefit, except gifts of food or drink having a value of \$2.99 or less per calendar day.
 - iii. A city official or employee presented with a question regarding a potential receipt of a gift, is instructed to contact the City Attorney.
- c. Processing Council Mail
- i. The Mayor (or designee) is authorized to receive and review all mail generally addressed to the city council. All correspondence not requiring the city council's action will be acted upon between council meetings and referred to city staff if appropriate. Action taken on these communications will later be reported to the city council.
- d. Interpretation of the Rules of Procedure



- i. The City Attorney shall be considered the final authority on any questions regarding the application or interpretation of the rules and procedures. In the absence of the City Attorney, the City Administrator shall be considered the final authority on the rules of procedure for the conduct of city council business.
- e. Preparation and Staff Approval of Ordinances, Resolutions and Contract Documents
 - i. All Ordinances shall be prepared or reviewed by the City Attorney as needed. Ordinances shall be prepared for presentation to the city council only if ordered by majority vote of the city council, requested by the City Administrator, or prepared on the City Attorney's own initiative. As time allows, the City Attorney may assist individual council members in preparation of Ordinances for future city council consideration.
 - ii. The City Attorney review as needed all Ordinances, Resolutions and contract documents to be presented the Council as to form and legality. When substantive matters of administration are involved, the City Administrator and the head of the affected Department shall also examine the Ordinance, Resolution, or contract.

21. Amendment - Repeal

- a. These Rules may be amended, repealed, modified or temporarily suspended by a minimum for (4) votes of the Council.

RESOLUTION NO. _____-2023

Resolution Adopting a Public Comment Policy

WHEREAS, the City Council of the City of Oelwein holds Regular Meetings, Special Meetings/Work Sessions, and statutorily required Public Hearings when appropriate; and

WHEREAS, the Council finds that public input is important and should be received by the Council as part of its' deliberation and decision making process; and

WHEREAS, the Council further finds that the enactment of appropriate policies and procedures related to the receipt of public comment during public meetings is important and appropriate, both to ensure understanding by the public of the opportunity to be heard and to ensure the orderly management and progression of all Council meetings; and

WHEREAS, the City Administrator has prepared and presented for approval the "Public Comment Policy - Oelwein Guidelines for Public Participation during City Council Meetings", a copy of same being appended hereto, and

WHEREAS, the Council finds, upon a review of the proposed policy that the contents thereof are fair and appropriate, will allow for public comment in an orderly and appropriate fashion, and that same should, therefore, be approved.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Oelwein, Iowa that the "Public Comment Policy – Oelwein Guidelines for Public Participation during City Council Meetings", is hereby approved, and said policy, by this reference, is hereby adopted and incorporated within this Resolution as if same had been set forth fully verbatim herein.

Passed and approved on December 11, 2023.

Brett DeVore, Mayor

It was moved by _____ and seconded by _____ that the Resolution as read be adopted, and upon roll call there were:

AYES NAYS ABSENT ABSTAIN

Attest:

Dylan Mulfinger, City Administrator

Recorded December 12, 2023.

Stewart
Weber
Lenz
Garrigus
Seeders
Payne



Public Comment Policy
 Oelwein Guidelines for Public Participation during City Council Meetings
 Adopted by Council Resolution ____-2023

1. Regular City Council Meetings “Public Comments” on non-agenda items.
 - a. The first opportunity for public comment is listed on the agenda as “Public Comments”. This time is set aside for the public to address the City Council on issues not scheduled on the agenda. It is not to be confused with a public hearing, which is a formal proceeding conducted for the purpose of discussing a specific topic, such as the city budget.
 - b. Anyone wishing to address the City Council must adhere to the following “Rules of Procedure and Decorum”:
 - i. Be recognized by the Mayor or Mayor Pro Tem.
 - ii. State their name and address.
 - iii. Speak from the podium in a civil, non-argumentative and respectful manner.
 - iv. Whenever a group wishes to address the City Council on the same subject, the Mayor may request that a spokesperson be chosen by the group to avoid significant repetitive comments. Follow up comments by others that are similarly minded, should be limited to acknowledging their agreement with the comments made by the spokesperson or any other prior speaker, and not merely repeating previously made comments.
 - v. Each person wishing to speak during the public comment period shall be given three (3) minutes to share their comments.
 - vi. Speakers will be required to speak into the microphone, speak clearly and succinctly, to ensure all in attendance, in person or virtually, can clearly hear and understand what is being said.
 - vii. All remarks shall be directed to the Mayor and City Council as a body rather than to the Mayor, any particular Councilmember, or any member of the staff or audience.
 - viii. If the speaker intends to share any documents the City Council during their comments, a copy must also be provided to the City Clerk. If the speaker is reading a “statement” to the Council, it is requested that a copy of the “statement” be provided to the City Clerk so as to have a clear and accurate record of what was said.
 - ix. Speakers shall refrain from the use of profanity; language likely to incite violence or outbursts from the audience; language that is disruptive to the orderly process of the meeting; engaging in conversations with individual council members; making comments of a personal nature regarding others; shouting, yelling or screaming.
 - x. Speakers shall not continue to address the City Council once they have left the podium and will at no point address or engage in conversation with the Mayor, Council, or staff from their seat.
 - c. Other matters relevant to the Public Comment section reference topics not on the Agenda.
 - i. Should the Mayor or Council request clarifications from the speaker the Mayor, in the Mayor’s sole discretion, may provide additional time to the speaker.



- ii. The Mayor or Mayor Pro Tem, in the sole discretion of the Mayor or Mayor Pro Tem in the absence of the Mayor, may provide additional time or reduce time allowed any speaker and/or make other allowances or judgements deemed appropriate under the circumstances, in the Mayor's capacity as the presiding official.
 - iii. In many cases, the speaker will be directed to meet with staff outside of the meeting to further discuss, obtain answers to questions, to resolve the issue, and/or to discuss next steps.
 - iv. Other than asking a question to clarify a statement made by the speaker, Council members shall refrain from entering into a dialogue with the speaker. This portion of the agenda is not intended for a discussion or debate between the City Council and the speaker and should not be used for that purpose. Iowa Code requires public notice of all items to be considered/debated to be posted at least twenty-four (24) hours in advance of the meeting. Therefore, Council discussion or debate on a topic brought up in the public comment section would be a violation of Iowa Code.
 - v. The Mayor is responsible for maintaining order and decorum and will not allow the speaker, or any other person in attendance, to make personal attacks or inflammatory comments and will, when appropriate, direct any person violating any of the rules set forth herein to be quiet, to sit down and/or return to their seat as appropriate. Failure to comply with directives of the Mayor may result in the person being asked to leave the meeting or removed from the meeting. The Mayor may call for a break or recess to allow the speaker to leave or be removed from the meeting.
2. City Council Meetings "Public Comments" on Agenda Items during the meeting
- a. The City Council meeting is designed for the City Council to discuss and make decisions on the various issues on the agenda. The procedure for introduction, consideration, and action on agenda items is as follows:
 - i. Each agenda item is introduced by the Mayor
 - ii. The Mayor asks for a staff presentation or clarification of any relevant staff report.
 - iii. If dealing with an issue tied to an applicant, the Mayor may ask for comments from the applicant.
 - iv. The Mayor will then request whether any person in attendance wished to comment on the agenda item.
 - v. After the cessation of Council debate and any other comments as appropriate, the Mayor will call for a motion and second.
 - vi. Once a motion has been made and seconded, no additional comments will be received from the public, only City Council debate, with staff input as appropriate, will occur from this point forward.
 - b. The rules for addressing the City Council at the designated time during this portion of the meeting are:
 - i. The speaker must be recognized by the Mayor.
 - ii. The speaker must speak from the podium and must provide their name and address for the record.



- iii. At no time will members of the public be allowed to enter into the City Council discussion from their seat. Upon recognition by the Mayor, a person may only be allowed to speak at the podium during the City Council discussion so long as the Mayor finds the comments to be germane, necessary and/or helpful to the City Council.
 - iv. No speaker will be allowed to speak more than once on any agenda item unless clarification is requested by the City Council and permission granted by the Mayor.
 - v. When an agenda includes a “Public Hearing”, any comments from the Public will only be received during the Public Hearing, not after the Public Hearing during consideration of any action item tied to the Public Hearing discussion.
 - vi. All rules set forth above in the “Public Comments” on non-agenda items section of this Policy, unless specifically excepted by the provisions of this section, shall by this reference be applicable to Public Comments on agenda items.
3. Public Hearings
- a. When an item under consideration requires a public hearing by statute, the Mayor will open and facilitate the public hearing. Public comments will be received in the same manner, and subject to, all provisions described and set forth under Paragraph 2 of this Policy.
 - b. Reasonable limitations on the number of speakers and time allowed to speak may be imposed by the Mayor in order to keep the meeting moving.
 - c. Public hearings are held to gather data and opinions from the public to assist and facilitate the decision-making process.
 - d. All rules set forth above in the “Public Comments” on non-agenda items section of this Policy, unless specifically excepted by the provisions of this section, shall by this reference be applicable to Public Comments on agenda items..
4. Public Comments at Council Workshops / Work Sessions.
- a. The committee chair runs the work session. The purpose of work sessions is to allow staff to present material and for the Council to have time to discuss and consider issues in greater detail before taking action.
 - b. Public Comments:
 - i. Because the Workshop/Work Session is designed for discussion among the members of the City Council and staff, public comment is not warranted. A member of the audience may only speak should the chair recognizes a member of the public or interested party or if a Council member requests that a member of the public be recognized. If so recognized, the same rules of decorum as listed for Council meetings apply, and the chair may impose any and all other restrictions deemed appropriate in the sole discretion of the chair.
 - c. All rules set forth above in the “Public Comments” on non-agenda items section of this Policy, unless specifically excepted by the provisions of this section, shall by this reference be applicable to Public Comments on agenda items.
5. Rules of Decorum for the Audience during Council Meetings and Work Sessions
- a. Meeting attendees (the audience):



- i. Will refrain from commenting, clapping, shouting, booing, or other inappropriate and/or disruptive behavior.
 - ii. Will refrain from private conversations during meetings.
 - iii. Should not address Council members in individual conversation or make comments to individual Council members.
6. Contacting City Council Members outside of Meetings
- a. You may contact your City Council member at any time. Their contact information is on the City's website (<https://www.cityfoelwein.org>) at the button marked Government then City Council. Phone numbers may be provided City Hall should permission be given by the elected official.

December 8, 2023

VIA EMAIL

Dylan Mulfinger
City Administrator/City Hall
Oelwein, Iowa

Re: Oelwein, Iowa
\$1,138,000 SRF Sewer Revenue Loan and Disbursement Agreement
File No. 421044-47

Dear Dylan:

We have prepared and attach proceedings to be used at the December 11, 2023 City Council meeting to enable the Council to adopt the resolution (the “Resolution”) approving the Sewer Revenue Loan and Disbursement Agreement (the “Agreement”) and providing for the issuance of the Sewer Revenue Bond, Series 2023 (the “Bond”).

The proceedings attached include the following items:

1. Minutes of the December 11, 2023 meeting providing for the adoption of the Resolution. The form of Bond, Treasurer’s Certificate and Assignment are included as part of the Resolution but need not be completed or executed as they are adopted only as to form.
2. Certificate attesting to the transcript.
3. Establishment and non-litigation certificate with respect to the Sewer Utility.

Also attached, please find the Agreement for execution by the City Clerk and the Mayor. Please print a copy of the Agreement, and have it executed as indicated. After the Agreement has been signed, please return it to us so that we can have it signed on behalf of the Iowa Finance Authority, after which we will furnish you with a fully executed copy for the City’s records.

In addition, we have prepared and attach the Bond. Please have the Bond signed as indicated, and return it to us so that we can deliver it to the lender at the time of closing. Please note that the Bond has signature blocks for the Mayor, the City Clerk and the City Treasurer.

Finally, we have attached the Closing Certificate for execution by the City Clerk and the Mayor. Please review the Certificate for any inaccuracies and return the executed Certificate to our office.

Please call Emily Hammond, Erin Regan, Lauren Baker or me if you have questions.

Best regards,

John P. Danos

Attachments

cc: Barb Rigdon
Kaylonna McKee
Tracy Scebold
Tony Toigo
Lee Wagner
Maggie Burger
Fox Strand

(Issuance – Sewer Revenue)

421044-47

Oelwein, Iowa

December 11, 2023

A meeting of the City Council of the City of Oelwein, Iowa, was held on December 11, 2023, at _____ o'clock ____m., at the _____, in the City.

The meeting was called to order by the Mayor, and the roll was called showing the following Council Members present and absent:

Present: _____

Absent: _____.

The City Council took up for consideration a resolution authorizing and approving a Loan and Disbursement Agreement and providing for the issuance and securing the payment of Sewer Revenue Bonds.

After due consideration and discussion, Council Member _____ introduced the following resolution and moved its adoption, seconded by Council Member _____. The Mayor put the question upon the adoption of said resolution, and the roll being called, the following Council Members voted:

Ayes: _____

Nays: _____.

Whereupon, the Mayor declared the resolution duly adopted as hereinafter set out.

RESOLUTION NO. ____

Resolution authorizing and approving a Loan and Disbursement Agreement and providing for the issuance and securing the payment of \$1,138,000 Sewer Revenue Bonds, Series 2023

WHEREAS, the City of Oelwein (the “City”), in Fayette County, State of Iowa, did heretofore establish a Municipal Sanitary Sewer System (the “Utility”) in and for the City which has continuously supplied sanitary sewer service in and to the City and its inhabitants since its establishment; and

WHEREAS, the management and control of the Utility are vested in the City Council (the “Council”) and no board of trustees exists for this purpose; and

WHEREAS, pursuant to a prior resolution of the Council, the City previously issued its \$8,954,000 Taxable Sewer Revenue Bond, SRF Series 2005, dated June 27, 2005 (the “Series 2005 Bond”), a portion of which remains outstanding; and

WHEREAS, pursuant to a prior resolution of the Council, the City previously issued its \$900,000 Sewer Revenue Bond, SRF Series 2012, dated November 9, 2012 (the “Series 2012 Bond”), a portion of which remains outstanding; and

WHEREAS, pursuant to a prior resolution of the Council, the City has heretofore issued its \$338,000 Taxable Sewer Revenue Bond, SRF Series 2018, dated April 13, 2018 (the “Series 2018 Bond”), a portion of which remains outstanding; and

WHEREAS, pursuant to the resolutions (the “Outstanding Bond Resolutions”) authorizing the issuance of the Series 2005 Bond, the Series 2012 Bond, and the Series 2018 Bond (collectively, the “Outstanding Bonds”), the City reserved the right to issue additional obligations payable from the Net Revenues (as defined herein) of the Utility and ranking on a parity with the Outstanding Bonds under the terms and conditions set forth in the Outstanding Bond Resolutions; and

WHEREAS, the City has heretofore proposed to contract indebtedness and enter into a certain Sewer Revenue Loan and Disbursement Agreement (the “Agreement”) and to borrow money thereunder in a principal amount not to exceed \$1,200,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the cost, to that extent, of planning, designing and constructing improvements and extensions to the Utility (the “Project”), and has published notice of the proposed action and has held a hearing thereon on August 28, 2023; and

WHEREAS, it is necessary at this time for the City Council to approve the Agreement with the Iowa Finance Authority, an agency and public instrumentality of the State of Iowa, as lender (the “Lender”) and to issue Sewer Revenue Bonds, Series 2023 (the “Bonds”) in evidence thereof in the principal amount of \$1,138,000 in order to pay the costs of the Project;

NOW, THEREFORE, Be It Resolved by the City Council of the City of Oelwein, Iowa, as follows:

Section 1. It is hereby determined that the City shall enter into the Agreement with the Lender. The Agreement shall be in substantially the form as has been placed on file with the City and shall provide for a loan (the “Loan”) to the City in the amount of \$1,138,000, for the purpose as set forth in the preamble hereof.

The Mayor and City Clerk are hereby authorized and directed to sign the Agreement on behalf of the City, and the Agreement is hereby approved.

Section 2. The Bonds are hereby authorized to be issued in evidence of the obligation of the City under the Agreement, in the aggregate principal amount of \$1,138,000, to be dated the date of delivery to or upon the direction of the Lender, and bearing interest from the date of each advancement made at the rate of 1.75% per annum pursuant to the Agreement, until payment thereof, as set forth in Exhibit A attached to the Agreement.

The Bonds may be in the denomination of \$1,000 each or any integral multiple thereof and, at the request of the Lender, shall be initially issued as a single bond in the denomination of \$1,138,000 and numbered R-1.

The City Clerk is hereby designated as the Registrar and Paying Agent for the Bonds and may be hereinafter referred to as the “Registrar” or the “Paying Agent.”

Payment of the principal of and interest on the Bonds and premium, if any, shall be payable at the office of the Paying Agent to the registered owners thereof appearing on the registration books of the City. All such payments, except full redemption, shall be made to the registered owners appearing on the registration books at the close of business on the fifteenth day of the month next preceding the payment date. Final payment of principal shall only be made upon surrender of the Bond or Bonds to the Paying Agent.

In addition to the payment of principal of and interest on the Bonds, the City also agrees to pay the Initiation Fee and the Servicing Fee (defined in the Agreement) in accordance with the terms of the Agreement.

The Bonds shall be executed on behalf of the City with the official manual or facsimile signature of the Mayor and attested with the official manual or facsimile signature of the City Clerk, and shall be fully registered bonds without interest coupons. The issuance of the Bonds and the amount of the Loan advanced thereunder shall be recorded in the office of the City Treasurer, and the certificate on the back of each Bond shall be executed with the official manual or facsimile signature of the City Treasurer. In case any officer whose signature or the facsimile of whose signature appears on the Bonds shall cease to be such officer before the delivery of such Bonds, such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

The Bonds shall be fully registered as to principal and interest in the names of the owners on the registration books of the City kept by the Registrar. Each Bond shall be transferable

without cost to the registered owner thereof only upon the registration books of the City upon presentation to the Registrar, together with either a written instrument of transfer satisfactory to the Registrar or the assignment form thereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The record and identity of the owners of the Bonds shall be kept confidential as provided by Section 22.7 of the Code of Iowa.

The Bonds are subject to optional redemption by the City at a price of par plus accrued interest (i) on any date with the prior written consent of the Lender, or (ii) in the event that all or substantially all of the Project is damaged or destroyed. Any optional redemption of the Bonds by the City may be made from any funds regardless of source, in whole or from time to time in part, in inverse order of maturity upon not less than thirty (30) days' notice of redemption by e-mail, facsimile, certified or registered mail to the Lender (or any other registered owner of the Bonds). The Bonds are also subject to mandatory redemption as set forth in Section 5 of the Agreement.

All of the Bonds and the interest thereon, together with the Outstanding Bonds and any additional obligations as may be hereafter issued and outstanding from time to time ranking on a parity therewith under the conditions set forth herein (which additional obligations are hereinafter sometimes referred to as "Parity Obligations"), shall be payable solely from the Net Revenues of the Utility and the Sinking Fund hereinafter referred to, both of which are hereby pledged to the payment of the Bonds. The Bonds shall be a valid claim of the owners thereof only against said Net Revenues and Sinking Fund. None of the Bonds shall be a general obligation of the City, nor payable in any manner by taxation, and under no circumstances shall the City or the Utility be in any manner liable by reason of the failure of the Net Revenues of the Utility to be sufficient for the payment in whole or in part of the Bonds and the interest thereon.

Section 3. The Bonds shall be executed as herein provided as soon after the adoption of this resolution as may be possible and thereupon they shall be delivered to the Registrar for registration and delivery to the Lender, upon receipt of the loan proceeds (the "Loan Proceeds"), and all action heretofore taken in connection with the Agreement is hereby ratified and confirmed in all respects.

Section 4. The Bonds shall be in substantially the following form:

(Form of Bond)

UNITED STATES OF AMERICA
STATE OF IOWA
FAYETTE COUNTY
CITY OF OELWEIN

SEWER REVENUE BOND, SERIES 2023

No. R-1 \$1,138,000

RATE	MATURITY DATE	BOND DATE
1.75%	June 1, 2034	December 22, 2023

The City of Oelwein (the “City”), in Fayette County, State of Iowa, for value received, promises to pay from the source and as hereinafter provided, on the maturity date of this Bond to

IOWA FINANCE AUTHORITY

or registered assigns, the principal sum of

ONE MILLION ONE HUNDRED THIRTY-EIGHT THOUSAND DOLLARS

Interest at the rate specified above shall be payable semiannually on June 1 and December 1 of each year, commencing June 1, 2024, and principal shall be due and payable in installments in the amounts shown on the Principal Payment Schedule, attached hereto as Exhibit A, on June 1, 2025, and annually thereafter on June 1 in each year until the principal and interest are fully paid, except that the final installments of the entire balance of principal and interest, if not sooner paid, shall become due and payable on June 1, 2034. Interest shall be computed on the basis of a 360-day year of twelve 30-day months.

The City Clerk shall act as Registrar and Paying Agent and may be hereinafter referred to as the “Registrar” or the “Paying Agent.”

Payment of the principal of and interest on this Bond and premium, if any, shall be payable at the office of the Paying Agent to the registered owners thereof appearing on the registration books of the City at the addresses shown on such registration books. All such payments, except full redemption, shall be made to the registered owners appearing on the registration books at the close of business on the fifteenth day of the month next preceding the payment date. Final payment of principal shall only be made upon surrender of this Bond to the Paying Agent.

This Bond is one of a series of bonds (the “Bonds”) issued by the City to evidence its obligation under a certain Loan and Disbursement Agreement, dated the date hereof (the “Agreement”) entered into by the City for the purpose of providing funds to pay a portion of the

cost of planning, designing and constructing improvements and extensions (the “Project”) to the Municipal Sanitary Sewer System of the City (the “Utility”).

The Bonds are issued pursuant to and in strict compliance with the provisions of Sections 384.24A and 384.83 of the Code of Iowa, 2023, and all other laws amendatory thereof and supplemental thereto, and in conformity with a resolution of the City Council authorizing and approving the Agreement and providing for the issuance and securing the payment of the Bonds (the “Resolution”), and reference is hereby made to the Resolution and the Agreement for a more complete statement as to the source of payment of the Bonds and the rights of the owners of the Bonds.

The Bonds shall be subject to optional redemption by the City at a price of par plus accrued interest (i) on any date with the prior written consent of the Iowa Finance Authority, or (ii) in the event that all or substantially all of the Project is damaged or destroyed. Any optional redemption of the Bonds by the City may be made from any funds regardless of source, in whole or from time to time in part, in inverse order of maturity upon not less than thirty (30) days’ notice of redemption by e-mail, facsimile, certified or registered mail to the Iowa Finance Authority (or any other registered owner of the Bonds). The Bonds are also subject to mandatory redemption as set forth in Section 5 of the Agreement.

The Bonds are not general obligations of the City but, together with the City’s outstanding Taxable Sewer Revenue Bond, SRF Series 2005, dated June 27, 2005; Sewer Revenue Bond, SRF Series 2012, dated November 9, 2012; Taxable Sewer Revenue Bond, SRF Series 2018, dated April 13, 2018; and any additional obligations as may be hereafter issued and outstanding from time to time ranking on a parity therewith under the conditions set forth in the Resolution, are payable solely and only out of the future Net Revenues (as defined in the Resolution) of the Utility of the City, a sufficient portion of which has been ordered set aside and pledged for that purpose. This Bond is not payable in any manner by taxation, and under no circumstances shall the City be in any manner liable by reason of the failure of the said Net Revenues to be sufficient for the payment of this Bond and the interest thereon.

This Bond is fully negotiable but shall be fully registered as to both principal and interest in the name of the owner on the books of the City in the office of the Registrar, after which no transfer shall be valid unless made on said books and then only upon presentation of this Bond to the Registrar, together with either a written instrument of transfer satisfactory to the Registrar or the assignment form hereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The City, the Registrar and the Paying Agent may deem and treat the registered owner hereof as the absolute owner for the purpose of receiving payment of or on account of principal hereof, premium, if any, and interest due hereon and for all other purposes, and the City, the Registrar and the Paying Agent shall not be affected by any notice to the contrary.

And It Is Hereby Certified, Recited and Declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the Bonds have existed, have happened and have been performed in due time, form and manner, as required by

law, and that the issuance of the Bonds does not exceed or violate any constitutional or statutory limitation or provision.

IN TESTIMONY WHEREOF, the City of Oelwein, Iowa, has caused this Bond to be executed by its Mayor and attested by its City Clerk, all as of the Bond Date.

CITY OF OELWEIN, IOWA

By (Do Not Sign)
Mayor

Attest:

(Do Not Sign)
City Clerk

(On the back of each Bond the following certificate shall be executed with the duly authorized signature of the City Treasurer)

STATE OF IOWA
FAYETTE COUNTY
CITY OF OELWEIN

SS: CITY TREASURER’S CERTIFICATE

The original issuance of the Bonds, of which this Bond is a part, was duly and properly recorded in my office as of the Bond Date.

(Do Not Sign)
City Treasurer

ABBREVIATIONS

The following abbreviations, when used in this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

- TEN COM - as tenants in common
- TEN ENT - as tenants by the entireties
- JT TEN - as joint tenants with right of survivorship and not as tenants in common
- UTMA _____
(Custodian)
- As Custodian for _____
(Minor)
- under Uniform Transfers to Minors Act
- _____
- (State)

Additional abbreviations may also be used though not in the list above.

ASSIGNMENT

For valuable consideration, receipt of which is hereby acknowledged, the undersigned assigns this Bond to

(Please print or type name and address of Assignee)

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE

and does hereby irrevocably appoint _____, Attorney, to transfer this Bond on the books kept for registration thereof with full power of substitution.

Dated: _____

Signature guaranteed:

NOTICE: The signature to this Assignment must correspond with the name of the registered owner as it appears on this Bond in every particular, without alteration or enlargement or any change whatever.

EXHIBIT A
PRINCIPAL PAYMENT SCHEDULE

<u>Due</u> <u>June 1</u>	<u>Amount</u>	<u>Due</u> <u>June 1</u>	<u>Amount</u>
2025	\$ 79,000	2030	\$121,000
2026	\$ 79,000	2031	\$124,000
2027	\$114,000	2032	\$126,000
2028	\$116,000	2033	\$129,000
2029	\$119,000	2034	\$131,000

Section 5. The Loan Proceeds shall be held by the Lender and disbursed for costs of the Project, as referred to in the preamble hereof. The City will keep a detailed segregated accounting of the expenditure of the Loan Proceeds.

Section 6. So long as any of the Bonds, the Outstanding Bonds or any Parity Obligations are outstanding, the City shall continue to maintain the Utility in good condition, and the Utility shall continue to be operated in an efficient manner and at a reasonable cost as a revenue producing undertaking. The City shall establish, impose, adjust and provide for the collection of rates to be charged to customers of the Utility, including the City, to produce gross revenues (hereinafter sometimes referred to as the “Gross Revenues”) at least sufficient to pay the expenses of operation and maintenance of the Utility, which shall include salaries, wages, cost of maintenance and operation, materials, supplies, insurance and all other items normally included under recognized accounting practices (but does not include allowances for depreciation in the valuation of physical property) (which such expenses are hereinafter sometimes referred to as the “Operating Expenses”) and to leave a balance of net revenues (herein referred to as the “Net Revenues”) equal to at least 110% of the principal of and interest on all of the Bonds, the Outstanding Bonds and any other Parity Obligations due in such fiscal year, as the same become due.

Section 7. The provisions, covenants, undertakings and stipulations for the operation of the Utility and for the collection, application and use of the Gross Revenues and income from such operation, as set forth in the Outstanding Bond Resolutions shall inure and appertain to the Bonds to the same extent and with like force and effect as if herein set out in full, except only insofar as the same may be inconsistent with this resolution.

Nothing in this resolution shall be construed to impair the rights vested in the Outstanding Bonds. The amounts herein required to be paid into the various funds hereafter named shall be inclusive of said payments required with respect to the Outstanding Bonds. The provisions of the Outstanding Bond Resolutions and the provisions of this resolution are to be construed whenever possible so that the same will not be in conflict. In the event such construction is not possible, the provisions of the resolution first adopted shall prevail until such time as the obligations authorized by such resolution have been paid or otherwise satisfied as therein provided, at which time the provisions of this resolution shall again prevail.

Section 8. From and after the issuance of the Bonds, the Gross Revenues of the Utility shall continue to be set aside into the City’s Sewer Revenue Fund (“Sewer Revenue Fund”) created under the Outstanding Bond Resolutions. The Sewer Revenue Fund shall be used in maintaining and operating the Utility, and after payment of the Operating Expenses shall, to the extent provided in this resolution and the Outstanding Bond Resolutions, be used to pay the principal of and interest on the Bonds, the Outstanding Bonds and any Parity Obligations, and to create and maintain the several separate funds hereinafter described.

Section 9. The provisions in and by the Outstanding Bond Resolutions, whereby there has been created and is to be maintained a Sewer Revenue Bond Sinking Fund (herein referred to as the “Sinking Fund”), and for the payment into said fund from the Net Revenues of the Utility such portion thereof as will be sufficient to pay the interest on and principal of the Outstanding Bonds, are all hereby ratified and confirmed, and all such provisions shall inure and

constitute the security for the payment of the interest on and principal of the Bonds hereby authorized as may be outstanding from time to time; provided, however that on the first day of each month of each year, the minimum amount to be set aside, in addition to the amounts required to be set aside in the Outstanding Bond Resolutions, and paid into the Sinking Fund shall be not less than as follows:

Commencing on January 1, 2024, and continuing to and including May 1, 2024, an amount equal to 1/5th of the installment of interest and principal coming due on June 1, 2024, and, thereafter, commencing on June 1, 2024, and continuing to final maturity, an amount equal to 1/6th of the installment of interest coming due on the next succeeding interest payment date on the then outstanding Bonds, plus an amount equal to 1/12th of the installment of principal coming due on such Bonds on the next succeeding principal payment date until the full amount of such installment is on deposit in the Sinking Fund.

Money in the Sinking Fund shall be used solely for the purpose of paying principal of and interest on the Bonds, the Outstanding Bonds and any Parity Obligations as the same shall become due and payable. Whenever Parity Obligations are issued under the conditions and restrictions hereinafter set forth, provision shall be made for additional payments to be made into the Sinking Fund for the purpose of paying the interest on and principal of such Parity Obligations.

If at any time there should be a failure to pay into the Sinking Fund the full amount above stipulated, then an amount equivalent to the deficiency shall be paid into the Sinking Fund from the Net Revenues of the Utility as soon as available, and the same shall be in addition to the amount otherwise required to be so set apart and paid into the Sinking Fund.

No further payments need be made into the Sinking Fund when and so long as the amount therein is sufficient to retire all of the Bonds, the Outstanding Bonds and any Parity Obligations then outstanding which are payable from the Sinking Fund and to pay all interest to become due thereon prior to such retirement, or if provision for such payment has been made.

All of such payments required to be made into the Sinking Fund shall be made in equal monthly installments on the first day of each month, except that when the first day of any month shall be a Sunday or legal holiday, then such payments shall be made on the next succeeding secular day.

Section 10. The provisions in and by the Outstanding Bond Resolutions whereby there has been created and is to be maintained a special fund to be known and designated as the Surplus Fund into which there shall be set apart and paid all of the Net Revenues remaining after first paying the Operating Expenses and making the required payments into the Sinking Fund are all hereby ratified and confirmed. All money credited to the Surplus Fund shall be transferred and credited to the Sinking Fund whenever necessary to prevent or remedy a default in the payment of the principal of or interest on the Bonds, the Outstanding Bonds and any Parity Obligations.

As long as the Sinking Fund has the full amounts required to be deposited therein by the Outstanding Bond Resolutions and this resolution, any balance in the Surplus Fund may be expended by the City in such manner as the Council, or such other duly constituted body as may then be charged with the operation of the Utility, may from time to time direct.

Section 11. All money held in any fund or account created or to be maintained under the terms of this resolution shall be deposited in lawful depositories of the City or invested in accordance with Chapters 12B and 12C of the Code of Iowa and continuously held and secured as provided by the laws of the State of Iowa relating to the depositing, securing, holding and investing of public funds. All interest received by the City as a result of investments under this section shall be considered to constitute Gross Revenues of the Utility and shall be deposited in or transferred to the Sewer Revenue Fund and used solely and only for the purposes specified herein for such funds.

Section 12. The City hereby covenants and agrees with the owner or owners of the Bonds, the Outstanding Bonds and any Parity Obligations, or any of them, that from time to time may be outstanding, that it will faithfully and punctually perform all duties with reference to the Utility required and provided by the Constitution and laws of the State of Iowa, that it will segregate the Gross Revenues of the Utility and make application thereof in accordance with the provisions of this resolution and that it will not sell, lease or in any manner dispose of the Utility or any part thereof, including any and all extensions and additions that may be made thereto, until all of the Bonds, the Outstanding Bonds and any Parity Obligations shall have been paid in full, both principal and interest, or unless and until provision shall have been made for the payment of the Bonds, the Outstanding Bonds and any Parity Obligations and interest thereon in full; provided, however, that the City may dispose of any property which in the judgment of the Council, or such duly constituted body as may then be charged with the operation of the Utility, is no longer useful or profitable in the operation of the Utility nor essential to the continued operation thereof and when the sale thereof will not operate to reduce the revenues to be derived from the operation of the Utility.

Section 13. Upon a breach or default of a term of the Bonds, the Outstanding Bonds or any Parity Obligations, the Outstanding Bond Resolutions and this resolution, a proceeding may be brought in law or in equity by suit, action or mandamus to enforce and compel performance of the duties required under the terms of this resolution and Division V of Chapter 384 of the Code of Iowa or an action may be brought to obtain the appointment of a receiver to take possession of and operate the Utility and to perform the duties required by this resolution and Division V of Chapter 384 of the Code of Iowa.

Section 14. The Bonds, the Outstanding Bonds or any Parity Obligations shall not be entitled to priority or preference one over the other in the application of the Net Revenues of the Utility regardless of the time or times of the issuance of such Bonds, the Outstanding Bonds or Parity Obligations, it being the intention of the City that there shall be no priority among the Bonds, the Outstanding Bonds or any Parity Obligations, regardless of the fact that they may have been actually issued and delivered at different times. The City hereby reserves the right and privilege of issuing additional Parity Obligations.

Section 15. The City agrees that so long as the Bonds, the Outstanding Bonds or any Parity Obligations remain outstanding, it will maintain insurance for the benefit of the owners of the Bonds, the Outstanding Bonds and any Parity Obligations on the insurable portions of the Utility of a kind and in an amount which usually would be carried by private companies or municipalities engaged in a similar type of business. The proceeds of any insurance, except public liability insurance, shall be used to repair or replace the part or parts of the Utility damaged or destroyed. The City will keep proper books of record and account, separate from all other records and accounts, showing the complete and correct entries of all transactions relating to the Utility, and the owners of the Bonds, the Outstanding Bonds or any Parity Obligations shall have the right at all reasonable times to inspect the Utility and all records, accounts and data of the City relating thereto.

Section 16. The provisions of this resolution shall constitute a contract between the City and the owners of the Bonds and any Parity Obligations as may from time to time be outstanding, and after the issuance of the Bonds, no change, variation or alteration of any kind of the provisions of this resolution shall be made which will adversely affect the owners of the Bonds or any Parity Obligations until all of the Bonds, the Outstanding Bonds and any Parity Obligations and the interest thereon shall have been paid in full, except as hereinafter provided.

The owners of a majority in principal amount of the Bonds and any Parity Obligations at any time outstanding (not including in any case any obligations which may then be held or owned by or for the account of the City, but including such obligations as may be issued for the purpose of refunding any of the Bonds, the Outstanding Bonds or Parity Obligations if such obligations shall not then be owned by the City) shall have the right from time to time to consent to and approve the adoption by the City of a resolution or resolutions modifying or amending any of the terms or provisions contained in this resolution; provided, however, that this resolution may not be so modified or amended in such manner as to:

- (a) Make any change in the maturity or redemption terms of the Bonds or Parity Obligations.
- (b) Make any change in the rate of interest borne by any of the Bonds or Parity Obligations.
- (c) Reduce the amount of the principal payable on any Bonds or Parity Obligations.
- (d) Modify the terms of payment of principal of or interest on the Bonds or Parity Obligations, or any of them, or impose any conditions with respect to such payment.
- (e) Affect the rights of the owners of less than all of the Bonds or Parity Obligations then outstanding.
- (f) Reduce the percentage of the principal amount of the Bonds or Parity Obligations, the consent of the owners of which shall be required to effect a further modification.

Whenever the City shall propose to amend or modify this resolution under the provisions of this section, it shall cause notice of the proposed amendment to be (1) filed with the Lender and (2) mailed by certified mail to each registered owner of any Bond or Parity Obligation as shown by the records of the Registrar. Such notice shall set forth the nature of the proposed amendment and shall state that a copy of the proposed amendatory resolution is on file in the office of the City Clerk.

Whenever at any time within one year from the date of the mailing of said notice, there shall be filed with the City Clerk an instrument or instruments executed by the owners of at least a majority in aggregate principal amount of the Bonds and any Parity Obligations outstanding at the time of the adoption of such amendatory resolution specifically consenting to the adoption thereof as herein provided, no owner of any Bonds or Parity Obligations shall have any right or interest to object to the adoption of such amendatory resolution or to object to any of the terms or provisions therein contained or to the operation thereof or to enjoin or restrain the City from taking any action pursuant to the provisions thereof.

Any consent given by the owners of a Bond or Parity Obligation pursuant to the provisions of this section shall be irrevocable for a period of six (6) months from the date of such consent and shall be conclusive and binding upon all future owners of the same Bond or Parity Obligation during such period. Such consent may be revoked at any time after six (6) months from the date of such consent by the owner who gave such consent or by a successor in title, but such revocation shall not be effective if the owners of a majority in aggregate principal amount of the Bonds and Parity Obligations outstanding as in this section defined shall have, prior to the attempted revocation, consented to and approved the amendatory resolution referred to in such revocation.

The fact and date of the execution of any instrument under the provisions of this section may be proved by the certificate of any officer in any jurisdiction, who by the laws thereof is authorized to take acknowledgments of deeds within such jurisdiction, that the persons signing such instrument acknowledged before such officer the execution thereof, or may be proved by an affidavit of a witness to such execution sworn to before such officer.

Section 17. It is the intention of the City that interest on the Bonds be and remain excluded from gross income for federal income tax purposes pursuant to the appropriate provisions of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations in effect with respect thereto (all of the foregoing herein referred to as the “Internal Revenue Code”). In furtherance thereof the City covenants to comply with the provisions of the Internal Revenue Code as they may from time to time be in effect or amended and further covenants to comply with applicable future laws, regulations, published rulings and court decisions as may be necessary to insure that the interest on the Bonds will remain excluded from gross income for federal income tax purposes. Any and all of the officers of the City are hereby authorized and directed to take any and all actions as may be necessary to comply with the covenants herein contained.

The City hereby designates the Bonds as “Qualified Tax Exempt Obligations” as that term is used in Section 265(b)(3)(B) of the Internal Revenue Code.

Section 18. If any section, paragraph, clause or provision of this resolution shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 19. All resolutions and orders or parts thereof in conflict with the provisions of this resolution are, to the extent of such conflict, hereby repealed.

Section 20. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved December 11, 2023.

Mayor

Attest:

City Clerk

••••

On motion and vote, the meeting adjourned.

Mayor

Attest:

City Clerk

STATE OF IOWA
COUNTY OF FAYETTE
CITY OF OELWEIN

SS:

I, the undersigned, City Clerk of the City of Oelwein, do hereby certify that I have in my possession or have access to the complete corporate records of the aforesaid City and of its Council and officers and that I have carefully compared the transcript hereto attached with the aforesaid corporate records and that the transcript hereto attached is a true, correct and complete copy of all the corporate records in relation to the authorization and approval of a certain Sewer Revenue Loan and Disbursement Agreement (the “Agreement”) and the issuance of \$1,138,000 Sewer Revenue Bonds, Series 2023 (the “Bonds”) of said City evidencing the City’s obligation under such Agreement and that the transcript hereto attached contains a true, correct and complete statement of all the measures adopted and proceedings, acts and things had, done and performed up to the present time with respect thereto.

I further certify that no objections were filed in my office and no objections of any kind were made to the matter of entering into such Agreement or issuing such Bonds at the time and place set for hearing thereon, and that no petition of protest or objections of any kind have been filed or made, nor has any appeal been taken to the District Court from the decision of the City Council to enter into the Agreement or to issue the Bonds.

WITNESS MY HAND this ____ day of _____, 2023.

City Clerk

STATE OF IOWA
COUNTY OF FAYETTE
CITY OF OELWEIN

SS:

I, the undersigned, City Clerk of the City of Oelwein, do hereby certify that I have complete access and control of all of the corporate records of the City and that, based upon my examination of such records, I have determined that the City did heretofore establish a Municipal Sanitary Sewer System (the “Utility”), that the management and control of the Utility are vested in the City Council, and that no board of trustees exists which has any part of the control and management of such Utility.

I further certify that there is not pending or threatened any question or litigation whatsoever touching the establishment, improvement or operation of such Utility and that there are no bonds or other obligations of any kind now outstanding which are payable from or constitute a lien upon the revenues derived from the operation of such Utility, except for the City’s outstanding Taxable Sewer Revenue Bond, SRF Series 2005, dated June 27, 2005; Sewer Revenue Bond, SRF Series 2012, dated November 9, 2012; Taxable Sewer Revenue Bond, SRF Series 2018, dated April 13, 2018; and the current issue of \$1,138,000 Sewer Revenue Bond, Series 2023 of the City.

WITNESS MY HAND this _____ day of _____, 2023.

City Clerk

RESOLUTION NO. _____ - 2023

RESOLUTION APPROVING SALE AND TRASFER OF CITY’S OWNED REAL ESTATE LOCATED AT 11-12TH AVE. SW, OELWEIN, FAYETTE COUNTY, IOWA

WHEREAS, the City of Oelwein, Iowa owns the following described real estate:

Lots 3 & 4, Block 6, Armstrong’s Addition to Oelwein, City of Oelwein, Fayette County, Iowa

WHEREAS, by Resolution # 5490-2023 the Council scheduled a Public Hearing on the proposed sale of the above-described property for December 11, 2023 at 6:00 p.m., during the regular City Council meeting to be held in the City Council Chambers, Oelwein City Hall, 20 2nd Ave. SW, Oelwein, Iowa, and

WHEREAS, notice of the Public Hearing was published in the Oelwein Daily Register on December 2, 2023, consistent with the requirements of §364.7 and §362.3 of the Iowa Code, and

WHEREAS, the Mayor opened the Public Hearing, and the Council accepted public comment, reviewed and considered any written comments received in advance of the Public Hearing, and upon the conclusion of public comment closed the public hearing, and

WHEREAS, the City Council discussed the proposed sale of said real estate and found the City did not have a continuing use for the property, that the property did not otherwise serve a public purpose, and that the sale of said property would, therefore, be in the best interest of the City, and

WHEREAS, the City Council also discussed the value of the real estate, the value to the community of the potential uses for the property, and in consideration of the above and foregoing, determined it to be appropriate and in the best interests of the City to approve the sale of said property to Dmitry Baycharov for the sum of \$1,500.00.

BE IT RESOLVED by the Council of the city of Oelwein, Iowa, as follows:

- Section 1. That the property described herein shall be transferred to Dmitry Baycharov for the sum of \$1,500.00.
- Section 2. That the property is being sold as is.
- Section 3. That the property shall be transferred by Quit Claim Deed with no abstract to be provided.
- Section 4. That the Quit Claim Deed, and related Clerk’s Affidavit, shall be recorded at the expense of the City.
- Section 5. The Mayor or City Administrator shall be authorized to execute the QCD, and any other documents related to the approved transfer of this property as set forth above.

Section 6. Action on this Resolution shall be final upon the delivery of the Deed to the Buyer.

Section 7. This resolution shall be in effect upon its passage and approval as provided by law.

Passed and adopted by the City Council of the City of Oelwein, Iowa, this 11 day of December, 2023.

Brett DeVore, Mayor

Attest:

Dylan Mulfinger, City Administrator

It was moved by _____ and seconded by _____ that the Resolution as read be adopted, and upon roll call there were:

AYES NAYS ABSENT ABSTAIN

- Stewart
- Weber
- Lenz
- Garrigus
- Seeders
- Payne

RESOLUTION NO. _____-2023

RESOLUTION SCHEDULING PUBLIC HEARING ON PROPOSED VACATION AND TRANSFER OF CITY ALLEYWAY RIGHT OF WAY

WHEREAS, the City Council has determined it appropriate to consider the vacation and transfer of previously reserved alleyway right of way (“ROW”), under and in consideration of Iowa Code §354.23, to two adjacent property owners, Jimmie L. Holley and Nancy G. Holley, and Russell J. McNamara and Connie McNamara, whose properties lie to the south of the ROW generally described as follows:

Regarding the Holley Property:

The west ½ of the alleyway right of way lying adjacent to and north of Lot 14 and the west 22.65’ of Lot 15, Schaums Addition to Oelwein, Fayette County, Iowa.

Regarding the McNamara Property:

The east ½ of the alleyway right of way lying adjacent to and north of Lot 16 and the east 27.35’ of Lot 15, Schaums Addition to Oelwein, Fayette County, Iowa.

WHEREAS, the Council finds that said ROW is not currently improved and will not be improved, that vacating and transferring the ROW will promote the development of adjacent property, that said vacation and transfer will not deny owners or property abutting said ROW reasonable access to their property, and that the adjacent property owner to the north of the ROW, Kevin Michael Latham, has declined interest in having any portion of the ROW transferred to him, the entire width of the ROW, therefore, proposed to be transferred to the two adjacent property owners located to the south of the ROW, consistent with submitted applications, and

WHEREAS, in accordance with Chapter/Section 364.7 and 362.3 of the Iowa Code, the Council finds that a public hearing shall be set at least four (4) but not more than twenty (20) days prior to the Public Hearing, same being required prior to the approval of the vacation and transfer of said ROW.

NOW, THEREFORE, BE IT RESOLVED that a public hearing on the proposed Vacation and Transfer of the ROW described herein shall be scheduled for 6:00 p.m. on December 18, 2023 during the regular City Council meeting of the City of Oelwein, Iowa, held in the City Council chambers located at 20 2nd Ave. SW, Oelwein, IA, at which time the City Council will receive written and/or oral comments concerning the proposed vacation and transfer, before considering a Resolution to approve the vacation and transfer of said right of way, and directs the City Clerk to cause notice of said public hearing, in the form attached hereto marked Exhibit “A”, to be published at least once, not less than four (4) nor more than twenty (20) days prior to the date set for said hearing, in a newspaper of general circulation in the City of Oelwein, Iowa.

PASSED AND APPROVED this 11th day of December, 2023.

Brett DeVore, Mayor

ATTEST:

Dylan Mulfinger, City Administrator

It was moved by _____ and
seconded by _____ that the
Resolution as read be adopted, and upon roll
call the following votes were cast:

- Stewart
- Weber
- Lenz
- Garrigus
- Seeders
- Payne

CITY OF OELWEIN**NOTICE OF PUBLIC HEARING ON PROPOSED VACATION AND TRANSFER OF CITY
ALLEYWAY RIGHT OF WAY**

Notice is hereby given that the City of Oelwein, Fayette County, Iowa, proposes to vacate and transfer certain City right of way deemed to have no public purpose, where said vacation and transfer will not deny owners abutting said ROW reasonable access to their property, the unimproved ROW proposed to be vacated and transferred being described as: The west ½ of the alleyway right of way lying adjacent to and north of Lot 14 and the west 22.65' of Lot 15, Schaums Addition to Oelwein, Fayette County, Iowa; and The east ½ of the alleyway right of way lying adjacent to and north of Lot 16 and the east 27.35' of Lot 15, Schaums Addition to Oelwein, Fayette County, Iowa.

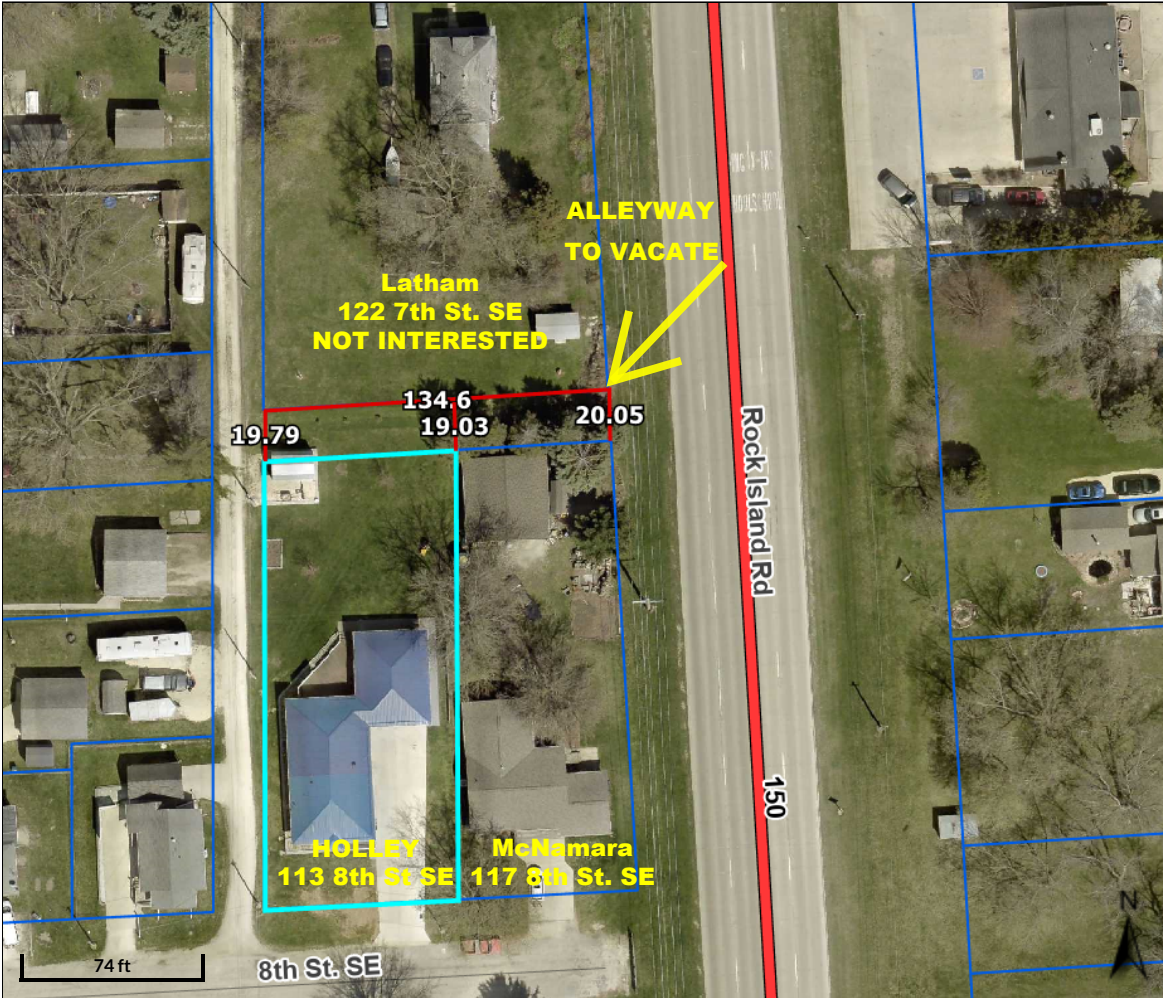
The City Council proposes to transfer the above-described right of way to two adjacent property owners consistent with applications submitted by Jimmie Lonzo Holley and Nancy Holley, and Russell J. McNamara and Connie McNamara.

Public Hearing on the proposed Vacation and Transfer of said ROW is scheduled for 6:00 p.m. on December 18, 2023 during the regular City Council meeting of the City of Oelwein, held in the City Council Chambers located at 20 2nd Ave. SW, Oelwein, IA. After acceptance of public comment, if any, and closing of the public hearing, the City Council will consider a Resolution approving the transfer of the property as proposed.

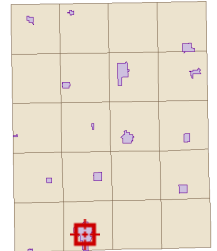
Any person may appear at the Public Hearing to comment on the proposed vacation and transfer of said ROW and/or may submit written comments in advance of the Public Hearing by delivery of same to the City Clerk's Office, at Oelwein City Hall, 20 2nd Ave. SW, Oelwein, IA during regular business hours, by mailing to the City of Oelwein at the same address, or by email to the City Clerk's Office at dmulfinger@cityfoelwein.org, on or before the date and time of the Public Hearing.

Dylan Mulfinger, City Administrator
City of Oelwein, Iowa

Alley to Vacate



Overview



Legend

- Corporate Limits
- Parcels
- Major Highways**
- County Highway
- Federal Highway
- State Highway
- Roads

Parcel ID	1828209008	Alternate ID	n/a	Owner Address	Holley, Jimmie Lonzo &
Sec/Twp/Rng	28-91-9	Class	R		Holley, Nancy
Property Address	113 8TH ST. SE	Acreege	n/a		113 8th St SE
	OELWEIN				Oelwein, IA 50662
District	OELWEIN OELWEIN INC				
Brief Tax Description	LOT 14 & W 22.65' LOT 15 SCHAUMS ADD (Note: Not to be used on legal documents)				

Disclaimer: Fayette County, the Fayette County Assessor and their employees make every effort to produce and publish the most current and accurate information possible. The maps included in this website do not represent a survey and are compiled from official records, including plats, surveys, recorded deeds, and contracts, and only contain information required for government purposes. See the recorded documents for more detailed legal information. Data is provided in "as is" condition. No warranties, expressed or implied, are provided for the data herein, its use or its interpretation. Fayette County and its employees assume no responsibility for the consequences of inappropriate uses or interpretations of the data. Any person that relies on any information obtained from this site does so at his or her own risk. All critical information should be independently verified. If you have questions about this site please contact the Assessor's Office at (563) 422-3397.

Date created: 11/14/2023
Last Data Uploaded: 11/14/2023 3:38:02 AM

Developed by Schneider
GEOSPATIAL

Hotel Motel FY 2024

Past Fiscal Year

Fund 122 balance 6/30/2023 \$ 12,934.56

Current Fiscal Year

Estimated Revenue 2023

65,000.00
 less Revenue to General Fund 50% (31,850.00)
 less Revenue to Trails (to trans 6-2021) (10,000.00)
FY 2023-24 available for tourism awards \$ 23,150.00

Treasurer's Report Fund 122

Month End Balance History

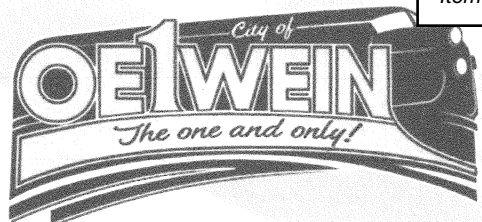
July 12,355.78
 August 30,684.83
 September 29,246.62
 October 21,821.03
 November 45,568.14
 December
 January
 February
 March
 April
 May
 June (tentative)

Revenue Rec'd Tracking (s/b \$65,000)

August '23 18,306.47
 November '23 23,689.58
 February '24
 May '24
\$ 41,996.05

Project	Date Requested	Amount Requested	Council Award Date	Amount Awarded	Date Paid	Amount paid	*Remaining Balance	Special Instructions
Fayette County Agricultural Society	4/1/2023	5,000	4/24/2023	5,000	10/3/2023	5,000		
Williams Center	6/1/2023	1,500	6/12/2023	1,500	9/20/2023	1,500		
Italian Heritage Days	6/1/2023	600	6/12/2023	600	7/12/2023	600		
Oelwien Celebrations	8/1/2023	20,000	8/28/2023	5,000				split? 15K Econ Dev
Williams Center	9/1/2023	1,500	9/11/2023	1,500				
O Town Mania	9/1/2023	2,500	9/11/2023	2,500	10/3/2023	2,500		
			Total	\$ 16,100.00				

\$ 19,984.56 Available to award



**CITY OF OELWEIN
HOTEL AND MOTEL TAX FUNDING APPLICATION
(TOURISM)**

Application Deadlines
September 1 -- December 1
March 1 -- June 1

Applications must be received by 5:00 p.m. on the deadline date. All areas of the applications must be completed and typed. Each applicant will be afforded the opportunity to attend a brief question and answer session with the Advisory Board.

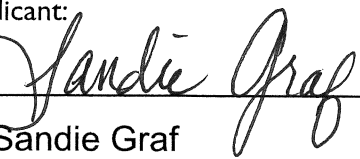
Organization Name: Williams Center for the Arts, Williams Center, Inc
Contact Name: Linda Murphy & Sandie Graf, Co-Directors
Mailing Address: P.O. Box 636
City, State, Zip: Oelwein, Iowa 50662
Phone: 319-283-6616 **Fax:** _____ **Email Address:** director@williamscenterforthearts.com
Total Project Cost: \$13,118

Total Requested from Hotel/Motel Tax Funds: \$ 1500

Please indicate which category you are applying for funds:

- Category 1 - Primary
- Category 2 - Community Culture and Education
- Category 3 - Community Recreation and Events
- Category 4 - New and Emerging Organization and Events

Please sign and date this application. Your signature below certifies that you have read and understand all of the guidelines for this funding program. You further understand that you will be required to submit a summary of expenses at the end of the project and that if any funds are not expended or are found to be outside the scope of the grant made by the City Council you will be **required to reimburse/return** these funds to the City of Oelwein.

Applicant:
by:  Date December 1, 2023
Sandie Graf
(printed name)

HOTEL/MOTEL TAX FUNDING APPLICATIONM
(Tourism, Community Culture and Education, and Community Recreation and Events.)

Project Identification:

1. What is the title of your project?
2. *Empire Trio* :Williams Center for the Arts stage.

Provide a brief description of your project. Attach Additional pages if needed.

Empire Trio presents "Hooray for Hollywood: 100 Years of Musical Magic", a musical revue of some of the most beloved and celebrated songs from the Silver Screen, covering classics from the 1920s to the present day.

You'll be dazzled by lively classics such as "Good Morning", "Accentuate the Positive," and "Get Happy", and you'll be beguiled by timeless love ballads like "Somewhere Over the Rainbow", "Can't Help Falling in Love with You" and "Moon River". The audience will be invited to join in on certain classic songs such as "As Time Goes By". Movies represented in the show include "Casablanca", "The Sound of Music", "James Bond Theme Songs", "Titanic", "The Wizard of Oz" and many more. The show is peppered with fascinating stories about the legendary singers who performed the songs, from Judy Garland, Elvis Presley and Frank Sinatra, to Celine Dion and Barbara Streisand. While most of the show will be sung as solos, duets and trios with subline piano accompaniment, you'll also hear instrumental performances, such as the haunting "Theme from Schindler's List" performed on the violin and piano. This show truly is a uniquely presented glamorous soundtrack of the greatest movie music of all time!

Empire Trio is one of the most critically acclaimed and versatile classical crossover groups on tour today, featuring the exceptional beautiful voices of Erin Shields and Adam Cannedy and the virtuosic multi-instrumental talent of the incredible David Shenton.

Expenses for this concert include the artists' fee, lighting sound, salaries, printing, advertising, meals, and housing. This program is the 5th show in the 23-24 Williams Center for the Arts Artist Series. The program will be held on Friday, February 16, 2024

3. **Hotel and Motel Tax Funds must be used to fund projects that promote and/or expand tourism activity in Oelwein. How will your project help to realize this goal?**

The Williams Center for the Arts is one of the top destinations of choice for the arts in the four county area of northeast Iowa. Almost 1/3 of our audiences come from communities other than Oelwein. We have had concert attendees from over 40 area communities.

Some of the locations which our patrons come from include: Spencer, IA, Des Moines, IA, Minneapolis, MN, Rochester, MN, Galena, IL, Dubuque, IA, as well as the Oelwein area.

People coming to Oelwein for programs at the Williams Center for the Arts not only come to the programs but also spend money with our local businesses such as restaurants, convenience stores and motel/hotels.

During the 2023-24 concert year the Williams Center for the Arts will spend more than \$8,000 in hotel costs at Cornerstone Inn and Suites. An additional \$5,000 is spent for meals, and an additional \$1,500 for hospitality, which is a required part of each contracted event.

3. Project Evaluation:

A. Targeted Population

1.) Hotel/Motel guests generated by this project.

a. Number of guests.

The number of guests generated by this project is approximately 75+. This includes the performers as well as members of the audience needing housing.

b. How will hotel/motel guests be tracked?

We ask for information from Cornerstone Inn and Suites as to the number of rooms used and how many guests were housed in those rooms per evening.

2.) Number of adults the project will reach.

The total number of visitors to the Williams Center for the Arts Artist Series is 7,625 persons per year. Total number of persons using the Williams Center for the Arts during a calendar year is over 75,000. This includes the Artist Series, City of Oelwein, Mercy Hospital, NICC use, school use, district and state music associations, the State of Iowa, and the Federal Government.

The total number of adults this project will reach is 500 persons.

The Williams Center for the Arts provides residents with special needs the opportunity to attend the events at the center. Groups with special needs using the Williams Center for the Arts include: Mercy Living Plus, the two Alternative Living Homes in Oelwein, Full Circle Services, Grandview Nursing Home, Oelwein Care Nursing Home, and ABCM facilities in Independence, IA.

These residents are admitted to the Artist Series event at a reduced ticket price.

3.) Number of youth the project will reach.

Approximately 300 youth will be reached by this project and over 10,000 youth will be served for the entire 2022-23 performance year. (This number includes all usage.) Every Oelwein School student (K-12) is admitted at no charge.

C. Volunteers

1) Number of volunteers

Based on past experience we will have over 25 volunteers

2.) Number of volunteer hours

We anticipated volunteers contributing 50 hours.

D. Attendance of event previous year(s)

The total number of visitors to the Williams Center for the Arts Artist Series is approximately 75,000 persons. (This includes the Williams Center for the Arts Artist Series, Northeast Iowa Honor Bands and Honor Choirs, Pre-All State High School Vocal Workshop, Programs and Concerts from the Oelwein Community Schools, Gallagher-Bluedorn children's plays, and various Community usages, as well as the State of Iowa, and the Federal Government.

E. Day open to the public or performances(s)?

The Williams Center for the Arts Artist Series begins in mid-August and runs through April, 2024. American English: The Complete Beatles Tribute was the first show in the series. It was held on August 19, 2023. The show cited for this grant will be Friday, February 16, 2024.

4. Project Budget:

A. Please provide a project budget and schedule of completion including all expenses. If desired, the project budget may be attached to the application. If exact costs are not known please attach estimates to the application, which should be identified as such. Cost estimates are included at the conclusion of this grant request form in this application. Date of cost completion should be February 16, 2024.



**CITY OF OELWEIN
HOTEL AND MOTEL TAX FUNDING APPLICATION
(TOURISM)**

Application Deadlines
September 1 -- December 1
March 1 -- June 1

Applications must be received by 5:00 p.m. on the deadline date. All areas of the applications must be completed and typed. Each applicant will be afforded the opportunity to attend a brief question and answer session with the Advisory Board.

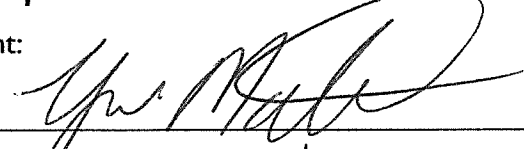
Organization Name: T&T BBQ
Contact Name: Thryon Matthews
Mailing Address: 719 N Frederick Ave
City, State, Zip: Oelwein, Iowa 50662
Phone: 319.509.0324 **Fax:** _____ **Email Address:** tnt.bbq.ia@gmail.com
Total Project Cost: 43000

Total Requested from Hotel/Motel Tax Funds: \$ 15000

Please indicate which category you are applying for funds:

- Category 1 - Primary
- Category 2 - Community Culture and Education
- Category 3 - Community Recreation and Events
- Category 4 - New and Emerging Organization and Events

Please sign and date this application. Your signature below certifies that you have read and understand all of the guidelines for this funding program. You further understand that you will be required to submit a summary of expenses at the end of the project and that if any funds are not expended or are found to be outside the scope of the grant made by the City Council you will be **required to reimburse/return** these funds to the City of Oelwein.

Applicant:
by: 
Thryon M. Matthews
(printed name)

Date 11-28-2023

**CITY OF OELWEIN
HOTEL/MOTEL TAX FUNDING APPLICATION
(Tourism)**

Project Identification

1. What is the title of your project?

Taste of the BBQ Showdown

Provide a brief description of your project. Attach additional pages, if needed.

T&T is planning on bringing a diverse culinary experience to Oelwein hosted at the new Event Center.

This event will give people the opportunity to taste a variety of cultural award winning food

from the Netflix show "Barbeque Showdown, Season 2" contestants. Tickets will be sold for \$25 per person.

A percentage of any excess revenue would be used to reimburse the City, donated to area churches and help fund local charities.

2. Hotel and Motel Tax Funds must be used to fund projects that promote and/or expand tourism activity in Oelwein. How will your project help to realize this goal?

The goal is to attract over 1200 to the one day event in town. We will be doing targeted advertising,

e-commerce social media and will be able to target our followers and the followers of the

other participants to attend. Based on our following we expect to draw from all corners of the state

as well as from Minnesota, Wisconsin and Illinois. We expect pulling in others from through out the

3. Project Evaluation:

A. Targeted Population

Residents in NE Iowa, our followers, fans of the Netflix show "BBQ Showdown," and fans and

followers of the participating chefs

1) Hotel/Motel guests generated by project

We anticipate around 100-120 out of town guests staying in local hotels- both adults and children

a. Number of projected hotel/motel guests.

100-120+

b. How will hotel/motel guests be tracked.

We will be working with the local hotels - checking with them on reservations

and seeing how many indicated they have travelled for the event

2) Number of adults the project will reach

960+ adults

3) Number of youth the project will reach

240+ youth

B. Geographic area of draw

200+mile draw including Iowa, Minnesota, Wisconsin and Illinois

where the participating chefs hail from and where the social media following are from

C. Volunteers

1) Number of volunteers

15

2) Number of volunteer hours

100+

D. Attendance of event previous year(s)

NA - One time event in 2023

E. Day open to public or performance(s)

May 4, 2024



4. Project Budget

A. Please provide a project budget and schedule of completion including all expenses. If desired, the project budget may be attached to the application. If exact costs are not known please attach estimates to the application, which should be identified as such.

B. List sources of matching funds obtained below. Funding requests are eligible for up to 100% funding, but priority will be given to projects with additional sources of funding, including in-kind donations.

We will be approaching our sponsors - Iowa Pork Producers and the Cooking Guild
for funding. We are reaching out to the Iowa Beef Producers, the corporate offices of
Fareway and HyVee, as they have locations in Oelwein. We will also be approaching
other corporate offices of area locations (Kwikstar). Any additional funding needed will be fronted by us.

C. Is this application "seed money" for a new project? If yes, please explain.

Yes. This is a one time event celebrating the success of our local winner - Thryon Matthews and
his culinary expertise that won Season 2. Doing the event with other
participants from the show, we will be bringing a one-day
celebration that will draw a large crowd to town

D. Is this application for the expansion of an existing project/program? If yes, please explain.

No

E. Have you ever received Hotel/Motel Tax Funding from the City of Oelwein in the past?

Yes: No: (check one)

If you answered yes, please answer the following: (attach additional pages, if needed)

Amount of Funding: \$ _____

Date of Funding: _____



Assurances

Applicants hereby agree and acknowledge that:

If they are awarded funds, they will conduct their operations in accordance with Title VI and the Civil Rights Act of 1964, as amended, and the Rehabilitation Act of 1973, as amended, which prohibits discrimination against any employee, applicant for employment, or any person participating in a sponsored program on the basis of race, creed, color, national origin, religion, sex, age, or physical or mental disability, and require compensation for employment at no less than minimum wage requirements, and will provide safe and sanitary working conditions;

They will comply with the Americans with Disabilities Act;

They will comply with all other applicable State and federal laws, rules, ordinances, regulations, and orders;

They will expend funds, received as a result of this application, solely on the described project and programs included within the grant application documents within the fiscal year from which the grant is disbursed;

If they are awarded funds, applicants will include in all appropriate promotions, publicity, advertising, and in printed material the following credit line as applicable:

This project was partially supported by a Hotel-Motel Tax Fund grant from the City of Oelwein.

Our operations are partially supported by a Hotel-Motel Tax Fund grant from the City of Oelwein.

Our operations are and this project was partially supported by a Hotel-Motel Tax Fund grant from the City of Oelwein.

The filing of this application has been approved by the legally authorizing body of the applicant, if applicable;

The facts, figures and information contained in this application including all attachments, are true and correct;

Failure to comply with the administrative rules for this program will result in the forfeiture of funds allocated based upon this application grant;

All records of the grantee relating to this grant application are available during reasonable business hours to the City or their authorized representative upon request;

All records of the grantee related to this grant will be maintained for a period of three years following the date the final grant payment is made;



Assurances Continued

All grantees acknowledge that the source of the grant it is requesting from the City comes from the hotel and motel tax applicable in the City of Oelwein as contemplated by Iowa Code Chapter 422A (2007). The grantee specifically acknowledges the limited use that can be made of hotel and motel tax revenues and assures the City of Oelwein that the grant will be used only for allowable purposes as specifically set forth in Iowa Code Chapter 422A (2) (4) (2007). The grantee additionally and specifically acknowledges and assures the City of Oelwein that it will not use the grant for any purpose, which would be improper pursuant to this law. Furthermore, the grantee warrants that should it use the grant for any purpose not allowed by Iowa Code Section 422A (2)(4)(2007) that it will reimburse, in full, the City of Oelwein the entire amount of the grant;

All grantees acknowledge and assure the City of Oelwein that all grant funds received shall be segregated from other funds maintained by the grantee, until used for the proper purposes as described herein. The sums will be deposited into a segregated, identifiable checking account;

All grantees expressly acknowledge and assure the City of Oelwein that none of the sums received hereunder shall be used for "political purposes" as contemplated by Chapter 56 of the Code of Iowa (2007).

Cost Reimbursement

- A complete project budget and schedule of completion must be included with the application.
- Applicants must have accurate estimates included with the project budget.
- Applicants are eligible for up to 100% funding and funds will be distributed upon approval of the City of Oelwein City Council.
- Funds will be paid only to the applicant, not to contractors or vendors.
- Upon completion of the project, the applicant must submit documentation of expenses and a project recap **within 60 days to City Hall.**
- Any funds that are not expended or are found to be outside the scope of the grant made by the Funding Advisory Board must be reimbursed/returned, by the applicant, to the City of Oelwein **within 60 days.**
- **Failure to comply with the aforementioned rules will prohibit the applicant from applying for funds for one year.**

Recipient

Date

Recipient

Date

Budget for May 4th 2024

- Travel Expense include lodging, food, mileage for back and forth to airport for chefs: 8,000.00
- Food for the Chef's to cook food items/ crews for clean up, set up, breakdown, sue chefs, rental of special equipment, renting other areas: 15,000.00
- Payment for public appearance for all the chef's in total this includes prepping/sharing post/pictures/talking with press: 15,000.00
- Advertisement/Marketing including Facebook/IG/Radio/Newspaper: 5,000.00

This is the estimated cost for the venue without any sponsorships' at this time.



Minutes

Park & Rec Meeting

City Hall – Council Chambers

Monday November 20th, 2023 - 5:15 PM

Park and Recreation www.oelweinparks.org

Call to Order:

Roll Call: Bouska, Burkhart, Gearhart, Johnson, Jorgensen, Garrigus, Meska, Stasi

Attending: Bouska, Burkhart, Gearhart-arrived 5:27 for the duration, Johnson, Jorgensen, Stasi

Absent: Garrigus, Meska

Approval of Minutes:

- Consideration of a motion approving the minutes of the September 18th, 2023, meeting:

Motion:	Jorgensen	2 nd :	Stasi
Aye:	All	Nay:	None

Citizen Comments: None

Wellness Center Discussion:

Burkhart stated that the 28e agreement has expired and the city, school and foundation are working towards a new agreement. Burkhart stated that she had several questions about the future of the wellness center making sure it remains a community center. Burkhart stated the Mercy moved rehab to the hospital and they would convert that area to a weight room. Stasi asked about council discussions as Burkhart stated there was no discussion and they voted already. Burkhart stated that the school and city would remain funding the facility and that the school cannot take on an entity that takes a loss. Bouska asked how things are split now with the money. Burkhart stated that the board overseeing this consists of Seeders, Weber, King, and others.

Recreation Update:

Burkhart stated that fall sports are completed and they have ten women’s volleyball teams and are halfway through the season which goes to Christmas. Burkhart stated they are firing up 2nd and 3rd grade basketball and kindergarten and 1st grade dodgeball. Burkhart stated they are going to have winter break activities such as laser tag and nerf days. Burkhart stated that they received a \$200 donation to replace one of the basketball hoops in the gym, so they are all breakaway. Burkhart stated Ohl upholstery replaced some pieces at the wellness center and park employee Mal is finish painting at the wellness center.

Aquatics Update:

Johnson provided the commission with final PDF reports on the two major projects that were completed at the aquatic facility this past summer. Johnson reminded the commission that this was a GO bond project, and that Johnson also received a very generous grant in the amount of \$126,750 from the charitable foundation to complete these two projects. Johnson stated that the drain project was a very important project to complete and was super proud to complete this project. Johnson stated that Bacon Concrete did a good job, and everything is put back and ready to role for the upcoming summer season. Johnson stated the

park employees and cemetery employees did a fantastic job removing the old piping and removing the old steel filter. Johnson stated that Carrico Aquatics came in and finished the installation of the new system, which also turned out great.

- **Drain Report**

- **Filter Report**

Tree Board Update:

- **Community Forestry Report**

Johnson provided the commission with the final PDF report for this project. Johnson stated that on October 4th with the help of several volunteers Joe Bouska was able to bring, turned out great. Johnson stated that this was a matching grant of up to \$5,000 that the city had from their tree sale from the cemetery tree farm they sold. The holes were prepared ahead of time by the employees, trees were distributed beforehand so that the 10 different species of trees were spread out over the 72 locations between Platt Park and the Complex. We had a great turn out with tree board members, park and rec commission members, Ellie Jones with the DNR, East Penn employees, Fidelity Bank employees, Dylan, and some community members there to help. Johnson stated that Joe Bouska did an excellent job finding volunteers once again and noted that Connie Jorgensen was also in attendance. Projects like this take an immense amount of preparation beforehand but everyone felt we did a great job as we had all 70 trees planted in about 2.5 hours. We planted a dozen different species of trees with this planting to diversify as always. The tree board members did a great job of stepping in and helping with the initial tree planting demonstration given by the DNR representative. The 50 trees planted at Platt Park are replenishing the ash tree loss, as we have taken 68 ash trees out of that park alone. At the complex we planted 20 trees along the entrances of the front diamonds to provide some shade and wind block for the rec programs and to replace the ash trees we lost. This grant included funding to purchase new t-posts to hold the tree in position. Also, the green watering bags on the bottoms of the trees which we fill with water and the bags slowly release the water over several hours.

- **Trees Forever Report**

Johnson provided the commission with the final PDF report for this project. Johnson stated that on October 18th the city completed their Trees Forever grant that the city received \$4,000 to purchase and planted 42 trees comprising of 11 different species. Johnson said once again there was a ton of work to be completed for this day. Tree board members talking with community members lining up planting locations, flagging, calling in locates, employees prepping holes. Johnson stated that once again Joe Bouska helped bringing in volunteers once again completing this planting in about two hours, with locations spread throughout the community.

We had the employees spade 70 holes between Platt Park and the sports complex this past month in anticipation of the large-scale tree planting we had scheduled for the 4th. We picked up 116 trees on

Parks/Cemetery Update:

Johnson provided the commission a copy of cemetery, shelter reservation, ash tree removal, aquatics and campground, and trail totals. Also were daily tasks completed, progress on projects and future projects planned. Johnson made note of how well the campground did this season as they hit an all-time occupancy record of 3,762 nights stated with a rate of 60%. Johnson talked about the new cemetery arcing sign, stating that the park and cemetery employees wrapped up another project that they have been waiting on for quite a while. Johnson provided the commission with the final PDF report for this project. Johnson stated that he thought of this project back in 2018 when they completed the limestone sign at the front entrance. Johnson

talked with Dave Sondrol about his project as Dave was very generous to fund this project to make the cemetery look its best. Johnson contacted the school as they started the project with their metals program at the RTC building. Johnson stated that COVID hit, and the project was put on hold and no progress was being made. This past year Hunter Woodward saw the project and picked it up for his senior project, finished it and delivered it this spring after 5 years. Johnson talked with Cristen Gallup with Alliant Energy about the overhead power line as she agreed to install a taller pole and take up the slack so the line would not interfere with the sign. Johnson contacted Transco which agreed to paint the sign for the city free of charge this summer. Johnson said the park and cemetery employees took on the project from there which included filling the pillar with concrete, and rebar. The bases were made larger to support the heavy sign as they lifted it into place this past month. Johnson stated that he had the paper come out and do a full story and tried to include as many people as possible for the picture so everyone that was involved received credit. Johnson stated that the feedback on all accounts has been positive and that it was a great project for the community to get behind and take pride in.

➤ **Arching Sign Report**

Johnson stated these past two months have been busy wrapping up the very busy season catching up on several projects. Johnson stated at Wings Park they took down an old utility pole that was not being used on the north end. Johnson stated that the employees mowed select areas during November with the two rain events they had that got the grass growing again. Ash tree removal was ongoing through the month as all the parks have been removed at all parks with City Park still having a few remaining. The new slides for the main City Park playground area arrived that are CIP items, that will be installed in the spring. This month all the fire extinguishers were serviced and returned to their proper locations. Johnson stated that other routine tasks were completed such as dragging the complex parking lot, trail sweeping, downtown daily cleaning, etc. Johnson had the cemetery employees trimming up some fence line areas at Oakdale and trim trees in the cemeteries. Johnson stated that he had the employees remove the dangerous and unsightly rail lines sticking out of the ground that were “protecting” water shut offs. Johnson acquired two shallow castings from the utility department from their sewer project to cover these shutoffs. Johnson stated that the course disc golf course sign was installed at Platt Park this past month for everyone to utilize. Johnson stated that the aquatic center is completely winterized for the winter.

This past month we received a resurfacing kit for the memorial benches that I requested and have been brightening up many of these benches placed along the trail system. The DNR stopped in at City Park and stocked the lake with just over 400 catfish that were 7” in length as they do every other year. Danny C. has been working on placing a fresh coat of paint on the storage building at the cemetery. The park employees completed some mowing of high areas this week and the soccer field lines were repainted for the rec program.

This past month concrete was poured, completing cemetery foundations, a memorial bench foundation and sign foundations. Vandalism in the parks picked up with people burning things in bathrooms and destroying signs, as a soap dispenser at Platt Park was set ablaze and the skate park sign was damaged. The employees moved around to the different facilities winterizing bathrooms as near freezing temperatures are occurring in the mornings. We removed the shade structure at Depot Park for the winter before the rain showed up that day. At Wings Park two large ash trees were dropped by Dave Mauer as they were just too challenging for the employees to take down. This month the department received a very generous donation from Greg Bryan to buy \$2,000 worth of trees for the community. The employees clean the remaining bathrooms in the mornings and clean the downtown flowerbeds. I have two young adults that started their senior seminar project at Wings Park staining the dugouts for the ball diamonds. The cemetery crew moved trash cans to the back for the winter, brought up the propane tanks and grave heaters, prepared two cremation burials this week and winterized the water lines.

A pair of kids that are also lifeguards for the city during the summer, are preparing the concessions area for painting for their senior project. I met with two more students that are preparing to start working on the bocce ball court at Redgate Park. Craig and Carolyn Rohrick did a fantastic job once again this season as we had our second highest occupancy rate ever this year. The park employees installed the new handicap

signs at the complex that went missing. The city employees with the park and cemetery did great, as several of them have been off work sick for two weeks in October. The employees clean downtown every morning and sweep trails weekly as the leaves are really starting to drop. Ash tree removal hit the 300 mark this past month as 168 ash trees were removed this season with 132 ash trees removed last season.

On Monday morning on the 23rd the cemetery employees were forced to dig a grave right away during early morning light and, in the rain, because proper notice was not given on a full burial for that morning by the funeral home. Johnson has been working on completing the grant proposal for next year with Trees Forever to plant more trees in street boulevard areas. Thank you, letters were sent out to everyone that helped with these plantings this week as well. A morning was spent removing identification tags off trees and documenting where each species of the trees was planted at Platt Park and the complex for the records. The park and cemetery spent much of their week at the library trimming trees and bushes. Chris took the stump grinder around and continued to work on tree stumps in some of the parks and at the pool. This time of year, we are clearing the trails when we can as the leaves are really starting to drop. Unfortunately, we had some more vandalism at Wings Park as they kicked in the door at diamond one that we boarded up. At Depot Park, the park employees planted a tree for the VFW guys in memory of John McBride. Ash tree removal continues as the guys took another seven trees down that takes the total to 176 this year at City Park. I completed a grant proposal to the Fayette County Community Foundation for matching funds to purchase more lounge chairs for the aquatic center.

The park employees installed a memorial bench at diamond one for the Hoth/Duffy family. At the cemetery we dug up the water shutoffs as we could not get the water to completely shut off which is going to be a much larger project that we can get into next season. This week all the employees have been chopping up leaves at the properties and finishing up with all the oak leaves at City Park. We have also been working on cleaning trails pushing back the leaves several feet now that most of the leaves have dropped. The watering bags have been removed from the platt park and complex trees and put in storage for the year. I submitted the Tree City designation application to the arbor day foundation this week and am working on the growth award designation as well. The tree board met yesterday as we ventured out and trimmed up past tree plantings over the past several years. This week the tree whips arrived that the tree board ordered, we provide a planting demonstration and hand out 100 tree whips to elementary kids each year that we will complete next week.

CIP Items / Budget:

Johnson started out the conversation by showing a PowerPoint presentation of CIP items to the commission for the Aquatic Center, Parks, Campground and Cemetery. Johnson stated that a lot of these projects that he has proposed are general maintenance projects. Johnson then provided the commission with the proposed budget as Johnson stated that cities statewide are looking at budget cuts for the foreseeable future. Johnson asked the board if they had any questions.

Burkhart stated that they are always needing to update treadmills. Other items Burkhart stated they put on their list are flooring as they have mats down on the floors now. WIFI updates need to be made as equipment has gone obsolete. Cameras are on the list to be updated all for the wellness center. Burkhart told the commission that they are asking for an indoor pitching machine for recreation. Burkhart showed their budget and plans to make up for required cuts by raising recreation rates as they are lower than surrounding communities.

- Consideration of a motion approving proposed budgets and CIP items:

Motion:	Stasi	2 nd :	Jorgensen
Aye:	All	Nay:	None

Board Member Updates: None

Adjournment: 6:11pm

Next Meeting: January 2024



Minutes

Airport Board

Municipal Airport, 19623 40th Street, Oelwein, Iowa

November 15, 2023 - 6:30 PM

CALL TO ORDER

Woodraska called the meeting to order at 6:30 PM.

ROLL CALL

Present: Woodraska, Bagge, Nations, Schares, Cantrell

Also Present: Council Liaison Tom Stewart, FBO George Tegler

Absent: Assistant Airport Manager Tommy Stewart

APPROVAL OF MINUTES

1. October Minutes.

A motion was made was made Nations, seconded by Bagge to approve the October Minutes. All aye. Motion carried.

EXPENSE REVIEW

2. October Expenses.

A motion was made by Bagge, seconded by Nations to approve the October Expenses. All aye. Motion carried.

FBO REPORT

FBO Tegler reported that the crops are out. Corn will soon no longer be planted in the center fields and will be beans in the future.

OLD BUSINESS

3. Fuel System Update.

Tegler reported City Clerk Rigdon had contacted him wondering what the limit ought to be for the transactions. Tegler reported it would commonly range from 40-60 gallons per fill up and the fuel costs are generally around \$6.50 per gallon. It is still being set up at this time.

4. Discussion and vote on budget recommendations.

Councilman Stewart had explained the budget lines and what they pertain to. Woodraska questioned the varying ranges of percent increases. Bagge stated given last month's discussion he felt sticking to the pervious discussions was best.

A motion was made by Bagge, seconded by Nations to approve the budget recommendations. All aye. Motion carried.

NEW BUSINESS

Tegler requested further information regarding the community hanger.

Councilman Stewart reminded the board that general funded departments will be taking a 10% cut due tax regulations at the state level. Stewart also let the board know he had decided to not rerun for election, and it would be his last board meeting.

SCHEDULE NEXT MEETING DATE

January 17th, 2024 at 6:30PM

ADJOURNMENT

Motion by Nations, seconded by Schares to adjourn the meeting at 6:52PM. All aye. Motion carried.



To: Mayor and City Council
 From: Dylan Mulfinger
 Subject: Administrator Memo
 Date: 12/11/2023

Consent Agenda

1. Consideration of a motion approving the November 27, 2023 minutes.
2. Consideration of a motion approving the Class 'E' Alcohol License for Oelwein Liquors.
3. Consideration of a motion to approve 2024 Cigarette/Tobacco Permit for Super Mart.

Public Hearing

4. Public Hearing on proposed sale of city owned real property located at 11 12th Avenue SW.

Resolutions

5. Consideration of a resolution approving Pay Application No. 1 in the amount of \$99,750.00 to Shift Companies for the Reed Bed Expansion and EQ Basin Liner Replacement Project.
 1. This project is moving along, and the first pay app is ready. The City Administrator recommends approving the resolution.
6. Consideration of a resolution approving Pay Application No. 4 in the amount of \$149,012.91 to Dave Schmitt Construction for Oelwein NE Sanitary Sewer Improvements project.
 1. Progress on this project slowed as the contractor waited for a subcontractor to drill under the four-lane highway. Work is almost complete with this project with final completion being spring of 2024. The City Administrator recommends approving the resolution.
7. Consideration of a resolution amending the Collection Policy.
 1. Changes are needed to the collection policy as the city continues to deal with delinquent utility bills. This change ensures someone cannot continue to abuse the online payment system. The City Administrator recommends approving the resolution.
8. Consideration of a resolution adopting rules of Procedure for Conduct of City Council Business.
 1. The council meetings are business meetings and should be run accordingly. Creating polices for this will help the city council in times where proceeding may not be explicitly clear. The city council should make sure that all of these rules work for their current system. The City Administrator recommends approving the resolution.



9. Consideration of a resolution adopting a Public Comment Policy.
 1. In the spring of 2023, Council was yelled at during the public comment period. This is unacceptable and council should be allowed to excuse any abusive or disruptive community members from the meeting. This policy ensures the city council has a process to follow when allowing public comment. The City Administrator recommends approving the resolution.
10. Consideration of a resolution authorizing and approving a Loan and Disbursement Agreement and providing for the issuance and securing the payment of \$1,138,000 Sewer Revenue Bonds, Series 2023. (Attachment)
 1. This is the bond for the Reed Bed Expansion and EQ Basin Liner Replacement Project. This bond was needed as the city did not have enough cash on hand to pay for the project. Payments on this bond will come from wastewater fees. The City Administrator recommends approving the resolution.
11. Consideration of a resolution approving the sale of City owned real estate at 11-12th Ave. SW, Oelwein, Fayette County, Iowa.
 1. PFEED made a recommendation of sale to the city council. The City Administrator recommends approving the resolution.
12. Consideration of a resolution scheduling a public hearing on December 18, 2023 at 6:00PM in the City Council Chambers regarding the proposed vacation and transfer of city alleyway right of way.
 1. This ROW is not needed for the city. The City Administrator recommends approving the resolution.

Motions

13. Consideration of a motion approving the recommendation from the Planning, Finance, Enterprise, and Economic Development Committee on the Hotel Motel Application for the Williams Center for the Arts in the amount of \$1,500.00.
14. Consideration of a motion approving the recommendation from the Planning, Finance, Enterprise, and Economic Development Committee on the Hotel Motel Application for T&T BBQ in the amount of \$15,000.00.