



Agenda

City Council Work Session

Oelwein Community Plaza, 25 West Charles, Oelwein, Iowa

6:30 PM

August 24, 2020

Oelwein, Iowa

Mayor: Brett DeVore

Mayor Pro Tem: Warren Fisk

Council Members: Matt Weber, Renee Cantrell, Tom Stewart, Lynda Payne, Karen Seeders

Pledge of Allegiance

Discussions

- [1.](#) Discussion with Fayette County Landfill Commission on Recycling Bins
- [2.](#) Discussion on City Council Goals

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



Michael A. Mauro
Secretary of State
State of Iowa

28E Agreement

FOR OFFICE USE ONLY:

FILED

Item 1.

M501143

7/22/2008 9:50:18 AM

PLEASE READ INSTRUCTIONS ON BACK BEFORE COMPLETING THIS FORM

Item 1. The full legal name, organization type and county of each participant to this agreement are:

	Full Legal Name	Organization Type	*County
Party 1	County of Fayette	County	Fayette
Party 2	City of West Union	City	Fayette
Party 3	City of Westgate	City	Fayette
Party 4	City of Waucoma	City	Fayette
Party 5	City of Wadena	City	Fayette

**Enter "Other" if
not in Iowa*

Item 2. The type of Public Service included in this agreement is: 360 Sanitation
(Enter only one Service Code and Description) Code Number Service Description

Item 3. The purpose of this agreement is: (please be specific)

To establish a commission for the purpose of planning, developing, operating and maintaining Solid Waste Facilities for and on behalf of the municipalities who are parties to this agreement to provide solid waste management in Fayette County, IA.

Item 4. The duration of this agreement is: (check one) ☐ Agreement Expires _____ ☒ Indefinite Duration
[mm/dd/yyyy]

Item 5. Does this agreement amend or renew an existing agreement? (check one)

☒ NO

☐ YES Filing # of the agreement: _____

(Use the filing number of the most recent version filed for this agreement)

The filing number of the agreement may be found by searching the 28E database at: www.sos.state.ia.us/28E.

Item 6. Attach two copies of the agreement to this form if not filing online.

Item 7. The primary contact for further information regarding this agreement is: (optional)

LAST Name Wilkinson FIRST Name Cindy

Title Financial Director Department Financial Director

Email _____ Phone 563-422-3552



FOR OFFICE USE ONLY:

Item 1.

7/22/2008 9:50:18 AM

COURT RECORDER
FAYETTE COUNTY, IOWAINTERGOVERNMENTAL AGREEMENT CREATING
THE FAYETTE COUNTY SOLID WASTE
MANAGEMENT COMMISSION

'82 MAY 6 PM 4 08 (AMENDING AND SUPERSEDING PRIOR JOINT AGREEMENT)

This agreement is made and entered into as of April 5, 1982, by, between and among the City of Arlington, Iowa; the City of Clermont, Iowa; the City of Donnan, Iowa; the City of Elgin, Iowa; the City of Fayette, Iowa; the City of Hawkeye, Iowa; the City of Maynard, Iowa; the City of Oelwein, Iowa; the City of Randalia, Iowa; the City of St. Lucas, Iowa; the City of Wadena, Iowa; the City of Waucoma, Iowa; the City of Westgate, Iowa; and the City of West Union, Iowa; and the County of Fayette, Iowa representing the unincorporated areas of Fayette County (all parties being hereinafter called the "Municipalities").

WITNESSETH:

ARTICLE I.

CREATION OF THE FAYETTE COUNTY SOLID

WASTE MANAGEMENT COMMISSION

Pursuant to the provisions of Chapter 28E, Code of Iowa, 1979, the Municipalities hereby form and create the Fayette County Solid Waste Management Commission (hereinafter called the "Commission").

ARTICLE II.DURATION

Section 1. Duration. The duration of this Commission shall be perpetual, unless terminated or dissolved as hereinafter provided.

ARTICLE III.PURPOSE

Section 1. Purpose. The purpose of the agreement is to create a Fayette County Solid Waste Management Commission. This Commission is established for the purpose of planning, developing, operating and maintaining Solid Waste Facilities for and on behalf of the municipalities who are parties to this agreement to provide solid waste management in Fayette County, Iowa.

ARTICLE IV.ORGANIZATION

(a). The governing body of the Commission shall consist of members appointed by each participating municipality or their designated substitute, which substitute shall be a member of and approved by the municipality they represent. Each member of the Commission shall have one vote for each one thousand population or fraction thereof, residing in the municipality represented. Such population shall be ascertained from the most recent federal census or special federal census, which ever is latest, for that municipality. The population of the County of Fayette shall be that of the unincorporated portion of the county.

(b). There shall be one class of membership in the Commission, which shall be a full membership and each member Municipality shall designate by resolution of its governing body its membership within the Commission.

(c). A quorum of the Commission shall consist of a majority of the entire membership, regardless of the number of votes held by each member present.

(d). A majority vote of the Commission as authorization for or as a prerequisite to any certain Commission action shall mean a majority of the total votes represented by the representatives constituting the quorum of the Commission at the meeting at which such action is considered.

(e). The Chairman and the Vice-Chairman of the Commission shall be elected by majority of Commission membership and shall serve for a term of one year, or until their respective successors in office are chosen. The incumbent in each said office may succeed himself; and annual elections shall be held.

(f). The Commission shall hold at least one meeting during each three months of the year on dates and at places which shall be determined by the Commission. Special meetings may be held at the call of the Chairman, Vice-Chairman or majority of the membership of the Commission.

ARTICLE IV ORGANIZATION CONT.

(g) The Commission shall elect a six member Executive Board composed of members of the Commission which shall have and exercise such powers of the Commission, during the period of time between meetings of the Commission, as may be lawfully delegated, including without limitation conducting surveys and establishing and operating the solid waste disposal site. The Chairman and Vice-Chairman of the Commission shall serve in that capacity on this Board. The terms of this Board shall be staggered with two members being replaced each year. The terms of the first Board will be staggered from one year to three years. Thereafter members of this Board shall be appointed for a three year term and may succeed themselves. In the event that a member of the Board is replaced by his municipality as a representative to the Commission, his successor as such representative shall succeed to his membership on the Board for the balance of his term.

(h) The Board may hire, subject to the approval of the Commission, such supervisory, clerical and other personnel as are necessary to carry out the functions of the Commission and the Board. The Board shall fix their compensation and benefits, and shall approve all personnel rules, regulations and job descriptions pertaining thereto.

(i) The Board may employ legal counsel, who may be a paid employee of one of the members, and who may receive compensation set by the Commission for the performance of his duties.

ARTICLE V
POWERS AND DUTIES

Section 1. Powers The Commission will have the power to do any and all things necessary to carry out the requirements of Chapter 455B of the 1981 Code of Iowa. Such powers to include but not limited to the power and authority to buy, sell, lease, mortgage, encumber any and all real estate needed and any and all personal property to include machinery and equipment, and the following:

(a) To make and enforce by-laws or rules and regulations for the management and operation of its business and affairs and for the use, maintenance and operation of its facilities and any other of its properties, and to annul the same.

(b) To do and perform any acts and things authorized by Chapters 28E and 28F, Code of Iowa, 1981.

(c) To enter into any and all contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient, or desirable for the purpose of the Commission.

(d) To cause the disposal of solid waste material originating within each Municipality pursuant to the contract between the Commission and the Municipality pertinent thereto. Neither the Commission nor the executive board shall have the authority to regulate the manner and method of pickup of any solid waste in any municipality nor shall they have the authority to bind any municipality as to charges for pick-up and delivery unless said municipality shall agree to such regulations by written consent.

(e) To fix, establish and maintain such rates, tolls, fee, rentals or other charges for the services and facilities of the Commission sufficient to pay at all times the cost of maintaining, repairing and operating said facilities, to pay the principal of and interest on bonds of the Commission then outstanding, to provide for replacements, depreciation and necessary extensions and enlargements and to provide a margin of safety.

(f) To make or cause to be made studies and surveys necessary or useful and convenient to carrying out the functions of the Commission.

(g) To prepare and recommend to member Municipalities local ordinances governing refuse collection transportation and disposal, regulation of private collection haulers, land use regulations, sanitation, burning of private or public wastes, incineration standards and other such regulations as may from time to time be required.

(h) To provide for a system of budgeting, accounting, auditing and reporting of all Commission funds and transactions, for a depository, and for the bonding of employees.

(i) To borrow money, make and issue negotiable bonds, certificates, bond anticipation notes, refunding bonds and notes and to secure the payment of such bonds, certificates, refunding bonds and notes or any part thereof by a pledge of any or all of the commission net revenue and any other funds which it has a right to, or may hereafter have the right to pledge for such purposes.

(j) To provide in the proceeding authorizing such obligations for remedies upon default in the payment of principal and interest of any such obligations including but not limited to, the appointment of a trustee to represent the holders of such obligations in default and the appointment of a receiver of the Commission's property, such trustee and such receiver to have the powers and duties provided for in the proceeding authorizing such obligations.

(k) To hire employees, fix their compensation, benefits, personnel rules and regulations, and terminate their employment.

(l) To enter into contracts, leases, or other transactions with municipal, county, State or the Federal Government, individuals or private corporations.

Section 2. Duties of the Commission. a.) The duties of this Commission shall be to provide members with satisfactory solid waste disposal facilities and to maintain a cooperative relationship with individual governmental units. b) The duties shall also include adopting by-laws for the operation of the Commission and providing member governments with copies of the official by-laws.

ARTICLE VIFINANCING:

Section 1. In the performance of its duties, the Commission may accept and expand funds from federal, state or municipal agencies, public or semi-public, or private individuals or corporations, and shall carry out such cooperative undertakings. Each member Municipality shall make payment for providing disposal of domestic solid waste from residents therein.

Section 2. The Commission shall make expenditures for the purchase, lease or rent of required land, facilities, equipment and supplies necessary to carry out the purpose of this agreement. The Commission shall also have the power to sublet or rent any property owned or leased and the income therefrom shall accrue to the Fayette County Solid Waste Management Commission.

Section 3. The Commission shall prepare a budget based on fiscal years for the operation of the Commission to be adopted in December of the year preceding the budget year.

Section 4. The Commission shall request each Municipality unit to provide in its budget for its share of the Commission budget.

Section 5. The Commission, for the purpose of allocating portion of the Commission budget for the retirement of bonds and interest for each Municipality, shall adopt a percentage formula for the Commission membership based upon population as shown by the last official federal census.

Section 6. The share of each budget from each Municipality shall be due and payable to the Solid Waste Fund in quarterly or semi-annual payments to be made within 30 days after the beginning of the pay period of the Commission's budget year.

Section 7. Any budgetary or special appropriation adopted by the Commission shall be a membership requirement of each and every Municipality. The failure of a Municipality to pay over to the Commission the allotted share of a Commission budget may be considered a momentary withdrawal of that Municipality and a default of this Agreement.

Section 8. It is expressly understood that the Commission is to be operated not for profit and no profit or dividend will inure to the benefit of any person.

ARTICLE VII
AMENDMENT OF AGREEMENT

Any proposal arrived at by the Commission shall be submitted to the Municipalities for approval. Governing bodies of the Municipalities disapproving a proposal shall submit an amended proposal to the Commission for review. The final proposal shall be resubmitted to the Municipalities for approval. This Agreement shall never be amended in any way so as to adversely affect the interest of the holders of any bonds or other obligations of the Commission.

ARTICLE VIII
MANNER OF ACQUIRING AND HOLDING PROPERTY

The Commission may lease, purchase, or acquire by any other means, from members or from any other source, such real and personal property as it is required for the operation of the Commission and the carrying out of the purpose of this Agreement. The Commission shall maintain title to all such property in the name of the Commission. Property shall be acquired or disposed of only upon a majority vote of a quorum attending a duly called Commission meeting.

ARTICLE IX
SUSPENSION OF VOTING RIGHTS AND SERVICES

During a period of delinquency by a Municipality in the payment to the Commission of its share of a budget and before such delinquency is determined a voluntary withdrawal, such Municipality shall not be entitled to the services of the Commission, nor shall the Municipality be entitled to vote on matters coming before the Board, unless such delinquency shall be waived for voting purposes by a majority vote of the remaining members of the Commission.

ARTICLE X
WITHDRAWAL OR DISSOLUTION

Section 1. The withdrawal of any Municipality from the Commission must be preceded by one year formal notice to the Commission. Such withdrawing Municipality shall not be entitled to a share of the value of the real and personal property of the Commission.

Section 2. The Commission shall be completely dissolved and this Agreement terminated only upon the affirmative majority vote of the Commission. The Commission shall not be dissolved until a procedure is agreed upon for the settlement of all outstanding obligations.

ARTICLE XI

That a certain Agreement to cooperate heretofore entered into by certain of the undersigned creating Fayette County Solid Waste Management Commission is hereby approved, amended or superseded by this Agreement.

This Agreement may be executed by one or more of the parties hereto separately in any number of counterparts, each of which when so executed and delivered shall be part of the original, and such counterparts together shall constitute one and the same instrument.

In testimony whereof, said Municipalities have caused this Agreement to be executed on their Clerks or Auditor, and the corporate seal of said Municipalities to be affixed hereto all as of the day and year first above written.

To: Delweir Daily Register

From: Fayette County Solid Waste
Management Commission

Re: Recycling Now + Then

Fax: 1-319-283-3268

Please print in your next
edition.

Thank you!

Recycling Then and Now

The following is a summary and synopsis of the recycling program within Fayette County. As with any issue or subject, it is vital to understand the history of the program and its progression to the present time.

Prior to 1982, the management of solid waste was the primary responsibility of each city, municipality, or individuals. These responsibilities were difficult to provide or maintain in a safe or sanitary manner. In 1982, pursuant to the provisions of Chapter 28E of the Code of Iowa, the municipalities of Fayette County created the Fayette County Solid Waste Management Commission.

The purpose of the agreement is to create a Fayette County Solid Waste Management Commission. The Commission is established for the purpose of planning, developing, operating, and maintaining solid waste facilities for and on behalf of the municipalities who are the parties of this agreement to provide solid waste management in Fayette County, Iowa.

The members of the "Commission" are the cities of Arlington, Clermont, Elgin, Fayette, Hawkeye, Maynard, Oelwein, Randalia, St. Lucas, Wadena, Waucoma, Westgate, West Union, and the County of Fayette.

It is important to note that the management of solid waste **IS NOT** the County's program, but the program of the Fayette County Solid Waste Commission. The County of Fayette is simply a voting member along with all other members.

In 1987, the Iowa State Legislature passed the Ground Water Protection Act. A significant portion of this law included the waste reduction mandates for the state. This mandate, per Iowa Code 455, mandated that solid waste entities shall reduce waste volume by 25% by July 1, 1994 and 50% by July 1, 2000 (the Code has since been altered to require only 25% to current date).

In 1990, the Fayette County Solid Waste Management Commission implemented the Recycling Program to begin the journey of meeting these mandated reductions. It was decided to use a community drop box system as the means of collection. This decision was based on the rural nature and relatively small community size of Fayette County. Each community decides where the boxes are placed within their community. It seems to work best and have the least amount of non-recyclable trash when they are placed in highly visible locations. Again, it is important to note that the recycling portion of the system is that of the members of the Solid Waste Commission and **NOT** the County of Fayette. The boxes are hauled to the Recycling Center, located near the Prairie View Care Facility, where they are emptied, sorted, and processed for sale.

The fees for operating the recycling program were and remain \$1 per capita, per month or \$12 per person, per year. The fiscal needs to operate are much higher but are augmented by the sales of the processed materials. These fees are due and payable to the Solid Waste Commission from the member communities. Most communities attach the fee to the citizen's water bills or other collections they may procure from their residents. The County pays their required share through the rural services tax fund. There are not boxes located in the rural portions of the county, but these residents regularly bring their recyclables to a community and likely spend dollars at local retailers in town. Incidentally, the building site and initial start-up equipment to process the recyclables were provided by Fayette County and over \$250,000 in grants obtained through the crafting of the Fayette County Conservation Board.

The program has been highly successful and has achieved one of the highest reduction rates in the state at 51.53%. Nothing in the 28E prohibits any municipality from expanding on a recycling program. For example, the City of Oelwein offered a curbside option to its residents for an additional fee. The current situation in Oelwein, evidently, is that the curbside fee and system is considered the program for the City. This is a decision made by the City of Oelwein and not the Fayette County Solid Waste Commission. That being stated, it is the stance of the Commission that the roll off box system is status quo and the fees agreed to by the municipality are still in place.

The Oelwein City Council recently moved and asked the Commission to remove the boxes from the City. The Commission has removed them, pending further discussion with the Council. It is understood that the main concern is the inordinate amount of trash that is being dumped at the box locations. Every town has some of that as well. This issue is generally tempered by the use of cameras or a concerted effort to curtail such illegal activity by local law enforcement.

A community that decides to remove themselves from any portion of program voted upon and approved by the Solid Waste Commission is not entitled to the balance of services provided by the Commission. In the event of a withdrawal of a municipality from the Commission, that municipality would carry its own responsibility for waste disposal, facilities, comprehensive plans, and other responsibilities required by state law.

The Fayette County Solid Waste Management Commission is committed to the recycling and waste reduction program within Fayette County and embraces its partnership with all member communities.

Respectfully submitted,
Fayette County Solid Waste Management Commission

2020 Topics for Council Discussion

- Airport Future
 - What is council's end goal?
 - To decide on the future of the airport, the Council should step foot at the airport and understand the current operations.
 - The City Administrator has ideas for the future of the airport, but council must determine if this is an important item to address.
 - The airport is budgeted to bring in \$50,750 and expend \$48,500
 - The airport only loses money when the city does a project. The City must provide 10 percent of the project funds for all federal projects.
- Wellness Center Funding
 - What is Council's end goal?
 - Does all of council want to start down the path of the wellness center?
 - Does council want to work toward less of an expense each year?
 - Does council believe the wellness center is a service to the community?
 - The Wellness center loss

▪ June 2003	\$28,240	
▪ June 2004	\$40,080	
▪ June 2005	\$68,200	
▪ June 2006	\$20,453	
▪ June 2007	\$26,100	
▪ June 2008	\$38,000	
▪ June 2009	\$60,493	
▪ June 2010	\$67,164	
▪ June 2011	\$67,136	
▪ June 2012	\$68,013	
▪ June 2013	\$78,869	
▪ June 2014	\$70,206	
▪ June 2015	\$54,702	
▪ June 2016	\$55,695	
▪ June 2017	\$50,554	
▪ June 2018	\$22,468	\$10,000 Equipment (additional)
▪ June 2019	\$27,496	\$10,000 Equipment (additional)
▪ June 2020	\$30,460	\$10,000 Equipment (additional)
- County Recycle Bins
 - Council will talk to the commission in August
- County Recycle Fees
 - What is Council's end goal?
 - Council should negotiate with the landfill commission on the recycling fees.
 - City residents do not need to pay for the pickup and the blue bins. The County could contract their own pickup for material.
 - The county is not trying hard enough to be creative and do something great with this program.
 - A minimal increase is needed for the fees

- Water Sewer Rates
 - How aggressive does council want to approach replacing infrastructure?
 - Working on a quote from Speer and Fox Engineering
 - Coming in September
 - Working on a schedule that includes higher loads from industry
 - Coming in September
 - Council has directed to pursue a charge that considers the amount of services a high end user will need compared to a normal rate user
 - Top 10 users in Oelwein
 - East Penn
 - City Laundering
 - BBV (Mealey)
 - Transco
 - Ashley Molding
 - DCW Casing
 - Superior Car Wash
 - Meadows
 - Mercy Hospital
 - Long Term Care Cor
 - Users
 - residential uses 62%
 - Industrial 21%
 - Commercial 16%
 - Projects that need funding
 - Water infrastructure
 - Current cdbg project
 - Council will want to do a large loan than \$500,000
 - Sewer infrastructure
 - Study coming soo to figure out 4th ST NE
 - Council will need funding for 4th ST NE project and reed beds
 - Potential for new catch basin also
- Audit Findings
 - Delinquent accounts need to be addressed
- Abatement and Enforcement Personnel
 - Council will need to budget a part time person for this position to start once rental inspections start again
 - The current plan works on both complaints and a proactive approach
 - Cost of a part time employee
 - $\$15.00 \times 20 \text{ hours} \times 52 \text{ weeks} = \$15,600$
- Police Manpower
 - Is council interested in a conversation
 - What do you need to understand to be able to make this decision?
 - What is the expectation for the Police Department and is it possible to meet?
 - New officer is \$46,675 plus \$20,000 in benefits

- Volunteer Firefighter Numbers
 - How can council help?
 - Does council want to meet with the volunteers?
- Speed Cameras
 - Not sure where the county is at on this project
 - City can take this on, but probably not during a pandemic
- City Owned Properties
 - In progress
- City Hall Plan
 - The City needs to find a new solution for City Hall
 - 2.5 million needed for Fire and City Hall.
 - Working on federal grants