



Agenda

Special City Council Meeting
20 Second Avenue SW, Oelwein
5:30 PM

April 29, 2024
Oelwein, Iowa

Mayor: Brett DeVore

Mayor Pro Tem: Matt Weber

Council Members: Karen Seeders, Anthony Ricchio, Lynda Payne, Dave Garrigus, Dave Lenz

Pledge of Allegiance

Call to Order

Roll Call

Additions or Deletions

Citizens Public Comments - See Guidelines for Public Comments Below

- [1.](#) Public Comment Policy

Public Hearing

- [2.](#) Public Hearing on the 2024 Street Improvement Project at 5:30 PM on April 29, 2024 in the Oelwein City Council Chambers.

Resolutions

- [3.](#) Consideration of a resolution approving 2024 Street Improvement Plans, Specifications, Form of Contract, and Cost Estimate and awarding the 2024 Street Improvement Project to Heartland Asphalt in the amount of \$629,516.89.
- [4.](#) Consideration of a resolution approving the Construction Administration with Fehr Graham for the 2024 Street Improvement Project in the amount of \$28,000.00.
- [5.](#) Consideration of a resolution authorizing temporary closure of public ways or grounds for Oelwein Fire Fighters' Foundation on May 4, 2024 at 8:00AM to 6:30PM.

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



Public Comment Policy
 Oelwein Guidelines for Public Participation during City Council Meetings
 Adopted by Council Resolution 5495-2023

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.

NOTICE OF PUBLIC HEARING
JURISDICTION OF CITY OF OELWEIN
2024 STREET IMPROVEMENTS
PROJECT NO. 23-498

Public Hearing on Proposed Contract Documents and Estimated Costs for Improvement.

TO WHOM IT MAY CONCERN:

You are hereby given notice that a public hearing will be held by the City Council of Oelwein on the proposed contract documents (plans, specifications and form of contract) and estimated cost for the improvement at its meeting at 5:30 P.M. on **April 29, 2024**, at City Hall, Oelwein, Iowa.

The description of the type of public improvement and its location are as follows:

The project will consist of asphalt milling and overlay, PCC curb and gutter spot repair, sidewalk ramps and associated work along 1st St NE, 12th Ave. SE, and South Frederick Avenue in the City of Oelwein, Iowa.

The City Council will meet at a meeting in said Council Chambers at 5:30 P.M. on **April 29, 2024**, to consider the plans and specifications, estimate of cost and proposed form of contract and to act upon the bid proposals and to consider entering into a contract for said improvements.

Any persons interested may appear at such meeting of the City Council for the purpose of making objections to the plans, specifications or contract or the cost of making the improvements.

This Notice is given by authority of the City of Oelwein.

Brett DeVore, Mayor

Attest: Dylan Mulfinger, City Administrator

Published in the Oelwein Daily Register.

RESOLUTION NO. _____-2024

RESOLUTION APPROVING THE 2024 STREET IMPROVEMENT PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND COST ESTIMATE AND AWARDING THE 2024 STREET IMPROVEMENT PROJECT TO HEARTLAND ASPHALT IN THE AMOUNT OF \$629,516.89

WHEREAS, the City Council previously approved the preliminary detailed plans and specifications, notice of hearing and notice to bidders and form of contract presented by hired engineer Fehr Graham, and

WHEREAS, the City Council has scheduled, published notice, and held a hearing on the final plans and specifications, proposed form of contract, and cost estimate for the 2024 Street Improvement Project, and

WHEREAS, the Council finds that the final plans and specifications, form of contract, and cost estimate should be finally approved, and

WHEREAS, the Council finds that bids on this project were sought and that six (6) bids were received, all of same being given careful review and consideration, with the lowest responsive, responsible bidder being Heartland Asphalt. with a base bid in the amount of \$629,516.89, same coming in below Fehr Graham's estimate and otherwise deemed appropriate by Fehr Graham and City Administration, and

WHEREAS, the City of Oelwein will be making improvements to 1st St NE, 12th Ave NE and South Frederick; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Oelwein, Iowa approves the 2024 Street Improvement Plans, Specifications, Form of Contract, and Cost Estimate and awarding the 2024 Street Improvement Project to Heartland Asphalt in the amount of \$629,516.89

Passed and approved this 29th day of April, 2024.

Brett DeVore, Mayor

Attest:

Dylan Mulfinger, City Administrator

Recorded April 30th, 2024

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

AYES NAYS ABSENT ABSTAIN

Ricchio
Weber
Lenz
Garrigus
Seeders
Payne

April 18, 2024

Honorable Mayor and City Council
City of Oelwein
20 2nd Avenue SW
Oelwein, Iowa 50662

**RE: Bid Recommendation
2024 Street Improvements, Oelwein, Iowa
Project No. 23-498**

Dear Mayor DeVore and Council Members,

On April 18, 2024, six bids were opened and read for the construction of the above-referenced project. A tabulation of the bid is attached. The opinion of probable cost and bid totals were as follows:

Engineer's Estimate	\$764,711.40
Heartland Asphalt	\$629,516.89
Skyline Construction Inc.	\$671,357.56
Midwest Concrete, Inc.	\$677,344.69
Eastern Iowa Excavating and Concrete	\$713,959.17
Pirc-Tobin Construction, Inc.	\$721,270.60
Tschiggfrie Exc., Co.	\$749,000.80

The low bid from Heartland Asphalt is 82.3 percent of the estimate. After reviewing information regarding the low bidder, we recommend the City award the construction contract for the project to Heartland Asphalt per their proposal. Please let me know if you have any questions.

Sincerely,



Jon Biederman, PE, LSI
Senior Project Manager

JSB:cls

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RESOLUTION NO. _____-2024

RESOLUTION TO APPROVE THE CONSTRUCTION ADMINISTRATION WITH FEHR GRAHAM FOR THE 2024 STREET IMPROVEMENT PROJECT IN THE AMOUNT OF \$28,000.00

WHEREAS, the City of streets are in need of repair; and

WHEREAS, the City of Oelwein will be making improvements to 1st St NE, 12th Ave NE and South Frederick; and

WHEREAS, Fehr Graham has had a satisfactory working relationship with the City of Oelwein;

WHEREAS, administration costs are estimated to be \$28,000.00 ; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Oelwein, Iowa approves the Construction Administration with Fehr Graham for the 2024 Street Improvement Project in the amount of \$28,000.00.

Passed and approved this 29th day of April, 2024.

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

- Ricchio
- Weber
- Lenz
- Garrigus
- Seeders
- Payne

Attest:

Dylan Mulfinger, City Administrator

Recorded April 30th, 2024

April 23, 2024

Dylan Mulfinger
City Administrator
City of Oelwein
20 2nd Avenue SW
Oelwein, Iowa 50662

**RE: 2024 Street Improvements, Oelwein, Iowa
Construction Administration - Additional Scope**

Dear Dylan,

Please accept this proposal for additional professional services for the above-referenced project. The following outlines the additional services and the associated fees.

Fehr Graham will provide construction administration services for the 2024 Street Improvements project, including construction staking as requested by the Contractor, part-time observation (90 hours included as part of the estimated cost) and pay estimate preparation for the above-mentioned project.

These additional services can be provided for an estimated cost of \$28,000.

I trust that the information we have provided is in line with your expectations. Please sign the authorization line below to include this scope and fee as proposed in the existing contract (Fehr Graham project #23-498) in accordance with the associated terms and conditions for this project.

Please contact me if you have any questions or would like to discuss.

Respectfully submitted,



Jon Biederman, PE, LSI
Senior Project Manager

JSB:amr

Authorization:

_____ **Date:** _____

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RESOLUTION NO. _____-2024

A RESOLUTION AUTHORIZING TEMPORARY CLOSURE OF PUBLIC WAYS OR GROUNDS FOR OELWEIN FIRE FIGHTERS' FOUNDATION.

WHEREAS, Iowa Code Section 364. 12 (2) states that " a city shall keep all public grounds, streets, sidewalks, alleys, bridges, culverts, overpasses, underpasses, grade crossing separations and approaches, public ways, squares, and commons open, in repair, and free from nuisance, with the following exceptions "; and

WHEREAS, Iowa Code Section 364. 12 (2) (a) states that "Public ways and grounds may be temporarily closed by resolution "; and

WHEREAS, Oelwein Fire Fighters Foundation have requested temporarily closure of streets and parks for the following events, locations and times:

NOW, THEREFORE, BE IT RESOLVED by the City Council of Oelwein, Iowa that

Event	Location of Street Closures	Date & Time
Oelwein Fire Department 1 st Annual BBQ Competition	10 block of West Charles and the adjacent alleys	May 4, 2024 8:00 A.M. – 6:30 P.M.

Oelwein Firefighters Foundation organizers are authorized to temporarily close the aforementioned requested streets and park.

Passed and approved this 29th day of April, 2024

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:

Ricchio
Weber
Lenz
Garrigus
Seeders
Payne

Dylan Mulfinger, City Administrator

Recorded April 30, 2024.