



Agenda

City Council Work Session

Oelwein City Hall, 20 Second Avenue SW, Oelwein, Iowa

6:30 PM

November 14, 2022

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

Discussions

- [1.](#) Discussion on City Attorney Bids.
- [2.](#) Discussion on Accessory Buildings.
- [3.](#) Discussion on Metal Siding.
- [4.](#) Discussion on Property Front Lines.
5. Discussion on Accessory Buildings on Vacant Properties.
- [6.](#) Discussion on Slum and Blight.
- [7.](#) Discussion on Snow Storage.

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



**MATTHEW S. BRICK
SHAREHOLDER**

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F: 515-274-1488

matt.brick@brickgentrylaw.com

November 3, 2022

City of Oelwein
Attn: Dylan Mulfinger, City Administrator
20 2nd Avenue SW
Oelwein, IA 50662

RE: Response to Proposal for City Attorney/City Prosecutor Legal Services

Dear Mr. Mulfinger:

This proposal from Brick Gentry P.C. is in response to the City of Oelwein's request for proposals to provide legal services. Included in these materials is an overview of the firm's experience, the qualifications of the municipal team, references, and the firm's compensation proposal.

A. Firm Experience

1. Approach to Providing Legal Services

Brick Gentry P.C. is one of Iowa's premier municipal law firms and has been providing services to cities for over fifty (50) years. The firm's municipal group consists of over a dozen attorneys that specialize in municipal law, and offers communities high quality, responsive and efficient legal services. The group uses a team approach that allows multiple tasks to be handled simultaneously and a municipal attorney to be always available to assist clients when emergencies inevitably arise. The attorneys in the municipal group work closely with the firm's other areas of practice, such as employment, labor, business and intellectual property groups, litigation, banking and financial services, healthcare, and agricultural law to meet the needs of our clients. Brick Gentry, P.C. currently has over thirty attorneys, as well as employs numerous paralegal and support staff, to serve our clients.

Our motto is "We Put Clients First," and that method of serving our clients has led us to decades of business in Iowa. Timeliness of response and accessibility to our clients are important aspects of how we operate. The firm's counsel can be promptly reached via telephone, cell phone or electronic mail and are available to attend meetings in-person on short notice. The firm works cooperatively with City personnel and coordinates with insurance counsel, as needed, to assure proper management of legal issues and proper transmission of information.

The attorneys of Brick Gentry P.C. have years of experience acting as legal advisors to city officials, boards and commissions and are accustomed to attending, upon request, regular and special City Council, and other board and commission meetings. The firm's attorneys make a concerted effort to be readily available

to City staff for review of materials prepared for City Council meetings and to timely confer with the City Administrator and/or staff prior to meetings regarding legal matters and potential issues.

2. Firm Qualifications and Scope of Services

Currently, Brick Gentry P.C. provides general legal services for the following cities: Albia, Altoona, Ankeny, Bondurant, Colfax, Denison, Hartford, Huxley, Indianola, Lake Mills, Minburn, Mitchellville, Nevada, Newton, Plymouth, Polk City, Prairie City, Waukee, and Windsor Heights. In addition, Brick Gentry P.C. handles employment and labor services on request for Ames, Council Bluffs, Corning, Grimes, Jefferson, and Pleasant Hill.

Along with the firm's broad depth of service to cities, Brick Gentry P.C. handles matters for a number of counties and represents many municipal corporations, such as the Buena Vista County Assessor, Council Bluffs Water Works, Dallas County Assessor, Des Moines Area Regional Transit, Des Moines Water Works, Indianola Municipal Utilities, Metro Waste Authority, Neighborhood Housing Agency of Des Moines, Northwest Iowa Solid Waste Agency, Polk County Assessor, Prairie Solid Waste Agency, Rural Iowa Management Waste Agency, StoryComm, and West Des Moines Water Works.

Brick Gentry, P.C. provides legal services, as requested, to their municipal clients. Specifically, the firm: (a) keeps municipal ordinances in compliance with relevant law; (b) advises and assists in the preparation of ordinances, orders, resolutions and regulations—as directed by staff; (c) attends all Council, board and commission meetings—as directed by staff; (d) advises staff and elected officials on open records laws, open and closed meeting laws, and determining appropriate responses to open record inquiries; (e) handles prosecutions of traffic citations, misdemeanor criminal offenses, municipal infractions and other police actions; (f) represents the City in Magistrate's Court and Associate District Court where the City is a party; (g) assists staff in preparing civil citations for code enforcement and nuisance abatement violations and prosecutes such cases as necessary; (h) acts as litigation defense counsel for the City before any court, tribunal, commission or board; (i) settles or compromises claims for suit at law or in equity; (j) prepares, reviews and provides written comment on all agreements and contracts, bonds and other legal instruments—including leases, title documents, real estate closing paperwork and documents related to land acquisition and/or development; (k) assists staff in acquisition and disposal of City property, right of way and easements—including condemnation proceedings as necessary; (l) advises staff on planning and zoning issues; and (m) counsels City personnel on employment and personnel matters and union and ancillary involvement in collective bargaining issues.

As part of the services Brick Gentry P.C. provides its municipal clients, the firm regularly interprets and provides opinions on questions regarding a variety of legal issues; reviews and provides written legal opinions on proposed ordinances, when requested; prepares, reviews and provides recommendations for proposed ordinances and resolutions; interprets and provides City staff and elected officials written opinions on questions interpreting City ordinances and State and Federal Code matters, when requested; and provides legal opinions on all contracts prior to approval by the City Council. More specifically, Brick Gentry P.C. developed the code of ordinances for Ankeny and Bondurant, and periodically reviews and updates the codes of ordinances for several other cities. The firm's municipal attorneys have a strong background advising staff regarding code enforcement and nuisance abatement issues.

The attorneys at Brick Gentry P.C. have years of experience providing employment and union advice to municipalities across Iowa. In the past few years alone, the attorneys have been involved in negotiating over a dozen contracts and defending current clients with dozens of grievances, civil service hearings and civil rights complaint matters. Brick Gentry P.C. has defended current clients in employment matters before the Public Employment Relations Board, the Iowa Civil Rights Commission, the Equal Employment Opportunity Commission, as well as both state and federal courts.

3. Municipal Team Qualifications

Matthew S. Brick (Partner)

For over two decades, Matt Brick has been providing legal guidance for numerous cities and other public corporations. Matt's municipal practice covers areas such as municipal and employment law issues, including but not limited to ordinance and resolution drafting, labor negotiations, litigation defense, attendance at Council and other board related meetings, advising and providing legal opinions on various matters regarding State and Federal laws and regulations. Matt Brick would be the firm's recommendation to serve as the primary attorney for the City. Matt also maintains an active membership with the Iowa Municipal Attorneys' Association and regularly attends continuing legal education training in the field of municipal law.

Erin M. Clanton (Partner)

The majority of Erin's practice is focused on the representation of municipalities as well as a variety of employment matters during her over fifteen years of legal experience. While Erin advises her clients on a variety of municipal law matters, she has extensive experience providing legal opinions, attendance at Council and other board related meetings, handling real estate issues—such as title work, economic development and financial issues, and municipal infrastructure construction issues.

Allison M. Steuterman (Partner)

Allison Steuterman has extensive experience prosecuting municipal ordinance violations and litigation services related to the prosecution of public nuisances and knowledge of the applicable statutory and constitutional regulations regarding such actions. Allison has almost twenty years of experience in prosecuting municipal infractions, traffic citations, simple misdemeanor offences and other police matters.

These attorneys each have years of experience handling these types of matters and all work hard to establish good relationships with the staff of the various City Departments to ensure the expedient and successful resolution of all issues. Each attorney possesses a Juris Doctorate degree from an American Bar Association accredited law school and are licensed in good standing to practice law in the State of Iowa. The profiles of all the municipal attorneys at Brick Gentry can be found at www.brickgentrylaw.com/areas-of-practice/municipal-law.aspx. Resumes of the above-referenced attorneys are attached to this proposal.

B. References

While the City of Oelwein is encouraged to contact any of the government entities we represent for references, the following three contacts are provided below:

City of Bondurant

Marketa Oliver, City Administrator
200 2nd Street NE, Bondurant, IA 50035
(515) 967-2418
moliver@cityofbondurant.com

The firm and Matt Brick have a long-standing work relationship with Ms. Oliver during her years as the City Administrator of the City of Windsor Heights, the City Administrator of the City of Norwalk, and now as the City Administrator of the City of Bondurant. Ms. Oliver has consulted with the firm regarding numerous municipal law issues; planning and zoning issues and development agreements; and economic development and financing issues. Additionally, Ms. Oliver has experience working with the firm in government operations, such as advising and assisting with ordinances, resolutions and other related documents, attending Council and other special meetings, and providing legal opinions.

Metropolitan Waste Authority (MWA)

Leslie Irlbeck, Deputy Director
300 East Locust Street, Ste. 100, Des Moines, IA 50309
(515) 244-0021
lir@mwatoday.com

MWA was incorporated by the Brick Gentry firm in 1969 as one of the first municipal corporations in Iowa. The seventeen members—which including Altoona, Ankeny, Bondurant, Clive, Des Moines, Elkhart, Grimes, Johnston, Mitchellville, Norwalk, Pleasant Hill, Polk City, Polk County, Runnells, Urbandale, West Des Moines and Windsor Heights—jointly operate a recycling and landfill operation. As the Deputy Director of MWA, Ms. Irlbeck consults with Mr. Brick regarding a wide variety of issues including employment and union negotiation matters and general municipal law issues. Ms. Irlbeck has worked with Mr. Brick to advise and assist in the preparation of motions, resolutions, and regulations, to prepare and review contracts and other legal instruments, and to advise the Board members and department heads as to the legality of proposed actions.

City of Newton

Michael Hansen, Mayor
101 W. 4th Street S., Newton, IA 50208
(641) 521-6755
mikeh@newtongov.org

Mr. Hansen consults with the firm regarding municipal law and employment issues. Mr. Hansen has worked with the firm to advise and assist in the preparation of ordinances, orders, resolutions and regulations, to prepare and review contracts and other legal instruments, and to advise city councils and department heads and other administrative officials as to the legality of proposed actions.

C. Conflict of Interest

Brick Gentry P.C. has no subsidiaries or parent company as it is a Professional Corporation organized and existing under the laws of the State of Iowa. The firm takes representation of its clients very seriously and has a thorough conflict of interest process to protect them. Should the City of Oelwein choose Brick Gentry P.C. as their legal advisor, all potential conflicts will be resolved, and any future conflicts will be promptly addressed by the firm so there will be no interference with our representation of the City. To date, the firm is not aware of any potential conflicts of interest with the representation of the City of Oelwein.

D. Proposal for Compensation

The firm is open to working with the City in whatever capacity Oelwein chooses—either as City Attorney and City Prosecutor or just as City Attorney. In addition, the firm is willing to discuss alternative billing arrangements, such as retainer, hourly rates, discounts, and blended rates. That said, the standard firm rate is typically three hundred dollars (\$300) per hour for partners, two hundred dollars (\$200) per hour for associates, and one hundred (\$100) dollars per hour for law clerks and paralegals—however, the firm offers a reduced rate/volume discount to municipal clients—such as the City of Oelwein. ***For Oelwein, the discounted rates would be one hundred fifty dollars (\$150) per hour for all attorneys, and seventy-five dollars (\$75) per hour for work performed by paralegals and law clerks.***

Specialized legal services, including but not limited to bond and debt issuance; building code compliance; environmental law; human resource law; labor relations and collective bargaining; eminent domain and specialized land acquisition; and specialized litigation are offered to our municipal clients at the same reduced municipal rate. Intellectual Property services such as, copyrights and trademarks, are the only specialized legal services that are provided at a separate hourly rate.

The time for which the City will be charged will include, but will not be limited to: telephone, electronic and office conferences with the City, counsel representing other parties, witnesses, consultants, court personnel and others; conferences among our legal personnel; factual investigation; legal research; responding to the City's requests to provide information to the City's auditors in connection with review or audits of financial statements; drafting of legal opinions, letters, pleadings, briefs and other documents; travel time; waiting time in court; and time in depositions and other discovery proceedings. Time is billed in tenths of an hour with a minimum charge of 0.3 tenths for emails and 0.3 tenths for telephone calls.

In addition to our fees, we request payment or reimbursement for costs and expenses incurred regarding: (a) travel expenses—the firm's standard policy is to charge only for time spent traveling and does not charge for mileage in addition to time; (b) non-standard (i.e., abnormally large) photocopying charges—\$0.10 per page; (c) USPS postage charges—\$0.53 per letter plus weight and any other tracking, certified and/or return receipt fees for United States Postal Service mail; (d) UPS or FedEx charges—amount will be determined on size and weight of documents/items to be sent as well as the speed of delivery; and (e) court costs, filing fees and any other litigation expenses (i.e., invoices for third party consultation services).

The firm will not charge the City for costs and expenses related to long-distance telephone charges, word processing fees or research software program usage. Unless special arrangements are made at the outset,

City of Oelwein
Proposal for Legal Services
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fees and expenses of others will not be paid by us and will be the responsibility of and billed directly to the City. Detailed statements are submitted monthly.

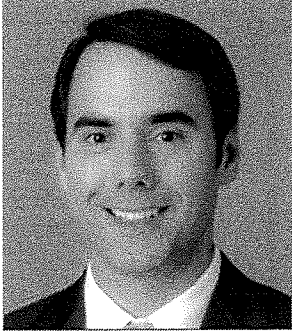
Brick Gentry P.C. understands that the City has issues and concerns unique to it and we will provide only those services requested. Given the distance between the City and the firm, it is expected that—similar to our practice with other municipalities located throughout Iowa—we will utilize teleconferences and electronic communication as much as possible to reduce travel costs—with the exception when requested to attend any meeting in-person. In addition, to help keep travel costs down, the firm is willing to discuss with the City alternatives to handling prosecution matters. Ultimately, if the firm is chosen for this proposal, it is expected the scope of services and proposed costs will be further defined by the City Council prior to entering into a contract with the firm.

Should the City have any questions or need any additional information concerning this proposal, please do not hesitate to contact us. Thank you for considering Brick Gentry P.C.

Sincerely,



MATTHEW S. BRICK
matt.brick@brickgentrylaw.com



Attorneys
Matthew S. Brick
 Shareholder

matt.brick@brickgentrylaw.com

“Working with clients is what I do best. Whether it’s advising cities on issues or helping settle employment disputes, I always want to procure the best outcome for those I represent. I’ll keep working

until I do.”

Matt Brick is a shareholder of Brick Gentry P.C. His practice involves business transactions along with providing legal guidance for a number of cities and other public corporations. In addition, Matt represents both businesses and governments in a variety of labor and employment issues.

For his business clients, Matt handles a variety of matters ranging from: forming business entities such as corporations, limited liability companies and partnerships; negotiating contracts, assisting with the purchase and sale of businesses; and entering in equity sales and/or joint ventures with outside parties.

His municipal practice covers issues such as ordinance drafting, prosecutions, contract preparation, litigation defense and handling real estate issues. Matt has experience with municipal issues involving governmental immunity, open records, open meetings, constitutional rights and eminent domain.

Matt’s employment practice involves advising employers on employee discipline, assisting with drafting, reviewing and revising employment policies, and handling hiring and reduction issues. Matt also works with employers on union-related matters, such as unfair labor practice charges and negotiating collective-bargaining agreements.

Prior to joining the Firm, Matt worked for the Vinson & Elkins law firm in Dallas, Texas, defending and advising clients in a wide range of labor and employment issues. Matt has extensive civil litigation experience defending public and private corporations on matters such as wrongful termination, discrimination disputes, wage and hours cases and a variety of other statutory and common-law claims.

Areas of Practice

Labor & Employment Law, Business Law, Government Relations, Representation of Municipalities

Education

- University of Iowa College of Law, J.D., 2001, With High Distinction
- University of Iowa, B.S., Psychology, 1995, With Honors

Bar Admissions

- Iowa 2001
- District of Columbia 2001
- Minnesota 2001
- Nebraska 2001

Court Admissions

- United States Supreme Court
- U.S. Court of Appeals, 8th Circuit
- U.S. Court of Appeals, 5th Circuit

Memberships

- Iowa Municipal Attorneys
- Association
- Iowa State Bar Association
- Nebraska State Bar Association
- District of Columbia Bar Association

Matthew S. Brick

6701 Westown Parkway, Suite 100, West Des Moines, Iowa 50266
(515) 274-1450 • matt.brick@brickgentrylaw.com

Matt Brick is a shareholder with Brick Gentry P.C. Mr. Brick's practice is divided between municipal and employment law. He handles labor negotiations and disputes, as well as advises clients on employee discipline, employment policies and contracts. Mr. Brick is admitted to practice in the District of Columbia, Iowa, Minnesota, Nebraska, the United States Courts of Appeal for the Fifth and Eighth Circuits, and the United States Supreme Court.

EDUCATION

University of Iowa Law School, Iowa City, Iowa

Juris Doctorate with High Distinction, 2000

Graduate of a two year accelerated study program and recipient of a full-ride merit scholarship.

University of Iowa, Iowa City, Iowa

Bachelor of Science with Honors, 1995

Received an Honors Research Grant, selected as an Honors Teaching Assistant for an undergraduate Psychology course, and inducted into the University of Iowa Honors Society and the National Psychology Honors Society.

PROFESSIONAL EXPERIENCE

Brick, Gentry P.C., Des Moines, Iowa,

Attorney, 2001-Present

Defended and advised public and private clients in a wide range of labor and employment issues. Represented clients in labor negotiations and before both PERB and the NLRB and defended employers against a variety of employment and general civil litigation claims. Representative client include Metro Solid Waste, Metro Transit Authority, City of Ankeny, City of Council Bluffs, Dallas County, Polk County & Poweshiek County.

ADDITIONAL PROFESSIONAL EXPERIENCE

Windsor Heights City Council Windsor Heights, Iowa

City Council Member, 2002-2003

Responsible for planning and overseeing the annual City budget, managing the public works, capital planning, marketing, and special events committees, final approval over the appointment and termination of City employees, and passage of City ordinances, resolutions and motions. Recipient of the Iowa League of Cities' 2003 Outstanding Young Council Member Award.



Attorneys
Erin M. Clanton
 Shareholder

erin.clanton@brickgentrylaw.com

"The cornerstone of my practice is understanding that every issue matters. Whether I'm representing a municipality or handling an employment matter, I'm always doing everything I can to achieve success."

Erin Clanton is a shareholder of Brick Gentry P.C. The majority of Erin's practice is focused on the representation of municipalities. She also handles a wide variety of employment matters; performs general real estate work, including title examination and loan closing services; and assists creditors in their relations with debtors, both in and outside the bankruptcy realm. Erin also serves as the City Attorney for Nevada, Iowa, and provides assistance to a number of other Iowa public entities. Erin graduated from the University of Iowa in 2002 with degrees in English and Finance. In 2005, she graduated from Creighton University Law School and joined Brick Gentry as an associate. Erin became a shareholder of Brick Gentry in 2009.

Areas of Practice

[Administrative Law](#), [Annexation](#), [Bankruptcy Law](#), [Creditor Rights](#), [Labor & Employment Law](#), [Labor Negotiations](#), [Prosecutions](#), [Representation of Municipalities](#), [Zoning](#)

Recognitions and Publications

Co-Author with Brick Gentry Shareholder Tom Flynn, "Iowa Commercial Lending Law," appearing in "Commercial Lending Law: A Jurisdiction-by-Jurisdiction Guide to U.S. and Canadian Law," published by the American Bar Association Commercial Finance Committee, 2016.

Education

- Creighton University Law School, J.D., 2005
- University of Iowa, B.B.A., Finance, B.A., English, 2002

Bar Admissions

- Iowa 2005

Court Admissions

- Iowa District Courts
- Northern District of Iowa
- Southern District of Iowa
- U.S. Court of Appeals, 8th Circuit

Memberships

- Iowa State Bar Association
- Federal Bar Association
- Polk County Bar Association

Erin M. Clanton

6701 Westown Parkway, Suite 100 • West Des Moines, Iowa 50266 • (515) 274-1450
Erin.Clanton@brickgentrylaw.com

Erin Clanton is an Associate with the Brick Gentry Law Firm. Her practice focuses primarily in the areas of municipal law, employment law and general corporate law. Ms. Clanton also handles a wide variety of labor law and real estate issues. Ms. Clanton is active in the Iowa State Bar Association and the Polk County Bar Association, and is licensed to practice in the federal and state courts of Iowa.

EDUCATION

Creighton University Law School, Omaha, Nebraska

Juris Doctorate, 2005

Graduated top 30% of class

Certified Concentrations in Business Law and Estate Planning

University of Iowa, Iowa City, Iowa

Bachelor of Science, 2002

Ms. Clanton was honored to be admitted to the University of Iowa Henry B. Tippie College of Business on an early admissions program. Ms. Clanton graduated with a major in English and a minor in Finance.

Johnston Senior High School, Johnston, Iowa

High School Diploma, 1998, 4.0 G.P.A.

PROFESSIONAL EXPERIENCE

Brick Gentry, P.C., West Des Moines, Iowa

Associate, 2005-present

Practice focuses primarily in the areas of municipal law, employment law and general corporate law. Ms. Clanton has defended and advised clients in a wide range of employment and business related issues. She also handles a variety of labor and real estate issues.

Belin Lamson McCormick Zumbach & Flynn Law Firm

Law Clerk, 2004

As a law clerk, Ms. Clanton's workload consisted primarily of general corporate transactional issues—including contract review and drafting, corporate dissolutions, and bankruptcy.

PROFESSIONAL LICENSES & AFFILIATIONS

- Licensed to practice law in Iowa and the U.S. District Courts for the Northern and Southern Districts of Iowa
- Iowa Bar Association, Member
- Polk County Bar Association, Member
- American Bar Association, Member
- Title Guaranty, Member



Attorneys

Allison M. Steuterman

Shareholder

allison.steuterman@brickgentrylaw.com

“At Brick Gentry we don't just have one set way of doing things. We genuinely work together to offer clients a customized approach that best fits their needs. It really sets this Firm apart.”

Allison Steuterman joined Brick Gentry P.C. as an Associate in 2007 and has been a Shareholder since January 2012. Practicing primarily in civil litigation, Allison has represented clients in many different areas,

including workers' compensation, employment law, contract disputes, personal injury, construction cases, estate disputes and more. She handles a variety of contract, business, and estate planning matters, acts as legal counsel for a variety of corporations and associations, and serves as the Prosecutor for the cities of Nevada and Huxley, Iowa.

Allison was born and raised in Des Moines, Iowa. She graduated from Drake University Law School with high honors in 2004, an Opperman Scholar and a member of the Drake Law Review. Allison is active in the community through her church, and sits on the Board of Iowa Interfaith Power and Light, a non-profit corporation.

[LinkedIn](#)

Areas of Practice

[Alternative Dispute Resolution](#), [Construction Litigation](#), [Personal Injury](#), [Labor & Employment Law](#), [Estate Planning and Probate](#), [Business Law](#), [Prosecutions](#)

Honors

Drake University Law School, high honors

Opperman Scholar

Education

- Drake University Law School
- Truman State University

Bar Admissions

- Iowa 2004

Court Admissions

- U.S. Court of Appeals, 8th Circuit
- U.S. District Courts

Memberships

- Iowa State Bar Association
- Polk County Bar Association

[View Our Attorneys »](#)

Allison Marie Steuterman

Allison.Steuterman@brickgentrylaw.com
515-274-1450

Employment

Brick Gentry, PC, West Des Moines, Iowa,
Shareholder (January 2021 – current)
Associate (March 2007 – December 2011)

- Engaged in the practice of law, namely civil litigation.
- Assist in the prosecution, municipal infraction, and civil litigation defense duties for the cities of Waukee, Iowa and Nevada, Iowa.

Nyemaster Law Firm, Des Moines Iowa, Associate (August 2004 – March 2007)

- Engaged in the practice of law, namely civil litigation.
- Prosecuting Attorney for the City of Clive 2005-2007, including prosecution of all simple misdemeanors and traffic violations as well as municipal infractions. Involved in the formation, initiation, and civil enforcement of the red light camera violations.

Nyemaster Law Firm, Des Moines Iowa, Summer Associate (May 2001 – August 2004)

- Draft motions, create memorandums, as well as other supplemental legal documents.
- Proficient in legal research while acting within a deadline oriented environment.

Education

Drake School of Law, Des Moines, Iowa

Juris Doctorate. Rank: 8th. Order of the Coif. Emphasis in Litigation.
Date of Graduation: May 2004.

Truman State University, Kirksville, Missouri

Bachelor in English, with a minor in Biology. Cum Laude.
Date of Graduation: May 2001.

Technical skills in the following:

Proficient in Westlaw Legal Research Software, Lexis Legal Research Software, Microsoft Word, Microsoft Excel, Microsoft PowerPoint, and Microsoft Outlook.

Associations

Blackstone Inns of Court (2006-current)

Iowa Bar Association – Membership Committee (2006-current)

Polk County Bar Association – Public Relations Committee (2006-2007)

Drake Law Review (2003-2004)

Scholastic Honors and Awards

Order of the Coif (2004)

- Graduated in the top 10% of law school class.

Deans List (2001- 2004)

- Made Deans List each semester while attending Drake School of Law.

Dwight D. Opperman Scholarship Recipient (2001- 2004)

- Earned scholarship for superior academic performance as well as LSAT results.

CALI Award for Excellence

Peters & Longmuir, PLC

Attorneys at Law

309 First St. E Independence, IA 50644
Branch Office: 415 A Ave, Vinton, IA 52349
319-334-9992
319-334-9993 fax

www.jtplawoffice.com

Item 1.

James T. Peters
jtp@jtplawoffice.com

RJ Longmuir
rjl@jtplawoffice.com

Joshua H White
jhw@jtplawoffice.com

of Counsel:
Gary F. McClintock
garyhmclaw@indytel.com

October 4, 2022

Dylan Mulfinger, City Administrator
City of Oelwein
20 2nd Ave S.W.
Oelwein, IA 50662

Re: City Attorney Position for City of Oelwein

Dear Mr. Mulfinger:

We appreciate the opportunity to submit our qualifications to serve as Attorneys for the City of Oelwein.

Our office has a long history of providing services to area Iowa communities. We presently have three full time attorneys. As requested, we have provided a brief history for each attorney in our office highlighting experience in providing services to municipalities.

James T. Peters

Mr. Peters has been practicing law in Independence, Iowa since 1986. He initially served as city attorney for the City of Fairbank, Iowa. In that position, he helped establish their first TIF districts, enforce City Ordinances, and worked with economic development projects. Mr. Peters served as lead attorney for the City when it established and built the natural gas franchise operated by the City. He also worked with community leaders to create development agreements encouraging a grocery store to relocate to the City of Fairbank.

In 1989, Mr. Peters accepted the role as City Attorney for the City of Manchester, Iowa and continues to serve in that capacity. He has for many years served as City Attorney for Dundee, Masonville, Hopkinton, Delaware, Winthrop, Quasqueton and Brandon Iowa. The firm has recently began providing service to Stanley Iowa.

As Attorney for these various communities, he has provided a wide range of legal services advising and representing cities on various issues. A few examples are provided below:

General Advice

Mr. Peters regularly attends Council meetings for the City of Manchester, Iowa and other cities on an as needed basis. In addition, he regularly meets with city officials to address specific issues as they present themselves.

Acquisition of Land for Economic and Community Development.

He has assisted communities in the acquisition of land through 1031 exchanges; eminent domain; negotiation of development agreements, prosecution of abandoned building cases; and ordinary negotiations for purchase, sale and exchange of real property.

Employment and Human Resource Matters.

Mr. Peters has been regularly involved in drafting and interpreting employment agreements; assisting in the development of employee policies and handbook; terminating employment of employees for cause and representing the City in hearings involving termination of employment; review of employee disciplinary actions, Civil Rights complaints as well as routine issues of employment law.

Open Meetings and Public Records Issues.

Mr. Peters has advised communities on a regular basis in addressing requests for public information and determining what information and when information is appropriate to be disclosed. In this regard, he has represented Cities responding to complaints raised with the Iowa Public Information Board.

Municipal Code Enforcement.

Mr. Peters has worked with City Councils, Planning and Zoning commissions and Boards of Adjustment to enforce city zoning and discuss amendments to such ordinances as needed. In addition, he has represented the cities in District Court on contested zoning matters.

He represents cities in the prosecution of simple misdemeanors, traffic violations and municipal infractions including nuisance abatement, vicious dogs, noise complaints and related matters.

Administrative Law

Mr. Peters has represented cities with issues raised by Iowa DNR; Competitive bidding disputes, and other related issues which often involve Iowa municipalities.

R.J. Longmuir

Mr. Longmuir is a lifelong resident of Eastern Iowa having been raised on a farm near Arlington Iowa. He joined Mr. Peters in the practice of law in Independence Iowa in November of 2014. He is now a partner in the firm known as Peters & Longmuir, PLC. He has been a partner in the firm since 2018.

As a partner in general practice law firm which emphasized municipal law, Mr. Longmuir has assisted Cities with all matters listed within the scope of services included in the request for proposals provided by your city. As Attorney for the various communities service by our office

he has provided a wide range of legal services advising and representing cities on various issues. A few examples are provided below:

General Advice

Mr. Longmuir regularly attends Council meetings for the City of Quasqueton, Iowa and Manchester, Iowa as well as other cities on an as needed basis. In addition, he regularly meets with city officials to address specific issues as they present themselves.

Open Meetings and Public Records Issues.

Mr. Longmuir has advised communities on a regular basis in addressing requests for public information and determining what information and when information is appropriate to be disclosed. In this regard, he has represented Cities responding to complaints raised with the Iowa Public Information Board.

Municipal Code Enforcement.

Mr. Longmuir has worked with City officials to enforce city zoning and community development issues.

He represents cities in the prosecution of simple misdemeanors, traffic violations and municipal infractions including nuisance abatement, vicious dogs, noise complaints and related matters.

Acquisition of Real Estate

Mr. Longmuir recently completed enforcement of a substantial judgment obtained by a city. He executed on the judgment through a series of sheriff's sales allowing the City to acquire various properties in the community which are being sold or otherwise used for community development.

He also has been regularly involved in the prosecution of cases involving abandoned buildings.

Joshua H. White

Mr. White joined Peters & Longmuir, PLC in 2021. He immediately became involved in researching issues for open meetings, municipal zoning enforcement and review of various municipal ordinances being considered by various Cities. Mr. White has been involved in filing and prosecution of claims for acquisition of abandoned property and abatement of public nuisance. As our newest attorney he has been exposed to a number of issues involving city government and continues to grow in his experience in this area.

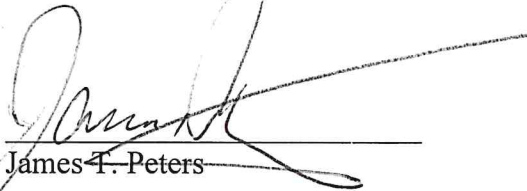
As requested, we have provided a resume of all of our attorneys who would be available to serve your city.

In addition, we have provided a separate document setting forth the hourly cost for services performed by our office.

We look forward to meeting with you to discuss any questions and provide any additional information you require to consider our office for this position,

Very truly yours,

PETERS AND LONGMUIR, PLC



James T. Peters

JTP/kl
Enclosure(s)

RESUME – STATEMENT OF QUALIFICATIONS

James T. Peters

Educational:

Luther College - BA in Political Science – 1980

University of Iowa Law School - JD – graduated with distinction - 1983

Employment:

Bozeman, Neighbor Patton and Noe – Moline, Illinois – 1983 -1984

Cartwright, Druker & Ryden – Marshalltown, Iowa – 1984-1986

Terry L. Hinman, PC – Independence, Iowa – 1986-1988

Ristvedt & Peters, PC – Independence, Iowa – 1988-1995

Peters Law Firm (Now Peters & Longmuir, PLC)– Independence, Iowa – 1995-present

Summary of areas of practice

General Practice

Real Estate – Prepare title opinions, purchase agreements, contracts, and representation at closing for residential and commercial property sale and acquisition on a regular basis.

Commercial and Business - Advise and consult with a wide variety of commercial and agricultural businesses relating to environmental, employment, and real estate issues including when appropriate representation in District Court to pursue or defend civil litigation.

Litigation- Advise and prosecute civil actions including workers compensation claims, personal injury claims, medical malpractice, federal tax court appeals, and general disputes involving contracts and real estate.

Estate Planning, Probate and Tax – Regularly meet with clients to develop and execute estate planning to address their specific situations. Assist clients with probate of estates, trusts, and related litigation. Assist with State and Federal income tax planning and preparation of tax returns.

Criminal Law – Representation of criminal defendants ranging from routine operating while intoxicated charges to kidnapping and other class A B and C felony charges. This area of practice included various jury trials, appeals to the Iowa Court of Appeals and the Iowa Supreme Court as well as prosecution of petitions seeking post-conviction relief. (1985-2019). Mr. Peters does not at this time accept cases involving criminal law.

Family Law – Represented persons in a variety of, custody, property division and other related family matters. Regularly handled 60 or more family law cases per year. When appropriate, these cases also included representation before the Iowa Supreme Court and the Iowa Court of Appeals. (1985-2020). Mr. Peters does not at this time accept cases involving family law

Municipal Law- This area of practice has been addressed in the letter of interest and qualifications submitted to the city.

Relevant Professional Organizations:

Member of the Iowa State Bar Association

U.S. Federal Court for the Northern District of Iowa

U.S. Federal Court for the Southern District of Iowa

United States Tax Court

Past Member of the Iowa State Bar Association Grievance Commission

RESUME – STATEMENT OF QUALIFICATIONS

R.J. Longmuir

Education:

The University of Iowa – BBA – 2010
Creighton University Law School – J.D. 2014

Employment

Peters & Longmuir, PLC 2014-present
Associate (2014-2017) Partner (2018-present)

Summary of areas of practice

Criminal Law – actively engaged in representation of criminal defendants ranging from routine operating while intoxicated charges and other significant felony charges. This area of practice included Iowa Court of Appeals and the Iowa Supreme. (2014-present)

Family Law – practiced in the area of divorce, custody, adoption, related family matters. Regularly handled 60 or more family law cases per year. (2014-2022)

General Practice

Real Estate – Prepare title opinions, purchase agreements, contracts, and provide representation at closing for residential and commercial property sale and acquisition on a regular basis.

Business - Advise and consult with a wide variety of commercial and agricultural businesses relating to environmental, employment, and real estate issues including when appropriate representation in District Court to pursue or defend civil litigation.

Municipal Law- This area of practice has been addressed in the letter of interest and qualifications submitted to the city.

Relevant Professional Organizations:

Member of the Iowa State Bar Association
U.S. Federal Court for the Northern District of Iowa
Member of the Iowa Ethics Grievance Commission
Member of the Iowa State Bar Association Grievance Commission

RESUME – STATEMENT OF QUALIFICATIONS

Joshua H. White

Education

University of Iowa College of Law- JD 2021

Brigham Young University BA Russian Major and International Strategy and Diplomacy Minor
2017

Employment

Powell and McCullough PLC - Law Clerk 2019- 2020

Peters & Longmuir, PLC – Associate 2021-present

Summary of areas of practice

Criminal Law – actively engaged in representation of criminal defendants. This area of practice included numerous magistrate and district court trials and hearings.

Family Law – Practices in the area of divorce, custody, related family matters.

General Practice

Real Estate – Provide title opinions, purchase agreements, contracts, and representation at closing for residential and commercial property sale and acquisition on a regular basis.

Business - Advise and consult with a wide variety of commercial and agricultural businesses relating to environmental, employment, and real estate issues including when appropriate representation in District Court to pursue or defend civil litigation.

Municipal Law- This area of practice has been addressed in the letter of interest and qualifications submitted to the city

Relevant Professional Organizations:

Member of the Iowa State Bar Association

ATTORNEY SERVICE FEES

Attorney services provided by James T. Peters and R.J. Longmuir will be billed at an hourly rate of \$160.00, in increments of one tenth of an hour. Travel time from the office in Independence, Iowa to the City of Oelwein will be billed at the rate of \$80.00 per hour.

Services provided by Joshua H. White will be billed at an hourly rate of \$100.00, in increments of one tenth of an hour.. Such services will be primarily in the role of prosecution of City misdemeanor violations and general research and drafting. Travel time from the office in Independence, Iowa to the City of Oelwein will be billed at the rate of \$50.00 per hour.

Legal Assistant. The office has assistants with significant experience. It is anticipated that one of the legal assistants would be assigned by the firm as the responsible assistant to address court scheduling, communication with law enforcement officers, and the Court for prosecution of City cases. In addition, the assistant would be responsible for general scheduling and gathering information for nuisance abatement and similar matters. Legal Assistant services will be billed at the rate of \$70.00 per hour in increments of one tenth of an hour.

Hopkins & Huebner, P.C.

Response to
Request for Proposal
For the City of



Des Moines Office

2700 Grand Avenue
Des Moines, Iowa 50312
Ph: (515) 244 – 0111
Fa: (515) 244 – 8935

Adel Office

1009 Main Street
Adel, Iowa 50003
Ph: (515) 993 – 4545
Fa: (515) 993 – 5214

Quad Cities Office

100 E. Kimberly Road
Davenport, Iowa 52806
Ph: (653) 445 – 2264
Fa: (515) 445 – 2267

HOPKINS & HUEBNER, P.C.

ATTORNEYS AT LAW

Des Moines Office
2700 Grand Avenue
Des Moines, Iowa 50312
Ph: (515) 244 - 0111
Fa: (515) 244 - 8935

E. J. Giovannetti
Jeff H. Jeffries
R. Ronald Pogge (•)
Lorraine J. May
E. J. Kelly (+)
Jeff M. Margolin (*)
Matthew A. Grotnes
Jane V. Lorentzen
Hugh J. Cain
Barbara A. Hering
Apryl M. DeLange
Brent L. Hinders
Jeffrey D. Ewoldt
Robin G. Maxon (#)
Chandler M. Surrency (#)
Eric M. Updegraff
Alex E. Grasso
Jessica A. Eglseder
Alex S. Dornacker
Meghan C. O'Meara
Adam L. Kiel
James J. Theobald

Quad Cities Office
Northwest Bank Tower
100 E. Kimberly Road
Davenport, Iowa 52806
Ph: (653) 445 - 2264
Fa: (515) 445 - 2267

M. Anne McAtee (*)
Michael C. Walker (*)
Glenn F. Ruud (*)
Paul L. Macek
Amanda R. Motto (*)
Kylie K. Franklin (*)

Adel Office
1009 Main Street
Adel, Iowa 50003
Ph: (515) 993 - 4545
Fa: (515) 993 - 5214

James E. Van Werden
Adam Doll
Edward S. Fishman

Terrance A. Hopkins (Retired)
Fred D. Huebner (1919 - 1996)

(*) Also admitted in Illinois
(+) Also admitted in Nebraska
(•) Also admitted in Arizona
(#) Also admitted in Kansas

www.hhlawpc.com

November 8, 2022

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

RE: Hopkins & Huebner, P.C. Response to Request for Proposal for Legal Services

Dear Mr. Mulfinger:

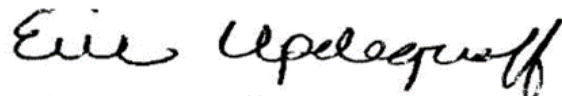
Please accept this as Hopkins & Huebner, P.C.'s response to the City of Oelwein's Request for Proposal for legal services. I have authority to bind the Law Firm. I certify that this information is correct.

Hopkins & Huebner, P.C. is a full-service civil litigation law firm that has been serving Iowa for over 70 years. The Firm is comprised of 30 attorneys located in 3 offices who are licensed in Iowa and practice in municipal law, employment and labor law, construction law, business and corporate law, workers' compensation, and civil litigation. With our combined years of experience, we are able to provide individualized attention to the unique needs of our clients.

This response outlines the Firm's qualifications, references, billing and fee structure, conflict procedures, and current issues. We believe that our extensive experience, staff, and expertise, combined with our knowledge of legal practices in Iowa qualify us for this position.

Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,



Eric M. Updegraff
Ph: (515) 697 - 4242
Fa: (515) 697 - 4243
E: eupdegraff@hhlawpc.com

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Firm Overview

From its beginning in the 1940s, Hopkins & Huebner, P.C. has maintained a reputation for extensive legal knowledge, experience, integrity, and professionalism of its lawyers. Our employment and municipal law attorneys have over 70 years of combined experience in municipal law, employment law, human resources, labor law, and government operations. Hopkins & Huebner, P.C. has worked with cities, counties, and local government boards and commissions to provide assistance with federal and state labor laws, government operations, writs of certiorari, wind turbine issues, agricultural exemptions for property, zoning issues, takings issues, drainage district issues, writing and reviewing contracts, creating and updating job descriptions, developing employee handbooks, collective bargaining, regulatory rules and procedures, OSHA compliance, First Amendment rights, civil rights issues, discrimination complaints, drug testing, open and closed meetings rules, and open records requests. We offer a client-centered and open-door approach to consultation. Please refer to pages 4 and 5 for a list of names and telephone numbers of current and previous client contact persons.

Areas & Availability

Eric Updegraff will be the lead attorneys responsible for delivery of legal services to the City of Oelwein, however legal services may also be tendered by Hugh Cain, Brent Hinders, Eddie Fishman, Adam Doll, Alex Dornacker, or James Theobald. Our attorneys are available by telephone, cell phone, or email to answer questions and provide assistance as needed. Our office is open Monday to Friday from 8:00 a.m. to 5:00 p.m. Attached are biographies that list comprehensive qualifications for all the involved attorneys at Hopkins & Huebner, P.C.

Former Clients

Client Name:	Shelby County Emergency Management Commission
Client Address:	612 Court Street, Harlan, Iowa 51537
Client Contact:	Alex Londo, Director
Client Email:	alondo@shco.org
Phone Number:	(712) 755 - 5160

Client Name:	Jasper County, Iowa
Client Address:	101 First Street N., Newton, Iowa 50208
Client Contact:	Dennis Simon, Human Resources Director
Client Email:	hr@co.jasper.ia.us
Phone Number:	(641) 787 – 1024

References

Client Name: City of Ames
 Client Address: 515 Clark Avenue, Ames, Iowa 50010
 Client Contact: Mark Lambert, City Attorney
 Client Email: mark.lambert@cityofames.com
 Phone Number: (515) 239 - 5146

Client Name: City of Mason City
 Client Address: 10 First Street N.W., Mason City, Iowa 50401
 Client Contact: Perry Buffington, Human Resources Director
 Client Email: pbuffington@masoncity.net
 Phone Number: (641) 424 - 7130

Client Name: City of Norwalk
 Client Address: 705 N. Avenue, Norwalk, Iowa 50211
 Client Contact: Luke Nelson, City Manager
 Client Email: lnelson@norwalk.iowa.gov
 Phone Number: (515) 493 - 9971

Client Name: Wapello County
 Client Address: 215 N. Court Street, Ottumwa, Iowa 52501
 Client Contact: Jerry Parker, Chair of County Board of Supervisors
 Client Email: jparker@wapellocounty.org
 Phone Number: (641) 683 - 4630

Fee Structure

Subject to negotiation with the City of Oelwein, Hopkins & Huebner, P.C. proposes an hourly rate of \$250.00 per hour for Shareholder Attorneys, \$225.00 an hour for Associate Attorneys, \$160.00 per hour for traffic ticket prosecution, and \$100.00 per hour for Paralegals. The Firm will consider alternative billing arrangements. This proposal includes all costs for labor, materials, taxes, insurance, overhead, profits, and all other costs necessary to perform the work in accordance with the contract documents. Minimum hourly billing kept by all timekeepers will be increments of 0.10 (one-tenth) hours. Reimbursable costs for the Firm would be as follows: mileage will be paid at the standard approved IRS mileage rate; fees for court filings; fees for expert witnesses; subpoena fees; bulk photocopying by an outside vendor; express mail and delivery services, if necessitated.

Billing**Hourly Fees**

Shareholder Attorney	\$250.00
Associate Attorney	\$225.00
Traffic Ticket Prosecution	\$160.00
Paralegal	\$100.00

We have the capability to submit invoices on paper or electronically. Hopkins & Huebner, P.C. bills monthly, and will work with our clients to meet their billing frequency needs.

Conflicts

Hopkins & Huebner, P.C. maintains a conflict protocol and client registry as required under existing ethics standards. The Firm maintains a client list in its computer system which notes all clients and adverse parties. Regarding entities related to the City of Oelwein, the Firm has no known existing legal conflicts.

Additional Info

If you should require any additional information regarding this proposal, please feel free to reach out to me at the information provided below:

Eric M. Updegraff
 2700 Grand Avenue
 Des Moines, Iowa 50312
 Ph: (515) 697 - 4242
 Fa: (515) 697 - 4243
 E: eupdegraff@hhlawpc.com

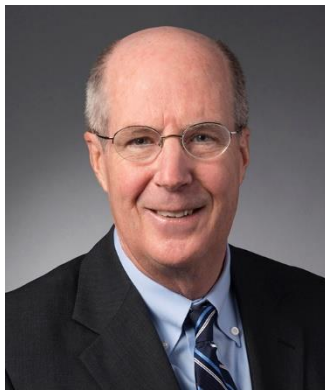
Attorney Qualifications**Eric M. Updegraff**

Shareholder Attorney

Areas of Practice: Employment and Municipal Law

Eric Updegraff has practiced law in Iowa for over 18 years. Eric is a graduate of Simpson College and University of Iowa College of Law. Eric is experienced in providing legal assistance to boards of supervisors, city councils, city clerks and other governmental entities.

He has provided advice or assistance to municipalities on contractual issues, sale of real property, employment issues, employee handbooks, zoning issues, takings issues, constitutional issues, Open Meetings law, ordinance drafting and a variety of other issues. Eric is an experienced trial lawyer who has tried cases in front of juries, judges, administrative agencies, and boards throughout the State of Iowa.

**Hugh J. Cain**

Shareholder Attorney

Areas of Practice: Employment and Municipal Law

Hugh Cain is a graduate of the University of Washington School of Law and has practiced in Iowa's state and federal courts for over 39 years. He has spent his legal career finding solutions to his client's legal problems and issues. He brings creativity, ingenuity, and dedication to solving problems. He works with clients proactively to identify problems before they grow into lawsuits and claims. Once claims become litigated, Hugh offers a client-centered approach and works to help resolve matters in his clients' favor. Hugh has been selected as "Lawyer of the Year" three times by The Best Lawyers in America[®]. He has been listed in Chambers USA as a Leader in Iowa Labor and Employment Law. Hugh has litigated legal disputes and advised Iowa private and public employers on a wide variety of employment issues, policies and procedures, employee handbooks, disciplinary actions, civil rights issues, reasonable accommodations, OSHA safety compliance, and wage hour issues. He has negotiated collective bargaining agreements and assisted local government boards with governance, ordinances, open meetings, and open records issues. Hugh has experience representing and advising Iowa cities, counties, and other municipalities.

Qualifications (Cont.)**Brent L. Hinders**

Shareholder Attorney

Areas of Practice: Criminal, Municipal, Government, and Employment Law

Brent Hinders has been practicing law in Iowa for over 17 years. He is a graduate of Simpson College and Drake University Law School, and he has substantial experience in advising city councils, boards of supervisors, and other governmental entities on legal matters, interpreting ordinances and statutes, writing policies, reviewing and recommending modifications to ordinances, negotiating collective bargaining agreements, representing municipalities in court, and has tried numerous jury and non-jury trials. Brent is a former assistant Warren County attorney. He has represented clients on cases involving a wide variety of municipal law issues, including: wind turbine issues, agricultural exemptions for property, zoning issues, takings issues, and writs of certiorari. Brent has represented municipal boards of adjustment, zoning commissions, and drainage districts. He has negotiated collective bargaining agreements and assisted local government boards with governance, ordinances, open meetings, and open records issues. Brent has experience representing and advising Iowa cities, counties, and other municipalities.

**Eddie S. Fishman**

Shareholder Attorney

Areas of Practice: Criminal and Family Law, Estate Planning, and Civil Litigation

Eddie Fishman is a graduate of the University of Iowa College of Law, and the University of Miami. He maintains a general practice working in the areas of criminal defense, civil litigation, family law, and probate. Eddie has been practicing law in Iowa since 2013 and joined Hopkins & Huebner in 2018. Eddie is a member of the Iowa State Bar Association and the Dallas County Bar Association. He is also a member of the Beavertdale Neighbor Association Board.

Qualifications (Cont.)**Adam Doll**

Shareholder Attorney

Areas of Practice: Municipal and Family Law, Estate Planning, Civil Litigation, and Real Estate

A graduate of Simpson College and Drake University Law School, Adam now practices in municipal law, wills, trusts, probate and estate planning, criminal law, family law, business planning and advising, and real estate. Adam Doll has been practicing law in Iowa since 2005 and joined Hopkins & Huebner in 2007. Adam is a member of the Iowa State and Dallas County Bar Associations, and is admitted to the United States District Court for the Southern District of Iowa. Adam has been doing municipal work for over 3 years. He is the city attorney for Redfield, Dexter, Linden, Dawson, and has represented Dallas County, Adel, Murray, and Chariton in previous projects. He always represents a city with a common sense and pragmatic approach to get great results at a great value.

**Alex S. Dornacker**

Associate Attorney

Areas of Practice: Employment and Municipal Law

Alex Dornacker was a law clerk at Hopkins & Huebner while in law school where he also served as a student attorney at Drake Law School Refugee Legal Clinic, where he represented clients seeking asylum in the United States. Alex has been practicing law in Iowa since 2021, the same year he joined H&H as an attorney. A graduate of The University of Iowa and Drake University Law School, Alex now practices primarily in employment law, human resources, municipal, and government law. Alex Dornacker is fluent in Spanish.

Qualifications (Cont.)



James J. Theobald

Associate Attorney

Areas of Practice: Employment Law and Criminal Defense

James J. Theobald joined Hopkins & Huebner, P.C. as an associate attorney in August of 2022, one month prior to him passing the Bar exam. After studying political science and criminal justice at Iowa State University, James received his Doctor of Jurisprudence from Drake University Law School in Des Moines, Iowa. He primarily practices employment law and criminal defense.

Attorney Resumes

Please refer to pages 11 through 20 for the professional resumes of each attorney who will, or may, be providing legal services to the City of Oelwein.

Eric M. Updegraff

Des Moines Office

Ph: (515) 697 - 4242

Fa: (515) 244 - 8935

eupdegraff@hhlawpc.com

Legal Admin Assistant:

Donna Stiegel

Ph: (515) 697 - 4370

Fa: (515) 244 - 8935

dstiegel@hhlawpc.com

Areas of Practice

General practice including, but not limited to:

- Employment Law
- Municipal Law

Bar Admissions

- U.S. District Court for the Eastern District of Wisconsin, 2012
- U.S. Court of Appeals for the Eighth Circuit, 2006
- U.S. District Court for the Southern District of Iowa, 2006
- U.S. District Court for the Northern District of Iowa, 2006
- Iowa, 2004

Education

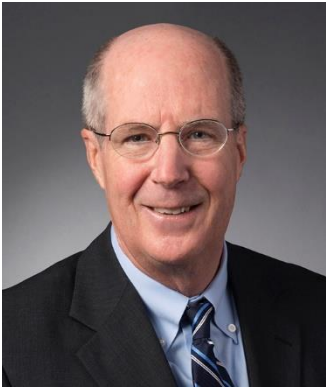
- University of Iowa College of Law, Iowa City, Iowa
 - Doctor of Jurisprudence with Distinction, 2004
- Simpson College, Indianola, Iowa
 - Bachelor of Arts, Economics, 2001

Honors and Awards

- Great Plains Super Lawyers, Rising Stars, 2013 - 2019

Published Works

- Co-Author, "Terminations Under Veterans Preference Law"
- "Working with a Disability"
- "The Fair Labor Standards Act and Exempt Employees"
- "Your Employee Handbook and You"

Hugh J. Cain

Des Moines Office

Ph: (515) 697 - 4222
 Fa: (515) 244 - 8935
 hcain@hhlawpc.com

Legal Admin Assistant:
 Donna Stiegel
 Ph: (515) 697 - 4370
 Fa: (515) 244 - 8935
 dstiegel@hhlawpc.com

Areas of Practice

General practice including, but not limited to:

- Employment Law
- Government

Bar Admissions

- U.S. District Court for the Northern District of Iowa, 1983
- U.S. District Court for the Southern District of Iowa, 1983
- Iowa, 1983

Education

- University of Washington, Seattle, Washington
 - Doctor of Jurisprudence, 1982
- Creighton University, Omaha, Nebraska
 - Bachelor of Arts, History, Summa Cum Laude, 1978

Professional Associations and Memberships

- American Bar Association
 - Member, Government Practice Section
 - Member, Labor and Employment Section
- Iowa Municipal Attorneys Association
- Iowa State Bar Association
- Polk County Bar Association

Public Service

- Warren County Zoning Commission
 - Vice Chair

Cain (Cont.)**Published Works**

- Drake Law Review
 - Co-Author, “Evolution of Hostile Environment Claims”, 1999
 - Author, “Evolution of Implied Covenant Exception to the Employment at Will Doctrine in Iowa”, 1994

Classes and Seminars Taught

- Frequent seminar speaker covering a broad array of topics, such as Employment Law and Government Practice

Brent L. Hinders

Des Moines Office

Ph: (515) 697 - 4232

Fa: (515) 244 - 8935

bhinders@hhlawpc.com

Legal Admin Assistant:

Donna Stiegel

Ph: (515) 697 - 4370

Fa: (515) 244 - 8935

dstiegel@hhlawpc.com

Areas of Practice

General practice including, but not limited to:

- Criminal Law
- Employment Law
- Family Law
- Government Law
- Municipal Law

Bar Admissions

- U.S. Supreme Court, 2011
- U.S. Court of Appeals for the Eighth Circuit, 2011
- U.S. District Court for the Northern District of Iowa, 2011
- U.S. District Court for the Southern District of Iowa, 2006
- Iowa, 2005

Education

- Drake University, Des Moines, Iowa
 - Doctor of Jurisprudence, Certificate in Litigation and Alternative Dispute Resolution, 2005
 - Master of Public Administration, Concentration in Human Resources and Public Policy, 2005
- Simpson College, Indianola, Iowa
 - Bachelor of Arts, History and Criminal Justice, 2001

Professional Associations and Memberships

- Leadership Iowa Member Class of 2015 - 2016
- Norwalk Chamber of Commerce
 - Board Member, Former President, 2015 - 2016
- Former Assistant Warren County Attorney, 2007 - 2011
- Indianola Noon Lions Club
 - Former Member
- Iowa Association of Justice
- Iowa County Attorneys Association
 - Former Member

Hinders (Cont.)**Professional Associations and Memberships (Cont.)**

- Iowa Municipal Attorneys Association
- Iowa State Bar Association
 - ISBA Criminal Law Legislative Subcommittee
- ISBA Government Practice Section Council
- Iowa Supreme Court Grievance Commission
- Norwalk Board of Adjustment
 - Vice Chair
- Norwalk Schools Watch D.O.G. Organization
 - Board Member
- Polk County Bar Association
- Warren County Bar Association
- Warren County Leadership Institute Alumni
- Warren County Prosecuting Attorneys Association
 - Former President

Honors and Awards

- Selected to Best Lawyers in America, 2021 - 2023

Published Works

- Iowa Living Magazines, Adel Living
 - “If You Steal my Sunshine: Local Government and Iowa’s ‘Sunshine Laws’”, 2015
- Iowa Living Magazines, Adel Advice Column
 - “Ice, Ice Baby: Limiting Your Premises Liability in the Winter Months”, 2014
 - “Veterans Employment: Laws and Benefit, Protect Veterans”, 2014

Classes and Seminars Taught

- Frequent seminar speaker covering a broad array of topics, such as Governmental Law Statutes and Ordinances
- William Penn College for Working Adults
- Adjunct Instructor, 2012 – Present

Eddie S. Fishman

Adel Office

Ph: (515) 697 - 4296
 Fa: (515) 993 - 5214
 efishman@hhlawpc.com

Legal Admin Assistant:
 Rhonda Scott
 Ph: (515) 697 - 4396
 Fa: (515) 993 - 5214
 rscott@hhlawpc.com

Areas of Practice

General practice including, but not limited to:

- Civil Litigation
- Criminal Law
- Estate Planning - Wills and Trusts
- Family Law

Bar Admissions

- Iowa, 2013

Education

- University of Iowa College of Law, Iowa City, Iowa
 - Juris Doctor, 2013
- University of Miami, Miami, Florida
 - Bachelor's Degree, Journalism and Political Science, Magna Cum Laude, 2010

Professional Associations and Memberships

- Beaverdale Neighbor Association Board
- C. Edwin Moore Inn of Court
- Dallas County Bar Association
- Iowa State Bar Association

Published Works

- "Iowa Can Now Expunge Past Convictions for Misdemeanor Offenses"
- "Marijuana Possession - What Happens When You Are in the Wrong place at the Wrong Time?"
- "Mechanic's Lien on Residential Property - Is it Really Enforceable?"
- "Traffic Tickets: Minor Violations Can Cause Major Problems"

Adam Doll

Adel Office

Ph: (515) 697 - 4282
 Fa: (515) 993 - 5214
 adoll@hhlawpc.com

Legal Admin Assistant:
 Rhonda Scott
 Ph: (515) 697 - 4396
 Fa: (515) 993 - 5214
 rscott@hhlawpc.com

Areas of Practice

General practice including, but not limited to:

- Business Organization
- Civil Litigation (General)
- Estate Planning – Wills, Trusts, and Probate
- Family Law
- Guardianship and Conservatorship
- Municipal Law
- Probate – Estate and Trust Administration
- Real Estate and Farm Sales

Bar Admissions

- U.S. District Court for the Southern District of Iowa, 2015
- Iowa, 2005

Education

- Drake University Law School, Des Moines, Iowa
 - Doctor of Jurisprudence, with Honors, 2005
 - Law Review, 2003 - 2004
- Simpson College, Indianola, Iowa
 - Bachelor of Arts, Business Management, 1999

Professional Associations and Memberships

- Adel Rotary Club
 - President, 2010 – 2011
- Dallas County Bar Association
 - President, 2010
- Iowa State Bar Association
 - Member, Real Estate, Business, and Probate Sections

Doll (Cont.)**Public Service**

- Adel Partners
 - Former Director
- ADM Booster Club
 - Board Member
- Youth Sports
 - Coach and Volunteer

Published Works

- Various articles for the Adel Living Magazine

Classes and Seminars Taught

- Frequent seminar speaker covering a broad array of topics, such as Estate Planning and Probate

Alex S. Dornacker

Des Moines Office

Proficient in Spanish

Ph: (515) 697 - 4378

Fa: (515) 244 - 8935

adornacker@hhlawpc.com

Legal Admin Assistant:

Donna Stiegel

Ph: (515) 697 - 4370

Fa: (515) 244 - 8935

dstiegel@hhlawpc.com

Areas of Practice

General practice including, but not limited to:

- Employment Law
- Human Resources
- Municipal Government Law

Bar Admissions

- Iowa, 2021

Education

- Drake University Law School, Des Moines, Iowa
 - Doctor of Jurisprudence, 2021
 - C. Edwin Moore Oral Argument Competition
 - Dean's List
 - Refugee Legal Clinic
- The University of Iowa, Iowa City, Iowa
 - Bachelor of Arts, International Relations, and Spanish, 2018
 - Center for Modern Languages, Study Abroad Program in Granada, Spain
 - Dean's List

Additional Information

- Proficient in Spanish
 - Written, Writing

James J. Theobald**Areas of Practice**

General practice including, but not limited to:

- Employment Law
- Criminal Defense

Bar Admissions

- Iowa, 2022

Education**Des Moines Office**

Ph: (515) 697 - 4310

Fa: (515) 244 - 8935

jtheobald@hhlawpc.com

Legal Admin Assistant:

Donna Stiegel

Ph: (515) 697 - 4370

Fa: (515) 244 - 8935

dstiegel@hhlawpc.com

- Drake University Law School, Des Moines, Iowa
 - Doctor of Jurisprudence, 2022
- Iowa State University, Ames, Iowa
 - Bachelor of Arts, Political Science and Criminal Justice, Minor in History, 2018



Roberts, Stevens & Prendergast, PLLC

Heather A. Prendergast *(also licensed in Illinois, Kansas & Missouri)*

November 8, 2022

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

Re: City of Oelwein – Request for Proposal

Dear Mr. Mulfinger:

Enclosed please find my resume in response to your Request for Proposals directed to my office this past month. I have interest in serving as the City Attorney for the City of Oelwein and am submitting this letter and my resume in support of that interest.

As you can tell from my resume, I currently represent a number of small cities in Northeast Iowa including, but not limited to, Jesup, Hudson, Fairbank, and Raymond among others. Many of these cities I have been providing representation to since approximately 2006. My firm has always had a healthy municipal law practice and I have continued to maintain that area of work over the years. My litigation experience includes prosecuting a number of Chapter 657A cases for both the City of Greene and the City of Hazleton and regularly prosecute city violations for all of my cities. I am currently a solo practitioner and do not have any intention on retaining any associates at this juncture and as such, I would be the attorney providing the services for the City of Oelwein. My municipal work has continued to grow and as such at this juncture I see myself focusing more on municipal work and less on my family law litigation.

When I spoke to Nathan Lein at the Fayette County Courthouse recently, he indicated that this position was open and inquired of my interest. I have known Nathan for many years and would certainly be interested in continuing to work with him in my capacity as the City Attorney for Oelwein. I currently attend some of my city's council meetings at night and other's do not require my attendance at their meetings as frequently. If there are conflicts in the schedule many of my cities accommodate my attendance at a meeting even if there is a direct conflict with their existing meeting. I have found that as long as there is a free and open flow of communication regarding pending issues and/or things which may be placed on the agenda, many times I am able to address concerns in advance of a meeting.

I currently charge my cities \$150.00 per hour and bill at quarter hour increments. My intent would be to do the same with the City of Oelwein. I would appreciate the opportunity to meet with the Council and discuss my experience and expertise in municipal law. If I can answer any further questions in regards to my interest in this position, I would be happy to do so.

Very truly yours,



Heather A. Prendergast
heather@neialaw.com

HAP:slc

Heather A. Prendergast

109 Arrowhead Ridge Road
Denver, Iowa 50622

Work Experience **Managing Partner-Roberts, Stevens, & Prendergast, P.L.C.**
Assistant Black Hawk County Attorney, Civil Division
 311 E. 4th Street
 P.O.Box 956
 Waterloo, Iowa 50703
 (319) 234-4600
 2005 to Present

- General office practice that focuses municipal law and family law litigation including, but not limited to, economic development, contract drafting, and public improvement projects. My city work has included extensive transactional work involving purchase agreements, contract review and drafting and real estate transactions. Currently representing the Cities of Elk Run Heights, Fairbank, Lamont, Jesup, Raymond, Hudson, Tripoli, Frederika, and Greene. Family law work involves division of assets and tax consequences in high dollar dissolution litigation. General law practice also includes real estate work including title opinions, real estate closings, simple estate planning and criminal defense work.

Owner-Prendergast Law Office

November 2005 - 2006
 319 E. 4th St.
 Waterloo, Iowa
 (319) 236-6667

Associate

April 2004 to October 2005
 Beecher, Field, Walker, Morris, Hoffman & Johnson P.C.
 Waterloo, Iowa

Assistant County Attorney

November 2000-April 2004
 Black Hawk County Attorney's Office
 Waterloo, Iowa

Associate

June 1998 to November 2000
 Blanchard, Robertson, Mitchell & Carter, P.C.
 Joplin, Missouri

Assistant State's Attorney

December 1995 to May 1998

Champaign County State's Attorney's Office

Urbana, Illinois

Teaching Experience Adjunct Professor – University of Northern Iowa, Real Estate Law, 2004

Kaplan University- Health Care Law, Bankruptcy Law and Business Course (2005-2007)

Education**Juris Doctor**

1992 to 1995 - Western New England College School of Law, Springfield, MA

Student Government Association Representative-2 years

Admissions Committee-Student Representative

BARBRI Representative-1 year

Admitted to practice in Illinois, November 1995

Admitted to practice in Missouri, October 1998

Admitted to practice in Kansas, April 1999

Admitted to practice in Federal Courts of Missouri and Kansas, and 8th Circuit Court of Appeals

Admitted to practice in Iowa, November 2000

Bachelor of Arts, English Dean's List 1989-1992

1988 to 1992 - University of Illinois, Urbana, IL

President, Pre-Law Club

Membership Chair, Pre-Law Club

Community**Activities/Awards**

Denver Community Schools - Vice President and Board Member, 2012 -present

Alpha Delta Pi Sorority - Chapter Advisor

Waterloo Convention and Visitors Bureau - Past President and Board Member (2005-2018)

Girl Scouts of Conestoga Council - Past President

Mock Trial Judge Iowa State Bar Association

2007 Cedar Valley Woman of the Year

2007 Twenty Under Forty Waterloo/Cedar Falls Courier Award Recipient

Certified Collaborative Mediator

Certified Comprehensive Divorce and Family Mediator

**Professional
Memberships**

Iowa Academy of Trial Lawyers- Member 2020-present

Black Hawk County Bar Association - Treasurer and Past President
and Vice President

Iowa State Bar Association (2005 – present)

Board of Governors (June 2018- present)

Bench Bar Committee (June 2017-June 2018)

ISBA Award of Merit Committee

ISBA Access to Justice Sub-Committee Chair

ISBA Scope and Correlations Chair

ISBA President's Advisory Council

Member, Iowa Municipal Attorney's Association

Legal Research and Writing

Research daily with multiple Appellate Briefs available upon request
Recent Iowa Supreme Court case, In Re Miller, No. 19-0969

References available upon request

TODD W. ANDERSON
CORINNE R. BUTKOWSKI
HOLLY A. CORKERY
EMILY K. ELLINGSON
DOUGLAS D. HERMAN
SAMANTHA R. KUNTZ
STEVEN C. LEIDINGER
ERIC P. MARTIN
JON M. McCRIGHT
DANIEL M. MORGAN
MATTHEW J. NAGLE



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Cedar Rapids, IA 52401 WRITER'S EMAIL
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AMY L. REASNER
SHAWNA M. SCHAMBERGER
KYLE A. SOUNHEIN
WILFORD H. STONE
DAVID L. WENZEL

MAILING ADDRESS:
P.O. Box 2457
Cedar Rapids, IA 52406-2457

November 9, 2022

City of Oelwein

Attn: City Administrator Dylan Mulfinger By email only: dmulfinger@cityofuelwein.org
20 2nd Ave. SW
Oelwein, IA 50662

Re: Proposal for Legal Services

Dear Mayor and Council:

Thank you for the opportunity to provide information regarding our firm and our interest in the Oelwein City Attorney appointment. We believe you will find our Public Sector Group focus and team approach to be very unique and to position us very well to serve your needs now and for many years to come.

While we are located in Cedar Rapids, a decent distance from Oelwein, the ability to communicate virtually, and of course by phone and email, will allow us to serve you without being present in Oelwein in most cases. When we need to be present we will of course be present. I would be the primary point of contact for Oelwein and if I knew I needed to be in Oelwein on any given day I would work from my home, near Manchester, or my satellite office in Monticello, reducing the travel time to Oelwein.

Please feel free to reach out with any questions and thanks again for this opportunity.

Sincerely yours,

Douglas D. Herman

**PROPOSAL FOR
LEGAL SERVICES
FOR THE CITY OF OELWEIN, IOWA**

Submitted to:

Dylan Mulfinger
City Administrator
20 2nd Avenue SW
Oelwein, Iowa 50662
dmulfinger@cityfoelwein.org

Proposed By:



Douglas D. Herman
on behalf of
Lynch Dallas, P.C.
526 Second Avenue SE
Cedar Rapids, Iowa 52401
Phone: 319.365.9101
Facsimile: 319.365.9512
Email: dherman@lynchdallas.com
Website: www.lynchdallas.com

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About Lynch Dallas, P.C.

Lynch Dallas, P.C. is an established law firm located in Cedar Rapids, Iowa. The firm was founded in 1926. Our Public Sector Group works with cities, counties, school districts and other public entities of all sizes across the entire state of Iowa on a wide variety of legal issues.

We propose to provide the City of Oelwein an entire firm of attorneys to act collectively as City Attorney, with the ability to promptly and efficiently handle all the City's legal work, except finance and bonding, or to act as special counsel to assist with legal matters as assigned. Lynch Dallas, P.C. currently serves as City Attorney for the cities of Anamosa, Atkins, Bellevue, Burlington, Cascade, Clinton, Coggon, Elkader, Ely, Farley, Fort Madison, Garrison, Independence, Luxemburg, Maquoketa, Marshalltown, Middletown, Monticello, Montrose, Mount Pleasant, Mount Vernon, New London, New Vienna, Olds, Palo, Peosta, Postville, Preston, Ryan, Robins, Salem, Shellsburg, Stockport, Tipton, Vinton, Wayland, Wellman, West Burlington, and Worthington among others. We also currently work as Assistant City Attorney for the City of Guttenberg and as special counsel (i.e., for a wide variety of matters such as collective bargaining, human resources support, nuisance abatement, litigation, and other matters as directed) for the cities of Cedar Rapids, Donnellson, Marion, Coralville, Creston, West Liberty, and Mason City, as well as for Clinton County, Lee County, Des Moines County, Muscatine County, and Fayette County.

Profile and Qualifications

- a. **Lynch Dallas, P.C.:** Our firm is comprised of eighteen (18) attorneys, twelve (12) of whom comprise the firm's Public Sector Group, which services cities, counties, and school districts. To ensure consistency, Douglas D. Herman would be the City's primary contact, but all twelve of the attorneys in the Public Sector Group will be available to work for the City of Oelwein. For more details regarding our Public Sector Group, please visit our website at www.lynchdallas.com. The firm also has an experienced group of support staff.
- b. **Location:** Our firm is located at 526 Second Avenue SE, Cedar Rapids, Iowa, approximately one hour from Oelwein. Our office hours are 8:30 a.m. to 5:00 p.m. Monday through Thursday, and 8:30 a.m. to 3:00 p.m. Friday, although we can readily be reached after hours in most cases. All attorneys in our Public Sector Group are willing to make their cell phone numbers available to select City Officials and staff.
- c. **References:** The following public officials know us well and have had recent experience with our work product and practices:

City of Peosta (City Attorney)
City Administrator, Annette Ernst
7896 Burds Road
PO Box 65
Peosta, IA 52068
(563) 556-8755
aernst@cityofpeosta.org

City of Clinton
City Administrator Matt Brooke
Dep. City Administrator Lisa Frederick
PO Box 2958
Clinton, IA 52733-2958
(563) 244-3421
mattbrooke@cityofclintoniowa.us
lisafrederick@cityofclintoniowa.us

City of Farley
City Clerk Lauren Manternach
Dep. City Clerk Kelly Ludwig
206 1st Street N.
Farley, IA 52046
(563) 744-3475
cclerk@farleyiowa.com
dclerk@farleyiowa.com

City of Vinton
City Administrator Chris Ward
310 A. Ave.
Vinton, IA 52349
(319) 472-4707
cward@vintonia.gov

City of Mason City (Special Counsel)
City Administrator, Aaron Burnett
10 First Street NW
Mason City, IA 50401
(641) 421-2701
aburnett@masoncity.net

Scope of Work

We have experience with a variety of municipal issues. We can provide at least the following assistance to the City of Oelwein:

- Annexation and the related Procedural Requirements
- ADA Advice, Interactive Process
- 28E and Other Sharing Agreements
- Parliamentary Procedure and Robert's Rules of Order
- Alternative Dispute Resolution
- Building and Construction Contracts
- Building Codes
- Business and Commercial Litigation
- Civil Rights and Other Litigation Defense
- Compliance with State and Federal Laws and Regulations
- Condemnation
- Drug/Alcohol Testing Policies and Related Issues
- Drafting and Interpreting Ordinances, Resolutions and Various Contractual Agreements
- Easement Drafting and Review
- Eminent Domain
- Employee Benefits
- Employee Evaluation, Discipline and Termination
- Employee Leave Issues
- Employment Policies and Procedures
- Environmental Issues
- FMLA Advice and Compliance
- Insurance Litigation and Insurance Coverage Disputes
- Labor and Employment Litigation
- Labor Relations, Collective Bargaining and Arbitration
- Law Enforcement and Public Safety
- Media Relations
- Municipal Code Enforcement
- Nuisance Abatement Procedures, including Prosecution of Municipal Infractions and Petitions under Iowa Code 657A.10B
- Open Meetings, Freedom of Information Act and Open Records Issues
- Policy Development and Review
- Premises Liability and Chapter 671 Immunity Issues
- Prosecution of Municipal Code Violations
- Real Estate Transactions
- Unemployment Fact-Finding and Appeals
- Utility Issues
- Workers' Compensation

- Zoning Ordinances and Variances

As active city attorneys and special counsel in other Iowa cities, Lynch Dallas, P.C. regularly handles the matters listed above, especially common daily issues which come before the city council and/or staff, such as ordinance review/drafting, nuisance abatement, code compliance, contract drafting and review, buying and selling property, subdivision, zoning, records requests, employment issues, prosecuting and defending lawsuits, parliamentary procedure, and routine advice to City staff. And with a former veteran city administrator within our Public Sector Group, we are also able to assist with the administrative implementation of our advice and recommendations.

Lynch Dallas, P.C. is also uniquely qualified to defend the City in most legal matters, and to proactively advise the City as to how to avoid litigation. As panel counsel for Iowa Communities Assurance Pool (“ICAP”), EMC Insurance Companies, and other municipal insurers, we have a great deal of experience handling municipal liability issues across the state. In that capacity, we have represented over forty (40) eastern Iowa cities and counties.

System of Proposed Compensation

Lynch Dallas, P.C. proposes the following system of compensation. We propose to perform all work for the City on an hourly basis under the fee schedule set forth below.

We propose to bill for our time in increments of one-tenth (.1) of an hour. We will bill the City for an attorney’s regular rate for travel time, plus the standard federal mileage rate as determined by the IRS. However, we can usually avoid travel by using teleconference, video conference, and e-mail. Consistent with our existing practice, we will bill the City monthly for all work performed in the previous month.

Proposed Rates

<u>Producer</u>	<u>Rate</u>
Shareholders	\$200/hour
Associate Attorneys	\$175/hour
Legal Assistants	\$125/hour

Reimbursement of Expenses

Filing Fees	Actual Cost
Postage	Actual Cost
Mileage	Federal Rate (IRS)
Online Legal Research (LexisNexis®)	\$40.00/search

Our Commitment

We require the highest quality work product from all our attorneys and staff. We believe in building lasting relationships with clients, based on confidence in our abilities and in our responsiveness. We understand that time is often of the essence when representing cities, particularly when a problem presents not only legal issues, but also political ramifications. Our business day is defined by client needs, not by the hour of the day. We believe in a collaborative approach and take pride in our responsiveness. We also value creative problem solving to achieve successful results. Finally, we always strive to deliver high quality legal services at a reasonable cost.

Our Approach

While one attorney will serve as the primary contact, our practice is to provide an entire legal department to the City on a contract basis. Lynch Dallas, P.C. believes that competence and responsiveness are the primary goals when serving its clients and, because our firm's attorneys possess knowledge and experience in many different fields of law, it makes sense to involve them in specific matters uniquely applicable to their knowledge and abilities.

When given an assignment or a request for advice by the City, the primary attorney will evaluate the issue and involve other attorneys with specialized knowledge or experience relevant to the particular area of concern. We believe this team approach most effectively provides clients with well-reasoned, experienced, and up-to-date advice in the most timely and cost-effective manner possible. This also allows the City's business to move forward on many fronts simultaneously. Over time, the City staff will likely reach out directly to particular attorneys in the firm with whom they are working on particular matters.

Our Timeliness

Because of the firm's size and breadth of skill sets, we can respond on short notice and within tight timelines that are customary for clients in the public sector. We are also able to provide greater specialization and expertise than many smaller law firms. When a client approaches our law firm seeking advice, it is likely our attorneys have previously handled a similar issue. Phone calls and emails are returned on a timely basis – usually within a few hours and always within 24 hours. Due to the fact we represent public entities all over the state of Iowa, we find that email and conference calls are efficient means of communicating with our clients and we find our clients are very comfortable with these arrangements for most daily issues.

Our People

Brief biographies for each of our attorneys who would serve the City of Oelwein can be viewed on our website at www.lynchdallas.com.

The attorneys in our Public Sector Group are members of the Iowa Municipal Attorneys' Association and Lynch Dallas, P.C. is a proud Partner of the Iowa League of Cities. We regularly speak at legal seminars on municipal affairs, such as those sponsored by the Iowa League of Cities and are well versed in new developments in municipal law.



October 13, 2022

Council,

Based on discussion of the Planning and Zoning Commission I have the following recommendation for the allowance of square footages for accessory structures on R-1 and R-2 zoned properties in Oelwein.

*Something to keep in mind is, by our code, an attached garage is considered an accessory structure: *

Acres	Accessory Structure sq ft allowed
.25	1500 sq ft
.50	2000 sq ft
.75	2500 sq ft
1.0	3000 sq ft
1.5	4000 sq ft
3	5000 sq ft

Our current code is:

R-1 District

Section 202.2(7) (a) Parcels of less than .5 acres may allow for accessory structure(s) attached or detached of maximum combined size not to exceed 1,500 square feet of combined floor area and height to the peak not to exceed 18 feet.

Section 202.2(7) (b) Parcels of less than 3 acres but larger than .5 acre may allow for accessory structure(s) attached or detached of maximum combined size not to exceed 2,000 square feet of combined floor area and height to the peak not to exceed 20 feet.

Section 202.2(7) (c) Parcels of 3 acres or larger may allow for accessory structure(s) attached or detached of 5000 square feet of combined floor area and height to the peak not to exceed 35 feet. Section 2.

R-2 District

Section 203.2(7) (a) Parcels of less than .5 acres may allow for accessory structure(s) attached or detached of maximum combined size not to exceed 1,500 square feet of combined floor area and height to the peak not to exceed 18 feet.

Section 203.2(7) (b) Parcels of less than 3 acres but larger than .5 acre may allow for accessory structure(s) attached or detached of maximum combined size not to exceed 2,000 square feet of combined floor area and height to the peak not to exceed 20 feet.

Section 203.2(7) (c) Parcels of 3 acres or larger may allow for accessory structure(s) attached or detached of 5000 square feet of combined floor area and height to the peak not to exceed 35 feet.





Using the recommended sizes from Planning and Zoning code should be changed as follows:

R-1 District

Section 202.2(7) (a) Parcels of less than .5 acre may allow for accessory structure(s) attached or detached of maximum combined size not to exceed 1,500 square feet of combined floor area and height to the peak not to exceed 18 feet.

Section 202.2(7) (b) Parcels of less than .75 acre but larger than .5 acre may allow for accessory structure(s) attached or detached of maximum combined size not to exceed 2,000 square feet of combined floor area and height to the peak not to exceed 20 feet.

Section 202.2(7) (c) Parcels of less than 1.0 acre but larger than .75 acre may allow for accessory structure(s) attached or detached of maximum combined size not to exceed 2,500 square feet of combined floor area and height to the peak not to exceed 20 feet.

Section 202.2(7) (d) Parcels of less than 1.5 acre but larger than 1.0 acre may allow for accessory structure(s) attached or detached of maximum combined size not to exceed 3000 square feet of combined floor area and height to the peak not to exceed 20 feet.

Section 202.2(7) (e) Parcels of less than 3 acre but larger than 1.5 acre may allow for accessory structure(s) attached or detached of maximum combined size not to exceed 4000 square feet of combined floor area and height to the peak not to exceed 20 feet.

Section 202.2(7) (f) Parcels of more than 3 acre may allow for accessory structure(s) attached or detached of maximum combined size not to exceed 5000 square feet of combined floor area and height to the peak not to exceed 20 feet.

R-2 District

Section 202.2(7) (a) Parcels of less than .5 acre may allow for accessory structure(s) attached or detached of maximum combined size not to exceed 1,500 square feet of combined floor area and height to the peak not to exceed 18 feet.

Section 202.2(7) (b) Parcels of less than .75 acre but larger than .5 acre may allow for accessory structure(s) attached or detached of maximum combined size not to exceed 2,000 square feet of combined floor area and height to the peak not to exceed 20 feet.

Section 202.2(7) (c) Parcels of less than 1.0 acre but larger than .75 acre may allow for accessory structure(s) attached or detached of maximum combined size not to exceed 2,500 square feet of combined floor area and height to the peak not to exceed 20 feet.

Section 202.2(7) (d) Parcels of less than 1.5 acre but larger than 1.0 acre may allow for accessory structure(s) attached or detached of maximum combined size not to exceed 3000 square feet of combined floor area and height to the peak not to exceed 20 feet.

Section 202.2(7) (e) Parcels of less than 3 acre but larger than 1.5 acre may allow for accessory structure(s) attached or detached of maximum combined size not to exceed 4000 square feet of combined floor area and height to the peak not to exceed 20 feet.

Section 202.2(7) (f) Parcels of more than 3 acre may allow for accessory structure(s) attached or detached of maximum combined size not to exceed 5000 square feet of combined floor area and height to the peak not to exceed 35 feet.





Below are some comparatives of surrounding communities and their related code.

NOTE: some of these codes pertain only to DETACHED accessory structures and attached garages and structures are considered part of the primary building

Waterloo:

Detached accessory structures shall not occupy more than 30% of the rear yard and not be greater than 1800 sq ft

Cedar Falls:

Less than one acre detached Not to exceed 1,024 sq ft nor 45% of rear yard, whichever is less.

Lot area	Max size of all detached structures
At least 1 acre but not more than 2	1200 sq ft
>2 but <3	1400 sq ft
>3 but <5	1600 sq ft
>5 but <8	3000 sq ft
>8 but <11	4000 sq ft
>11 but <20	5000 sq ft

Waverly:

Lot Area	Max size of accessory buildings
Up to 8700 sq ft	720 sq ft not to exceed 30% of rear yard
8700 – 13,333 sq ft	No one building >720sq ft; total of all buildings not to exceed 800 sq ft
13,333 sq ft – 1 acre	1000 sq ft
>1 acre	2000 sq ft

New Hampton:

No building or buildings shall occupy more than 30% of rear yard

Fayette:

No specific regulations





Hudson:

No building or buildings shall occupy more than 30% of rear yard

Charles City:

Shall not occupy more than 30% of a required rear yard and it shall not be greater than 1000 sq ft on a plot less than 1 acre. A 440 sq ft garage may be added on top of the 1000 sq ft. Only one garage allowed on single-family dwelling lots.

***-David Kral
Building Official and Zoning Administrator***





September 23, 2022

City Council,

Per discussions by the Planning and Zoning Commission I, David Kral, am recommending a removal of the following zoning code: 202.6-2. Highlighted below

202.6 SPECIAL REQUIREMENTS

I. The R-1 District shall observe the fencing and shrubbery requirements as prescribed in Article 401 of this Ordinance.

2. Steel corrugated siding is prohibited on buildings over 10' x 10' in size. (Ord. No. 1010, 02-10-2003.)

*Code applies to all R-1, 2, & 3 zones

This code prevents citizens from using Ag steel corrugated siding on any building larger than 10'x10' in size.

The removal of the code has been recommended based on discussion by the P&Z commission and on the advancement of quality and installation practices of Ag steel siding and buildings. Ag steel siding used to be a less reliable siding technique and less aesthetically appealing. It has been improved upon in recent years including the following ways:

- Painted galvalume steel is a low-maintenance product that is known for durability and longevity
- Painted galvalume steel panels will not rot, mildew or warp and can form an effective pesticide-free barrier against termites and other insects
- Non-combustible, resistance to fire increases your security and may result in lower insurance premiums
- Class 4 impact resistant, including hail and wind-blown debris
- Panels are a good choice for the environment, after a long service life they are still 100% recyclable
- Wide variety of color and styles

Many citizens have also inquired about building pre-designed steel sheds from Home Depot, Menards, or other vendors only to disappointment of being limited to 10'x10'. Releasing this code would allow for a wider selection of quality, affordable, & easily buildable storage options.





Ag/Corrugated Steel Siding Examples

Example 1



Example 2



20 2nd Ave. S.W.
Oelwein, Iowa 50662



buildingadmin@CityofOelwein.org
www.CityofOelwein.org



Phone: (319) 283-5862
Fax: (319) 283-4032



Example 3



Example 4





Example 5



20 2nd Ave. S.W.
Oelwein, Iowa 50662



buildingadmin@CityofOelwein.org
www.CityofOelwein.org



Phone: (319) 283-5862
Fax: (319) 283-4032



October 13, 2022

Council,

Based on discussion of the Planning and Zoning Commission I have the following recommendation for front property line designation on properties with multiple roads abutting to the parcel, i.e. a corner lot.

It is recommended that a properties front yard line be dictated by the side the parcels address pertains to.

Current definition by code:

FRONTAGE: All the property abutting upon one side of a street measured along the right-of-way line.

LOT LINE, FRONT: Any lot line abutting the public right-of-way. Corner and through lots have multiple frontage and front lot lines.

Proposed change:

LOT LINE, FRONT: Any lot line abutting the public right-of-way. **Lots with multiple frontages shall have their front lot line defined as the side pertaining to the lot address.**

This would clear up issues with building of accessory structures, including fences, and required setbacks.

Current accessory structure setbacks:

60 feet from front lot line

5 feet from rear lot line

8 feet from side lot line

4 feet away from principal structure

See below examples of common issues by existing code





Example 1: 998 1st ave SW



Lot approx. 65' x 150'

With current setback and front line code if this resident were to build an accessory shed they would have a 60' setback from both front lot lines. The plot is only 68' wide so with a 60' setback from the 10th st SW side and a 5 foot setback from the back/side that leaves them with a 3 feet section to build a shed. Altering code to the front being the address side would give them nearly their entire backyard to build.





Example 2: 924 2nd ave SW



Lot approx. 80'' x 100'

With current setback and front-line code if this resident were to build an accessory shed they would have a 60' setback from both front lot lines. Given a similar set to example 1 they would be limited to a 15' by 30' area to set an accessory building.





Comparisons to nearby communities:

Waterloo:

Front Lot Line: The narrowest dimension of the lot lines abutting a street, or the lot line that the principal structure faces if no lot line abuts a street, public or private. For double frontage lots, the front lot line shall be the street lot line that the principal structure faces or is addressed from

Waverly:

Front Lot Line. The "front lot line" is the boundary line separating an interior lot from the street, or the boundary line separating a corner lot or double frontage lot from the street which is designated as the front street.

CORNER LOTS FRONTAGE REQUIREMENTS. On corner lots, frontage may be considered on either street; provided, that if front and rear yards are parallel to the lot line having the longer dimension, then setbacks along both streets shall conform to the front yard requirement of the district in which it is located.

Charles City:

Front lot Line: The boundary of a lot which is along an existing or dedicated street lot line as the front lot line -On corner lots the longer side becomes the side lot line and longer becomes the front lot line

Decorah:

For corner lots platted or of record after December 4, 1973, the front yard regulation shall apply to each street side of the corner lot. On corner lots platted or of record prior to December 4, 1973, the side yard regulation shall be a minimum of seventy-five percent of the front yard required and shall apply to the longer street side of the lot.

New Hampton:

Frontage: That side of a lot abutting a street; the front lot line. The 'front' of a building shall be considered that portion of the building fronting on the street from which the building's address is derived.

David Kral
-Building Official and Zoning Administrator





To: Mayor and City Council
From: Dylan Mulfinger
Subject: Slum and Blight and Tax Abatement Plan
Date: 6/13/2022

The City of Oelwein is working toward a goal to create an aggressive tax abatement program to encourage construction of residential homes. The program will be most advantageous for multifamily including duplexes. In order to establish a new tax abatement program, the city must conduct a slum and blight survey in accordance with the Code of Iowa.

The city used data from the county in determining the condition of the housing stock of Oelwein. Staff went block by block and categorized each block in accordance with its condition. The City used the conditions from the county and determined any house rated below normal could be considered slum and blight. Over 75 percent of the blocks identified in the study were below normal. A block is considered below normal if more than 25 percent of the homes are below normal. A small amount of lots within Oelwein had homes above normal for more than 25 percent of the block. Some of these above normal blocks were in town with most on the edge of town.

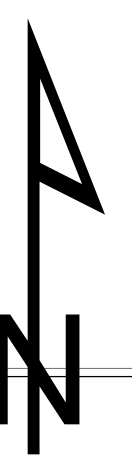
With such a high number of below normal blocks, the city council is declaring a slum and blight finding for the entire city. This determination is also backed by the continual demolition of homes in all quadrants of the city. Over the last three years the city has removed over 50 homes with their locations be scattered across the city. Homes in the less than normal blocks have physical deterioration and cause home values to decline for their neighbors and block.

The City will implement the following abatement schedule:

Type of Home	Abatement
Single Family New Construction	Five Year Fifty Percent Abatement
Single Family Duplex New Construction/Renovation	Ten Year Ninety Percent Abatement
Multifamily New Construction/Renovation	Ten Year Ninety Percent Abatement

The city council is encouraging the investment in multifamily, as it opens up housing for almost all occupations in Oelwein. While homeownership is the number one goal, the city understands the need for all types of housing options for new and exiting residents. The need for housing is the most important issue for Oelwein. Council continues to invest in housing by creating an attractive abatement program.

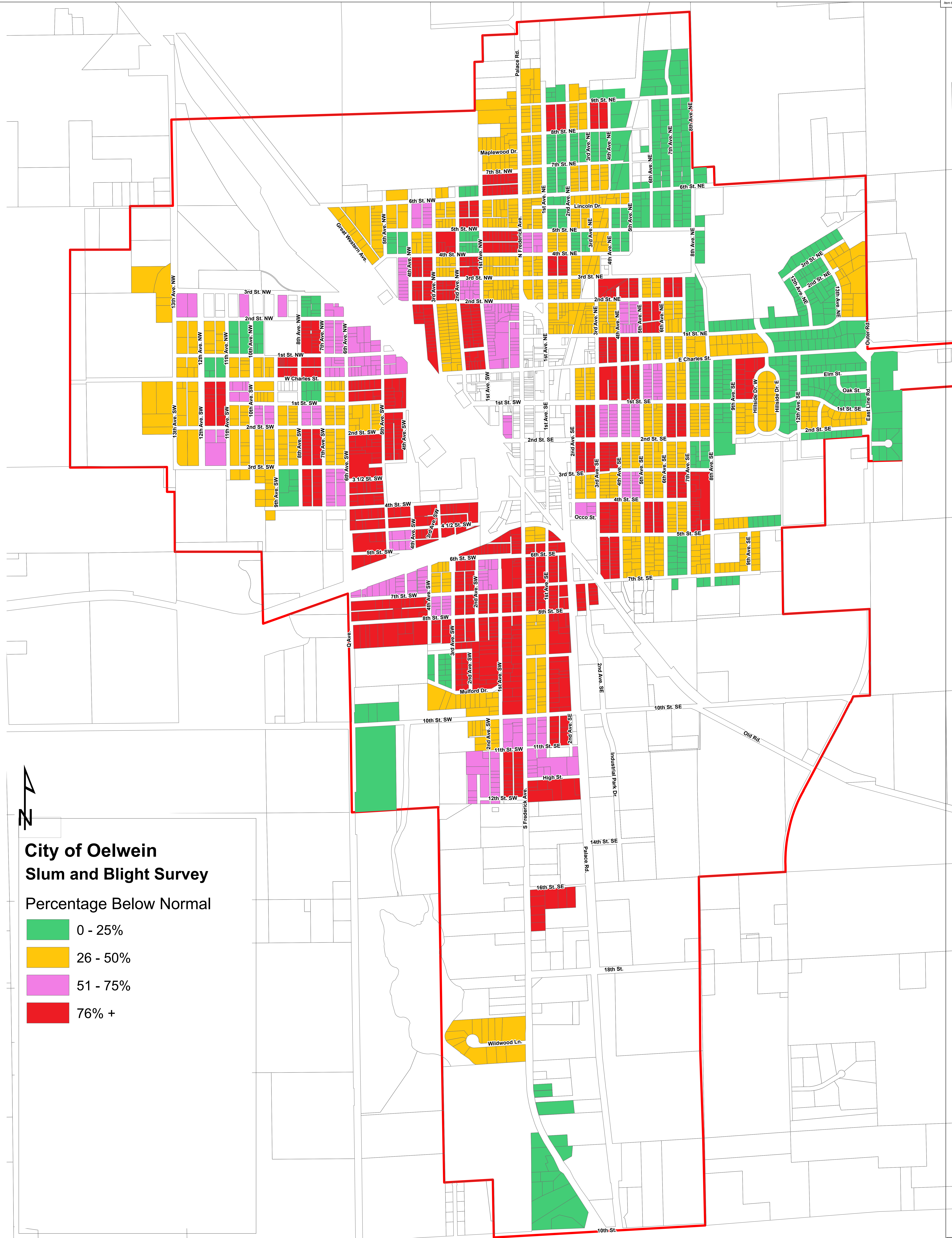
The slum and blight declaration is being made by city council from recommendation of the City Administrator and Community Development Department.



City of Oelwein Slum and Blight Survey

Percentage Below Normal

- 0 - 25%
- 26 - 50%
- 51 - 75%
- 76% +





To: Mayor and City Council
 From: Dylan Mulfinger
 Subject: Snow Removal
 Date: 11/14/2022

In the winter of 2021/2022, City Council was approached by Lonnie Achenbach and Curt Solsma for snow removal from their property. Lonnie stated Curt and himself had been pushing onto the library lot for years and had no issues until the city sent a letter requesting that they no longer put snow on city property.

Council directed staff to work on a lease agreement after the decision to sell the ground was not in the city's best interest. Mulfinger took up the task and is reporting back to council.

To lease public ground, the city loses its tax-free status and must now pay property tax. If the city were to lease 12,000 square feet, the city would pay roughly \$228 annually. This would require council to approve a lease, the city to notify the county, and the city to pay the property taxes on an annual basis.

However, now the city provides this service to one; in fairness, it should provide this service to all contractors who move snow. The city has been approached by two other contractors who want to store snow on City property. This would mean adding leases, billing these companies annually, and ensuring payment is provided.

If the city wants to avoid paying property taxes, the city could charge for adjacent lots to push snow into the city's snow pile. The city would charge an annual fee to anyone interested in this service. Base on five annual snow falls a year, the city would charge a flat rate at the beginning of the year of \$.50 per square foot of removed area. Sales tax would need to be included in this service. The city would determine the size of the area. Based on the request, the city has run some scenarios below:

- Achenbach 8,533 sq ft \$4,266.50
- Solsma 2,563 sq ft \$1,281.50
- Business A 7,737 sq ft 3,868.50
- Church 12,924 sq ft \$6,462.00
- Business B 6,262 sq ft \$3,131.00
- Business C 21,158 sq ft \$10,579.00
- Business D 4,350 sq ft \$2,175.00
- Business E 14,948 sq ft \$7,474.00

Fifty cents a square foot was a rough estimation based on the following factors:

- Five annual snow events
- Equipment Time
 - Loader
 - Dump truck
 - Skid loader
- Staff Time
 - City Administrator



- City Attorney
- Public Works Director
- Assistant Public Works Director
- Grade II operator
- City Clerk
- Bookkeeper

The city charges \$200 an hour on the fee schedule for one person and one piece of equipment. Based on one hour minimum to move snow we would charge \$400 an hour. I have supplied the square foot idea to ensure we can charge based on the amount of snow.

Council has three options:

1. Move forward with the lease option and use staff time to create and maintain leases for snow removal
 - a. Not recommended by the City Administrator
2. Move Forward with the snow hauling charge and offer it to business in the downtown
 - a. Not recommended by the City Administrator
3. Drop the request and let private businesses work with private business for this service
 - a. Highly recommended by the City Administrator

The City Administrator recommends allowing the private sector to sort out this service. The city began enforcing this code to ensure that snow removal operations were standardized, and so the city did not take any snow from private lots. At no time did any business receive permission to pile snow on public ground. The City is still working on this issue and follows up with property owners annually. If the city is to be fair with this service, it will turn into a significant amount of work for Public Works and City Hall. This service is provided by private businesses and the city does not need to provide this service.



To: Dylan Mulfinger
City Administrator

From: Vic Kane
Public Works Director

11/4/2022

Dylan:

Should we lease city lots for snow storage?

Following procedure, we would we have to advertise this to the public. Thus, others could actually end up leasing it, opening up possible issues. We should add void clauses, require nothing more than snow on the property or additional City approvals would be needed. To cover things like depositing grass, burning leaves, storing of dumpsters, grease bins, gravel or dirt piles. Deposited items must not be filled with debris or contaminated. Easily done by hydraulic fluid spewing from a broken hose. No leaving equipment onsite such as a loader or trucks. What if the lessee wants to haul Dollar General, Fareway, Pizza Ranch, Casey's, Mc Donald's lot snow to this site. Can they sublet the lot out? Can they charge others per load and pile on this lot. Should it say in town snow only? For example, we oddly get trees hauled in from out of town at the yard waste site. The city could charge as a storage unit. Cost based on letting the entire lot or marked sections? The lessee should have insurance if someone get hurts on the property. It could include care of the property i.e., mowing / treating weeds, sidewalk clearing or is that provided by the city? Limited saving on mowing as we mow the rest. Allow us access for utility easements depending on site area.

What about allowing private entities to push into city lot piles?

The downtown snow removal is setup because the city uses the area for parking. The buildings are from basically back alley to curb out front. There is nowhere to put snow in this situation. It is not set up for business who have onsite parking areas. We do not maintain these lots; why should we take on the snow removal. Basically, this system has worked edictal for years. This new concept could be requested by anyone close enough to the piles. Sites like the banks, gas stations, legion, VFW... What about those who are close but want to haul to our piles? Most businesses' move snow every event where we only move at 3 inches. There are lot more smaller events then larger adding extra hauling and storage cost. This could require increased hauling by us even if we did not push lots ourselves. Also, we have experienced snow events that have pushed our storge capabilities without this extra snow.

In Conclusion:

We have never allowed lots shoved into the streets for us to pick up. Why would we allow it in the lot piles unless it benefits the city. Unless we are doing this for free, we would have to figure a way to calculate a cost. This is variable as they may not haul every event but may push the differing snowfall amounts. There are also the unknown hidden costs of added time allotments from unaccounted-for issues, legal reviews, supervision, & billing for a few. Plus, we try not to compete with other city private businesses supplying a service.

Thank you in advance for your time in this matter,

Vic Kane
319-283-1197

From the Desk of
Public Works Director Victor Kane

Code

- Sec. 23-28. - Depositing snow on city streets and sidewalks.

1) It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed any ice or snow from private property, sidewalks, driveways, parking lots or alleys onto the traveled way of a street or alley so as to obstruct vision, gutters, impeded the passage of vehicles upon the street or alley or to create a hazardous condition therein. Any such placement requiring removal of snow or ice accumulations by the city shall subject the owner or tenet, to a municipal infraction and they may also be accessed cleanup expenses.

2) Any business, whether retail or wholesale, abutting on or located within downtown district described below may place ice and snow from sidewalks along the curb of the abutting street for removal by the city during a snow event and/or in coordination with city pickup or prior to snow removal operations. Snow and ice from private property, parking lots, driveways and alleys will not be permitted to be placed onto a city street, parking lot or alley. Any such placement requiring removal of snow or ice accumulations by the city shall subject the owner or tenet, to a municipal infraction and they may also be accessed cleanup expenses.

(Ord. No. 585, sections 1 through 3, 5-8-78; Ord. No. 1175, 08-12-2019.)

- ARTICLE II. – TRESPASS
- Sec. 23-20. - Trespass—Injury to property.

It shall be a simple misdemeanor for anyone to knowingly trespass upon property:

1. The term "property" shall include any land, dwelling, building, conveyance, vehicle or other temporary or permanent structure whether publicly or privately owned.

2. The term "trespass" shall mean one or more of the following acts:

A. Entering upon or in property without the express permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense, to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, or to hunt, fish or trap on or in the property. This paragraph does not prohibit the unarmed pursuit of game or forbearing animals injured or killed which come to rest on or escape to the property of another.