



North Frederick/  
Elmwood Drive  
Sewer Project

John Gade of Fox Engineers summarized the North Frederick/Elmwood Sanitary Sewer Improvements project. Substantial completion was on time, but final completion was not. Two major items remained:

- 1) Sanitary sewer testing
- 2) Chimney seals on manholes

Dolan Excavating was 66 days late on February 5, 2010.

In accordance with contract documents, liquidated damages could be assessed at \$750/day, totaling \$49,500. The Engineer suggested three options for liquidated damages:

- 1) \$750/day totaling \$49,500,
- 2) \$2,500 based on staff perspective, number of working days and City staff time,
- 3) Councils choice to assess an amount in between

Murphy and Kendall recommended assessing \$2,500 penalty. Gosse proposed and moved to assess \$750/day for four days totaling \$3,000 for late penalty. Seconded by Ericson. Five voted aye, 1 Nay (Ryan).

Motion Carried

North Frederick and  
Elmwood Drive  
Change Order#6

A motion was made by Brandt, seconded by Jensen to subtract the \$3,000 penalty from Change Order No. 6 to Dolan Excavating in the amount of \$21,737.76 for North Frederick and Elmwood Drive Sanitary Sewer Improvements project. Five voted aye, 1 Nay (Ryan).

Motion Carried

North Frederick and  
Elmwood Dr. Sewer  
Pay Request  
5 and 6

A motion was made by Jensen, seconded by Ericson to approve Pay Request No. 5 and reduce Pay Request No. 6 by the \$3,000 late penalty to Dolan Excavating in the amount of \$9,730.85 and \$20,599.16 respectively for work completed on North Frederick and Elmwood Drive Sanitary Sewer Improvements project. All voted aye.

Motion Carried

Resolution #4593  
N Frederick and  
Elmwood  
Accepting Work

A motion was made by Lein, seconded by Gosse to adopt Resolution No. 4593 Accepting Work on North Frederick and Elmwood Drive Sanitary Sewer Improvement project with the \$3,000 late penalty applied.

Ayes: Brandt, Ryan, Gosse, Lein, Ericson, Jensen

Nays: None

Motion Carried

Resolution #4594  
Set Public Hearing  
Loan Agreement

Council Member Lein introduced the Resolution No. 4594 hereinafter next set out, related to setting a date for hearing on a general obligation loan agreement, and moved its adoption, seconded by Council Member Brandt; and after due consideration thereof by the City Council, the Mayor put the question upon the adoption of the said resolution and the roll being called, the following named Council Members voted:

Ayes: Brandt, Ryan, Gosse, Lein, Ericson, Jensen

Nays: None

Motion Carried

Enterprise Zone Kendall reported that Karla Organist, Fayette County Economic Development noted Oelwein could create a Housing Enterprise Zone for upper story downtown buildings. Three units or more would be necessary to accomplish this. Owners would save sales tax and receive other tax credits. Projects started prior to this date do not qualify. VanVeldhuizen suggested proposed boundaries of the Upper Story Downtown Building Enterprise Zone which would include all downtown businesses with second floors.

A motion was made by Lein, seconded by Jensen to approve the creation of a Housing Enterprise Zone for Upper Story Building Rehabilitation in the Downtown Area which would include all downtown businesses with a second story and direct the City Attorney to draw up and authorize signatures on the necessary papers. All voted aye.

Motion Carried

Planning, Finance, Enterprise & Economic Devel. Gosse reported on the February 16<sup>th</sup> Planning, Finance, Enterprise and Economic Development meeting.

Hotel Motel Tax A motion was made by Gosse, seconded by Ryan to approve a recommendation from Planning, Finance, Enterprise and Economic Development Committee on Hotel/Motel Tax Funding Application from Hub City Heritage Museum in the amount of \$132.88 to cover publicity costs for Heritage Days. All voted aye.

Motion Carried

Planning, Finance, Enterprise and Economic Devel. A motion was made by Gosse, seconded by Jensen to approve three committee recommendations from Planning, Finance, Enterprise and Economic Development and direct the City Attorney to prepare the necessary ordinances and resolutions for Council adoption.

Water-Sewer Rates 1) An increase of a dollar per month each on both water and sewer base rates followed by an additional dollar each after six months.  
2) Increase the following cemetery fees:  
Grave Opening \$600.00  
Cremation \$250.00  
Disinterment \$600.00  
3) Increase per hour labor and equipment rate ie: mowing, sweeper and other equipment with driver, snow removal, etc. to \$150.00 per hour.

All voted aye.

Motion Carried

The Committee also recommended no change in campground rates. Recreation fees were tabled pending receipt of survey results. City staff is to review the Code of Ordinances and list citations that need the Finance Committee's attention.

Code Review Committee Lein referenced the February 9<sup>th</sup> Code Review Committee meeting. The next meeting will be February 22<sup>nd</sup>.

Plaza Board Gosse reported on the February Plaza Board meeting.

- Airport Board Ryan reported on the February Airport Board meeting.
- Mayor Murphy thanked Councilman Ryan for presenting a plaque to Jack Theobald in appreciation for his 24 years of service on the Oelwein Civil Service Board.
- Mayor Murphy reported on a Highway 150 funding request, State funding for shovel ready projects and outside interest being generated in the railroad engine shops.
- Prouty praised City Administrator Kendall reported Jim Prouty, Code Enforcement Officer last week became the first State certified electrical inspector in the City's history.
- Otter Creek Clean-Up Lein reported an Otter Creek Clean-up day is being scheduled for Saturday, June 26. Interested volunteers should contact "People Linked for Environment and Support Efforts" (PLEASE) at [louannsfabrics@hotmail.com](mailto:louannsfabrics@hotmail.com) or call (319) 283 5165.
- Executive Session A motion was made by Gosse, seconded by Brandt to go into Executive Session per Iowa code 21.5c and 21.5j to discuss litigation and real estate.  
Ayes: Brandt, Ryan, Gosse, Lein, Ericson, Jensen  
Nays: None  
Motion Carried
- Return to Regular Session A motion was made by Gosse, seconded by Lein to return to Regular Session.  
Ayes: Brandt, Ryan, Gosse, Lein, Ericson, Jensen  
Nays: None  
Motion Carried
- Adjourn A motion was made by Gosse, seconded by Jensen to adjourn at 8:10 P.M.  
All voted aye.  
Motion Carried

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LARRY MURPHY, MAYOR

ATTEST:

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STEVEN H. KENDALL, CITY ADMINISTRATOR

I, Steven H. Kendall, City Administrator in and for the City of Oelwein, Iowa do hereby certify that the above and foregoing is a true accounting of the Council Proceedings held February 22, 2010 and copy of said proceedings was furnished the Register February 24, 2010.

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STEVEN H. KENDALL, CITY ADMINISTRATOR