

**MINUTES OF MEETING TO DESIGNATE ENGINEER**

Outer Road & 6<sup>th</sup> St NE HMA Improvements

Oelwein, Iowa

January 13, 2020

The City Council of the City of Oelwein, Iowa, met at 6:00 o'clock p.m., on the 13<sup>th</sup> day of January, 2020 at the Oelwein City Hall, in the City, pursuant to the rules of said Council. The meeting was called to order by the Mayor and the roll being called, the following named Council Members were present and absent:

Present: \_\_\_\_\_

Absent: \_\_\_\_\_.

The Council took up and considered the proposed Outer Road & 6<sup>th</sup> St NE HMA Improvements project. It was moved by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_ that the City of Oelwein shall be responsible for the preparation of the assessment documents as directed by City Council. Fayette County is the responsible party to designate engineers in connection with the construction plans and specifications for the project. The City of Oelwein has designated FOX Engineering Associates, Inc. to prepare the assessment documents and may be hereafter referred to as the "Project Engineers." After due consideration thereof, the Mayor put the question on the motion and the roll being called, the following named Council Members voted:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_.

Whereupon, the Mayor declared the said motion duly carried and on motion and vote the meeting adjourned.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Dylan Mulfinger, City Administrator

**MINUTES OF MEETING TO ADOPT  
PRELIMINARY PLANS AND SPECIFICATIONS  
AND SET DATE FOR HEARING ON  
PROPOSED RESOLUTION OF NECESSITY**

Outer Road & 6<sup>th</sup> St NE HMA Improvements

Oelwein, Iowa

January 13, 2020

A meeting of the City Council of the City of Oelwein , Iowa, was held at 6:00 o'clock p.m., at the City Hall, in the City, on January 13, 2020. The Mayor presided and the roll was called, showing Council Members present and absent as follows:

Present: \_\_\_\_\_

Absent: \_\_\_\_\_.

The Council took up the proposed Outer Road & 6th St NE HMA Improvements.

Council Member \_\_\_\_\_ moved the adoption of a resolution pursuant to Section 384.42 of the Code of Iowa. The motion was seconded by Council Member \_\_\_\_\_ and passed with record vote as follows:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_.

The Mayor then declared the resolution adopted, as follows:

**RESOLUTION NO. \_\_\_\_\_**

Preliminary resolution pursuant to Section 384.42 of the Iowa Code covering the Outer Road & 6th St NE HMA Improvements Project

WHEREAS, it is deemed advisable by the City Council of the City of Oelwein, Iowa (the "City") that certain public improvements be constructed in the City in accordance with the provisions of Chapter 384 of the Code of Iowa, and a portion of the cost be assessed to the property benefited thereby; and

WHEREAS, the City has arranged for engineering services in connection with the said improvement;

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

Section 1. The following Outer Road & 6th St NE HMA Improvements be constructed as a single improvement and such improvement shall be located with terminal points as follows:

Beginning at Station 0+00, said station located at the north edge of pavement at the intersection of Charles St and Outer Road within the city limits of City of Oelwein; thence north 2,659 feet along the centerline of Outer Road to Station 26+59, said station located at the intersection of Outer Road and 6<sup>th</sup> St NE; thence 1,098 feet west along the centerline of 6<sup>th</sup> St NE which is the end of the project.

It is considered that the property within the following described boundaries will be specially benefited by this improvement and should be specially assessed:

The limits for assessments shall be that area within the Oelwein City Limits lying within one hundred and fifty feet west of the Outer Road right-of-way between E Charles St and 6<sup>th</sup> St NE, as well as the area one hundred and fifty feet south of the south 6<sup>th</sup> St NE right-of-way for 1,098 feet west of the Outer Road and 6<sup>th</sup> St NE intersection. The assessment area also includes portions of 1334 6<sup>th</sup> St NE and 1338 6<sup>th</sup> St NE properties.

Section 2. The Project Engineers are hereby ordered to prepare preliminary plans and specifications, an estimated total cost of the work. The Project Engineers shall prepare a preliminary plat and schedule and to file the same with the City Clerk.

Section 3. The improvement shall be known as the "Outer Road & 6th St NE HMA Improvements," and shall be so referred to in all subsequent proceedings.

Section 4. All resolutions, parts of resolutions, or actions of the Council in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved January 13, 2020.

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Mayor

Attest:

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Dylan Mulfinger, City Administrator

The City Clerk stated that the Project Engineers had completed and filed the preliminary plat and schedule. The Council reviewed the proposed valuation of each lot within the Oelwein assessment district and confirmed that such valuations should be included on the schedule to be filed.

The City Clerk stated that the Project Engineers had prepared and filed preliminary plans and specifications, and an estimated total cost of the work. The Project Engineers have filed the preliminary plat and schedule, as directed in the preliminary resolution just adopted.

Thereupon, Council Member \_\_\_\_\_ proposed the adoption of the resolution approving preliminary plans and specifications, and preliminary plat and schedule and estimate of cost pertaining to such Project. The motion was seconded by Council Member \_\_\_\_\_ and passed with record vote, as follows:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_.

Whereupon, the Mayor declared the resolution duly adopted, as follows:

**RESOLUTION NO. \_\_\_\_\_**

Resolution Approving and Adopting Preliminary Plans and Specifications,  
Estimate of Cost and Preliminary Plat and Schedule

WHEREAS, the Council of the City of Oelwein, Iowa, has adopted a preliminary resolution pursuant to Section 384.42 of the Code of Iowa, covering the Outer Road & 6th St NE HMA Improvements (the "Project"); and

WHEREAS, in accordance with such preliminary resolution, Fayette County have prepared preliminary plans and specifications, an estimated cost of the work. The Project Engineers have prepared a plat and schedule, and have filed the same with the City Clerk; and

WHEREAS, this Council has determined the valuation of each lot proposed to be assessed for the Project and such valuations are now shown on the schedule, and this Council deems it advisable that the said preliminary plans and specifications, estimated cost of the Project and plat and schedule should be approved;

NOW, THEREFORE, It Is Resolved by the City Council of the City of Oelwein, Iowa:

Section 1. The preliminary plans and specifications referred to in the preamble hereof are hereby approved.

Section 2. The plat, schedule and the valuations as shown thereon and estimate of cost are hereby ratified and approved.

Section 3. This Council proposes to proceed with the Project and a proposed resolution of necessity shall be prepared and hearing held thereon in accordance with the provisions of Sections 384.49, 384.50 and 384.51 of the Code of Iowa.

Section 4. All resolutions, parts of resolutions, or actions of the Council in conflict herewith are hereby repealed.

Passed and approved January 13, 2020.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Dylan Mulfinger, City Administrator

Council Member \_\_\_\_\_ introduced a Proposed Resolution of Necessity covering the Outer Road & 6th St NE HMA Improvements which is set out as follows, and moved that a public hearing be held on the proposed Resolution of Necessity on the 10<sup>th</sup> day of February 2020, at 6:00 o'clock p.m., at the Oelwein City Hall, in the City and that the City Clerk be authorized and directed to give notice of the public hearing by publication and mailing, as required by Section 384.50 of the Code of Iowa, and that the notice be in substantially the form set out in these proceedings. The motion was seconded by Council Member \_\_\_\_\_, and, after due consideration, the Mayor put the question on the motion and, the roll being called, the Council Members named voted as follows:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_.

Whereupon, the Mayor declared the motion carried.

**PROPOSED RESOLUTION OF NECESSITY**

WHEREAS, the City Council of the City of Oelwein, Iowa, has adopted a preliminary resolution in accordance with Section 384.42 of the Code of Iowa, covering the Outer Road & 6th St NE HMA Improvements (the "Project"); and

WHEREAS, pursuant thereto, Fayette County have prepared preliminary plans and specifications, an estimated total cost of the work. The Project Engineers have prepared a plat and schedule, including the valuation of each lot as determined by this Council, and the same have been duly adopted and are now on file with the City Clerk;

NOW, THEREFORE, It Is Resolved by the City Council of the City of Oelwein, Iowa:

Section 1. It is hereby found and determined to be necessary and for the best interest of the City and its inhabitants to proceed with the Project, and to assess a portion of the cost to the property benefited thereby.

Section 2. The following Outer Road & 6th St NE HMA be constructed as a single improvement and such improvement shall be located with terminal points as follows:

Beginning at Station 0+00, said station located at the north edge of pavement at the intersection of Charles St and Outer Road within the city limits of City of Oelwein; thence north 2,659 feet along the centerline of Outer Road to Station 26+59, said station located at the intersection of Outer Road and 6<sup>th</sup> St NE; thence 1,098 feet west along the centerline of 6<sup>th</sup> St NE which is the end of the project.

It is considered that the property within the following described boundaries will be specially benefited by this improvement and should be specially assessed:

The limits for assessments shall be that area within the Oelwein City Limits lying within one hundred and fifty feet west of the Outer Road right-of-way between E Charles St and 6<sup>th</sup> St NE, as well as the area one hundred and fifty feet south of the south 6<sup>th</sup> St NE right-of-way for 1,098 feet west of the Outer Road and 6<sup>th</sup> St NE intersection. The assessment area also includes portions of 1334 6<sup>th</sup> St NE and 1338 6<sup>th</sup> St NE properties.

Section 3. It is hereby found and determined that there are now on file in the office of the City Clerk an estimated total cost of the proposed work and a preliminary plat and schedule showing the amount proposed to be assessed to each lot by reason of the Project.



Section 4. This Council will meet at 6:00 o'clock p.m., on the 10<sup>th</sup> day of February 2020, at the Oelwein City Hall, in the City, at which time and place it will hear the property owners subject to the proposed assessment or assessments and interested parties for or against the Project, its cost, the assessment thereof or the boundaries of the properties to be assessed.

Section 5. Unless a property owner files objections with the City Clerk at the time of the hearing on this resolution of necessity, the property owner shall be deemed to have waived all objections pertaining to the regularity of the proceedings and the legality of using the special assessment procedure.

Section 6. All resolutions, parts of resolutions, or actions of the Council in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved the 10<sup>th</sup> day of February 2020

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Mayor

Attest:

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Dylan Mulfinger, City Administrator

### **NOTICE TO PROPERTY OWNERS**

NOTICE IS GIVEN: That there are now on file for public inspection in the office of the City Clerk of the City of Oelwein, Iowa, a proposed resolution of necessity, an estimate of cost and a plat and schedule showing the amounts proposed to be assessed against each lot and the valuation of each lot within a district approved by the City Council of Oelwein, Iowa, for a roadway improvement, described in general as the Outer Road & 6th St NE HMA Improvements of the type and in the location as follows:

Beginning at Station 0+00, said station located at the north edge of pavement at the intersection of Charles St and Outer Road within the city limits of City of Oelwein; thence north 2,659 feet along the centerline of Outer Road to Station 26+59, said station located at the intersection of Outer Road and 6<sup>th</sup> St NE; thence 1,098 feet west along the centerline of 6<sup>th</sup> St NE which is the end of the project.

It is considered that the property within the following described boundaries will be specially benefited by this improvement and should be specially assessed:

The limits for assessments shall be that area within the Oelwein City Limits lying within one hundred and fifty feet west of the Outer Road right-of-way between E Charles St and 6<sup>th</sup> St NE, as well as the area one hundred and fifty feet south of the south 6<sup>th</sup> St NE right-of-way for 1,098 feet west of the Outer Road and 6<sup>th</sup> St NE intersection. The assessment area also includes portions of 1334 6<sup>th</sup> St NE and 1338 6<sup>th</sup> St NE properties.

The Council will meet at 6:00 o'clock p.m., on the 10<sup>th</sup> day of February 2020, at the Oelwein City Hall, Oelwein, Iowa, at which time the owners of the property subject to assessment for the proposed improvement or any other person having an interest in the matter may appear and be heard for or against the making of the improvement, the boundaries of the district, the cost, the assessment against any lot or the final adoption of a resolution of necessity. A property owner will be deemed to have waived all objections unless at the time of hearing the property owner has filed objections with the City Clerk.

Dylan Mulfinger  
City Administrator

**(The mailed copies of such notice to property owners may have added thereto the following:**

According to the records of the County Auditor, you are the owner of:

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**(Insert Property Description)**

and the proposed assessment against the same is \$\_\_\_\_\_.)

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There being no further business to come before the meeting, it was upon motion adjourned.

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Mayor

Attest:

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Dylan Mulfinger, City Administrator

STATE OF IOWA  
COUNTY OF FAYETTE SS:  
CITY OF OELWEIN

I, the undersigned, City Clerk of the City of Oelwein, Iowa, do certify that the above and foregoing is a true, correct and complete copy of the minutes of a meeting of the Council, held as therein shown, insofar as such minutes pertain to the proposed Outer Road & 6th St NE HMA Improvements, including a true, correct and complete copy of each of the resolutions referred to in said minutes.

WITNESS MY HAND and the seal of the City hereto affixed this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Dylan Mulfinger, City Administrator

(Seal)

STATE OF IOWA  
COUNTY OF FAYETTE SS:  
CITY OF OELWEIN

I, the undersigned, City Clerk of the City of Oelwein, Iowa, certify that in such capacity I have control and access to the corporate records of such City, and from examination of such records and based upon advice received from the Project Engineers and Attorney for the City, I hereby certify that title to the land upon which the Outer Road & 6th St NE HMA Improvements is to be constructed is vested in the City, and that all such improvements are wholly within the corporate limits of the City.

WITNESS MY HAND and the seal of the City hereto affixed this \_\_\_\_ day of \_\_\_\_\_, 2020.

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Dylan Mulfinger, City Administrator

(Seal)

STATE OF IOWA  
COUNTY OF FAYETTE SS:  
CITY OF OELWEIN

I, the undersigned, City Clerk of the Oelwein, Iowa, do certify that on the \_\_\_\_ day of \_\_\_\_\_, 2020, I mailed to each owner of property proposed to be assessed for the Outer Road & 6th St NE HMA , a copy of the notice to property owners in the form attached to this certificate, as set out in the resolution of necessity, covering such improvement project, insofar as the said owners could be determined from the records of the County Auditor's office.

WITNESS MY HAND and the seal of the City hereto affixed this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Dylan Mulfinger, City Adminisrator

(Seal)

**(Attach a copy of the notice to property owners as mailed.)**

**(PLEASE NOTE: Do not date and return this certificate until you have received the publisher's affidavit, but please return all other completed pages to us as soon as they are available.)**

STATE OF IOWA  
COUNTY OF FAYETTE SS:  
CITY OF OELWEIN

I, the undersigned, City Clerk of the City of Oelwein, Iowa, do certify that the notice to property owners, of which the printed slip attached to the publisher's original affidavit hereto attached is a true and complete copy, was published on the dates and in the newspaper specified in such affidavit, and that such newspaper has a general circulation in the City.

WITNESS MY HAND and the seal of the said City hereto affixed this \_\_\_ day of \_\_\_\_\_, 2020.

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Dylan Mulfinger, City Administrator

(Seal)

**(Attach hereto publisher's original affidavit of publication of notice to property owners with a clipping of the notice as published attached.)**