



To: Mayor and City Council
From: Dylan Mulfinger
Subject: 500 Block NE Flooding
Date: 11/24/2025

The city has routinely denied requests from Ted Malget to address flooding issues on the creek within the 500 block of northeast Oelwein. While there are several reasons that will be discussed, the main reason is funding and city resources.

In September of 2025 Ted Malget elevated his request to a local attorney. The local attorney encouraged the city to meet with the neighborhood. While the city does not require an attorney to become involved to discuss neighborhood issues, the City Administrator recognizes potential litigation needs to be addressed before both parties lose money.

The City Administrator set up a meeting with Malget and his neighborhood at 5:00 PM on October 13. This allowed more time than public comment and provided a format for discussion. The Mayor and Public Works Director were in attendance along with the City Administrator. The meeting was productive, and the neighborhood expressed the following frustrations:

- The creek floods and damages 519 5th St. NE
- The creek is eroding into itself taking away property from the adjacent property owners
- The creek edge is difficult to maintain and encourages weed growth
- The culvert under 5th ST NE contains sediment

The issue with the October 13 meeting is that the City Administrator failed to provide notice to the city council. The City Administrator believed the issue had not risen to a level where the city council was needed, but when the city council walked into the meeting because it took place before a city council meeting, most were concerned they were not notified of the meeting. While the City Administrator has kept the city council updated on the issues raised by Ted Malget, the City Administrator did not notify the city council of the meeting.

After the meeting, the City Administrator contacted Marie Amundson from MSA the Water Resources Project Manager for MSA . Marie stated that according to the modeling they completed for the Dry Run Creek Flooding Project, flooding issues on the 500 block could be reduced. The reason for the reduction is because Dry Run Creek would not be overcome with water from the northeast. The creek on the 500 block could then properly drain into Dry Run Creek. The City Administrator recognizes that this is modeling, and that more research is needed to provide a definitive answer. The city council can direct staff to request a quote from MSA a study on the 500 block's creek to see what will happen during a heavy rain/flooding event.

The City Public Works Director contacted Fehr Graham and discussed the idea of cleaning up the creek and creating a creek bed that is more manageable for property owners. Fehr Graham said the city could have to involve the Iowa Department of Natural Resources (IDNR). In internal discussions at the city, it



was determined that the city does not have the best equipment for the work and that a contractor would need to be hired. While the city could do the work, the city may take over a month for the project rather than a week for a contractor.

The City Administrator must point out that funding for flooding or stormwater issues does not exist. The city traditionally uses franchise fees or local option sales tax for these projects. Recently the city used \$15,000 from franchise fee to match the \$85,000 Building Resilient Infrastructure Communities federal grant. The city would need to seek grant funding for this project or pause some equipment for projects in the franchise fees or local option sales tax fund. The city council will have to determine the priority of this project.

The November 24 work session at 6:30 allows the neighborhood and city council to discuss the issue. This meeting is a time for all city council members to ask questions and talk directly to the residents. Once this meeting concludes, the city council can decide on the priority of this issue and direct staff as needed. The City Administrator will recommend that the City Council wait for the Dry Run Creek Flooding Project to come to fruition before any work is done on the 500-block creek. While this will not satisfy any of the requests from the neighborhood, the city is not in place to address their issues.

Attached are the presentations from the October 13 meeting provided by Ted Malget.

Pictures of storm drainage ditch Ward 1

- 1) Flooded drainage ditch viewed from
520 6th St. N.E.**
- 2) Normal dry conditions of `N.E. to 6th St.
N.E.**
- 3) Copy of drainage ditch / path
configuration from Beacon Schneider
web site.**

Flooded drainage ditch 520 6th St.N.E.



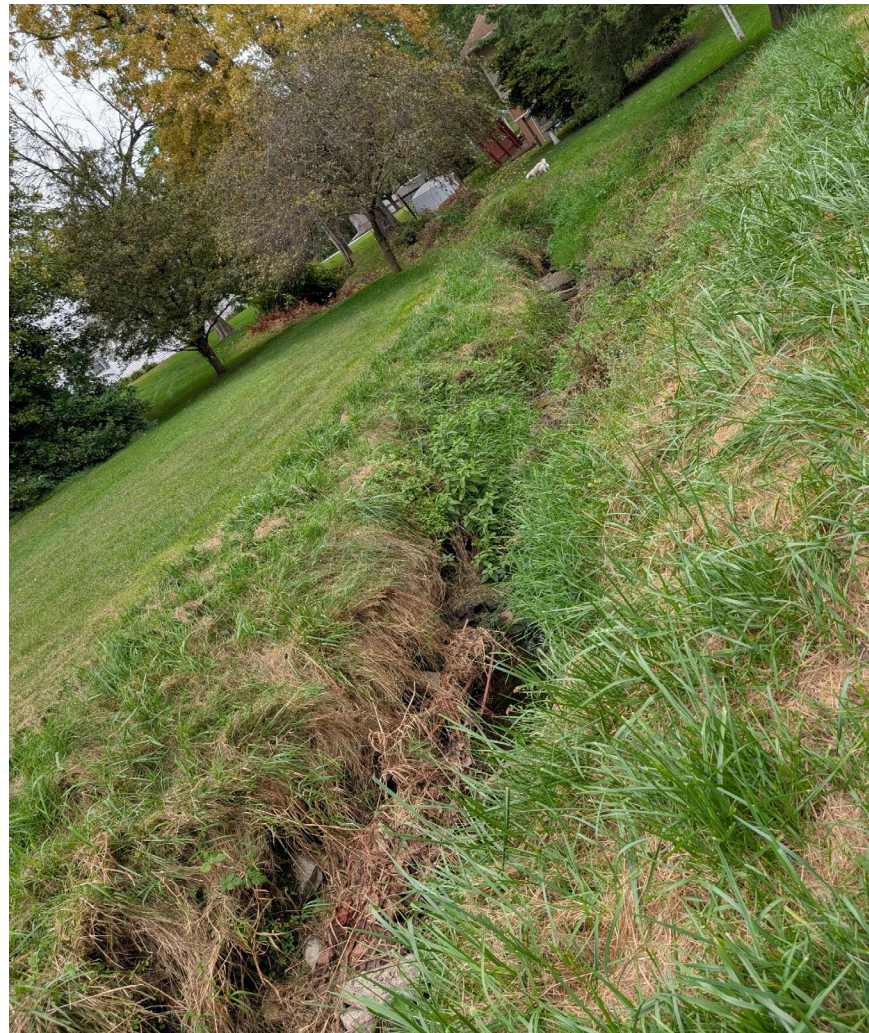
Erosion



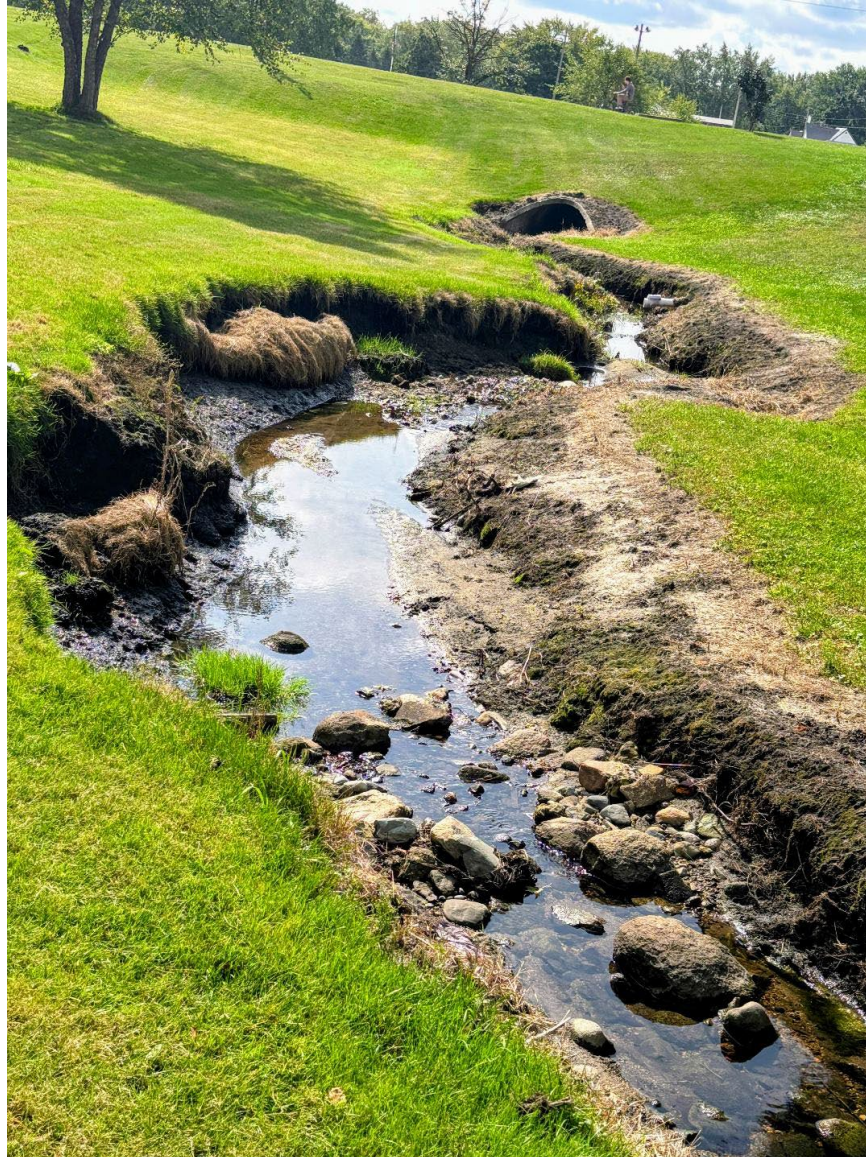
Erosion South End



Erosion South



Erosion South



Erosion north



Erosion North



Erosion North



Beacon Schneider path of ditch



Beacon Schneider Path of Drainage Ditch



Items of Concern

- 1. Continued Damage to Property Value**
- 2. Further Erosion**
- 3. Having an Inlet and Outlet Tube of Appropriate size.**
- 4. Discontinue use of private property as a holding dam.**
- 5. Establish holding dam in Wings Park**
- 6. Compliance with Iowa Code 468.621**

Iowa Code 468.621

- 468.621 Drainage in course of natural drainage — reconstruction — damages. Owners of land may drain the land in the general course of natural drainage by constructing or reconstructing open or covered drains, discharging the drains in any natural watercourse or depression so the water will be carried into some other natural watercourse, and if the drainage is wholly upon the owner's land the **owner is not liable in damages for the drainage unless it increases the quantity of water or changes the manner of discharge on the land of another.** An owner in constructing a replacement drain, wholly on the owner's land, and in the exercise of due care, is not liable in damages to another if a previously constructed drain on the owner's own land is rendered inoperative or less efficient by the new drain, unless in violation of the terms of a written contract. This section does not affect the rights or liabilities of proprietors in respect to running streams. [S13, §1989-a53; C24, 27, 31, 35, 39, §7736; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81,

Flooding Photos

5th St NE
Wings Park



Looking
S.W. to
ball
diamond.



5th St NE
Manhole
Floating



5th St NE



Bush's
backyard



Bush's
back yard



Middle of Creek



5th St NE



Kenneth
Herrman
home east
side
looking
west



East side
of
Herman's
home



Herman Home Close Up





October 13 Neighborhood Meeting
20 Second Avenue SW, Oelwein
October 13, 2025 - 5:00 PM

Present: Larry Simpson, Donald Bush, Rose Smock, Christopher Jensen, Ted Malget, Marilyn Bennett, Jens Neilsen, Kenneth Herman

Also Present: Mayor DeVore, City Administrator Mulfinger, Public Works Director Herb Doudney

Absent: NA

