

Resolution No. _____-2026

RESOLUTION FIXING THE AMOUNT TO BE ASSESSED FOR NUISANCE ABATEMENT, APPROVING THE SPECIAL ASSESSMENT SCHEDULE, AND DIRECTING THE CLERK TO PUBLISH, MAIL, AND FILE THE ASSESSMENT SCHEDULE ALL IN ACCORDANCE WITH CHAPTER 384 OF THE IOWA CODE.

WHEREAS, pursuant to its powers and duties as set out in Chapter 364, Code of Iowa and Chapters 15 and 22 of the City Code, the City has incurred expenses for the abatement of a public nuisance, including actual costs of abatement, and

WHEREAS, Curt Kass, owner of 16 2nd Street SW, Oelwein, IA 50622, ("Property") was ordered by the City Building Official / Zoning Administrator to abate the nuisance conditions at the Property" by way of "Notice: Unsafe Structure – Action Required" ("Notice") dated May 23, 2025, and

WHEREAS, Curt Kass did not take action to abate any of the violations or conditions ordered to be abated by the Notice, nor did Curt Kass appeal the Notice, said appeal rights being explained in the Notice, and

WHEREAS, the City applied for and received an Administrative Search Warrant ("Warrant") on September 30, 2025, permitting the City to enter upon the Property for purposes of abating those nuisance violations identified by the Notice that existed on the Property, outside the structure on the Property, and

WHEREAS, the City, using City staff and equipment, entered upon the Kass Property on October 10, 2025, as permitted by City Code and as authorized by the Warrant and took action consistent with the Notice and Warrant to abate the nuisance conditions determined to exist on the Property, and

WHEREAS, the City invoiced Kass for the costs of abatement in the amount of \$1,970.90 by invoice dated 10/20/2025, same having a due date of 11/19/2025, with the City Clerk informing the Council that no payments have been received in payment of the Invoice to date.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OELWEIN, IOWA, as follows:

Section 1. The Council hereby fixes the amount to be assessed against the property located at 16 2nd Street SW, Oelwein, IA 50622, owned by Curt Kass, at \$1,970.90, representing the actual expenses of nuisance abatement at said property.

Section 2. The Council hereby approves the Special Assessment Schedule attached hereto, finding that the total amount specially assessed may be paid by the owner in not to exceed two (2) equal installments, with unpaid sums to accrue interest at the rate of seven percent (7%).

Section 3. The Clerk is directed to certify the final schedule, as attached hereto, to the County Treasurer and to publish notice of the schedule once each week for two consecutive weeks as provided in Section 362.3 Iowa Code, with the first publication to be filed no more than fifteen days from the date of filing the final schedule with the Treasurer.

Section 4. The Clerk is further directed to mail the property owner a copy of the notice of the schedule. The notice shall also include a statement in substance that assessments may be paid in full or in part without interest within thirty days after the date of the first notice of the final assessment schedule, and thereafter all unpaid special assessments bear interest at 7% as specified by the Council, computed and considered delinquent on said dates as determined in consultation with the Fayette County Treasurer, consistent with Iowa Code §384.65(3), with delinquent installments to draw the same delinquent interest as ordinary taxes. The notice shall also state that the property owner may elect to pay any installment semiannually in advance.

Section 5: This Resolution shall reaffirm Resolution 5856-2026 approved by the City Council on January 26, 2026 and shall be effective upon its passage and approval as provided by law.

PASSED AND APPROVED this 28th day of September, 2026.

Brett DeVore, Mayor

ATTEST:

Dylan Mulfinger, City Administrator

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

AYES NAYS ABSENT ABSTAIN

Weber

Payne

Cantrell

Cannon

Gearhart

Ricchio