



# Minutes

City Council Meeting  
20 Second Avenue SW, Oelwein  
February 27, 2023 - 6:00 PM

## Pledge of Allegiance

## Call to Order

Mayor DeVore called the meeting to order at 6:00 PM.

**Roll Call**      **Present:**      Lenz, Garrigus, Seeders, Payne, Stewart, Weber  
                         **Also Present:**      DeVore, Mulfinger, Rigdon, City Attorney Daniel Morgan  
                         **Absent:**              NA

## Additions or Deletions

A motion was made by Weber, seconded by Lenz to adopt the agenda as presented.

All aye.              Motion carried.

## Citizens Public Comments

The follow 3 individuals spoke in favor of keeping the FBO position:

Matt Derifeld	410 3 <sup>rd</sup> Ave NW, Oelwein, IA
Ken Woodraska	1215 2 <sup>nd</sup> St NE, Oelwein, IA
Kyle Rich	14500 X Ave, Sumner, IA

Greg Bryan, 1302 Outer Road, Oelwein, stated he has been a member on the Airport Board for 17 years. He stated he made his decision solely on fiscal responsibility. The Airport Board advises Council on what they believe is best for the airport.

John Bagge, 2029 170<sup>th</sup> St. Independence, IA, stated he will not present his personal beliefs to Council and represent all the people of the airport.

George Tegeler, 21193 Grape Road, Elkader IA, stated he has documentation to assist in answering questions from Council regarding current issues. Mayor DeVore told him that can be available if council asks during the resolution discussion of item #5.

## Consent Agenda

1. Consideration of a motion to approve the February 13, 2023 minutes.
2. Claims Resolution in the amount of \$656,482.65
3. Consideration of a motion approving the Class C Retail License for Clete and Connie's.

A motion was made by Weber, seconded by Lenz to approve the consent agenda.

All aye.              Motion carried.

## Public Hearing

4. Public Hearing for the sale of 815 4th Ave SW at the Oelwein Council Chambers on February 27, 2023 at 6:00 PM.

Mayor DeVore opened the public hearing.

No verbal or written comments were received.

Mayor DeVore closed the public hearing.

## Resolutions

5. Consideration of a resolution approving the Removal of Airport Board Member, Greg Bryan, from the Oelwein Municipal Airport Board.

Mayor DeVore shared his time line of happenings regarding the placement of a GPS tracker device. George Tegeler answered questions from Council. Greg Bryan answered questions from council. Council discussed terminal access for members of the public versus Airport Board members.

A motion was made by Seeders to approve the removal of Airport Board member, Greg Bryan, from the Oelwein Municipal Airport Board. Additional discussion and clarification took place. Weber seconded the motion.

Ayes: Seeders, Payne, Weber

Nays: Lenz, Garrigus, Stewart  
vote.

Motion failed due to tie

*At the March 13, 2023, council meeting, the Feb. 27, 2023 minutes listed in the consent agenda items were not approved. At the request of Councilman Weber, the Feb. 27, 2023, council minutes for agenda item #5 are to be amended to include a detail accounting of the discussion that took place. Attachment A is a transcribed version of the discussion by City Clerk Rigdon. Attachment A can also be found at:  
<https://www.cityofuelwein.org/citycouncil/page/city-council-meeting-85>*

6. Consideration of a resolution Entering into a Development Agreement with Oelwein Event Center.

A motion was made by Weber, seconded by Garrigus to adopt Resolution No. 5392-2023.

Ayes: Lenz, Garrigus, Seeders, Payne, Stewart, Weber

Nays: NA

Motion carried.

7. Consideration of a resolution approving Easements with Interstate Power and Light Company on city owned property City Park.

A motion was made by Weber, seconded by Lenz to adopt Resolution No. 5393-2023.

Ayes: Lenz, Garrigus, Seeders, Payne, Stewart, Weber

Nays: NA

Motion carried.

8. Consideration of a resolution for the sale of 815 4th Ave SW to Joseph and Ann Steggall in the amount of \$6,600.00.

A motion was made by Weber, seconded by Payne to adopt Resolution No. 5394-2023.

Ayes: Lenz, Garrigus, Seeders, Payne, Stewart, Weber

Nays: NA

Motion carried.

9. Consideration of a resolution approving 2023 Housing Tax Abatement Applications.

A motion was made by Seeders, seconded by Lenz to adopt Resolution No. 5395-2023.

Ayes: Lenz, Garrigus, Seeders, Payne, Stewart, Weber

Nays: NA

Motion carried.

### **Motions**

10. Consideration of a motion moving forward with the recommendation from the Airport Board to eliminate funding the Fixed Based Operator Position at the Oelwein Municipal Airport.

A motion was made by Garrigus.

Died for lack of a second.

Mulfinger asked Council if they would like a work session to finish airport discussion. No response took place.

11. Consideration of motion to set a Public Hearing for Fiscal Year 2024 Budget on March 13, 2023 at 6:00 PM in the Oelwein City Council Chambers.

A motion was made by Stewart, seconded by Garrigus to set a Public Hearing for Fiscal Year 2024 Budget on March 13, 2023 at 6:00 PM in the Oelwein City Council Chambers.

All aye.

Motion carried.

12. Consideration of a motion to set a Public Hearing to review an application for a State Revolving Fund (SRF) loan and to make available to the public the contents of an environmental information document and the City's Reed Bed Expansion project plan at 6:00 PM on April 13, 2023 in the Oelwein Council Chambers.

A motion was made by Garrigus to set a Public Hearing to review an application for a State Revolving Fund (SRF) loan and to make available to the public the contents of an environmental information document and the City's Reed Bed Expansion project plan at 6:00 PM on April 13, 2023 in the Oelwein Council Chambers.

The motion was amended to change the date by Garrigus to set a Public Hearing to review an application for a State Revolving Fund (SRF) loan and to make available to the public the contents of an environmental information document and the City's Reed Bed Expansion project plan at 6:00 PM on April 10, 2023 in the Oelwein Council Chambers. The motion was seconded by Weber.

All aye.

Motion carried.

### **Committee Reports**

13. Report from Payne on the Library Board meeting.

Full minutes can be found at <https://www.oelwein.lib.ia.us/about/library-board>

14. Report from Stewart on the Airport Board minutes.

Full minutes can be found at <https://www.cityofelweil.org/meetings>

**City Attorney's Report**

City Attorney Morgan from Lynch Dallas stated legal staff is busy coordinating with city departments, but Doug Herman is the city's main point of contact.

**Adjournment**

A motion was made by Stewart, seconded by Garrigus 6:52 PM. All aye. Motion carried.

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Brett DeVore, Mayor

ATTEST:

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Dylan Mulfinger, City Administrator

I, Dylan Mulfinger, 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 27, 2023 and copy of said proceedings was furnished to the Register March 3, 2023.

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Dylan Mulfinger, City Administrator

Attachment A  
February 27, 2023, Council Meeting

Agenda Item #5 - Amended minutes to add more detail regarding GPS tracking device conversation at the 2-27-23 council meeting per request of Councilman Weber transcribed by Clerk Rigdon.

Mayor DeVore shared his timeline of happenings that led up to the information regarding the placement of the GPS tracker device.

Mayor DeVore: ...On the 13<sup>th</sup> of Feb. I received a phone call from the FBO that there was a device found at the airport terminal attached to a door. He had already called Dylan to talk to him about it. On my drive out there, I talked to the Chief Logan who said I needed to call the Sheriff's Department, it is outside of the city's jurisdiction. The last picture is actually where the device was found by George. He showed me that it was at the bottom rail of the garage door. Underneath the rail, so it wasn't readily visible. We called the Sheriff's Department and deputy came down, took the device. It had a serial number on it. He was going to do an investigation, look at issuing a subpoena to find out who it belonged to. So, we could get to the bottom of this. I was out at the airport Board meeting Feb. 15<sup>th</sup> and shared this information finding this device and the Sheriff's Dept. has it now doing an investigation. At that point, Greg Bryan said I can save you time, it is mine. I put it there. I want it back. I did nothing wrong. Contrary to that opinion, I believe that actually overstepped the bounds of any board member, or even any Council member, to do something like this. It was not authorized by the city Airport Manager, which is Dylan, AKA the City Administrator. No one at the city knew this. I've had conversations with the Sheriff's Department and the deputy asked if we wanted to press charges. I told them at this point, no, we're trying to resolve this internally and in my opinion that was not a decision I should be making referred to Dylan and the city attorney. I will tell you; I did ask the deputy what charges they were looking at. Because I frankly thought it would have been from the Iowa code the unauthorized placement of the GPS. The deputy said we would be looking at burglary and trespass. Because it was placed in a location that is not open to the public. It's the action of this that is unacceptable to place a tracking device on city property without authorization. It is no different than if somebody went down to the shop and put a tracking device on a snowplow or went out to the Parks Department and put a tracking device on a lawn mower. That is why I called this. Do you guys have questions?

Councilman Garrigus: Putting a tracking device on a garage door is way different than putting it on a vehicle that moves.

Mayor DeVore: My concern is it's on the garage door that George uses regularly. I did get a phone call and was told that it was to track the speed of the door to be compared to the speed of the door at the fire department. I will leave it at that. Any questions that you guys have from the timeline?

Councilman Weber: So that was the reason?

Councilman Garrigus: What that tracker is doing is that it'll actually track the speed of whatever it's on.

Councilman Weber: Why would it only been put on George's

Councilman Garrigus: Cause that door I put it on that do..., I had it on the door in order to have the time of the door opening vs those have got a high-speed operators on them, regular operator about half the speed

Mayor DeVore: Ok, so now you're backtrack on what you just said. So, you placed it on the door?

Councilman Garrigus: No

Council woman Seeders: You said you did

Mayor DeVore: You just said you did.

Councilman Garrigus: No, I said I was checking on the data.

Mayor DeVore: We'll check the recording on that cause that's not what I heard.

Unidentified misc. statements yah, ok, yeah you can

Mayor DeVore: Any other questions? Lynda, it looks like you have a question.

Council woman Payne: No.

Councilman Stewart: What does the City Administrator recommend?

Mayor DeVore: On pressing charges, we are waiting until after tonight's meeting because the Deputy is calling tomorrow. The Sherriff wants to know id we want to proceed with charges. I don't want to press charges. I think it is overkill in my opinion.

Council woman Payne: Yeah, I don't. I can't be behind pressing charges on this.

Mayor DeVore: I think if we vote to remove, that ends it right there. I don't know anybody else's thoughts are.

Council woman Payne: Well, I don't like the action we're having to take, or I guess being forced to take. Um. I think many of you know my feelings on drones and a lot of these other tracking type devices. The fact that the Airport manager wasn't notified of it. I don't know that all of the airport board knew about it. UM. I can't condone that action. Or prove that action, whatever.

Mayor DeVore: Any other comments or questions?

Councilman Weber: It's just interesting to hear the reason. From all the reports that we've read, it's interesting to hear that's the final determination, was just to track the door speed.

Mayor DeVore: Well that's what I was told on the phone.

Council woman Seeders: But really, the reason doesn't matter because it was illegal as the sheriff's stating right. OK. So, at that point, I'm willing to. Make a motion. Make a motion to remove Airport Board member Greg Bryan from the Oelwein Airport Board.

Mayor DeVore: OK, Karen has made the motion, do I have a second.

Councilman Weber: I'd just like to have you know this is one of those situations that to be even discussing this right now is disheartening. From all the things that have happened out at the airport and I get there's drama being created out there from second hand accounts having been there first hand, it was disappointing to see this. And not have any of the other board members were aware this was happening, correct?

Mayor DeVore: Or at least two. Two board members here.

Councilman Stuart: I guess I don't understand what this device is.

Mayor DeVore: GPS tracker on the door.

Councilman Stuart: On the door. Just the door. So, it tracks the door.

Councilman Lenz: No pictures or nothing like that?

Mayor DeVore: The door that is frequently used by the FBO.

City Attorney Morgan: The council can ask questions limited to specific questions from the council to an audience member.

Council woman Seeders: So are we able to say is there anything you'd like to add George or anything you missed?

City Attorney Morgan: You do not have to as an appointee he can be removed as you guys are talking about today. If at the request, Mr. Bryan can request a public hearing later after the removal, which to justify and or explain actions, but in terms of asking more details tonight, you do not have to, but you may.

Mayor DeVore: You do not have. To as an appointee, it can be removed. As you guys. Are talking about today. If at the request, Mr. Brian can request a public hearing later after the removal, which to justify and or explain actions, but in terms of asking more details tonight, you do not have to, but you may.

City Attorney Morgan: If you decide that would help you make a more informed decision tonight. That is up to the Council discretion, yes.

Councilman Weber: I would say if there's more pertinent information, I would like to hear it. Like it has to be specific details, of what? What other justification there is for this decision? It's not an easy decision to remove somebody who's been the board president for 17 years.

Pam Tegeler: He hasn't been president for 17 years.

Councilman Weber: Then on the board. Excuse me, I'd stand corrected on that. So I would like to hear specific information

City Attorney Morgan: Does the Council want to place the time limitation?

Mayor DeVore: I'll leave that up to you guys, all right.

Councilman Weber: I don't have a time limitation. If it's all pertinent details, I think we're privy to hear it.

George Tegeler FBO: Well, if I get anything that you feel is not pertinent, please let me know. Don't let me carry on. This has started way before this tracker was placed. Greg and Dave have been together coming out to the airport. One particular time they were taking pictures. They've been out watching, just seeing what's going on. Three times since the issue on the tractor when we were using it, Dave has been out there one time. He was parked on the county blacktop to the West of the airport so he could see what was going on at the ramp. Then he came onto the airport. Park, where he shouldn't be. And I told him so. Again, he was just seeing what's going on. This morning he was trespassing in Vic Miller's yard. He was parked there facing the airport.

Councilman Garrigus: Wait a minute now, I have permission on that.

George Tegeler FBO: Not from Vic.

Pam Tegeler: We called Vic

Councilman Garrigus: So did I. Stop. A week ago, I been tracking a deer out there and he knows for a fact.

George Tegeler FBO: I called him this morning.

Councilman Garrigus: Yeah, I know you called him. I talked to him.

George Tegeler FBO: And he said he didn't know who you were. And he said you did not have permission to be there. And why are you worried about a deer.

Mayor DeVore: We're, we're getting off track here.

Councilman Stewart: We talking about a tracker. We need to get there, to the tracker.

George Tegeler FBO: OK. Let me get to it. OK. Greg did admit to placing it there. Now whether you did it or Greg did it, I don't know. The thing is registered to Greg. The brand name on it is "spy spot". It was put on the door. Yeah, you can say it was put on there to see how fast the door goes. I think everybody knows the legitimacy of that. It's put on the door I feel, so they can see when I come and go. To see if I'm doing my job. And yes, nobody knew about it until I saw it there. I think I saw it the 1<sup>st</sup> time, but I don't know how long it was there prior. It's Iowa code that is against this. Um, I can't go there because that's not pertinent.

Pam Tegeler: A Day after our security cameras.

George Tegeler FBO: I'm afraid that's not pertinent.

Pam Tegeler: The day after our security

City Administrator Mulfinger: We're talking to George at this time.

George Tegeler FBO: I'm assuming that's not pertinent.



City Administrator Mulfinger: It is not.

Mayor DeVore: Not really pertinent. No.

George Tegeler FBO: OK, OK. I don't want to go where I shouldn't. And yes, at that meeting, Greg said that it is his. So that's admitting that he let himself in to areas that he is not authorized to be. He put it there. It was against the law. And he said he wanted it back. Which means that he was there again to find out why it wasn't working. And found that it wasn't there. Well, the deputy had it already.

Mayor DeVore: Well, say that's making a leap.

Councilman Stewart: Brett had said at the meeting that he turned it over to the Sherriff. Then Greg made the comment...

George Tegeler FBO: Well, I had turned it over to the Sherriff.

Councilman Stewart: Oh, OK

Mayor DeVore: Yeah, we talked about that. But yeah, I think it's making a leap to say that he came back to see it. So, I don't think we can really...

George Tegeler: I don't know how else he would know that he wants it back.

Mayor DeVore: Because I made the comment that it was found. At the airport. Board meeting.

Councilman Lenz: Didn't he say out there at the meeting that he got back because it was retrieved by the Sheriff's Office.

George Tegeler FBO: I called the sheriff. They came down. I showed them everything about it.

Councilman Lenz: Correct

George Tegeler FBO: They asked if they could take it and I said yes, and I've got a receipt for evidence. That's how they wrote it up. So, they still have it. Not yet, we're waiting to see, I guess where things go from there. Um, I've got a whole lot more, but I guess its...

Mayor DeVore: It's not, it's not rele...

City Attorney Morgan: Ask if council has specific questions.

Mayor DeVore: Do you guys have any specific questions for George?

Greg Bryan: Is there any point that I'll have an opportunity to speak on this issue?

City Attorney Morgan: If Council calls upon you, yes.

Councilman Lenz: So, they retrieved the camera. Was there anything on that camera or spyware?

Mayor DeVore: Well, it was not a camera. It's just

Councilman Lenz: Was there anything on there that shouldn't have been on there?

George Tegeler FBO: It's not something that would do that. It had three lights. One was GPS, one was power, and one said cell. So, the cell light was lit up. Which means when that thing would move. It would ping somebody's cell phone to say that it moved.

Councilman Garrigus: How would that have anything to do with you coming and going from work? Do you park your car in that shop or what?

George Tegeler FBO: I do sometimes, yes.

Councilman Garrigus: That's it.

Councilman Weber: Information was going to somebody's cell phone?

Unknown speaker: yes

Councilman Weber: So, whose cell phone wasn't going to?

Mayor DeVore: I think we can, if we want to ask Greg questions, we can bring him up and ask him questions. Are we done with asking George questions.

Councilman Weber: I think for now

Mayor DeVore: I think for now, Thank you.

Mayor DeVore: Anybody have direct question for Greg?

Council woman Seeders: Was the signal going to your cell phone?

Greg Bryan: Yes, it is. I've got a couple of these devices. Their perfectly legal though.

Council Woman Seeders: Hey listen, I'm sorry. Thank you. You did answer my question and that's what we needed from you? I don't, I don't have any additional questions for him?

Councilman Weber: OK, so Greg is your reasoning the same as what Councilman Garrigus said that this was put on there for tracking a door.

Greg Bryan: It was put on there to track the door. Tracking the movement of the door.

Council woman Seeders: For what purpose?

Greg Bryan: Just for my own information.

Council Woman: For what purpose?

Greg Bryan: I didn't have any intentions of using this data that I got.

Council woman Seeders: But what was your intention?

Greg Bryan: Just to know how often the door was opened and closed? How it was being used.

Council woman Seeders: How would that apply to your position on the board?

Greg Bryan: I was just curious.

Mayor DeVore: OK, so with that being curious would, was there a reason that you did not talk to anybody about putting that on before you put it on?

Greg Bryan: I didn't think it was that big of a deal.

Mayor DeVore: OK.

Greg Bryan: The area I went in, it's open to the public. It's not locked. No signs that say...

Mayor DeVore: That my understanding is to get into that garage, you need to access it from the side door or you need to go through the utility room.

Greg Bryan: No. No. I came right in through the terminal buil...

Mayor DeVore: Terminal building, but then you have to go through like a utility room to get the garage.

Greg Bryan: Right. And I've been in the utility room for several, ah multiple times for different reasons. I've been into the same room where the tractor is kept. I've looked. I've climbed up in the tractor and turned the key on and check the hours in it. All these things because as a board member I'd like just to be informed on what's going on out there.

Mayor DeVore: OK.

Greg Bryan: And this was an extension of that.

Mayor DeVore: All right. Any other questions?

Council woman Seeders: Hey, I have a follow up question for George.

Mayor DeVore: OK

Council Woman Seeders: The areas that were just mentioned are those open to the public, in your opinion.

George Tegeler FBO: No. No. General public coming into the airport, whether they would drive in or fly in, they would have no business there.

Council woman Seeders: Do other board members frequent those areas, though?

George Tegeler FBO: I don't think anybody else would without asking me to go with them or to ...

Councilman Lenz: Is there any reason that you can't go in there? Is it marked or is it not open?

George Tegeler FBO: It's not labeled. Nobody ev... We've never had purpose to try to restrict anything. Everything has been...

Councilman Lenz: I mean, so basically, I'm trying to say everything out there is into the openness.

Pam Tegeler: No, there's a keypad.

Goerge Tegeler FBO: Well, there's a keypad to get into the door that...

Councilman Lenz: Only you have

George Tegeler FBO: Pilots know how to get into that door.

Mayor DeVore: Correct me if I'm wrong but that is to get into the terminal building.

George Tegeler: That is to be able to get into the pilot lounge and restroom, the first restroom area of the terminal. So that any pilot can see I have a sign there that explains how to get into it. Pilots know what it means.

Pam Tegeler: That's the first.

George Tegeler: General people don't. That is the first door. That is public use. After that...

Pam Tegeler: It's private.

George Tegeler: there is the room that we have our meetings in. I guess that is public use if the door is open, but the utility area, the garage area, my office, absolutely not public use.

Mayor DeVore: Anybody else have any questions for either George or Greg?

Long pause.

Mayor DeVore: OK, Thanks Greg.

Councilman Garrigus: Thank you.

Mayor DeVore: OK, so there's a motion on the floor by Karen. Does anybody second it?

Very long pause.

Councilman Weber: I think, I just think there needs to be, there needs to be what are the consequences to a volunteer position?

Councilman Garrigus: Yeah, exactly.

Councilman Weber: But I mean there, there are, I mean, even for volunteers, OK, in other areas. If you're going in somebody's private area, a rented hangar, or this one. There's no reason for you to be in there, at all. Unless, you know, it's an emergency of which obviously falls under different criteria. But otherwise you don't have the right to go into somebody...It would be like somebody coming into my house. You don't have the right to do that.

Council woman Seeders: Sounds like from Greg's own words. That's something that he, he at least goes into these areas fairly often looking at the tractors and things like that.

Councilman Weber: OK just, just for that reason, I'm going to second, the motion.

Mayor Brett: OK, so Karen made the motion, Matt seconded. Any further discussion? OK. Roll call please.

City Clerk Rigdon:

Seeders: yes.

Payne: yes

Stewart: No

Weber: Yes

Lenz: No

Garrigus: No

City Clerk Rigdon: Tie vote.

City Administrator: Resolution fails.

Mayor DeVore: Alright, Thanks everybody.