



Agenda

City Council Work Session

Oelwein City Hall, 20 Second Avenue SW, Oelwein, Iowa

5:15 PM

December 13, 2021

Oelwein, Iowa

Mayor: Brett DeVore

Mayor Pro Tem: Warren Fisk

Council Members: Matt Weber, Renee Cantrell, Tom Stewart, Lynda Payne, Karen Seeders

Pledge of Allegiance

Discussions

- [1.](#) Discussion on Public Safety Code
- [2.](#) Discussion on Snow Removal
- [3.](#) Discussion on Water Mains

Adjournment

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 319-283-5440

SECTION 3-5. POLICE ~~AND FIRE~~ DEPARTMENTS - - CIVIL SERVICE.

The provisions of chapter 400 of the Code of Iowa, are adopted establishing civil service for ~~the paid fire department and~~ paid police department of the city. (Ord. No. 393, Section 1, 1-14-63.)

SECTION 3-6. SAME - - EMPLOYEE QUALIFICATIONS.

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4. The person has attempted a deception or fraud in connection with a civil service examination. The person shall become a resident of the State of Iowa at the time employment begins and shall remain a resident of the State during employment. The maximum age for a police officer ~~or fire fighter~~ qualifying under civil service, Chapter 400 of the code of Iowa, is 65 years of age. However, no person shall be appointed, promoted, discharged or demoted to or from a civil service position, or in any other way favored or discriminated against because of political or religious opinions or affiliations, race, national origin, sex or age. (Ord. No. 998, 09-24-2001.)

SECTION 3-73. DUTIES.

The city administrator is the chief administrative officer of the city and the duties shall be as follows:

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8. The administrator shall have power to fix the compensation to be paid all City employees, subject to the approval of the City Council. The administrator shall have the power to employ, reclassify, or discharge all department heads of the city (except police and fire department heads), subject to the approval of the city council. The chiefs of police and fire departments shall be appointed and discharged by the Mayor, upon the recommendation of the city administrator and approval of the city council. The chiefs of the police and fire departments shall be directly responsible to the city administrator for the effective administration of the respective departments and all activities assigned thereto. In exercising the powers granted in this sub-section, the city administrator shall be subject to the provisions of the Soldier's Preference Law and Civil Service Law. (Ord. No. 931, 01-13-1997.)

ARTICLE I
FIRE DEPARTMENT

SECTION 5-2. PUBLIC SAFETY CHIEF.

The police chief will serve as the Public Safety Chief. The Public Safety Chief will serve as the department head of the fire department. The Public Safety Chief, as it relates to the operations of the fire department, is responsible for administrative duties, fire protection, and emergency services. These duties may include technical, administrative, management, investigative, fire prevention, interacting with public, supervision of subordinate employees/volunteers and such other duties and responsibilities as necessary, required, or directed by the city administrator or his/her designee. The Public Safety Chief plans, organizes, directs, and manages overall operations of the police and fire departments. Additionally, this position adjusts departmental methods and service delivery protocols to address new situations and to improve existing operations and functionality.

~~SECTION 5-2~~ *Renumbered SECTION 5-3. VOLUNTEER FIRE CHIEF.

The city administrator, will appoint mayor, upon recommendation of the city administrator and approval of the city council, shall appoint the fire chief in accordance with law and civil service rules

and regulations. The fire chief shall be immediately responsible to the City Administrator. The city administrator with the approval of the council may remove the fire chief by written order setting out the reasons for removal which shall be filed with the city clerk, all in accordance with the law and civil service rules and regulations. The council shall have the power to provide by resolution for other positions in the fire department which shall be filled in accordance with civil service rules and regulations. The chief shall have power to establish such other positions as deemed necessary, to be filled by volunteer firemen. The assistant chief shall be elected by the volunteers. (Ord. No. 534, Section 2, 1-26-76.)

State law reference - - Authority, Section 400.15, Code of Iowa.

The Volunteer Fire Chief shall be appointed by the city administrator, subject to the approval of the city council and after consideration of a recommendation from the volunteer fire personnel. The Volunteer Fire Chief, in consultation with the Public Safety Chief, will appoint a command staff consistent with the structure designated in the department policy and procedures manual.

~~The mayor, upon recommendation of the city administrator and approval of the city council, shall appoint the fire chief in accordance with law and civil service rules and regulations. The fire chief shall be immediately responsible to the City Administrator. The city administrator with the approval of the council may remove the fire chief by written order setting out the reasons for removal which shall be filed with the city clerk, all in accordance with the law and civil service rules and regulations. The council shall have the power to provide by resolution for other positions in the fire department which shall be filled in accordance with civil service rules and regulations. The chief shall have power to establish such other positions as deemed necessary, to be filled by volunteer firemen. The assistant chief shall be elected by the volunteers. (Ord. No. 534, Section 2, 1-26-76.)~~

~~SECTION 5-3. *Renumbered~~ *SECTION 5-4 VOLUNTEER FIRE CHIEF'S DUTIES.*

~~The fire chief shall command~~ *supervise* all operations of the department other than volunteer firemen *foundation* business and social meetings and be responsible for the care, maintenance and use of all vehicles and equipment for the department. ~~Subject to council approval, the chief shall establish and maintain departmental rules to carry out the requirements of this article.~~ The chief shall provide every fireman with a copy of these rules *the policy and procedures manual.* The chief shall keep a record of the names, ages and residences of the firemen, and be responsible for their training and supervision. The chief *or his/her designee* shall maintain attendance records for drill meetings and fires. ~~The chief shall investigate~~ *will assist in the investigation as to the* cause, origin, and circumstances of each fire by which property has been destroyed or damaged, or which results in bodily injury to any person and report their findings to the state fire marshal in writing within thirty (30) days after the fire. If the chief believes that a fire was started by design, or if a death occurs as the result of a fire, the Chief *or the Public Safety Chief* shall notify the state fire marshal immediately. ~~The~~ *Chief, Public Safety Chief,* or designated officer has the authority to enter and inspect any buildings or premises in the performance of their duties and shall make written orders to correct any conditions that are likely to cause fire or endanger other buildings and property. (Ord. No. 534, Section 3, 1-26-76.)

~~SECTION 5-4. *Renumbered~~ *SECTION 5-5. VOLUNTEER FIREMEN.*

A volunteer firemen's organization of the Oelwein Fire Department is hereby established, and such organization may adopt such constitution and bylaws for the further government of such organization as may be best calculated to properly regulate and govern it, but said constitution and bylaws, or any amendments thereto, shall be submitted to the city council for approval, modification or rejection. A copy of said constitution and bylaws when adopted and approved as herein provided, shall be filed with the city clerk. Such constitution and bylaws shall not be inconsistent with this article, *city and department policies,* and state laws. (Ord. No. 534, Section 4, 1-26-76.)

~~SECTION 5-5. *Renumbered~~ *SECTION 5-6 FIREMEN'S DUTIES.*

When called by the Chief *or Public Safety Chief,* all firemen shall report for duty immediately in the manner directed by the Chief *or Public Safety Chief.* They shall be subject to call at any time. They

shall obey strictly the commands of the fire chief, the Public Safety Chief, and of any other fireman who has been appointed by the chief to be in command temporarily. Firemen shall report to the chief in advance if they expect to be absent from the city for twelve (12) hours or more. Firemen shall report for training as ordered by the chief. Prior to appointment and at the direction of the fire chief, a fireman shall take a physical examination and supply a report thereof to the ~~fire chief~~ designated officer by policy, who shall promptly file the same with the city clerk. (Ord. No. 534, Section 5, 1-26-76.)

~~SECTION 5-6.~~ *Renumbered SECTION 5-7. WORKMEN'S COMPENSATION AND HOSPITALIZATION INSURANCE.

The council shall contract to insure the city against liability for workmen's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer firemen injured in the performance of their duties as firemen. All volunteer firemen shall be covered by the contract. (Ord. No. 534, Section 6, 1-26-76.)

~~SECTION 5-7.~~ *Renumbered SECTION 5-8 LIABILITY INSURANCE.

The council shall contract to insure against liability of the city or members of the department for injuries, death or property damage arising out of and resulting from the performance of departmental duties. (Ord. No. 534, Section 7, 1-26-76.)

~~SECTION 5-8.~~ *Renumbered SECTION 5-9. FIRES OUTSIDE CITY LIMIT.

The department shall answer calls to fire and other emergencies outside the city limits, according to fire protection contracts and mutual aid agreements, if the fire chief determines that such emergency exists and that such action will not endanger persons or property within the city limits. (Ord. No. 534, Section 8, 1-26-76.)

~~SECTION 5-9.~~ *Renumbered SECTION 5-10. DESTRUCTION OF BUILDINGS.

The Public Safety Chief, Mayor, and fire chief, or the mayor, or the mayor pro tem in the absence of the mayor, and person in charge in the absence of the chief, may direct the firemen to take down and remove any building, erection or other obstacles for the purpose of checking the progress of any fire, and the firemen, with the advice and concurrence of the mayor and chief or the mayor and other person in charge in the absence of the chief, shall have the power and authority to blow up or cause to be blown up with an explosive any building, erection or other obstacle during any fire for the purpose of checking the progress of said fire and when so ordered and approved they shall incur no liability therefore. (Ord. No. 534, Section 9, 1-26-76; Ord. No. 909, 1-23-95.)

~~SECTION 5-10.~~ *Renumbered SECTION 5-11. OBEDIENCE TO OR INTERFERENCE WITH FIREMEN; DAMAGING APPARATUS.

Any person present at any fire shall be subject to the orders of the Public Safety Chief, Fire Chief, Assistant Chief or other person in charge. Any person who shall willfully hinder or interfere with any fireman or the fire apparatus during the time of fire or any fire drill, either while the firemen are going to or returning from any fire or drill, or while said firemen are tending to their duty as members of the fire department, or any person who shall willfully or negligently drive any vehicle of any kind, across, along or upon any of the fire apparatus, or any person who shall willfully or negligently cut, mar or deface in any manner any of the fire apparatus, whether while at a fire or fire drill or otherwise, shall be guilty of a misdemeanor, and shall be punished accordingly, and in addition thereto shall be personally liable for all damages to said apparatus. (Ord. No. 534, Section 10, 1-26-76.)

SECTIONS 5-12 - - 5-19. Reserved.

ARTICLE II
FIRE PREVENTION CODE*

*Cross Reference – Storage of junk as a nuisance, Section 17-32.

SECTION 5-21. ENFORCING OFFICER.

The fire prevention code shall be enforced by the ~~chief of the fire department~~ Community Development Department or designee. (Ord. No. 431, Section 2, 7-24-67; Ord. No. 1120, 6-26-2012.)

CHAPTER 11
ALCOHOL AND LIQUOR CONTROL

SECTION 11-10. INVESTIGATION OF APPLICANT.

Upon receipt of an original application for a liquor license or beer permit by the city council, it shall be forwarded to the chief of police, who shall conduct an investigation and shall 149

submit a written report on the applicant as to the truth of the facts averred in the application and a recommendation to the city council as to the approval of the license or permit. It shall be the duty of the health inspector ~~and the Code Enforcement Officer~~ or his/her designee ~~and the fire chief~~ to inspect the premises to determine if they conform to the requirements of the city, and no license or permit shall be approved until or unless an approving report has been filed with the city council by such officers.

ARTICLE VI
OPEN BURNING

SECTION 16-80 OPEN BURNING RESTRICTIONS

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2. Landscape waste: The disposal by open burning of landscape waste originating on the premises during the designated burning seasons each year, provided such burning is conducted in accordance with the following:

A. "Landscape waste" is defined as any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

B. Time restriction: Burning shall be allowed only on specific days, between 8:00 A.M. and 9:00 P.M., and under favorable atmospheric conditions or local circumstances designated by the Public Safety Chief or the Fire Chief and said fire does not create a nuisance, health or safety hazard. (Ord. No. 1072, 10/09/2006)

...

E. Ordered Discontinuance: The Public Safety Chief, the Fire Chief, or his/her designee, is authorized to order the cessation of the burning if smoke emissions create a nuisance or safety hazard.





To: Mayor and City Council

From: Dylan Mulfinger

Subject: Snow Storage

Date: 12/13/2021

The City Administrator recommends council defer the decision to staff with the three business owners and their concerns for snow storage. Should council want to act on the decision, council will need to direct the City Administrator to either change city code, create a snow storing policy, or sell real estate to the interested business owners. Additional information is provided by Public Works Director Vic Kane.

The code bellowed was followed by city staff:

SECTION 23-28. DEPOSITING SNOW ON CITY STREETS AND SIDEWALKS.

1. Prohibited. It shall be unlawful to deposit from private parking lots, service station driveways, banks or other drive-in facilities, driveways and parking areas of garages, restaurants, churches, fraternal organizations, private recreational facilities, real estate and professional offices, and other similar private businesses and organizations, including school district property, any snow on city streets, or parking and sidewalks adjacent thereto.

2. Penalty. Anyone violating any of the provisions of this section, including employers, firms and organizations directing such deposits to be made, shall, upon conviction, be subject to imprisonment not exceeding thirty (30) days, or a fine not exceeding one hundred dollars (\$100.00). Each day that a violation continues to exist shall constitute a separate offense. In addition, the cost of removal of such deposits by the city shall be assessed against the property from which such snow is removed at such rates as may be established from time to time by resolution of the city council. (Ord. No. 585, Sections 1 through 3, 5-8-78.)



TO: Dylan Mulfinger, City Administrator
From: Vic Kane, Public Works Superintendent

Reference: City Property, Library

Date: 12/1/21

Dylan,

I know some brief history on this situation. It occurred under Councilman Stewart's time as the Superintendent of the Streets department. He may be able to add more detail. At one point this area was a privately owned, drainage full of trees. The city acquired, cleaned up and planted the property to better showcase the new library. It was noticed this grass area was being used by a private snow removal contractor, without city permission. They were causing damage to the property while pushing snow from private lots into a pile upon it. The city contacted the private contractor informing them they could no longer continue this practice. They were informed to find another area to place snow from these private lots. Since then, the request to use this portion of city property for private snow storage is a recurring one. The city has declined all requests to date.

The current Snow Policy does not allow use of city property for private snow storage. It does spell out a downtown district area. For clarification neither of these businesses are in this district. In the downtown the city removes the privately cleaned sidewalk snow, as it cleans the city streets. This is due to downtown foot traffic issues caused by lack of boulevards or lawn areas to store snow. The downtown private business parking lots are not picked up as the lot itself can be used as storage.

As with every item one must look at the large picture to see any possible ramifications. As for this request I submit the following for consideration if allowing or renting this area for snow storage.

- This is a dirt area and not a hard surface so it can easily be damaged. It will see late ground freezing, intermittent freeze thaw cycles, or early thaw. This will cause damage from plows and tire rutting due to soft ground and the numerous trips involved.
- Can this be repaired yes. However, will we be happy with the appearance of ruts and dirt covered snow piles throughout winter into spring. Then awaiting the dirt work and grass regrowth every spring. Especially on a lot in such a visual location next to the highway heading into the downtown.

The next logical question is can someone haul or push snow to city piles or storage areas for pay?

- First let me state the city has never been in competition to take any work from private businesses including snow removal. We have more than enough work just taking care of the city properties.
- It would be difficult to accurately charge such a varying amount intermixed into city snow piles.
- Would we need a contract? How would we handle other such requests? Do we review them case by case or set up a policy or taking everything through council?

Then there are the small details which ultimately cause more problems than one would believe.

- The where and how delivered, or pushed, that generally cause issues for us. Like the timing of the contractor who will clear lots at lesser snow fall amounts. Causing windrows or rutting issues since they would clear areas, but we would not clear ours?
- In a heavy snowfall year, it will use up storage we may need. It will also definitely cause some delay to city work and use work hours usually allotted for city snow removal use. Basically, you can recoup costs, but one cannot replace hours.

As you can see this is not a simple request when looked at in true detail from a city standpoint. I have looked but the request does little to benefit the city. Thus, the reasoning the request has been denied over the years.

Regards,

Vic Kane

From the Desk of
 Public Works Superintendent Victor Kane



To: Dylan Mulfinger, City Administrator
From: Public Works Superintendent Victor Kane
Reference: ICE project

Date: 11/30/21

Dylan,

The city approved the first submittal for the service line from the project engineer. This was for a fire line to a new paint facility, separate of the existing building. It was to be gate valved directly off the city main, with a PIV (Post Indicator Valve) installed closer to the facility. The builder then retracted this design and requested to connect to the existing buildings fire line, as a money saving move. The city held discussions on the requested tie in. It was decided the existing line is a private fire line thus it is owned by the facility to the city main. Therefore, in this situation they could tie in as requested. This was based on proper flow, both buildings having same address, on same lot using separate PIVs and metered for domestic use. The builder however did not agree they are responsible for the fire line to the city main.

The builder contended based on code the city owns up to and including the PIV. Oelwein is one of the few towns which owns the smaller service lines up to the curb stop. While the curb stop to the building is part of their responsibility. The code they are quoting is for smaller service lines around 2 inches or smaller. In this scenario, the service line has a corporation stop at the water main and a ¼ turn curb stop in the city right of way. Neither of which the line in question has.

The larger lines in Oelwein are generally for fire flow with a few increased due to production water usage. The production lines are valved directly off the city main with a gate valve and are part of the building infrastructure. In this case the fire line falls, under fire regulations, requiring a PIV and no gate valve off the main. In either case, in Oelwein be it production or a fire the line, is considered part of the building infrastructure to the city main.

Here are some examples of facilities that own the larger fire line:

- Transco -- Fire main & hydrants
- Ashley -- Fire main
- East Penn – Fire main loop, hydrants, fire pumps & production
- Old Donaldson's – Fire main, pumps & hydrant
- New Hotel -- Fire main & PIV
- New Norby's – Fire main & hydrants
- Dollar Fresh – Fire main & hydrant
- Schools – Jr high Fire main loop & and hydrants
- Old DEKALB -- Fire main loop & hydrant
- City Laundry -- production line

As you can see what is being proposed is how it has always been done and is nothing new.

Based on this, the ICE facility fire line has always been part of the building's infrastructure. As will the new fire line to the current project. The city is following a long set procedure used with its businesses. We are not inflicting any excessive hardship upon this project. The builder has requested to hook a new facility to the city water system. The city has agreed to allow a new connection. This connection can occur as a separate line owned by the facility to the city main from the separate structure. The other option is to connect a new private line to the new structure to the existing private line running from the city main to the original facility. Based on all this I believe that line has always and still belongs to the building.

Regards,

Vic Kane

From the Desk of
 Public Works Superintendent Victor Kane



To: Mayor and City Council

From: Dylan Mulfinger

Subject: ICE Manufacturing INC Water Line

Date: 12/13/2021

The City has worked with ICE Manufacturing to ensure the success of their addition in Oelwein. The City Administrator and staff have met with Jeff Ingles throughout this process to ensure all parties are in agreement. The City Administrator recommends council defer this decision back to staff. If the City Council wants to act on this item, they must direct the City Administrator to change city code, create a water main connection policy, or provide more research. Public Works Director Vic Kane has provided a memo on the concerns raised by Jeff Ingles.