

OTTUMWA CITY COUNCIL MINUTES **Item No. B.-1.**

REGULAR MEETING NO. 2  
Council Chambers, City Hall

January 22, 2019  
5:30 O'Clock P.M.

The meeting convened at 5:30 P.M.

Present were Council Member Streeby, Berg, Dalbey, Roe, Stevens and Mayor Lazio.

Roe moved, seconded by Dalbey to approve the following consent agenda items and pulling item B-8, Res. No. 9-2019, providing for the financial support of the Area 15 Regional Planning Commission for Fiscal Year 2019-20 to vote on separately: Mins. from Reg. Mtg. No. 1 on January 8, 2019 as presented; Acknowledgement of December fin. report and payment of bills as submitted by the Fin. Dept.; Reappointment of Bob McDowell to the Inspection Brd. of Review, term to expire 1/18/2024; Approve the appointment of Brad Davis to the position of Equip. Operator-Street Cleaning Dept. effective February 4, 2019; Approve the purchase of one 2020 Ford Utility Police Interceptor vehicle from Stivers Ford of Waukee, Iowa in the amount of \$34,473 and the purchase and installation of the police equip. necessary for basic police functions in the amount of \$11,700; Setting Feb. 5, 2019 as the date of a public hearing on the Plans, Specifications, Form of Contract, and Estimated Cost for the Alta Vista Reconstruction Project; Res. No. 6-2019, setting February 5, 2019 as the date of a public hearing on Ottumwa Transit's Consolidated Funding Application; Res. No. 12-2019, authorizing the destruction of certain records according to the Code of Iowa 2015, as amended, and the Iowa Municipal Records Retention Manual; Beer and/or liquor applications for: Fareway Stores, Inc., 1325 Albia Rd.; Dollar General Store #7179, 721 N. Quincy Ave; Dollar General Store #2898, 921 E. Main St.; Cedar Creek Golf Course, 13120 Angle Rd, with outdoor service area; Recovery Room, 1805 W. Second St.; The Keg, 622 Church St., with outdoor service area; all applications pending final inspections. All ayes.

Dalbey moved, seconded by Stevens to approve Res. No. 9-2019, providing for the financial support of the Area 15 Regional Planning Commission for Fiscal Year 2019-20. Council Member Berg Abstained from voting due to being employed by Area 15 Regional Planning Commission. Ayes: Streeby, Dalbey, Roe, Stevens. Abstain: Berg. Motion carried.

Dalbey moved, seconded by Streeby to approve the agenda as presented. All ayes.

City Admin. Morris referenced the following items:

- Chris Cobler, Airport Supr., to provide update on the Airport to Council on 2/5/19
- Engineering to discuss Blakes Branch Sewer Separation Proj. during special work session on 2/12/19
- Sonja Ferrell, Dir. of Ottumwa Public Library will present Annual Report on 2/5/19
- Special Work Session on 1/29/19 at 5:30 P.M. to discuss the Beach Sound System
- Also during the Special Work Session on 1/29/19 – Cont. FY 2019-2020 Budget Discussions

Mayor Lazio inquired if there was anyone from the audience who wished to address an item on the agenda. Liz Techel, Aimee Crow, Melissa Long would like to address Council on Item G-5; Dennis Willhoit Item H-1; Emily Pierson, Mark Eigsti, George King Item I-2.

Finance Dir., Bob Jay, presented FY 2019/2020 Budget highlights/outlines. He thanked Kristi McDowell for putting all of the details together into a cohesive report, as well as Dept. Heads and Supr. who prepared and submitted their budget material. Our General Fund balance is one of our more challenging areas as we will start FY 2019/2020 with a budget deficit of approx. \$509,000. We are drawing from the Fund Balance and cuts to the General Fund to help sustain, while keeping a coverage ratio around 19.1%. Staff salaries and benefits make up approx. 73% of all general fund expenditures. Staff recommends an

increase of 51 cents to the overall levy, bringing the total levy to \$22.45 which will be voted on by Council at a later date. Total budget for the City of Ottumwa is approx. \$57 Million with \$15 Million compiled from General Fund expenditures. The increase to the overall levy is compiled of debt service and trust and agency.

This was the time, place, and date set for a public hearing on the plans, specifications, form of contract, and estimated cost for the WPCF Primary Clarifier Valve Replacement Project. Asst. City Engineer Burgmeier explained that the Clarifier must remain operational during the process. No objections were received. Roe moved, seconded by Streeby to close the public hearing. All ayes.

Streeby moved, seconded by Roe that Res. No. 5-2019, approving the plans, specifications, form of contract, and estimated cost for the WPCF Primary Clarifier Valve Replacement Project, be passed and adopted. All ayes.

This was the time, place, and date set for a public hearing on the sale of City owned property located at 108 East Court. No objections were received. Streeby moved, seconded by Berg to close the public hearing. All ayes.

Dalbey moved, seconded by Stevens that Res. No. 7-2019, accepting the offer and approving the sale of City owned property located at 108 East Court to Brothers Holding Trust for the sum of \$250, be passed and adopted. All ayes.

This was the time, place, and date set for a public hearing on the sale of City owned property located at 1543 Mable St. No objections were received. Berg moved, seconded by Streeby to close the public hearing. All ayes.

Roe moved, seconded by Streeby that Res. No. 8-2019, accepting the offer and approving the sale of City owned property located at 1543 Mable St. to Alissa Welch for the sum of \$250 for the purpose of constructing a commercial building, be passed and adopted. All ayes.

This was the time, place, and date set for a public hearing on the plans, specifications, form of contract and estimated cost for the Beach Phase 4, Slide Restoration Project 2019. Parks & Rec. Dir. Rathje stated Contract A will consist of slide repairs, bids will be received on 2/14/19 and presented at council on 2/19/19. Project to be completed by 5/7/19. No objections were received. Roe moved, seconded by Streeby to close the public hearing. All ayes.

Dalbey moved, seconded by Roe that Res. No. 14-2019, approving the plans, specifications, form of contract, and estimated cost for the Beach Phase 4, Slide Restoration Project 2019, be passed and adopted. All ayes.

This was the time, place, and date set for a public hearing on the Appeal of Ottumwa Police Chief's Order dated January 9, 2019 to remove a dog from the City limits pursuant to Ottumwa Municipal Code Chp. 7, Sec. 11, in the possession of Elizabeth "Liz" Techel, under her control or on the premises of her property at 901 Chester Ave., Ottumwa. Officer Batterson investigated an incident involving "Rusty" on July 1, 2018, where a young girl had to get stitches, and then a second incident that occurred at a later date on the property of Ms. Techel.

Ms. Techel stated Rusty is not a vicious dog. A dog pen has been erected, he's always on a leash when outside and this spring, we are installing a privacy fence. Pipestone confers they've never had any issues

with Rusty in their office. The second incident was a person who entered my house through the back door, as it was unlocked.

Ms. Crow, Paws & Claws of Wapello County, stated she met with Ms. Techel and Rusty and saw no signs of aggression. He appears to be a loyal, friendly dog that looks to his family for reassurance. He is only defending his family and his home.

Ms. Long, fostered Rusty before he was adopted out to Ms. Techel. He never showed any signs of aggression.

Two of the victims are in the audience on behalf of the OPD: Mr. Yencsik, stated he knocked on the door to Ms. Techel's residence before he entered. Ms. Techel was not at home when incident occurred. Brandon had to kick Rusty off of me. Ms. Lapoint had been mowing a lawn close to Ms. Techel's residence. She heard barking and looked down as two terriers started biting her. There was a young girl by the house, but they would not go back. My aunt took me to hospital where I had to have stiches in both legs/ankles.

Streeby asked Mr. Yencsik if he provoked Rusty in any manner. Mr. Yencsik stated he knocked on the door, arms at his sides. He was advised to lie about whos dog it was that bit him.

Chief McAndrew stated this is unfortunate, but this is a risk management situation and we are taking a risk if we allow the dog to remain within city limits.

Dalbey moved, seconded by Streeby to deny the appeal of Elizabeth Techel. All ayes.

Streeby moved, seconded by Berg that Res. No. 10-2019, establishing a Brick Streets Policy in the City of Ottumwa, Wapello County, Iowa, be passed and adopted. Mr. Wilhoit enthusiastically endorsed this resolution. Research shows that when municipalities invest in their historic districts, the city wins. Dir. of Hlth. Insp. & Solid Waste & Planning Flanagan, discussed the replacement of brick streets within a historic district. We will still look at cost perspectives and acquire all options when faced with replacing a brick street; thus leaving it up to Council to decide whether or not to replace with brick, asphalt, or cement. Ayes: Streeby, Berg, Dalbey, Stevens. Nays: Roe. Motion passed.

Roe moved, seconded by Streeby that Res. No. 11-2019, approving the purchase of a new ADA Minivan for the Ottumwa Transit Dept., be passed and adopted. All ayes.

Streeby moved, seconded by Roe that Res. No. 13-2019, approving applications for residential and commercial tax abatement under the Urban Revitalization Plan, subject to review the local assessor, be passed and adopted. All ayes.

Roe moved, seconded by Streeby that Res. No. 15-2019, approving Change Order No. 1 for Beach Renovations Phase 3 – Contract B, Office/Kitchen Remodeling, be passed and adopted. Parks & Rec Dir. Rathje stated this Change Order increases the total contract by \$17,533.25, making the revised contract amount \$79,893.25. All ayes.

Streeby moved, seconded by Roe that Res. No. 16-2019, authorizing the Mayor to execute a Preconstruction Agt. with Iowa DOT to prepare a detour route for U.S. Hwy 63 Reconstruction Project, be passed and adopted. All ayes.

Streeby moved, seconded by Dalbey that Res. No. 17-2019, authorizing the Mayor to execute a

Temp. Easement Purchase Agt. with Iowa DOT to shape Parcel 247, along U.S. Hwy 63, be passed and adopted. All ayes.

Roe moved, seconded by Streeby to pass the first consideration of Ordinance No. 3150-2019, amending the Zoning Ordinance No. 3088-2015 of the City of Ottumwa, Iowa and as set forth in Chapter 38 of the Municipal Code – City of Ottumwa, Iowa by amending Sec. 38-885, 38-876(b), 38-79(3), and 38-887(c) City of Ottumwa, Wapello County, Iowa. All ayes.

Streeby moved, seconded by Roe to waive the second and third consideration, pass, and adopt Ordinance No. 3150-2019. All ayes.

Roe moved, seconded by Streeby to pass the first consideration of Ordinance No. 3151-2019, amending Chapter 18, of the Municipal Code of the City of Ottumwa, Iowa, entitled Hlth. and Sanitation, by repealing Sec. 18-51 through 18-55 and enacting a substitute in lieu thereof including new subsections 18-50 through 18-62, concerning massage therapy businesses. All ayes.

Ms. Pierson is currently a licensed massage therapist in Ottumwa and her original response to the presented Ordinance is mildly offended due to the sexual language included in the ordinance.

Mr. Eigsti, Iowa Network Against Human Trafficking & Slavery member, appreciates the City of Ottumwa passing Ord. No. 3151-2019 as it's a great step in helping people get out of the human trafficking segment.

Mr. King, personal trainer, an ordinance like this will help protect me. I want my profession to be held to the highest standards, and this is a step in the right direction.

Roe moved, seconded by Dalbey to waive the second and third consideration, pass, and adopt Ordinance No. 3151-2019. All ayes.

Mayor Lazio inquired if anyone from the audience wished to address an item not on the agenda. There were none.

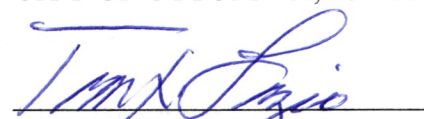
Councilman Roe recommends attending the destination training through CVB with Andy Wartenburg. This is a great opportunity for anyone who works in customer service.

Mayor Lazio mentioned that Blackbird terminated their contract with Elder Corp. for the St. Joseph's demo. Currently negotiating with another company to continue this project.  
Encourage citizens to get online and complete the POLCO survey – this is your opportunity to be heard.

Streeby moved, seconded by Dalbey that the meeting adjourn. All ayes.

Adjournment was at 7:32 P.M.

CITY OF OTTUMWA, IOWA



Tom X. Lazio, Mayor

ATTEST:



*Christina Reinhard*

Christina Reinhard, City Clerk