

****AMENDED AGENDA
OTTUMWA BOARD OF HEALTH**

MEETING NO. 4
Council Chambers, City Hall

June 15, 2021
5:30 O'clock P.M.

ROLL CALL: Council Member Stevens, Berg, Dalbey, Meyers, Roe and Mayor Lazio.

Approval of Minutes 1. Approve the minutes from Meeting No. 3 on May 4, 2021 as presented.

RECOMMENDATION: Approve the minutes.

Condemnation Hearing 2. This is the time, place and date set to consider condemnation of the structures on the property located at 308 West Sixth Street in the City of Ottumwa, Wapello County, Iowa.

308 W. Sixth

- A. Open hearing for comments.
- B. Close the public hearing.
- C. Condemn the structures located at 308 West Sixth Street, order prompt demolition, removal and leveling of the lot and direct all costs attendant to such actions, including administrative costs, to be assessed against the property and/or collected from the owner or owners thereof.

RECOMMENDATION: Approve the condemnation of the structures located at 308 West Sixth Street.

Adjourn 3. Adjournment.

****AMENDED – removed Condemnation Hearing Proceedings for 236 Phillips.**



| CITY OF |
O T T U M W A

FAX COVER SHEET

City of Ottumwa

DATE: 6/14/21 TIME: 10:40 AM NO. OF PAGES 2
(Including Cover Sheet)

TO: News Media CO: _____

FAX NO: _____

FROM: Christina Reinhard

FAX NO: 641-683-0613 PHONE NO: 641-683-0620

MEMO: ** AMENDED Agenda for the Board of Health Meeting #4 to be held on
6/15/2021 at 5:30 P.M.

*** FAX MULTI TX REPORT ***

JOB NO. 3610
DEPT. ID 4717
PGS. 2
TX INCOMPLETE -----
TRANSACTION OK 96847834
916606271885
96823269
ERROR 96828482

Ottumwa Courier
KTVO
Ottumwa Waterworks
Tom FM



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JOB NO. 3610
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ST. TIME 06/14 10:51
SHEETS 2
FILE NAME
TX INCOMPLETE -----
TRANSACTION OK 96847834
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FROM: Christina Reinhard

FAX NO: 641-683-0613 PHONE NO: 641-683-0620

MEMO: **AMENDED Agenda for the Board of Health Meeting #4 to be held on
6/15/2021 at 5:30 P.M.

TENTATIVE AGENDA
OTTUMWA BOARD OF HEALTH

MEETING NO. 4
Council Chambers, City Hall

June 15, 2021
5:30 O'clock P.M.

ROLL CALL: Council Member Stevens, Berg, Dalbey, Meyers, Roe and Mayor Lazio.

Approval of Minutes 1. Approve the minutes from Meeting No. 3 on May 4, 2021 as presented.

RECOMMENDATION: Approve the minutes.

Condemnation Hearing 236 Phillips 2. This is the time, place and date set to consider condemnation of the structures on the property located at 236 Phillips in the City of Ottumwa, Wapello County, Iowa.

- A. Open hearing for comments.
- B. Close the public hearing.
- C. Condemn the structures located at 236 Phillips, order prompt demolition, removal and leveling of the lot and direct all costs attendant to such actions, including administrative costs, to be assessed against the property and/or collected from the owner or owners thereof.

RECOMMENDATION: Approve the condemnation of the structures located at 236 Phillips.

Condemnation Hearing 308 W. Sixth 3. This is the time, place and date set to consider condemnation of the structures on the property located at 308 West Sixth Street in the City of Ottumwa, Wapello County, Iowa.

- A. Open hearing for comments.
- B. Close the public hearing.
- C. Condemn the structures located at 308 West Sixth Street, order prompt demolition, removal and leveling of the lot and direct all costs attendant to such actions, including administrative costs, to be assessed against the property and/or collected from the owner or owners thereof.

RECOMMENDATION: Approve the condemnation of the structures located at 308 West Sixth Street.

Adjourn 4. Adjournment.



[CITY OF]
O T T U M W A

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City of Ottumwa

DATE: 6/11/21 TIME: 8:45 AM NO. OF PAGES 2
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FAX NO: _____

FROM: Christina Reinhard

FAX NO: 641-683-0613 PHONE NO: 641-683-0620

MEMO: Tentative Agenda for the Board of Health Meeting #4 to be held on 6/15/2021 at 5:30 P.M.

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MEMO: Tentative Agenda for the Board of Health Meeting #4 to be held on 6/15/2021 at 5:30 P.M.

OTTUMWA BOARD OF HEALTH MINUTES

MEETING NO. 3
Council Chambers, City Hall

May 4, 2021
5:30 O'clock P.M.

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

Approval of Minutes 1. Dalbey moved, seconded by Roe to approve the minutes from Mtg. No. 2 on April 6, 2021 as presented. All ayes.

512 N. Green 2. This was the time, place and date set to consider condemnation of the structures on the property located at 512 N. Green in the City of Ottumwa, Wapello County, IA. Interim Dir. Bldg. & Code Enforcement, P&D Simonson reported the property was placarded April 13, 2018 due to lack of utilities and housing code deficiencies on the exterior. Following, the inspector then completed an interior inspection and created a complete deficiency list identifying several issues. Since placarding, the property has changed ownership twice, extending the case duration as each new owner had an opportunity to cure deficiencies. The current owners did not respond to a request to provide a repair plan as required by City Code. Yahara Cervantes, 617 E. 4th St., stated she only received one notice and it didn't say they needed to have a repair plan. She works 4am-4pm and her dad (owner of 512 N. Green) lives in IL. Simonson reported they met with Mr. Marquez on Feb. 24, 2021; explained that something needed to happen with the property fast and requested a repair plan. Mr. Marquez has owned the property since July 2020. Simonson did not think there was any confusion about the expectation of the property when they met in Feb. Maria Brownell, legal representation for the City, stated the due diligence is complete when notification letters are sent to the correct address of the property owner(s), which the City did. Roe moved, seconded by Meyers to close the public hearing. All ayes.

Meyers moved, seconded by Dalbey to condemn the structures located at 512 N. Green, order prompt demolition, removal and leveling of the lot and direct all costs attendant to such actions, including admin. costs, to be assessed against the property and/or collected from the owner or owners thereof. Vote taken: Ayes: Stevens, Meyers. Nays: Roe, Berg, Dalbey. Motion failed 2-3.

Dalbey moved, seconded by Berg to allow the owners to provide a written repair plan to the City within 30 days, with significant progress (50% completion of said plan) within 3 months and full completion of all items on the repair plan within 6 months in order to remove the placard on the property. Vote taken: Ayes: Roe, Stevens, Berg, Dalbey. Nays: Meyers. Motion passed 4-1.

Adjourn 3. There being no further business, Roe moved, seconded by Dalbey that the meeting adjourn. All ayes.

Adjournment was at 5:54 P.M.

OTTUMWA BOARD OF HEALTH

ATTEST:

Christina Reinhard, City Clerk

Tom X. Lazio, Mayor and Chairman

CITY OF OTTUMWA Staff Summary

**** ACTION ITEM ****

Council Meeting of: June 15, 2021

Zach Simonson

Prepared By

Building and Code Enforcement

Department

Zach Simonson

Department Head



City Administrator Approval

AGENDA TITLE: This is the time, place and date to consider condemnation of the structure(s) on the property described as 308 W 6th.

****Public hearing required if this box is checked.****

The Proof of Publication for each Public Hearing must be attached to this Staff Summary. If the Proof of Publication is not attached, the item will not be placed on the agenda.

RECOMMENDATION: Open public hearing
Receive comments
Close public hearing
Condemn the structure(s) at 308 W Sixth, order prompt demolition, removal and leveling of the lot and direct all costs attendant to such actions, including administrative costs, to be assessed against the property and/or collected from the owner or owners thereof.

DISCUSSION: This property was placarded on November 16, 2020 due to significant house fire. No one submitted a repair plan, sought permission to be in the building or made any progress toward curing deficiencies. The property remains in violation of the code. Condemnation notice was served by certified mail and posting notice on the property and in the *Ottumwa Courier*.



[CITY OF]
OTTUMWA

NOTICE TO ABATE

May 14, 2021

Sherry L. Smith
308 W. Sixth Street
Ottumwa, IA 52501

Harold G. Kempf
317 W. 5th Street
Ottumwa, IA 52501

Joyce A. Johnson
Conservator of Harold G. Kempf
216 S. Foster Avenue
Ottumwa, IA 52501

Bret R. Larson
Attorney of Record re Conservator Johnson
110 E 3rd Street
Ottumwa, IA 52501

Wapello County Treasurer
101 W. 4th Street
Ottumwa, IA 52501

Basil Land Holdings 12 LLC
Attn: Tami Green, Registered Agent
211 N. Center
Lake City, IA 51449

State of Iowa
Iowa Attorney General
1305 E. Walnut
Des Moines, IA 50319

91 7199 9991 7035 6855 3888

SENT VIA CERTIFIED MAIL

91 7199 9991 7035 6855 3796

To Whom it May Concern,

91 7199 9991 7035 6855 3802

An inspection was made on May 14, 2021 of the placarded property located at **308 W. Sixth Street, Ottumwa, IA** of which you are the registered owner(s) or in which you have a property interest.

91 7199 9991 7035 6855 3819

It has been determined that by reason of dilapidation and failure to repair this property constitutes a public nuisance.

91 7199 9991 7035 6855 3826

The following abatement is needed to meet the minimum standards set forth in ordinance 3127-2017, an ordinance establishing the minimum standards governing the condition and maintenance of dwellings, etc.:

91 7199 9991 7035 6855 3895

Abatement needed:

91 7199 9991 7035 6855 3901

- 1) This nuisance must be abated by demolition within **thirty (30) days from this date** and the ground leveled to the contour of the surrounding earth.
- 2) The sewer must be terminated and capped within 3' of the property line.

City of Ottumwa
105 East Third Street, Ottumwa, Iowa 52501
Telephone 641-683-0618 Fax 641-683-0609

3) The water service must be terminated at the connection to the main line.

We are hereby requesting your cooperation in abating this nuisance within the time allotted. Failure to do so will result in further legal action to be taken against you and the property. This action will include a condemnation referral to the Board of Health.

In the event that this order has not been complied with, a public hearing for condemnation will be held by the Ottumwa Board of Health on the 15th day of June, 2021 at 5:30 P. M. in the Council Chambers in City Hall, 105 East Third Street, Ottumwa, IA.

At such hearing the Board of Health may condemn the structure and order prompt demolition, removal, and leveling of such property and direct that all costs attendant to such action, including administrative costs, be assessed against the property or collected from the owner or owners thereof.

If you wish to contest this action, you may do so by filing a written statement with the City Clerk to the Board of Health **within five (5) days** of the receipt of this letter.

If you have any questions in regard to this matter, you may contact this office by calling 641-683-0650 or by coming to room 203 at City Hall.

Sincerely,



Zach Simonson

Interim Director

Building & Code Enforcement :: City of Ottumwa, IA

641.683.0606







**NOTICE OF DWELLING OR BUILDING
DETERMINED TO BE UNFIT FOR HUMAN HABITATION
AND AN ORDER TO CORRECT**

November 16, 2020

Harold Kempf
Sherry Smith
317 W Fifth
Ottumwa, Iowa 52501

91 7199 9991 7035 6855 3086

Occupant:

An inspection was made on **November 16, 2020**, of the property located at **308 W Sixth** in the City of Ottumwa, Wapello County, Iowa, which is legally described as follows:

**OTTUMWA ORIG PT L27 1/2BLK 6 BG NWCOR L2
7/127'7"/RT ANG 56/7 0'5"/10/57'2"/46-BG**

and which the records of the Wapello County Iowa Recorders' Office reveal ownership to be in your name, or that you have a property interest in.

It is in the opinion of the Housing Code Inspector of the City of Ottumwa, Iowa, under authority of Section 364.17 of the Code of Iowa, and Section 20-3 (K), of the Ottumwa Municipal Code, that said building(s) located on said property is (are) in a condition or in effect dangerous and detrimental to life and health and unfit for human habitation. Therefore, you are hereby given notice of said condition and ordered to correct the situation by doing the following before the **16th day of December , 2020**, to wit:

DEFICIENCY LIST ATTACHED

Repair plan required. In the event that the repairs or demolition cannot be completed within thirty days, a repair plan must be submitted for approval **prior to December 16th.**

Provide a timetable for repair that is separated into thirty (30) day periods (30 days, 60 days, 90 days, etc.) outlining what repairs are to be completed during each period. There

City of Ottumwa
105 East Third Street, Ottumwa, Iowa 52501
Telephone 641-683-0650 Fax 641-683-0609

should be a maximum allowance of six (6) months for all repairs to be completed. There is a ninety (90) day maximum time limit for demolition. **All wiring, plumbing, furnace AC repair/replacement, etc. require permits, by licensed contractors.** Contact this office, for permit requirements.

No one is to be in this placarded property without the express written permission from the Director. Violation of this standard will result in legal action being taken, including arrest and prosecution.

A copy of this notice and order was this date posted in a conspicuous place in the above said building(s), along with a placard stating said structure(s) is not to be occupied until released by the Inspector.

Failure to make the above said corrections before **12:00 o'clock Noon on the 16th day of December, 2020** may result in the declaration by the undersigned pursuant to Section 364.17 of the Code of Iowa, and Section 20-3 (0), of the Ottumwa Municipal Code that said building(s), is (are) a public nuisance.

You may appeal this order by filing a written appeal with the Inspection Board of Review, Municipal Building, Ottumwa, Iowa, within **(15) days** after you have received this notice and order. If you have any questions pertaining to this matter contact me by coming to Room 203 at City Hall or by calling 641-683-0650.

Per City Policy #26, you may remove this property from the mandatory trash service and billing for as long as the property remains placarded. Contact Kevin Flanagan at 641-683-0694 for this service.

Signed and dated at Ottumwa Municipal Building, Ottumwa, Iowa, this **16th day of November 2020.**

Sincerely,

Jacob Rusch

Building Inspector
Health & Inspections :: City of Ottumwa, IA
641.683.0650

CERTIFIED #91 7199 9991 7035 6855 3086

City of Ottumwa
105 East Third Street, Ottumwa, Iowa 52501
Telephone 641-683-0650 Fax 641-683-0609

COPY

OTTUMWA

CITY OF BRIDGES

Date of Investigation: Nov 16, 2020

DEFICIENCY LIST-308 W Sixth

- 1. Secure property within 7 days.**
- 2. Rehabilitate property to meet current building codes.**
- 3. This is a partial inspection only. A complete inspection will be required. 20**
- 4. Keep the property secured until it has been repaired or demolished. 24-3-6**

No one is to be in this placarded property without the express written permission from the Director. Violation of this standard will result in legal action being taken, including arrest and prosecution.

This unit must be inspected and meet minimum housing code standard before it can be released and occupied. Application for a building permit on a placarded house must be accompanied by an updated deficiency list. No structure will be released from the tag list without the necessary permits being taken out before construction starts. Repair or replace all rot, decay or dilapidation that may occur until the structure is released.

Electrical, Plumbing, Heating and certain Building repairs require permits. Check with the Health Department at 641-683-0650 or by coming to room 203 in City Hall before doing any work that might require a permit.

Sincerely,

Jacob Rusch

Building Inspector
Health & Inspections :: City of Ottumwa, IA
641.683.0650

City of Ottumwa
105 East Third Street, Ottumwa, Iowa 52501
Telephone 641-683-0650 Fax 641-683-0609

PROOF OF PUBLICATION

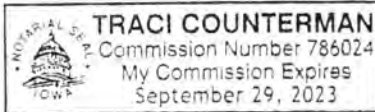
STATE OF IOWA
WAPELLO COUNTY

I, Ron Gutierrez, being duly sworn on my oath, say I am the Publisher of the Ottumwa Courier, a newspaper printed in said Wapello County, Iowa and of general circulation there in, and that the advertisement

Condemnation Notice: 308 W Sixth

City of Ottumwa

_____ hereto attached was published in said newspaper for 1 consecutive week's to-wit: 05/12/2021 Subscribed and sworn to before me, and in my presence, by the said 22nd day of May, 2021



Traci Counterman

Notary Public

In and for Wapello County

Printer's fee \$ 20.48

COPY OF ADVERTISEMENT

CONDEMNATION NOTICE VIA CERTIFIED AND REGULAR MAIL TO: Sherry L. Smith; Harold G. Kempf; Joyce A. Johnson, Conservator for Harold G. Kempf; Bret R. Larson, Attorney of Record re Conservator Johnson; Wapello County Treasurer; Basil Land Holdings 12 LLC; State of Iowa
You are hereby notified that the structures located at **308 W Sixth, Ottumwa, IA** have been determined to be a public nuisance, and that the nuisance must be abated by demolition within thirty (30) days of this notice and the lot cleaned and leveled. You are further notified that the legal description of the above property is as follows:
OTTUMWA ORIG PT L27 1/2BLK 6 BG NWCOR L2 7/127'7"/RT ANG 56/0'5"/10/57'2"/46-BG You are further notified that if the nuisance is not abated within 30 days of the date of this notice, a public hearing for condemnation of the structure(s) located on the premises described above will be held by the Ottumwa Board of Health on **June 15, 2021 at 5:30 p.m.** in the Council Chambers of City Hall, 105 East Third Street, Ottumwa, Iowa. If you wish to contest this action, you must do so by filing a written statement with the City Clerk, 105 East Third Street, Ottumwa, IA 52501 within five (5) days of the publication of this notice. **TAKE NOTICE AND GOVERN YOURSELF ACCORDINGLY! DATED May 14, 2021** Zach Simonson Interim Director, Building and Code Enforcement City of Ottumwa, Iowa

Please publish May 22, 2021

CONDEMNATION NOTICE VIA CERTIFIED AND REGULAR MAIL

TO: Sherry L. Smith; Harold G. Kempf; Joyce A. Johnson, Conservator for Harold G. Kempf; Bret R. Larson, Attorney of Record re Conservator Johnson; Wapello County Treasurer; Basil Land Holdings 12 LLC; State of Iowa

You are hereby notified that the structures located at **308 W Sixth**, Ottumwa, IA have been determined to be a public nuisance, and that the nuisance must be abated by demolition within thirty (30) days of this notice and the lot cleaned and leveled. You are further notified that the legal description of the above property is as follows:

OTTUMWA ORIG PT L27 1/2BLK 6 BG NWCOR L2 7/127'7"/RT ANG 56/7 0'5"/10/57'2"/46-BG

You are further notified that if the nuisance is not abated within 30 days of the date of this notice, a public hearing for condemnation of the structure(s) located on the premises described above will be held by the Ottumwa Board of Health on **June 15, 2021 at 5:30 p.m.** in the Council Chambers of City Hall, 105 East Third Street, Ottumwa, Iowa. If you wish to contest this action, you must do so by filing a written statement with the City Clerk, 105 East Third Street, Ottumwa, IA 52501 within five (5) days of the publication of this notice.

TAKE NOTICE AND GOVERN YOURSELF ACCORDINGLY!

DATED May 14, 2021

Zach Simonson
Interim Director, Building and Code Enforcement
City of Ottumwa, Iowa