

OTTUMWA CITY COUNCIL MINUTES

REGULAR MEETING NO. 23  
Room 108, City Hall

July 6, 2010  
5:30 O'clock P.M.

The meeting convened at 5:47 P.M.

Present were Council Member Morgan, Niner, Weller, Caviness, Meyers, and Mayor Uehling.

Weller moved, seconded by Morgan to move into closed session in accordance with Iowa Code Section 21.5 1. i., ("To evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.) to conduct City Administrator Helfenberger's performance evaluation, which he has requested the session be closed. All ayes. The Council moved into closed session at 5:50 P.M.

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RECONVENED REGULAR MEETING NO. 23  
Room 108, City Hall

July 6, 2010  
6:25 O'clock P.M.

Present were Council Member Morgan, Niner, Weller, Caviness, Meyers, and Mayor Uehling.

Weller moved, seconded by Meyers to increase the Administrator's salary by 3%. Ayes: Weller, Caviness, Meyers. Nays: Morgan, Niner. Motion carried.

Niner moved, seconded by Morgan to recess the meeting and reconvene at 6:30 P.M. in the Council Chambers. All ayes. The meeting recessed at 6:26 P.M.

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RECONVENED REGULAR MEETING NO. 23  
Council Chambers, City Hall

July 6, 2010  
6:34 O'clock P.M.

Present were Council Member Morgan, Niner, Weller, Caviness, Meyers, and Mayor Uehling.

Meyers moved, seconded by Morgan to approve the following Consent Agenda items: minutes from Regular Meeting No. 21, June 15 and Special Meeting No. 22, June 28, 2010 as presented; acknowledgement of Civil Service Commission eligibility list certified June 21, 2010; maintenance support with ACS Government Systems for Finance Dept.'s computer system for fiscal year July 1, 2010 through June 30, 2011 for a total of \$9,518.95; adoption of Res. No. 109-2010 setting July 20<sup>th</sup> at 6:30 p.m. for a public hearing on the intent to dispose of City owned property located at 717 S. Sheridan to Donald & Kathy Underwood; adoption of Res. No. 112-2010, approving the contract, bond, and certificate of insurance for Alliance Construction Group for the Ferry St. Reconstruction Project (Mary to Finley); beer and/or liquor applications for Happy Joe's Pizza, 315 Church St., Vine Street Nugget, with Outdoor Service Area, 505 E. Vine St., and Cigarette Outlet, 1115 Albia Rd. All ayes.

Morgan moved, seconded by Weller to approve the agenda as presented. All ayes.

City. Admin. Helfenberger said there would be a special work session July 12 at 5:00 p.m. and on the agenda will be to discuss the northern economic expansion planning, the OTA board, the pitbull ordinance and a consent decree on the combined sewer overflow projects. He said he met with the

EOC today regarding flooding and there is no danger at this point and the levee is intact. Caviness noted he would be out of state next week. Admin. Helfenberger commented the Public Works Dir. and his staff has been working patrolling the levee 24-7 to make sure everything is intact. Mark Eckman of the Convention & Visitors Bureau said he has been on the job since June 1<sup>st</sup> and sees a lot of opportunities. He is encouraged to learn about the community and will be interviewing folks to develop a plan for 2011 to promote tourism. He wants to reach out to the community to encourage them to have meetings and gatherings here. Explore Ottumwa can be found on Facebook and Twitter.

The Mayor inquired if anyone from the audience wished to address a specific agenda item. Nancy McGee, N. 5<sup>th</sup> St, wanted to address Item H-6, John Vandello, 732 Camille, Item F-7, Dennis Whitson, Item H-6, Jim McDonald, Item F-7 and Dan Canny, 210 Pennsylvania, Item H-6.

Niner moved, seconded by Weller to approve the low bid and award the contract for demolition of the structures on the lot located at 909 N. Jefferson St. to Tim Skinner Trucking and Excavation for a total contract price of \$8,538.00. All ayes.

Caviness moved, seconded by Meyers to approve the construction of Section 2 for the Ottumwa Bark Park. Park Dir. Rathje said the estimated cost is \$8,500 and another \$3,000 will need to be raised for the project before construction. All ayes.

Caviness moved, seconded by Niner to authorize the Mayor to sign a Development Agreement with Burlington Shortline Railroad, Inc. dba Burlington Junction Railway. All ayes.

Morgan moved, seconded by Meyers to authorize the Mayor to sign Amendment No. 1 (contract increase of \$14,850) to Agreement for Architectural Services with Brooks Borg Skiles Architecture Engineering for the Neighborhood Stabilization Project at 309 Tindell St. for increasing from one duplex to two duplexes. All ayes.

Meyers moved, seconded by Caviness to approve the purchase of equipment for emergency repairs to the Finley St. Pump Station from Van Meter Industrial, Inc. in the amount of \$6,025.98. All ayes.

Meyers moved, seconded by Weller to approve the quote by Grooms Construction to replace the insulation in the Bridge View Center Theater for \$16,000. All ayes.

Caviness moved, seconded by Weller to approve the job description for Fire Chief as presented. City Admin. Helfenberger said under the educational requirements, second and third sections he added "...experience in a "professional fulltime" fire department..." Also in the third section he changed "...attain the Associates Degree within "3" years" in lieu of 5 years. Caviness moved, seconded by Niner to amend the job description to attain an associate's degree from 5 yrs. to 3 yrs and to add the wording "professional fulltime." All ayes. John Vandello, 732 Camille, said he has been a Commission member for at least 20 yrs. and was disappointed in the recommendation the Council is making, noting the reason for Civil Service was to prevent exactly what they are trying to do and that is to establish criteria and requirements based on existing personnel. You cannot justify a position then change it because the personnel that you want does not meet that criteria; it's not right. The Council legally has the right to change it, but it is ethically wrong. He spoke of the importance of having an education in this type of administrative position. Jim McDonald, 309 Lake Dr., said he agreed with Mr. Vandello, adding comments regarding fire insurance ratings and what impacts them, including the education of the fire chief. If Ottumwa down grades the education, there is no chance they will upgrade on the cost reduction on insurance. He said the Commission went through the same process for police chief, and the Commission turned down a request from the city administrator and Human

Resource Officer to downgrade the position from a degree to an associate's degree or less. He said you can't change the education requirements every time you want a certain person, and when you lower the qualifications you hurt the whole city. Ottumwa is similar to eight other cities in population and their job descriptions require a BA degree and some prefer a Masters. Morgan said he looked at someone with experience over education, and if changed they will still have to test, and just because the Council changes this does not mean Tony Miller will be the next chief. He felt the position should have been addressed 9 months ago. Niner thanked Mr. McDonald for his conversation, and liked the change from 5 yrs. to 3 yrs. to get a degree, and felt the position should have been filled months ago. Caviness felt this was the alternative the Council had at this time. Meyers said he spoke to Mr. Vandello and agreed with what he said, but the criteria for Fire Chief with a BA changed not long ago and if changed it could be changed again. There was additional discussion relative to past fire chiefs and their education. Nancy McGee, N. 5<sup>th</sup> St., said in considering her own position, a RN, said she paid to get that degree and would not want an LPN doing her job, and did not appreciate lowering the standards when it comes to education and was concerned about the Council changing the requirements. Vote on the main motion as amended: All ayes.

Morgan moved, seconded by Meyers to approve Change Order #1 (contract increase of \$7,774), accept work as final and complete and approve Final Pay Request for the Berm South of the Des Moines River behind Applebee's and Vaughn Automotive along Bear Creek (PW-7405 REF# COTT019) by Bud Heckart & Sons, Inc. All ayes.

Caviness moved, seconded by Morgan to approve Change Order #1 (contract increase of \$735), accept the work as final and complete and approve Final Pay Request for the Placing of Topsoil on the Bridgeview Park Berm (PW-4016 REF# COTT016) by Bud Heckart & Sons, Inc. All ayes.

Morgan moved, seconded by Weller to approve and authorize the Mayor to sign the Professional Service Agreement with Howard R. Green Company to provide assistance with the Air Quality Permit for the Emergency Engine Generator at WPCF. All ayes.

Morgan moved, seconded by Meyers to approve and authorize the Mayor to sign the Agreement between the City of Ottumwa and Allender Butzke Engineers, Inc. for Geotechnical Exploration in connection with the West End Sewer Separation Project. All ayes.

This was the time, place and date set for a public hearing on the intent to dispose of City owned property located at 114 Highland. No objections were received. Caviness moved, seconded by Weller to close the hearing. All ayes.

Meyers moved, seconded by Morgan that Res. No. 108-2010, accepting the offer from Richard & Janet Bick, Jr. regarding the sale of property owned by the City of Ottumwa, Iowa located at 114 Highland and approving sale of same, be passed and adopted. All ayes.

Morgan moved, seconded by Weller that Res. No. 107-2010, providing for the financial support of the Area 15 Regional Planning Commission for Fiscal year 2010-11, be passed and adopted. All ayes.

Caviness moved, seconded by Weller that Res. No. 110-2010, awarding contract for the Chester Ave. Reconstruction Project (Skyline Dr. to the End of City Right-of-Way), plus an additional 300 feet to Alliance Constr. Group in the amount of \$214,947.95, be passed and adopted. Public Works Dir. Seals reported two bids were received at the June 23<sup>rd</sup> letting with Alliance Constr. Group having the low bid and recommended award of the contract. All ayes.

Caviness moved, seconded by Weller that Res. No. 111-2010, awarding contract for the Fox-Sauk Road Reconstruction Project to Turner Concrete Constr. in the amount of \$267,376.50, be passed and adopted. Public Works Dir. Seals reported two bids were received at the June 23<sup>rd</sup> letting with Turner Concrete Constr. having the low bid and recommended award of the contract. All ayes.

Meyers moved, seconded by Caviness that Res. No. 113-2010, approving the agreement between City of Ottumwa and Iowa Dept. of Transportation for the Ottumwanoc Tribal Trail – Gray Eagle Extension (Iowa Ave. to east City limits) and authorize the Mayor to sign all pertaining documents, be passed and adopted. All ayes.

Niner moved, seconded by Caviness that Res. No. 114-2010, instituting additional proceedings to approve the advertisement for sale of \$4,785,000 General Obligation Capital Loan Notes, Series 2010, the approving of electronic bidding procedures and approving the Official Statement, be passed and adopted. All ayes.

Caviness moved, seconded by Weller that Res. No. 115-2010 approving a temporary naming for Central Park as “Pac Man Park” from August 5 – 8, 2010, be passed and adopted. Nancy McGee, N. 5<sup>th</sup> St. stated she resented renaming Central Park after anything. Dennis Whitson, 325 Harrows Branch, was speaking on behalf of veterans and citizens who are concerned about renaming Central Park to Pac Man Park. There is a memorial to the Heroic Sons, 34<sup>th</sup> Infantry of Ottumwa and felt renaming the park did not honor the veterans. Dan Canny, 210 Pennsylvania, said he respects anyone's opinion of this and he respects all the veterans. This is seen as an opportunity to make this a place where thousands of people come year after year and bring dollars to Ottumwa. Central Park is a beautiful place and they want to impress the people coming from Italy, England and Japan for this event. They would like to permanently honor Pac Man somewhere in the community. Mr. Whitson said he was not against the video event but he and his colleagues have no interest to changing the park name in the future. Morgan was not in favor of permanently renaming Central Park. Ayes: Morgan, Niner, Weller, Meyers. Nays: Caviness. Motion carried.

Meyers moved, seconded by Morgan that Res. No. 116-2010, authorizing the Mayor to sign U.S. Dept. of Commerce Financial Assistance Award No. 05-01-04959 and supporting documents for the Economic Dev. Admin. Project to complete infrastructure improvements for the Ottumwa Regional Airport, be passed and adopted. All ayes.

The Mayor inquired if anyone wished to address the Council on items not on the agenda. Rick McClure, 405 S. Ward, thought spending \$10,000 on a study on train whistles could be better spent and questioned why take action for a few, and the value of safety. Nancy McGee, N. 5<sup>th</sup> St., was against changing the blowing of train whistles and did not see any reason to change, questioned why streets were failing and was against changing things on a whim. She questioned why the water fountains at Bridge View do not work.

Weller moved, seconded by Niner that the meeting be adjourned. All ayes. Adjournment was at 8:34 P.M.

CITY OF OTTUMWA, IOWA

ATTEST:

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Dale M. Uehling, Mayor

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Ann Cullinan, City Clerk

## OTTUMWA CITY COUNCIL MINUTES

SPECIAL MEETING NO. 24  
Council Chambers, City Hall

July 12, 2010  
5:00 O'clock P.M.

Present were Council Member Niner, Weller, Meyers, Morgan and Mayor Uehling. Council Member Caviness was absent.

City Admin. Helfenberger recommended Items 4 (Consent Decree re: CSO mandates) and 5 (Ottumwa Transit Authority) be removed from the agenda. Morgan moved, seconded by Niner to remove Items 4 and 5 from the agenda. All ayes.

The Mayor inquired if anyone from the audience wished to address a specific agenda item. Shawn James, 313 N. Sheridan, wanted to address Item 6 on behalf of himself and several members in the audience. The Mayor requested they give their names and addresses and Mr. James would be able to use their speaking minutes. The following supported the ownership of pit bulls: Katie Stanzel, 1435 Albia Rd., Apt. B, George Post, 424 N. Birch, George Scott, 549 Minnesota, John Harder, 508 S. Elm, Alice Smith, 1121 N. Wapello, Casey Harder, 508 S. Elm, Ronald Christy, 2102 E. Main, Tinkie Jordan, 316 Mer Rouge, Penny Baugher, 316 Mer Rouge, Amber James, 313 N. Sheridan, Angel Weymer, 339 N. Moore, Glenda Heckart, 627 N. Jefferson, and Austin Ruiz, 1132 Bladensburg Rd.

Morgan moved, seconded by Niner to approve the purchase of a side-by-side off-road utility vehicle for the Public Works Dept. from C & C Cycle of Chariton, IA in the amount of \$10,854.00 from written quotes received by the Engineering Dept. All ayes.

Meyers moved, seconded by Weller to authorize Mayor to sign a Professional Services Agreement with HR Green for the preparation of a plan for economic development and expansion, Industrial Airport and U. S. Hwy. 63 bypass north expansion. City Planner Shafer introduced Dave Moermond from HR Green who will be the project plan and infrastructure engineer for the proposed expansion area. Mike Wille of Urban Planning & Land Development Services gave a power-point presentation of the goals and objectives and other relative factors that will be considered in the economic development and growth plan for the 6 ½ sq. mile area in north Ottumwa. Mr. Shafer said the maximum amount to be paid is \$77,400. All ayes.

Public Works Dir. Seals told the Council City Revised Policy No. 20-1998 – "Sewer Charges and Fees" was in place when the City had a winter water rate which was discontinued in 2007. Since then several people have requested adjustments, mainly for filling swimming pools. He requested input from the Council as to their interest in bringing back a new updated policy. He explained the process his staff must do and estimated time it takes to consider a sewer/water adjustment. He also noted some homeowners have requested more than one adjustment in a season for their pools. Morgan and Weller felt one adjustment was enough unless there was a water line break. The consensus was to proceed to prepare a new policy.

The City received Petition No. 4949-2010 with 471 signatures entitled "Fighting Against the Pitbull/bulldog Ban in Wapello Co. Police Chief Clark provided a history on the current pitbull ordinance and reason for its passage. The ordinance was upheld in federal court because it was not arbitrary. City Atty. Kintigh also provided information on the 2003 lawsuit that was dismissed. Our problem was pit bulls and the City can regulate as long as there is a need. Shawn James, 313 N.

Sheridan, said there was no scientific proof pit bulls are more vicious than other dogs and that the current language allows the owners to blame the dog for its behavior and they are not responsible. He and his constituents want to be able to own their dogs and be responsible for their actions and they are willing to have restrictions on their animals. He thought the city should have an ordinance against vicious dogs rather than what they currently have. Additional comments and discussion continued. George Post, 424 N. Birch, Glenda Heckart and Austin Ruiz made comments supporting the ownership of pit bulls.

Weller moved, seconded by Morgan that the meeting be adjourned. All ayes. Adjournment was at 6:34 P.M.

CITY OF OTTUMWA, IOWA

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Dale M. Uehling, Mayor

ATTEST:

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Ann Cullinan, City Clerk

## OTTUMWA CITY COUNCIL MINUTES

REGULAR MEETING NO. 25  
Council Chambers, City Hall

July 20, 2010  
6:30 O'clock P.M.

Present were Council Member Weller, Caviness, Meyers, Morgan, Niner, and Mayor Uehling.

Meyers moved, seconded by Morgan to approve the following Consent Agenda items: minutes from Regular Meeting No. 23, July 6 and Special Meeting No. 24, July 12, 2010 as presented; acknowledgement of June financial report and payment of bills as submitted by the Finance Dept.; acknowledgement of Civil Service Commission Clerk entrance eligibility list of July 12, 2010; Canvasser & Solicitor application for Robert Taylor, Veterans of Foreign Wars, to solicit donations for disabled Veterans Home at Wal-Mart, Hy-Vee's and Fareway during the month of September 2010; appointment of Adam J. Clark as probationary Police Officer effective August 2, 2010 upon completion of successful physical examination; accepting the low bid from Norris Asphalt Paving for paving of Wildwood Park Road and parking lot and Foster Park basketball court for \$51,848.00; purchase of two Godwin Model CD150M portable mounted six inch pumps with diesel engines for the WPCF emergency storm water pumping system from Godwin Pumps of Bridgeport, New Jersey from the GSA state bid list for a total of \$57,535.90; adoption of Res. No. 118-2010 setting August 3, 2010 at 6:30 p.m. for a public hearing on the intent to dispose of city owned property to Remigio P. Panlaqui; adoption of Res. No. 122-2010, approving the contract, bond, and certificate of insurance of Alliance Construction Group for the Chester Ave. Reconstruction Project (Skyline Dr. to the end of city right-of-way, plus an additional 300 ft.); adoption of Res. No. 123-2010, approving the contract, bond, and certificate of insurance of Turner Concrete Construction for the Fox-Sauk Road Reconstruction Project; beer and/or liquor applications for Courtside Bar & Grill, with Outdoor Service Area, pending dram, 2511 N. Court, and International Video Game Hall of Fame, Outdoor Service Area (8/5-7/10), pending dram and Fire & Police inspections, Market St. Municipal Parking Lot. All ayes.

Morgan moved, seconded by Caviness to approve the agenda as presented. All ayes.

Finance Director Jay reminded the Council of the Solid Waste Comm. meeting tomorrow at 5:00 p.m.

The Mayor inquired if anyone from the audience wished to address a specific agenda item. There were none.

Caviness moved, seconded by Niner to authorize the Mayor to sign the Amendment to the Neighborhood Stabilization Contract No. 08-NSP-012. All ayes.

Caviness moved, seconded by Morgan to authorize Bridge View Center to sign a contract with Michaels Engineering for an energy study. All ayes.

This was the time, place and date set for a public hearing on the intent to dispose of city owned property at 717 S. Sheridan. No objections were received. Weller moved, seconded by Niner to close the hearing. All ayes.

Caviness moved, seconded by Weller that Res. No. 117-2010, accepting the offer from Donald and Kathy Underwood regarding the sale of property owned by the City of Ottumwa, Iowa located at 717 S. Sheridan and approving sale of same, be passed and adopted. All ayes.

Meyers moved, seconded by Morgan that Res. No. 119-2010, directing the sale of \$4,785,000 General Obligation Refunding Capital Loan Notes, Series 2010, be passed and adopted. Travis Squires of Piper Jaffray reported 6 bids were received for the refunding notes. Morgan Keegan & Co., Inc. of Memphis, TN was the winning bidder with a purchase price of \$4,894,570.05, net interest cost of \$114,179.95 and a true interest rate of 1.004216% and he recommended accepting their bid. All ayes.

Weller moved, seconded by Niner that Res. No. 120-2010, authorizing the Redemption of Outstanding General Obligation Bonds, Series 2003A, of the City of Ottumwa, date March 1, 2003, be passed and adopted. All ayes.

Weller moved, seconded by Morgan that Res. No. 121-2010, repealing Res. No. 54-2007 and fixing new minimum fines for violations of specific sections of the Code of Ordinances, be passed and adopted. All ayes.

Morgan moved, seconded by Meyers that Res. No. 124-2010, approving support of the I-Jobs II Grant Application, be passed and adopted. All ayes.

The Mayor inquired if anyone wished to address the Council on items not on the agenda. There were none.

Caviness moved, seconded by Niner that the meeting be adjourned. All ayes. Adjournment was at 6:58 P.M.

CITY OF OTTUMWA, IOWA

ATTEST:

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Dale M. Uehling, Mayor

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Ann Cullinan, City Clerk