

OTTUMWA CITY COUNCIL MINUTES

REGULAR MEETING NO. 29
Council Chambers, City Hall

September 7, 2010
6:30 O'clock P.M.

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

Weller moved, seconded by Morgan to move Item B-6, the purchase of a 72" mower for the Park Dept. to the Departmental Recommendations and to remove Item B-7, the purchase of computer equipment for the Health Dept. from the agenda. All ayes.

Caviness moved, seconded by Weller to approve the following Consent Agenda items: minutes from Regular Meeting No. 27 on Aug. 17 and Special Meeting No. 28 on Aug. 23, 2010 as presented; acknowledgement of July financial report and payment of bills as submitted by the Finance Dept.; acknowledge Mayor's proclamation of Sept. 12-18, 2010 as National Assisted Living Week; Mayor's appointment of Michael Carpenter to the Board of Library Trustees due to resignation, term to expire 7/2/2014; appointment of Katy Krieger to the position of Administration Secretary, effective Aug. 24, 2010; beer and/or liquor applications for Julia's, 529 W. Main, #1, Big Kmart #7161, 1131 N. Quincy Ave., and Ottumwa Oktoberfest Committee with Outdoor Service Area at the Market St. Parking Lot, and Elks-Ottumwa Lodge #347, pending dram, 413 S. Iowa Ave. All ayes.

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

City Admin. Helfenberger reported there would be a Special meeting on Sept. 13 to discuss quiet railroad zones in the downtown and financial support of the League of Cities in their lawsuit against the EPA. Transit Admin. Ward reported they continue to seek drivers for OTA and 10-15. OTA initiated an Airport Campus Shuttle to the Accelerated College Career Academy and it has exceeded their expectations. They transport students between the Airport campus, the main IHCC campus, the in town campus of the schools and the downtown bus zone. They have been working on a resolution of the Iowa Medicaid funding dispute. With the help of elected officials Betty DeBoef, Curt Hanson, Mary Gaskill and Keith Kreiman, she met with Iowa Medicaid Enterprises' staff on Aug. 20 and was advised they could go back and renegotiate their contracts with their host counties to change the direct mileage rate. Case managers will soon be changing individual passengers' case plans to reflect the direct miles and higher mileage rate, thereby keeping 10-15's revenue neutral. She received notification and contracts for two new grants, \$55,000 for Ottumwa Job Access Reverse commute service and \$25,000 for Job Access Vermeer Project, a public private partnership with Vermeer Corp. She will be applying for money through the Ottumwa Job Access Reverse Commute Service to replace their bus for that service. Niner inquired if they would owe Medicaid any money, and Ms. Ward said no and they were issued a letter that they would not be asking any recovery.

The Mayor inquired if anyone from the audience wished to address a specific agenda item. There were none. Lisa Aslesen, 128 Fairview, requested to address Item I-1.

Caviness moved, seconded by Meyers to approve the purchase of a 72" four wheel drive front mount mower for the Park Dept. from Mowers & More, Inc. through IA Dept. of Transportation Contract for \$16,642.96 with trade in. There was discussion relative repairing versus purchasing at this time, trade-in versus selling outright. Park Dir. Rathje said the purchase is based on the mechanic's recommendation to replace at this time rather than repair the bearings, transmission and engine. Ayes: Niner, Weller, Meyers. Nays: Caviness, Morgan. Motion carried.

Weller moved, seconded by Morgan to approve the purchase of self contained breathing apparatus repair equipment from Feld Fire Equipment Co., Carroll Iowa for a purchase price of \$8,995.00. All ayes.

Caviness moved, seconded by Weller to approve the purchase of JAWS extrication equipment from the Sandry Fire Supply for a purchase price of \$10,255.00. All ayes.

Meyers moved, seconded by Caviness to approve the request from Ottumwa Community School District's Career Academy to waive construction permit fees, estimated at \$1,085.75, for the project at 88 Traxler Drive. All ayes.

Caviness moved, seconded by Niner to authorize the demolition of 113 Grand Ave. under the Neighborhood Stabilization Program. All ayes.

Morgan moved, seconded by Meyers to approve the site plan for Meridian Credit Union located on Venture Drive. City Planner Shafer noted the Plan & Zoning Comm. had reviewed and recommended approval of the site plan. Joshua Schoenemann from the LaMacchia Group displayed the site plan and answered questions relative to the development. All ayes.

Caviness moved, seconded by Niner to authorize the Mayor to sign an agreement between City of Ottumwa and Neumann Monson PC for Architectural Services under the I-Jobs City Hall Improvement Project. All ayes.

This was the time, place and date set for a public hearing on intent to dispose of City owned property located at 802 E. Finley to John Handling. No objections were received. Caviness moved, seconded by Morgan to close the hearing. All ayes.

Meyers moved, seconded by Caviness that Res. No. 140-2010, accepting the offer regarding the sale of property owned by the City of Ottumwa and approving sale of same to John Handling for \$1,375.00, be passed and adopted. All ayes.

This was the time, place and date set for a public hearing on plans, specifications, form of contract and estimated cost for the Kettle Creek Watershed Improvement Project – Ottumwa, Iowa. No objections were received. Caviness moved, seconded by Niner to close the hearing. All ayes.

Caviness moved, seconded by Niner that Res. No. 145-2010, approving plans, specifications, form of contract and estimated cost for the Kettle Creek Watershed Improvement Project – Ottumwa, Iowa, be passed and adopted. All ayes.

Morgan moved, seconded by Weller that Res. No. 142-2010, repealing Resolution No. 50-2003 and setting new fees for the reproduction of public records and for related services performed by the City of Ottumwa, be passed and adopted. All ayes.

Meyers moved, seconded by Morgan that Res. No. 143-2010, authorizing the Mayor to enter into a Mutual Aid Agreement (28E Intergovernmental Agreement) between the City of Ottumwa, Wapello County, and the 8th Judicial District Dept. of Correctional Services for law enforcement services, be passed and adopted. All ayes.

Caviness moved, seconded by Weller that Res. No. 144-2010, approving Change Order #2 (contract increase of \$66,406.85) and accepting the project as final and complete for the Runway 4/22 Improvements and Parallel Taxiway Project at the Ottumwa Regional Airport by Norris Asphalt Paving, be passed and adopted. All ayes.

Morgan moved, seconded by Weller that Res. No. 146-2010, approving Change Order #5 (contract increase of \$44,694.42) for Phase III, Division 1 of the South Ottumwa Sanitary Sewer Separation Project by Portzen Construction, Inc, be passed and adopted. All ayes.

Caviness moved, seconded by Meyers that Res. No. 147-2010, accepting the work as final and complete and approving Final Pay Request for the WPCF Biosolids Storage Facility Expansion by Carl A. Nelson & Co., be passed and adopted. All ayes.

Meyers moved, seconded by Weller that Res. No. 148-2010, approving Change Order #1 (contract increase of \$20,018.80) and accepting the work as final and complete and approving Final Pay Request for the Wapello Street Extension HMA Resurfacing Project (Richmond Ave to Hwy 34) by Norris Asphalt Paving Co., be passed and adopted. All ayes.

Caviness moved, seconded by Meyers that Ord. No. 3012-2010, amending various sections of Ch. 7 and Ch. 23 of the Municipal Code relating to fees for dog licenses and fees for copies of motor vehicle accident reports, be considered for the first reading and passed. Lisa Aslesen, 128 Fairview, said she supported raising the fee. She also felt there needed to be a commercial shelter in the city. All ayes.

The Mayor inquired if anyone wished to address the Council on an item not on the agenda. Keith Cooper, 516 E. Court was ruled out of order by the Mayor because his topic did not pertain to city business.

Caviness moved, seconded by Weller that the meeting be adjourned. All ayes. Adjournment was at 8:01 P.M.

CITY OF OTTUMWA, IOWA

Dale M. Uehling, Mayor

ATTEST:

Ann Cullinan, City Clerk

OTTUMWA CITY COUNCIL MINIUTES

SPECIAL MEETING NO. 30
Council Chambers, City Hall

September 13, 2010
5:00 O'clock P.M.

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

City Admin. Helfenberger reported there would be a Solid Waste Comm. meeting Sept. 15th at 5 P.M.

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

Caviness moved, seconded by Niner to award the contract for the N. Jefferson St. Repair 2010 to C&J Bulldozing for \$15,880 and authorize the Mayor to sign the contract. Public Works Dir. Seals reported only one bid was received on Sept. 8 and recommended award of the contract. All ayes.

Admin. Helfenberger said Ottumwa Progress, Inc. has requested the City consider doing a study for railroad quiet zones. The City has 8 railroad intersections, and would have to provide a four-quadrant gate system or median strips on both sides of the tracks, or close crossings. Tim Schwartz, OPI President, said the frequency of horn blowing when approaching intersection crossings has increased due to a mandate by Congress through the Federal Railroad Admin. OPI is willing to partner with the City to help pay for a feasibility assessment for the quiet zones. The City of Burlington paid \$15,000 for their assessment study and it took 2 ½ years from assessment to establishment of the quiet zones at a cost of \$300,000. OPI feels this would improve quality of life issues along the railroad corridor and maybe bring additional investment to the downtown with housing. Admin. Helfenberger noted this was not a budgeted item and Dir. of Finance Jay said it would probably be paid from the general fund. Mr. Schwartz suggested funds may be available through a Self Supporting Municipal Improvement District (SSMID). There was additional discussion, questions and comments. Weller questioned the price tag and with the present problems of streets, sewers, etc. did not know if this was the best use of city money. Caviness thought they should do the assessment and find out the cost. Niner had a problem with the money also, and felt they should focus on people already invested in the downtown, like businesses on Gateway Drive faced with flooding issues, and felt the Council had a lot of other priorities right now. Meyers felt if this was something that would enhance Ottumwa to move forward that they should do it. City Atty. Kintigh provided the Council with information he received from the City Attorney of Fairfield about the quiet zone process they are going through. No action was taken.

Admin. Helfenberger recommended Ottumwa participate and contribute \$25,000 toward the Iowa League of Cities' lawsuit against the EPA relative to their reinterpretation of several federal rules for wastewater treatment plants and storm water related discharges. He named other Iowa cities that are considering joining this litigation and reviewed the League's position and purpose for the suit. If supportive, he will bring a resolution back to the Council.

Admin. Helfenberger provided estimated construction cost figures for several different routes connecting Oskaloosa to Waterloo, Hwy. 63. They are looking at what might be the best route before finalizing. Mayor Uehling said the first step is to get this section of Hwy. 63 on the National Highway System.

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

Weller moved, seconded by Caviness that the meeting be adjourned. All ayes. Adjournment was at 5:58 P.M.

CITY OF OTTUMWA, IOWA

Dale M. Uehling, Mayor

ATTEST:

Ann Cullinan, City Clerk

OTTUMWA CITY COUNCIL MINUTES

REGULAR MEETING NO. 31
Council Chambers, City Hall

September 21, 2010
6:30 O'clock P.M.

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

Morgan moved, seconded by Meyers to approve the following Consent Agenda items: minutes from Regular Meeting No. 29 on Sept. 7 as presented and Special Meeting No. 30 on Sept. 13, 2010 as corrected; acknowledgement of Aug. financial report and payment of bills as submitted by the Finance Dept.; correction of term expiration date of Michael Carpenter as Library Board Trustee, to 7/1/2015; purchase of radiant heating system for Central Garage from Woody's Heating & Air Conditioning, for a bid price of \$26,650.00 and authorize Mayor to sign the contract; adoption of Res. No. 149-2010 authorizing destruction of certain financial and administrative records in the Finance Dept. and City Clerk's Office according to Code of Iowa, 2009, as amended; adoption of Res. No. 153-2010, setting Oct. 5, 2010 at 6:30 pm for a public hearing on the intent to dispose of City owned real property located north of Mill St. to Burlington Shortline Railroad, Inc. dba Burlington Junction Railway; adoption of Res. No. 158-2010, reaffirming approval of the agreement between the City of Ottumwa and Neumann Monson PC for architectural services under the I-Jobs City Hall improvement project; beer and/or liquor applications for Smokin Jo's, 618 Church St., Quick Shop Foods, 405 S. Madison, Aldi, 940 Quincy Ave. All ayes.

Meyers moved, seconded by Niner to approve the agenda as presented. All ayes.

City Admin. Helfenberger reported Wapello Co. has been declared eligible for federal individual assistance from this summer's flooding, and urged any owners who sustained losses to register with FEMA by calling 1-800-621-3362. There will not be a work session next week.

Mark Eckman, Convention & Visitors Bureau Dir., provided the Council with their 2011 Plan of Action for any additional thoughts or comments. He spoke of community exposure at low cost or no cost, such as Facebook, and to request friends and family to unite or gather in Ottumwa for occasions.

The Mayor inquired if anyone in the audience wished to address a specific agenda item. Lynn Vermace, 715 Milwaukee wanted to address Item I-1., Victoria Siegel, 205 E. Main wanted to address Item H-7 for Cliff McNeal, and Frank Fisher, 1605 W. Main, Item H-2.

Morgan moved, seconded by Meyers to approve the purchase of computer and other equipment for the Health Dept. from Professional Computer Solutions, Inc. (PCS) for \$5,469.93. Niner inquired about training and installation. Health & Insp. Supv. Gates said that cost would be about \$9,000 and was not part of this purchase. Caviness was concerned how their information and photos would be secured. Ms. Gates said pictures and information would be taken as they are now but they would go into the system from the field wirelessly. No staff reduction is proposed but it is hoped the system will allow a clerk to do part-time inspections in the future. All ayes.

Meyers moved, seconded by Caviness to reject the bids for the Cleanout of the Bridge Culvert on W. Second St. at Harrows Branch and to cancel the project. Public Works Dir. Seals reported one bid was received Aug. 11 in the amount of \$14,950. The recent high waters scoured out the debris in the project area, therefore the work is not necessary and he recommended rejection of the bid and the project. City crews will clean up the culvert apron approach. All ayes.

Caviness moved, seconded by Morgan to approve the low bid from Gullett Fence Co. in the amount of \$7,073.07 for Bark Park Fencing, Phase II. Park Dir. Rathje said Bark Park volunteers raised over \$7,000 for fencing this new section. All ayes.

Morgan moved, seconded by Meyers to approve the transfer of \$126,000 from Local Option Sales Tax Funds to the Street Project Fund. All ayes.

Caviness moved, seconded by Weller that Res. No. 150-2010, approving the Street Financial Report for fiscal year July 2009 through June 30, 2010 for the City of Ottumwa, Iowa, be passed and adopted. All ayes.

Meyers moved, seconded by Caviness that Res. No. 151-2010, CAT Grant Agreement for Beach Ottumwa Enhancement Project, be passed and adopted. Park Dir. Rathje advised the city has been awarded \$98,000 from Vision Iowa toward Phase I of a three part phase of renovations at The Beach Ottumwa. The City of Ottumwa will provide \$258,000 toward Phase I with the remaining funds coming from Wapello Co. and other community entities. Morgan congratulated Mr. Rathje on the award, then noted there were a lot of issues at The Beach and recommended he start fund raising because there was not a lot of room in the budget in the future. Meyers agreed. Frank Fisher, 1605 W. Main, agreed they need to do something at The Beach but recommended they wait until 2012 when the debt is paid off. He said CIP was for the main streets, then the secondary streets, and felt they were more important than The Beach. All ayes.

Caviness moved, seconded by Meyers that Res. No. 152-2010, authorizing retention of Hall & Associates for representation in the matter entitled Iowa League of Cities vs. U.S. Environmental Protection Agency, be passed and adopted. All ayes.

Caviness moved, seconded by Morgan that Res. No. 154-2010, rescinding Res. No. 148-2010 and approving Change Order #1 and accepting the work as final and complete by Norris Asphalt Paving Co. and approving Final Pay Request for the Wapello St. Extension HMA Resurfacing Project (Richmond Ave to Hwy 34), be passed and adopted. All ayes.

Weller moved, seconded by Morgan that Res. No. 155-2010, accepting work as final and complete and approving Final Pay Request for the Full-Depth, PCC Patching throughout the City of Ottumwa by Turner Concrete Construction, be passed and adopted. All ayes.

Meyers moved, seconded by Morgan that Res. No. 156-2010, awarding contract for the Bridge Pier Repair on the Jefferson Street Viaduct-Ottumwa, Iowa to United Contractors, Inc. in the amount of \$219,822.40. Public Works Dir. Seals reported two bids were received on Sept. 8th and recommended award to the low bidder, United Contractors. All ayes.

Caviness moved, seconded by Meyers that Res. No. 157-2010, authorizing legal action to enforce City right-of-way abutting 807 and 813 S. Sheridan, Ottumwa, IA, be passed and adopted. City Atty. Kintigh said the action is requesting removal of two garages from city right-of-way. Health & Supv. Gates said her department issued two building permits in July 2009 and the proposed location at the time of submission showed they were to be on private property. The building inspectors approved the slab pours and did not know the slabs were located in the wrong place. On July 8, 2010 Clifford, Rita and Bill McNeal were issued a "Notice to Correct." Atty. Kintigh stated the structures are on city property in the right-of-way and they have no right to be there; it's no different than a person building on another person's property. Ms. Gates stated it is the property owner's responsibility to determine the

property line. Victoria Siegel representing Cliff McNeal requested the Council to table this resolution. Ayes: Caviness, Meyers, Morgan. Nays: Weller, Niner. Motion carried.

Caviness moved, seconded by Morgan that Ord. No. 3012-2010, amending various sections of Ch. 7 and Ch. 23 of the City Code relating to fees for dog licenses and for fees for copies of motor vehicle accident reports, be considered for the second reading and passed. Lynn Vermace, 715 Milwaukee asked what the public gets from this increase, if state and local laws would be followed and if there would be better animal control. All ayes.

The Mayor inquired if anyone wished to address the Council on an item not on the agenda. County resident Byron Winston, 13329 Angle Road, said the culvert along there is full all the time and has never been cleaned. Frank Fisher, 1605 W. Main, said CIP was for doing streets, and suggested the Council break the contract with Bridge View for non-payment. Sheila Miller, 309 MerRouge, spoke of her dog being euthanized after 7 days when Heartland Humane said they would take the dog. Lynn Vermace, 715 Milwaukee, spoke of loose dogs in the Caldwell area. Chief Clark said the Animal Control Officer has taken care of the situation—one dog has been put down and the property owner took the other dog to another location.

Caviness moved, seconded by Niner that the meeting be adjourned. All ayes. Adjournment was at 8:20 P.M.

CITY OF OTTUMWA, IOWA

Dale M. Uehling, Mayor

ATTEST:

Ann Cullinan, City Clerk