

OTTUMWA CITY COUNCIL MINUTES

Item No. B.-1.

REGULAR MEETING NO. 15  
Council Chambers, City Hall

May 3, 2022  
5:30 O'Clock P.M.

The meeting was called to order at 5:32 P.M.

Present were Council Member Hull, Pope, Roe, Galloway, McAntire and Mayor Johnson.

Galloway moved, seconded by Pope to approve consent agenda items: Mins. from Regular Mtg. No. 14 on April 19, 2022; Mayor's Proclamation of May 21, 2022 as Kids to Parks Day 2022; Canvasser & Solicitors Application for American Legion Aux. to collect donations; poppy wk. for veterans 5/23-5/30/2022; Res. No. 116-2022, approving contract, bonds and cert. of ins. for Airport Apron 2022 Improv. Project; Beer and/or liquor app. for: Parkview Plaza (Hotel Ottumwa), 107 E. Second; Walgreens #1301, 327 W. Fourth; Casey's Gen. Store #1678, 346 Richmond; Casey's Gen. Store #1886, 504 W. Mary; Casey's Gen. Store #7, 1001 E. Main; Casey's Gen. Store #2208, 1603 W. Second; all applications pending final insp. All ayes.

Roe moved, seconded by Galloway to approve the agenda as presented. All ayes.

City Admin. Rath presented update/timeline for Human Rights Commission. Presentation of charter (in draft form) at next mtg.; open discussion and revisions to present in Ordinance format June 7 mtg.; and then make appointments to Commission following passing of Ord. Roe stated he would agree to waiving the 2<sup>nd</sup> and 3<sup>rd</sup> readings when Ord. is presented in order to get the Commission in place sooner; Galloway agreed.

Mayor Johnson inquired if there was anyone from the audience who wished to address an item on the agenda. The following indiv. wished to speak on Item G-6: Yadira Kelderman, Jesse Gulbranson, Krystabel Renneberg, Alexander Renneberg, Whitney VanBuskirk, Reynaldo Royval, Sandy Fluegge, Cindy Fluegge, Bob Fluegge. Indiv. also wished to speak on Item I-5: Kathy Caldwell, Shannon Murphy, Inez Hill, Laryssa Droz, Melissa Childs, Eileen Day, Felisha Morrow, Brandy Meredith, Keith Hill, Ken Whitcome, Aleigha DeLeon.

This was the time, place and date set for a public hearing on disposal of City owned property located at 1202 Castle. Comm. Development Dir. Simonson reported six bids rec'd April 28, 2022. No objections were rec'd. Roe moved, seconded by Hull to close public hearing. All ayes.

Galloway moved, seconded by McAntire that Res. No. 103-2022, accepting the bid and approving sale of City owned property located at 1202 Castle to Terry Wilson for \$13,600, be passed and adopted. All ayes.

This was the time, place and date set for a public hearing on disposal of City owned property located at 107 N. Ransom. Simonson reported fourteen bids rec'd April 28, 2022. No objections were rec'd. McAntire moved, seconded by Roe to close public hearing. All ayes.

Roe moved, seconded by McAntire that Res. No. 105-2022, accepting the bid and approving sale of City owned property located at 107 N. Ransom to Sathishkumar Chinnakonda & David Osorio for \$20,000, be passed and adopted. All ayes.

This was the time, place and date set for a public hearing approving plans, specs., form of contract and est. cost for 2022 Catch Basin Replacement Program. PW Dir. Seals reported bids are due May 25, 2022;

\$50,000 budgeted for annual program. No objections were rec'd. Galloway moved, seconded by Hull to close public hearing. All ayes.

Roe moved, seconded by Galloway that Res. No. 117-2022, approving plans, specs., form of contract and est. cost for 2022 Catch Basin Replacement Program, be passed and adopted. All ayes.

This was the time, place and date set for a public hearing approving plans, specs., form of contract and est. cost for 2022 Sanitary Utility Access Program. Seals reported bids are due May 25, 2022; \$50,000 budgeted for annual program. No objections were rec'd. Roe moved, seconded by Pope to close public hearing. All ayes.

Hull moved, seconded by Pope that Res. No. 118-2022, approving plans, specs., form of contract and est. cost for 2022 Sanitary Utility Access Program, be passed and adopted. All ayes.

This was the time, place and date set for a public hearing on intent to consider a three-yr. Lease Agt. with Ottumwa Habitat for Humanity for office space in City Hall bldg. located at 105 E. Third, Ottumwa, IA. Simonson reported this provides 256 sq. ft. for \$737.28 per yr. No objections were rec'd. Roe moved, seconded by McAntire to close public hearing. All ayes.

Pope moved, seconded by Roe that Res. No. 120-2022, approving three-yr. Lease Agt. with Ottumwa Habitat for Humanity for office space in City Hall, 105 E. Third and auth. Mayor to sign, be passed and adopted. All ayes.

This was the time, place, and date set for a public hearing on Appeal of Ottumwa Police Chief's Order dated April 21, 2022, to remove dog from City limits pursuant to Ottumwa Muni. Code Ch. 7, Sec. 11, in the possession of Casey and Yadira Kelderman, under his and her control or on the premises of their property at 1525 N. Court. Chief Farrington reported on March 23, 2022, a black & white pointer/hound mix, named "Ody", was unrestrained and pursued, attacked and bit a fourteen yr. old causing serious injury. Such injury required medical attention and the attack was done without provocation. On Sept. 12, 2021, this same dog was unrestrained, pursued and attempted to attack an adult neighbor. This incident was also done without provocation. City Code states any animal deemed vicious is ordered to be removed from city limits.

Ms. Kelderman presented numerous letters of support and individuals in attendance that spoke on behalf of Ody. Ody does not present a propensity to attack; he will bark at strangers but does not attack. Request to follow preventative measures: seek professional help from cert. dog trainer to help Ody with his reactivity; install fence between our house and neighbors; ensure only an adult takes Ody out and is present when he is outside; put Ody on a leash prior to exiting the door; put up baby gates at each entrance in the house; put a muzzle on Ody while taking him out for walks. Much discussion was had.

Ms. Fluegge (parent of minor that was attacked) along with supporters provided insight on how this event has affected her child. Pictures of injuries were shared with council. Request at the very least, for Ody to be removed from city limits.

There being no further comments/questions; Roe moved, seconded by Galloway to close public hearing. All ayes.

McAntire moved, seconded by Roe to deny the appeal of Casey and Yadira Kelderman. All ayes.

Galloway moved, seconded by McAntire that Res. No. 121-2022, adopting updated Policy Stmts. governing operation of City of Ottumwa's Downtown Area Revitalization Grant Programs, be passed and adopted. All ayes.

Roe moved, seconded by Galloway to pass third consideration and adopt Ord. No. 3191-2022, amending Subdivision Code to promote and simplify development of new housing by Amending Sections 33-101, 33-106 and 33-108 of the Municipal Code of the City of Ottumwa, Wapello County, IA. All ayes.

Hull moved, seconded by Roe to pass third consideration and adopt Ord. No. 3192-2022, amending Zoning Code to promote and simplify development of new housing by Amending Sections 38-41, 38-74, 38-115, 38-117, 38-206, 38-236, 38-266, 38-296, 38-326, 38-386, 38-418, 38-453, 38-457, 38-585, 38-870, 38-876 and 38-940 of the Municipal Code of the City of Ottumwa, Wapello County, IA. All ayes.

Roe moved, seconded by McAntire to pass third consideration and adopt Ord. No. 3193-2022, granting to ITC Midwest, LLC, its successors and assigns, the right and non-exclusive franchise to acquire, construct, erect, maintain and operate in the City of Ottumwa, IA, an Electric Transmission System for a period of twenty-five yrs. All ayes.

Hull moved, seconded by Roe to pass third consideration and adopt Ord. No. 3194-2022, est. a one-yr. moratorium on issuance of cert. of zoning compliance for new applications for used motor vehicle dealer lots and new applications for dealer extension lots. All ayes.

Roe moved, seconded by McAntire to pass first consideration of Ord. No. 3198-2022, Proposed Ord. to Repeal and Replace Ch. 7, Animals & Fowl of the City of Ottumwa Muni. Code. Galloway presented amendments/revisions to presented Ord.; conversed with legal; does council need to vote on each amend. tonight or can all changes be submitted to Legal and incorporated into revised Ord. that is presented and voted on at one time? Hull moved, seconded by Roe to table Ord. No. 3198-2022, council to share and discuss any changes with City Admin. and Legal and bring back for first reading at a later date. Specific items to address: animal care, revisions to definitions, identification of specific characteristics, tethering (timeframe), gender-neutral identifier throughout, monetary fees schedule. All ayes.

Citizen input: Make our community safe for everyone; education; outreach; hold people accountable; breed specific language is not ethical; don't rely on visual identification of pitbulls; something can/could happen no matter what breed of dog it is; unrealistic safe; the breed specific ban is not going to keep our community safe; the current ord. is not keeping animals from being in city limits; pitbulls are kept in hiding and are not being socialized; think about comprehensiveness of the breed; make it so all dogs are safe and dog owners are responsible; false sense of being safe; landlords are being hit with higher insurance rates or unable to get insurance if they have renters with dangerous animals. Council person Galloway stated what happens if we lift this ban and the expectations are put in place that are still not being followed?

There being no further discussion, Roe moved, seconded by Hull that the meeting adjourn. All ayes.

Adjournment was at 7:40 P.M.

CITY OF OTTUMWA, IOWA

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Richard W. Johnson, Mayor

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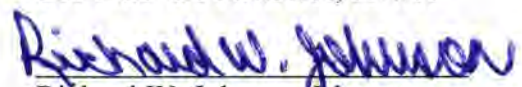
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CITY OF OTTUMWA, IOWA

  
Richard W. Johnson, Mayor

ATTEST:



*Christina Reinhard*

Christina Reinhard, CMC, City Clerk

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