

## OTTUMWA CITY COUNCIL MINUTES

SPECIAL MEETING NO. 17  
Council Chambers, City Hall

May 24, 2022  
5:00 O'Clock P.M.

The meeting was called to order at 5:00 P.M.

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

Galloway moved, seconded by McAntire to approve the agenda as presented. Motion carried 3-0 vote.  
Council Members Roe and Hull were absent.

Mayor Johnson inquired if there was anyone from the audience who wished to address an item on the agenda. There were none.

Pope moved, seconded by McAntire that Res. No. 138-2022, fixing date for Public Hearing on proposal to convey certain real property to Joe Wiley, and Providing for publication of notice thereof, be passed and adopted. Motion carried 3-0 vote. Council Members Roe and Hull were absent.

Pope moved, seconded by Galloway that Res. No. 139-2022, Authorizing request for designating a portion of Fourth St., from Jefferson to Wapello, with Honorary St. Name – Dr. MLK, Jr. Way, be passed and adopted. Motion carried 3-0 vote. Council Members Roe and Hull were absent.

Galloway moved, seconded by McAntire to approve temp. outdoor service area for Ottumwa Elks Lodge 347, 6/21-6/25/22 at Jimmy Jones Shelter for Ottumwa Balloon Races event. Clerk Reinhard explained this is an annual event put on by the Elks Lodge that you normally see within Consent Agenda items. Motion carried 3-0 vote. Council Members Roe and Hull were absent.

Mayor Johnson called the meeting to recess at 5:07 P.M.

Council reconvened at 5:25 P.M. in Room 108 for Work Session Proceedings.

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

Also present: City Admin. Rath, Comm. Service Officer Williams, Attorney Stone and Brundage (from A&C); Preston Moore, IA State Dir. Humane Society; Tom Rodgers, Citizen; Shelle Harvey and Pam, Heartland Humane; members of We C.A.R.E – Kathy Caldwell, Felisha Morrow, Laryssa Droz, Melissa Childs.

Rath began by introducing Ord. No. 3198-2022, an Ord. Repealing and Replacing Ch. 7, Animals and Fowl, of the Municipal Code of the City of Ottumwa. Roe turned in his suggestions on the definition of pit bull; would like to add references as defined by the American Kennel Club (AKC) or United Kennel Club (UKC).

Galloway would like to see the code with a threshold (or percentage) of what constitutes a pit bull within the mixed breed definition. What percentage must a mixed breed contain to be considered a pit bull (is it 5%, 40%, 60%?) Attorney Brundage stated he has not seen any codes that specify a percentage; if you define a threshold then you have the burden of proof and will do DNA tests on every dog presented as "mixed breed." Galloway stated if we continue to have breed specific language, then we need to have a

threshold; if no breed specific language, then no threshold. Mayor added, if we have a threshold it wouldn't leave this question subjective to visual identification. It would be easier to be compliant.

Do we need to include other breeds within our language?

We want to provide a cleaner definition of pit bull; remove mixed breed.

All Service Animals need to be licensed, regardless of breed. This is a change from our current Ord.

Identifying timeframes for noisy animals, hitching and tethering. Galloway stated, we need to have both sections: proper shelter and tethering. Animals who are tethered may show tendencies of being aggressive and attacking; and what sort of socialization are they getting? Would like enforcement to begin after 4 hours of being tethered.

Irresponsible owners and abandonment. Rath suggested if any money is recovered from a citation issued to the owner of an abandoned animal, it could be given to Heartland to help cover some costs associated with taking the animal in from the Police Dept.

Galloway suggested moving pit bulls to "high risk" definition. Rath added, Roe mentioned he wanted to keep it; both McAntire and Pope agree to keep it in place as "dangerous animal."

Defining Criminal fees, Simple Misdemeanor or Civil Citations for different levels of violations.

Rath then began discussion on the Human Rights Commission. Attorney Stone expressed concern about specifically designating the make-up of the board. Anytime you are giving special treatment to a protected class it results in high scrutiny. You would like to see participation of the protected classes, but you should not state the board must be made up of such. Suggested changing the statement to "the makeup of Commission members will be reflective of the diversity of the community" which will be included when drafting the ordinance. Will this commission have a budget to work with? The ordinance can be drafted to include this. Stone reminded council that there are differences between the commissions as defined under the Iowa Civil Rights Act. If your city population reaches 29,000, you are required to have a civil rights commission that receives, investigates, mediates and determines the merits of complaints alleging unfair or discriminatory practices. This is different from a Human Rights Commission, which is being formed to help collaborate with organizations and individuals in our community to provide education and training along with advocacy to reach the goal of ending discrimination and inequities. Rath also shared that once this is established and we have members appointed, we will have training opportunities from the state.

There being no further business, Galloway moved, seconded by McAntire that the meeting adjourn. Motion carried 3-0 vote. Council Member Roe and Hull were absent.

Adjournment was at 7:27 P.M.

ATTEST:



Christina Reinhard, CMC, City Clerk

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CITY OF OTTUMWA, IOWA



Richard W. Johnson, Mayor