

REGULAR MEETING NO. 29
Council Chambers, City Hall

October 18, 2022
5:30 O'Clock P.M.

The meeting convened at 5:59 P.M.

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

Hull moved, seconded by McAntire to approve consent agenda items: Mins. from Regular Mtg. No. 28 on Oct. 4, 2022 as presented; Recommend appointment of Jennifer Reynolds to Parks Adv. Brd., term to expire 9/29/2027 due to a vacancy and Corwin Williams to Public Safety Adv. Committee, term to expire 10/1/2024 due to a vacancy; Canvasser/Solicitor application for Workingman's Christmas Party to solicit donations within City Limits from Nov. 1 to Dec. 31, 2022; Approve purchase of six (6) galvanized light poles for Public Works Dept. for \$24,810; Accept bid and approve purchase of Ford F-350 Tool Truck for Parks Dept. from Stivers Ford for \$78,820; Res. No. 255-2022, fixing Nov. 1, 2022 as date for public hearing on proposal to convey certain real property locally known as 809 Glenwood Ave., Ottumwa, IA, to U.S. Bank, National Assoc., and providing for publication of notice thereof; Res. No. 257-2022, approving updates to Salary Schedule; Beer and/or liquor applications for: Mizu Hibachi & Sushi, Inc., 1111 Quincy Ave., Ste. 111; Mexico Lindo, 530 W. Second; Richmond & Ferry BP, 720 Richmond Ave.; all applications pending final inspections. All ayes.

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

City Admin. Rath introduced Finance Dir., Waseem Nasir and asked Exec. Dir. GOPIP, Roe, to provide quarterly update.

Mayor Johnson inquired if there was anyone from the audience who wished to address an item on the agenda. Keith Caviness requested to speak about Item G-1; Hunter McCoy, Nancy Anderson, Shawn Berry and Laura Berry requested to speak about Item G-3.

Galloway moved, seconded by McAntire to pass third consideration and adopt Ord. No. 3202-2022, an Ord. amending Appendix D, Electricity Franchise, with Interstate Power and Light Comp. for the purpose of imposing a Franchise Fee. Mr. Caviness presented a Petition containing 85 total signatures to the Ottumwa City Council stating citizens below respectfully request that you do not pass the final reading of the franchise fee bill for Ottumwa. We do not have enough money to pay add'l charges on our gas and electric bill for the next twenty-five yrs. Motion Carried 4-1. Nays: McAntire.

Roe moved, seconded by Pope to pass third consideration and adopt Ord. No. 3209-2022, an Ord. repealing Ord. No. 2888-2000 and granting to MidAmerican Energy Comp., its successors and assigns, the right and non-exclusive franchise to acquire, construct, erect, maintain and operate in the City of Ottumwa, IA, a Natural Gas System and to furnish and sell natural gas to the City and its inhabitants and auth. the City to collect franchise fees for a period of 25 yrs. Motion Carried 4-1. Nays: McAntire.

Pope moved, seconded by McAntire to pass second consideration of Ord. No. 3210-2022, an Ord. Amending the Zoning Ord. of the City of Ottumwa, IA, by conditionally rezoning property generally located at 1235 Hutchinson Ave., in the City of Ottumwa and directing Zoning Admin. to note Ord. Number and date of this change on the Official Zoning Map. Mr. McCoy presented a petition containing 93 signatures of individuals living in Ottumwa that do not want this property rezoned to allow a Dollar General to be built. He also provided photographs taken inside one of the current Dollar General stores in Ottumwa showing a disorganized space with fire exits blocked. Ms. Anderson, Mr. Berry and

Mrs. Berry also voiced their disagreement of this rezoning and potential build. Concerns: jeopardize the safety of our citizens just to make more money, lower appraised values on their homes, future plans for the area-will more businesses build out here too? Vote taken: All ayes.

Discussion and direction regarding property acquisitions at 210 W. Main and 160 River Dr. Rath reported, on July 5, 2022, council adopted Res. No. 183-2022 regarding the purchase of the depot from Iowa Heartland History Connection with an anticipated closing date of Aug. 17, 2022. As part of this acquisition, an abstract was ordered for completion prior to closing. On Sept. 20, 2022, council approved an addendum to the purchase agt. to extend the timeline for closing due to a delay in the abstract process. The City has rec'd abstracts for both properties; however, there is not sufficient information to provide a clean opinion of title. City Staff requested direction on how to proceed. Attorney Stone presented options for Council. The purchase agt. provides that the abstracts for the properties will show "marketable title" held by the Historical Society. There are some issues with the chain of title for these properties that may render title "unmarketable." However, note that the purchase agt. provides, following review of the abstract, that "Seller shall make every reasonable effort to promptly perfect title." Further, the purchase agt. provides that if Closing is delayed due to Seller's inability to provide marketable title, then either party could terminate the agt. The title issues present for both properties primarily arise out of a lack of recorded documents evidencing a chain of title prior to the deeds that transferred each property to the Historical Society. The Historical Society rec'd a deed for the depot property in 1987 and one for the clubhouse property in 2013. After discussion, Galloway moved, seconded by Pope to cont. with the current process and push out the closing to allow more time to complete the title opinion to get a "marketable title" and cont. working with Historical Society to get clean title on both properties. All ayes.

Oct. is National Community Planning Month; Simonson reported at the American Planning Assoc. IA Chp. Conference held in Ottumwa, the City of Ottumwa and Mission 500 rec'd the Best Practice Award for their work on housing. This award is a recognition that the City, Legacy Foundation, steering committee, RDG Planning and Design, Rippling Waters and their partners were the best example of planning practice, using public engagement to leverage the action necessary to improve housing in Ottumwa. Bradley J. Grefe, Grant Admin. from Area 15 RPC also provided information. Mayor Johnson issued proclamation to city staff.

Pope moved, seconded by Hull to auth. staff to prepare a simple agt. with GOPIP to sponsor a display for the 18th annual Holiday Nights and Lights. Mayor Johnson reported, the City has really supported this event by allowing GOPIP to set up in the Greater Ottumwa Park and graciously pays the electrical bill for services, but thought it would be a nice gesture to sponsor one of the less expensive displays. McAntire moved, seconded by Hull to amend the motion to auth. staff to prepare a simple agt. with GOPIP to sponsor a display, not to exceed \$300, for the 18th Annual Holiday Nights and Lights. Motion carried 3-2. Ayes: McAntire, Hull, Pope. Nays: Galloway. Abstain: Roe, as current Exec. Dir. of GOPIP.

Roe moved, seconded by Galloway to auth. pymts. to Garden & Assoc. for professional engineering services for easements plats and descriptions (temp. and/or permanent) for the CSO Blake's Branch, Phase VIII, Div. 1, East of Iowa Ave. Project. PW Dir. Seals reported total cost \$6,408.54. All ayes.

Roe moved, seconded by Galloway to approve proposal for professional services from Calhoun-Burns & Assoc., Inc. to prepare Feasibility Study for an elevated bridge on N. Quincy Ave. over Bear Creek and the IC&E Railroad Tracks. Seals reported cost of the study will be split between City and Wapello County. The Desktop Review will be charged at an hourly rate not to exceed \$6,500. All ayes.

Seals provided presentation for IDOT Project US 34, Wildwood Drive to West Junction US 63.

Galloway moved, seconded by Pope that Res. No. 253-2022, approving CO No. 1 and accepting work as final and complete and approving final pay request for the 2022 Friction Seal Project, be passed and adopted. Seals reported CO#1 increases contract \$18,906.34; new contract sum \$128,420.84. All ayes.

Roe moved, seconded by Galloway that Res. No. 254-2022, approving CO No. 4 for N. Market Façade Improvements Project, be passed and adopted. Simonson reported the adjustment is \$7,188.75 which uses the remaining project contingency for this bldg. of \$3,981.89 and increases the contract sum by \$3,206.86. New contract sum \$280,983.86. All ayes.

Hull moved, seconded by Roe that Res. No. 258-2022, approving updates to Personnel Policy, be passed and adopted. HR Dir., Codjoe, highlighted all of the changes. All ayes.

Roe moved, seconded by Galloway that Res. No. 259-2022, approving CO No. 1 and accepting work as final and complete and approving final pay request for Lillian St. Reconstruction Project, be passed and adopted. Seals reported CO#1 increases contract \$14,060.42; new contract sum \$835,395.92. All ayes.

Pope moved, seconded by Roe that Res. No. 260-2022, approving and auth. purchase of certain real property, and auth. execution of a real estate purchase agt. with Estate of Robert F. Box, be passed and adopted. Seals reported the purchase of a vacant property at 1223 Albia Rd. is necessary for the development of the Albia Rd. and Quincy Ave. Roundabout Project. Court Officer Deed and Quit Claim Deed have been prepared by the estate. The agreed prices for the lot is \$15,000 adjusted for prorated taxes at date of closing. Once the project has been designed and total ROW is determined, the remaining lot will be disposed of to any interested party. All ayes.

Roe moved, seconded by Pope that Res. No. 261-2022, approving CO No. 1 and accepting work as final and complete and approving final pay request for 2022 RFP#2, West End Valve Check Installation Project, be passed and adopted. Seals reported CO#1 increased contract \$1,800; new contract sum \$10,000. All ayes.

Mayor Johnson inquired if anyone from the audience wished to address an item not on the agenda. Matt Greiner provided an introduction for State Senate.

Council requested to have updates from Bridge City Sanitation and the Ottumwa Regional Airport.

There being no further business, Galloway moved, seconded by McAntire that the mtg. adjourn. All ayes.

Adjournment was at 8:05 P.M.

CITY OF OTTUMWA, IOWA


Richard W. Johnson, Mayor

ATTEST:


Christina Reinhard, CMC, City Clerk

Published in the Ottumwa Courier on 10/29/2022.