

OTTUMWA CITY COUNCIL MINUTES

REGULAR MEETING NO. 20
Council Chambers, City Hall

June 21, 2022
5:30 O'Clock P.M.

The meeting was called to order at 5:34 P.M.

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

Mayor Johnson presented Collins Clingman with a cert. of achievement for honors rec'd during Special Olympics USA.

Hull moved, seconded by Pope to approve consent agenda items: Mins. from Regular Mtg. No. 18 on June 7, 2022 as presented; Recommend re-appointment of Robert Snell to Cemetery Brd. of Trustees, term to expire 7/1/2029; Award contract for Tree Trimming and tree and stump removal services to Bub's Tree Care for best bid price of \$50.00 per hr. for all services rendered, July 1, 2022 through June 30, 2023; Approve purchase of one 2023 Ford Utility Police Interceptor Utility vehicle as insurance replacement from Stiver's Ford of Waukee, IA for \$28,671 and the police equip. necessary for basic police functions for \$12,000 from Racom Corp; Approve conflict of interest waiver for Ahlers & Cooney, P.C. between City of Ottumwa and Wapello County EMC; Res. No. 158-2022, approving contract, bonds and cert. of ins. for Campground Shower House and Office Facility 2022 Project; Res. No. 159-2022, approving updates to Salary Schedule, effective July 1, 2022; Res. No. 164-2022, approving contract, bonds and cert. of ins. for 2022 Catch Basin Replacement Program; Res. No. 165-2022, approving contract, bonds and cert. of ins. for 2022 Sanitary Utility Access Program; Cigarette Permit Applications for: Yesway #1012 (2508 N. Court), Yesway #1013 (534 Church), Yesway #1014 (502 W. Second), Yesway #1030 (1317 E. Mary); MAD Ave. Quik Shop (405 S. Madison); Beer and/or liquor applications for: Mike's Pizza & Steakhouse, 2517 Northgate; Yesway Store #10012, 2508 N. Court; Yesway Store #10013, 534 Church; Yesway Store #10030, 1317 E. Mary; Yesway Store #10014, 502 W. Second; Red's Pub, 618 Church, temp. OSA for July 1, 2022; all applications pending final inspections. All ayes.

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

Laura Carrell, Exec. Dir. Meet Ottumwa, Greater Ottumwa CVB, presented quarterly report. Three part mission: Assisting Leisure Travelers, Working with Planners & Organizers, Supporting our Local Community. Requesting increase of funding from hotel/motel tax; from 35% up to 40%.

Police Chief Farrington presented on reinstating a K-9 Program in Ottumwa. Goal is to have two trained K-9 on staff for better coverage for the City that will be multi-trained and looking to cover costs with fundraising and grants.

City Admin. Rath stated applications are available on our website and outside the Mayor's office for the Human Rights Commission.

Mayor Johnson inquired if there was anyone from the audience who wished to address an item on the agenda. Felisha Morrow, Laryssa Droz, Kathy Caldwell, Kristy Mundt, Melissa Childs, Shannon Murphy, Patrick Simmons all wished to speak on Item I-2, Ord. No. 3198-2022.

Comm. Dev. Dir. Simonson provided Council Update on the property located at 817 Chester which was brought up during the public hearing portion of a previous Council mtg. The Rushman's submitted a petition in July 2019 seeking to purchase 817 Chester to use for green space. The City Council pulled the resolution presented to set a public hearing for consideration of the disposition on the April 7, 2020 mtg.;

and the item was never brought back in front of council until recently. Council never voted to dispose of this property until it was disposed to another entity in April 2022. Council did not agree to dispose of property for green space because it was a buildable lot; at the time council tabled setting the PH, a refund should have been done and the petition closed; however, the item was left open and unresolved. Although there was lack of communication within this process, it doesn't mean the outcome should not follow the policy. Lori Rushman also addressed the council and provided documents from Rick Lynch as her attorney. It is best at this point to have attorneys from both parties address the matter and come up to resolution.

This was the time, place and date set for a public hearing approving the plans, specs., form of contract and est. cost for N. Market St. Façade Improvements Project. Simonson reported est. cost of project is \$375,000; funds coming from City and bldg. owners along with IEDA through CDBG program. No objections were rec'd. Galloway moved, seconded by Roe to close the public hearing. All ayes.

Roe moved, seconded by McAntire that Res. No. 160-2022, approving the plans, specs., form of contract and est. cost for N. Market St. Façade Improvements Project, be passed and adopted. All ayes.

Hull moved, seconded by Roe that Res. No. 122-2022, adopting the policy stmts. governing operation of the City's Build Ottumwa Program, be passed and adopted. Simonson stated City Attorney recommended resolution be amended to include additional language, which staff recommends approval of proposed amended resolution.

Roe moved, seconded by Hull, that Res. No. 122-2022 adopting the policy stmts. governing the operation of the City's Build Ottumwa Program, be amended to include additional language as recommended by City Attorney and staff, be passed and adopted. All ayes. Vote taken on the original motion for Res. No. 122-2022. All ayes.

Galloway moved, seconded by Pope that Res. No. 161-2022, awarding contract for the N. Market St. Façade Improvements Project to Christner Contracting Inc., of Ottumwa, IA, for \$277,777, be passed and adopted. Simonson reported two bids were rec'd. All ayes.

Roe moved, seconded by Pope that Res. No. 162-2022, approving ten yr. lease agt. between City of Ottumwa and USDOT-FAA for space at Ottumwa Reg. Airport, and repealing Res. No. 60-2022, be passed and adopted. Rath reported new lease was approved March 15, 2022; the FAA subsequently made some minor modifications to the lease and request city approval. All ayes.

Pope moved, seconded by Roe that Res. No. 163-2022, auth. City Admin. to sign contract with GovHR for recruitment services not to exceed \$25,000 for Dir. of Finance Position, be passed and adopted. Rath explained after position was vacated Feb. 15, 2022, three applications were rec'd. Two interviews have occurred, with two offers being presented; the position still remains open at this time. GovHR specializes in local government recruitment; if they are able to place a candidate into vacant position, they offer a 12 month guarantee for placement. All ayes.

Galloway moved, seconded by McAntire that Res. No. 166-2022, approving and auth. Execution of Amended and Restated Collateral Assignment related to Agt. for Private Development with HCI52501 Investment, LLC, be passed and adopted. Simonson reported this pertains to the Bonita project. All ayes.

Roe moved, seconded by McAntire that Res. No. 167-2022, approving Agt. between the City of Ottumwa and the Greater Ottumwa CVB, Inc., be passed and adopted. Rath presented the proposed Agt. increases

the percentage allocated to Meet Ottumwa from 35% to 40%. It also moves to a three-yr. term with possibility of one-yr. extension. All ayes.

Hull moved, seconded by McAntire that Res. No. 168-2022, approving extension of the Agt. with Integrity Golf Group, LLC for the management of Cedar Creek Golf Course, be passed and adopted. Rath reported the original Agt. is set to expire Dec. 31, 2023, with a five-yr. extension. Recently the management group was faced with a costly repair to the irrigation system; therefore, they requested certainty of operations to recover these costs over time. This approves extension Jan. 1, 2024-Dec. 2028. All ayes.

Roe moved, seconded by Galloway that Res. No. 169-2022, approving a limited extension of the Agt. with Heartland Humane Society for provision of animal care services, be passed and adopted. Rath reported this extension will bridge the gap while the City and Heartland work out details of a longer term Agt. The City will cont. working with local veterinary services and qualified boarding facilities for the care of those animals which are injured, deemed aggressive or designated as dangerous under City Code. Galloway stated when working through the new contract, make sure they are being compensated according to the duties they are providing for us. All ayes.

Hull moved, seconded by McAntire to pass the third consideration and adopt Ord. No. 3197-2022, amending the zoning ord. of the City of Ottumwa, IA, by conditionally rezoning property generally located at 1321 Asbury Dr. in the City of Ottumwa and directing the Zoning Admin. to note the Ord. Number and Date of this change on the official zoning map. All ayes.

Roe moved, seconded by McAntire to pass the first consideration of Ord. No. 3198-2022, repealing and replacing Ch. 7, Animals and Fowl, of the Mun. Code of the City of Ottumwa, IA. Rath reported the revised code identified a number of minor revisions such as definitions and clarifying language to assist in enforcement of the code. Additionally, there was a revised classification of animal from "potentially dangerous" to "high risk." Language was also added to inc. procedural and appeal processes as well as language exempting service animals from some aspects of the code. The petition filed Nov. 16, 2021 requested removal of breed specific language within the code. Pit bulls have been included in the definition of dangerous animals since the 1980's. While the code has been revised to inc. definitions and processes related to vicious, high risk, and dangerous dogs; it does not remove the pit bull terrier from the definition of a dangerous animal. A revised version of the code was originally presented at the May 3, 2022 mtg., but a number of questions and/or suggestions prompted further revision of the code before being voted upon. A work session was held May 24, 2022, to further review and discuss. Additions made to the code include revised definition of "pit bull terrier," additional restrictions regarding "tethering," clarification of violations subject to simple misdemeanors.

Items noted from public input: Why isn't anything related to PET ACT included in revised Ord?; dealing with pets during a natural disaster occurrence; wouldn't the City Clerk want record of all dogs licensed and vaccinations (regardless of breed); American Kennel Club, American Veterinary Medical Association, National Animal Control Association, American Bar Association, American Society for the Prevention of Cruelty to Animals, Centers for Disease Control & Prevention oppose BSL and recognize the inequities and inherent fallacies of such laws and the City is using the AKC description of dogs while ignoring they are against BSL; "pit bull terrier" is defined using the AKC and UKC characteristics standards of American Staffordshire Bull Terrier, American Pit Bull Terrier and Staffordshire Bull Terrier, while this ordinance uses the physical characteristics to identify; the code is still allowing one person's opinion to dictate breed; the process is completely subjective with no due process in place; as dog owners, our pets love us unconditionally; it's not fair that we are punishing a dog just because they look the wrong way, they haven't done anything wrong; thank the council for stepping up on treatment of

animals in this revision; requesting enforceable law based on science not opinion; what is going to make our city safer?; breed specific language is discriminatory; make it equal.

Roe stated the ordinance in front of you is much like the ordinance put in front of council two years ago, it is not perfect, nor will it ever be perfect; it will always be an imperfect document that needs revising from time to time. This is about more than just pit bulls. Every law is about accountability; responsibility means something. We are not doing ourselves any favors by changing the rules. This council has been publically chastised for making laws that nobody can enforce and nobody will follow. I've been on council long enough if this rule gets changed and a pit bull bites and kills someone, it isn't the people who fought for this change that will be blamed for the incident. It will be the police dept. and the city who will be blamed.

Galloway shared I do agree with Roe that if we were to change the ordinance and allow pit bulls in Ottumwa, we would be setting up citizens to fail. However, we do need to be forward thinking on this topic because breed specific language has come to the state house and senate twice now and it will make it through funnel in the next two years. We are labeling pit bulls as "dangerous," but other breeds can be dangerous too. We need to continue talking about this, I don't think our work is done after these three readings. Pit bulls are here in Ottumwa and I know council and the police dept. will bear burden should anything happen. We have added a lot of positive things to this ordinance.

Vote taken: Ayes: Hull, Pope, Roe, McAntire. Nays: Galloway. Motion carried 4-1 vote.

Mayor Johnson inquired if anyone from the audience wished to address an item not on the agenda. Michael Harville requests an appeal/suspension of removal order of his two dogs. My dogs have never chased a cat in town, they have lived peacefully in Ottumwa and I'm asking for city council to allow me to keep my animals until such time council can examine my request.

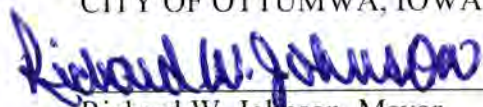
Mayor Johnson informed Mr. Harville that we cannot take any action on this item tonight as it was not included in our posted Agenda. This will need to be handled through our police dept. until council can hear your request during our next mtg.

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

Adjournment was at 7:30 P.M.

ATTEST:


Christina Reinhard, CMC, City Clerk

CITY OF OTTUMWA, IOWA

Richard W. Johnson, Mayor

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