

TENTATIVE AGENDA
OTTUMWA BOARD OF HEALTH

MEETING NO. 5
Council Chambers, City Hall

August 3, 2021
5:30 O'clock P.M.

ROLL CALL: Council Member Berg, Dalbey, Meyers, Roe and Mayor Lazio.
One Council Seat Vacant.

Approval of Minutes 1. Approve the minutes from Meeting No. 4 on June 15, 2021 as presented.

RECOMMENDATION: Approve the minutes.

Condemnation Hearing 2. This is the time, place and date set to consider condemnation of the structures on the property located at 602 East Mary in the City of Ottumwa, Wapello County, Iowa.
602 E. Mary

A. Open hearing for comments.

B. Close the public hearing.

C. Condemn the structures located at 602 East Mary, order prompt demolition, removal and leveling of the lot and direct all costs attendant to such actions, including administrative costs, to be assessed against the property and/or collected from the owner or owners thereof.

RECOMMENDATION: Approve the condemnation of the structures located at 602 East Mary.

Adjourn 3. Adjournment.



[CITY OF]
O T T U M W A

FAX COVER SHEET

City of Ottumwa

DATE: 7/30/21 TIME: 9:20 AM NO. OF PAGES 2
(Including Cover Sheet)

TO: News Media CO: _____

FAX NO: _____

FROM: Christina Reinhard

FAX NO: 641-683-0613 PHONE NO: 641-683-0620

MEMO: Tentative Agenda for the Board of Health Meeting #5 to be held on 8/3/2021 at 5:30 P.M.

*** FAX MULTI TX REPORT ***

JOB NO. 3944
DEPT. ID 4717
PGS. 2
TX INCOMPLETE -----
TRANSACTION OK 96847834
916606271885
96823269
ERROR 96828482

Ottumwa Courier
KTVO
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Tom FM



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MEMO: Tentative Agenda for the Board of Health Meeting #5 to be held on 8/3/2021 at 5:30 P.M.

OTTUMWA BOARD OF HEALTH MINUTES

MEETING NO. 4
Council Chambers, City Hall

June 15, 2021
5:30 O'clock P.M.

Present were Council Member Berg, Dalbey, Meyers, Roe and Mayor Lazio.
Council Member Stevens was absent.

Approval of Minutes 1. Meyers moved, seconded by Berg to approve the mins. from Mtg. No. 3 on May 4, 2021 as presented. Motion carried 4-0 vote. Council Member Stevens was absent.

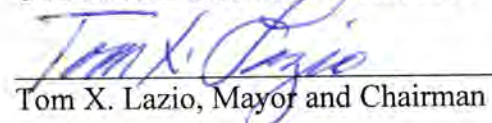
308 W. Sixth 2. This was the time, place and date set to consider condemnation of the structures on the property located at 308 W. Sixth St. in the City of Ottumwa, Wapello County, IA. Community Development Dir. Simonson reported the property was placarded Nov. 16, 2020 due to significant house fire; no one submitted a repair plan, sought permission to be in the bldg. or made any progress toward curing deficiencies. No objections were received. Dalbey moved, seconded by Roe to close the public hearing. Motion carried 4-0 vote. Council Member Stevens was absent.

Roe moved, seconded by Meyers to condemn the structures located at 308 W. Sixth St., order prompt demolition, removal and leveling of the lot and direct all costs attendant to such actions, including administrative costs, to be assessed against the property and/or collected from the owner or owners thereof. Motion carried 4-0 vote. Council Member Stevens was absent.

Adjourn 3. There being no further business, Berg moved, seconded by Roe that the meeting adjourn. Motion carried 4-0 vote. Council Member Stevens was absent.

Adjournment was at 5:33 P.M.

OTTUMWA BOARD OF HEALTH


Tom X. Lazio, Mayor and Chairman

ATTEST:


Christina Reinhard, CMC City Clerk

CITY OF OTTUMWA Staff Summary

**** ACTION ITEM ****

Council Meeting of: Aug. 2, 2021

Zach Simonson

Prepared By

Building and Code Enforcement
Department

Zach Simonson

Department Head

City Administrator Approval

AGENDA TITLE: This is the time, place and date to consider condemnation of the structure(s) on the property described as 602 E Mary.



****Public hearing required if this box is checked.****



The Proof of Publication for each Public Hearing must be attached to this Staff Summary. If the Proof of Publication is not attached, the item will not be placed on the agenda.

RECOMMENDATION: Open public hearing
Receive comments
Close public hearing
Condemn the structure(s) at 602 E Mary, order prompt demolition, removal and leveling of the lot and direct all costs attendant to such actions, including administrative costs, to be assessed against the property and/or collected from the owner or owners thereof.

DISCUSSION: This property was placarded on November 3, 2014 due to issues with the foundation, incomplete siding and broken windows. The property has changed ownership five times during the duration of the placard file. At some periods, progress has been made and lost over time.

The current owner acquired the property in March of 2020. He failed to complete the submitted repair plan. The property was originally scheduled for a condemnation hearing in April. At the owner's request, we prepared a 45-day deferral which the owner signed committing to complete the foundation repairs. He did not meet that deadline. In June, the owner excavated around the failing foundation and remove some of the failing walls. He then left open hole for weeks without any further progress. Time and again the owner has made commitments to complete work and then failed to meet the deadlines he has set for himself.

The property remains in violation of the code. The open excavation is an attractive nuisance. Condemnation notice was served by certified mail and posting notice on the property and in the *Ottumwa Courier*. Staff recommends condemning the property.

OTTUMWA

CITY OF BRIDGES...RIVER OF OPPORTUNITY

NOTICE OF DWELLING OR BUILDING DETERMINED TO BE UNFIT FOR HUMAN HABITATION AND AN ORDER TO CORRECT

November 4, 2014

Theresa Fogle
138 N Ransom
Ottumwa IA 52501

91 7108 2133 3935 1172 8840

Theresa Fogle:

An inspection was made on November 4, 2014 of the property located at **602 E Mary** in the City of Ottumwa, Wapello County, Iowa, which is legally described as follows:

HARDING PARK ADD LOT 1 BLK 2 (602 E MARY)

and which the records of the Wapello County Iowa Recorders' Office reveal ownership to be in your name, or that you have a property interest in.

It is in the opinion of the Housing Code Inspector of the City of Ottumwa, Iowa, under authority of Section 364.17 of the Code of Iowa, and Section 20-3 (K), of the Ottumwa Municipal Code, that said building(s) located on said property is (are) in a condition or in effect dangerous and detrimental to life and health and unfit for human habitation. Therefore, you are hereby given notice of said condition and ordered to correct the situation by doing the following before the **4th day of December 2014** to wit:

DEFICIENCY LIST ATTACHED

Repair plan required. In the event that the repairs or demolition cannot be completed within thirty days, a repair plan must be submitted for approval **prior to December 4, 2014** that meets the following requirements:

Provide a timetable for repair that is separated into thirty (30) day periods (30 days, 60 days, 90 days, etc.) outlining what repairs are to be completed during each period. There should be a

City of Ottumwa
105 East Third Street, Ottumwa, Iowa 52501
Telephone 641-683-0600 Fax 641-683-0613

maximum allowance of six (6) months for all repairs to be completed. There is a ninety (90) day maximum time limit for demolition. **All wiring, plumbing, furnace – AC repair/replacement, etc. require permits, possibly by licensed contractors.** Contact this office, for permit requirements.

A copy of this notice and order was this date posted in a conspicuous place in the above said building(s), along with a placard stating said structure(s) is not to be occupied until released by the Inspector.


Failure to make the above said corrections before 12:00 o'clock P.M. on the **4th** day of **December 2014** may result in the declaration by the undersigned pursuant to Section 364.17 of the Code of Iowa, and Section 20-3 (0), of the Ottumwa Municipal Code that said building(s), is (are) a public nuisance.

You may appeal this order by filing a written appeal with the Inspection Board of Review, Municipal Building, Ottumwa, Iowa, within **(15) days** after you have received this notice and order. If you have any questions pertaining to this matter contact me by coming to Room 203 at City Hall or by calling 641-683-0650.

Per City Policy #26, you may remove this property from the mandatory trash service and billing for as long as the property remains placarded. Contact Jody Gates at 641-683-0694 for this service.

Signed and dated at Ottumwa Municipal Building, Ottumwa, Iowa, this **4th** day of **November, 2014**

Sincerely,



Douglas S. Maize
Building Inspector

route

dsm

CERTIFIED #91 7108 2133 3935 1172 8840



CITY OF BRIDGES...RIVER OF OPPORTUNITY

Date of Placard: November 4, 2014

DEFICIENCY LIST- 602 EAST MARY

1. Provide a legal water, gas and electric utility service. 20-5-M,G,L and H
2. Repair the electric service. 20-7-I
3. Repair or remove all out buildings.20-7-B
4. Repair the soffit and fascia. 20-7-A
5. Repair all broken window glass.20-7-A
6. Repair the foundation . 20-7-A
7. Provide a landing at the sliding glass door. 20-7-A
8. Provide siding on the rear of the house. 20-7-F
- 9 . Remove all weeds and offensive growth. 23-3
10. This is a partial inspection only. A complete inspection will be required. Chapter 20

No one is to be in this placarded property between the hours of 10:00 P.M. through 7:00 A.M. without express written permission from the Director. People are allowed in this placarded property from 7:00 A.M. until 10:00 P.M. for the purpose of **cleaning & repairs only**. Violation of this standard will result in legal action being taken, including arrest and prosecution.

This unit must meet minimum housing code standard before it can be released. Application for a building permit on a placarded house must be accompanied by an updated deficiency list. No structure will be released from the tag list without the necessary permits being taken out before construction starts. Repair or replace all rot, decay or dilapidation that may occur until the structure is released.

Electrical, Plumbing, Heating and certain Building repairs require permits. Check with the Health Department at 641-683-0650 or by coming to room 203 in City Hall before doing any work that might require a permit.



[CITY OF]
OTTUMWA

NOTICE TO ABATE

July 2, 2021

Raymond Gene Phillips, Trustee
Raymond Gene Phillips Trust
5307 180th Ave.
Ottumwa, IA 52501

Wapello County Treasurer
101 W. 4th Street
Ottumwa, IA 52501

91 7199 9991 7035 6855 3635

Juan Jose Perez Esparza
602 E Mary
Ottumwa, IA 52501

Juan Jose Perez Esparza
1318 E Mary
Ottumwa, IA 52501

91 7199 9991 7035 6855 3604

SENT VIA CERTIFIED MAIL

91 7199 9991 7035 6855 3611

To Whom it May Concern,

91 7199 9991 7035 6855 3628

An inspection was made on July 1, 2021 of the placarded property located at **602 E Mary, Ottumwa, IA** of which you are the registered owner(s) or in which you have a property interest.

It has been determined that by reason of dilapidation and failure to repair this property constitutes a public nuisance.

The following abatement is needed to meet the minimum standards set forth in ordinance 3127-2017, an ordinance establishing the minimum standards governing the condition and maintenance of dwellings, etc.:

Abatement needed:

- 1) This nuisance must be abated by demolition within **thirty (30) days from this date** and the ground leveled to the contour of the surrounding earth.
- 2) The sewer must be terminated and capped within 3' of the property line.
- 3) The water service must be terminated at the connection to the main line.

We are hereby requesting your cooperation in abating this nuisance within the time allotted. Failure to do so will result in further legal action to be taken against you and the property. This action will include a condemnation referral to the Board of Health.

In the event that this order has not been complied with, a public hearing for condemnation will be held by the Ottumwa Board of Health on the 2nd day of August,

City of Ottumwa
105 East Third Street, Ottumwa, Iowa 52501
Telephone 641-683-0606 Fax 641-683-0609

2021 at 5:30 P. M. in the Council Chambers in City Hall, 105 East Third Street, Ottumwa, IA.

At such hearing the Board of Health may condemn the structure and order prompt demolition, removal, and leveling of such property and direct that all costs attendant to such action, including administrative costs, be assessed against the property or collected from the owner or owners thereof.

If you wish to contest this action, you may do so by filing a written statement with the City Clerk to the Board of Health **within five (5) days** of the receipt of this letter.

If you have any questions in regard to this matter, you may contact this office by calling 641-683-0650 or by coming to room 203 at City Hall.

Sincerely,

A handwritten signature in black ink, appearing to read 'Zach Simonson', with a long horizontal flourish extending to the right.

Zach Simonson
Director of Community Development
City of Ottumwa, IA
641.683.0694



[CITY OF]
OTTUMWA

March 17, 2021

I, Juan Perez, request that the City of Ottumwa withdraw the condemnation of 602 E Mary, Ottumwa, IA from the Board of Health agenda on April 6, 2021. I have provided documentation to the Building and Code Enforcement Department verifying that I have purchased the property at 602 E Mary. I am requesting a 45-day deferral of the condemnation hearing in order to complete repairs to the building's foundation and to show substantial progress toward completing all repairs on the deficiency list. To obtain this deferral, I will complete the following:

1. Complete all foundation repairs within forty-five (45) days.
2. Complete excavation to prepare site for foundation repairs within fifteen (15) days.
3. Keep grass and weeds below 10 inches and keep property free of rubbish, trash and debris.

I am aware that if I fail to comply with these requirements, the deferral will be canceled and the condemnation will be scheduled for the next Board of Health meeting.

Juan Perez

Juan Perez
1318 E Mary

3-19-2021

Date

Zach Simonson

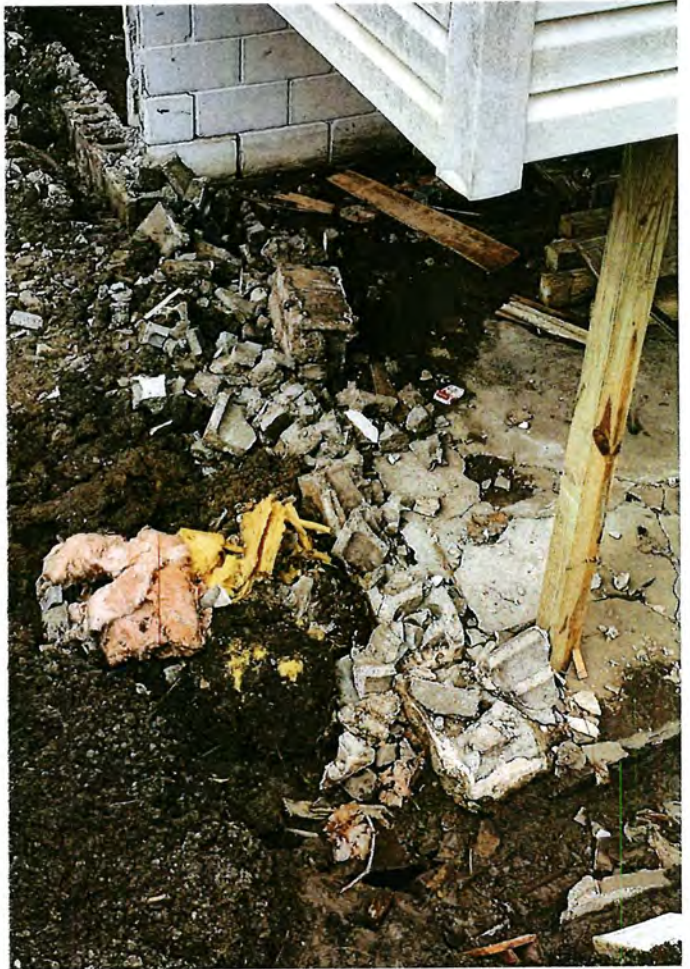
Zach Simonson
Interim Director of Building and Code Enforcement

3/19/21

Date



7/2/21



6/25/21



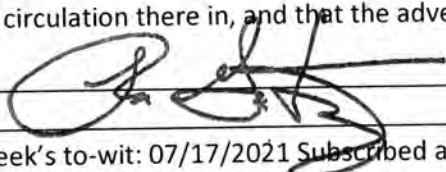
6/25/21

PROOF OF PUBLICATION

STATE OF IOWA
WAPELLO COUNTY

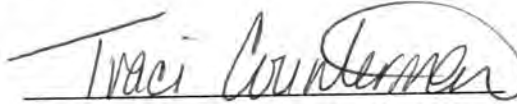
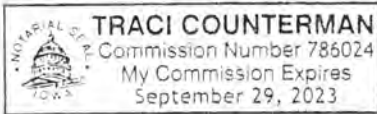
I, Ron Gutierrez, being duly sworn on my oath, say I am the Publisher of the Ottumwa Courier, a newspaper printed in said Wapello County, Iowa and of general circulation there in, and that the advertisement

Condemnation Notice – 602 E. Mary
City of Ottumwa



hereto attached was published in

said newspaper for 1 consecutive week's to-wit: 07/17/2021 Subscribed and sworn to before me, and in my presence, by the said 17th day of July, 2021



Notary Public

In and for Wapello County

Printer's fee \$ 17.56

COPY OF ADVERTISEMENT

CONDEMNATION NOTICE VIA CERTIFIED AND REGULAR MAIL TO: Raymond Gene Phillips – Trustee, Raymond Gene Phillips – Trust; Juan Jose Perez Esparza You are hereby notified that the structures located at **602 E Mary**, Ottumwa, IA have been determined to be a public nuisance, and that the nuisance must be abated by demolition within thirty (30) days of this notice and the lot cleaned and leveled. You are further notified that the legal description of the above property is as follows: **Harding Park Addition Lot 1, Block 2**. You are further notified that if the nuisance is not abated within 30 days of the date of this notice, a public hearing for condemnation of the structure(s) located on the premises described above will be held by the Ottumwa Board of Health on **August 3, 2021 at 5:30 p.m.** in the Council Chambers of City Hall, 105 East Third Street, Ottumwa, Iowa. If you wish to contest this action, you must do so by filing a written statement with the City Clerk, 105 East Third Street, Ottumwa, IA 52501 within five (5) days of the publication of this notice. **TAKE NOTICE AND GOVERN YOURSELF ACCORDINGLY! DATED July 2, 2021** Zach Simonson Director of Community Development City of Ottumwa, Iowa

Condemnation Notice
602 E Mary

Please publish July 22

CONDEMNATION NOTICE VIA CERTIFIED AND REGULAR MAIL

TO: Raymond Gene Phillips – Trustee, Raymond Gene Phillips – Trust; Juan Jose Perez Esparza

You are hereby notified that the structures located at **602 E Mary**, Ottumwa, IA have been determined to be a public nuisance, and that the nuisance must be abated by demolition within thirty (30) days of this notice and the lot cleaned and leveled. You are further notified that the legal description of the above property is as follows:

Harding Park Addition Lot 1, Block 2.

You are further notified that if the nuisance is not abated within 30 days of the date of this notice, a public hearing for condemnation of the structure(s) located on the premises described above will be held by the Ottumwa Board of Health on **August 2, 2021 at 5:30 p.m.** in the Council Chambers of City Hall, 105 East Third Street, Ottumwa, Iowa. If you wish to contest this action, you must do so by filing a written statement with the City Clerk, 105 East Third Street, Ottumwa, IA 52501 within five (5) days of the publication of this notice.

TAKE NOTICE AND GOVERN YOURSELF ACCORDINGLY!

DATED July 2, 2021

Zach Simonson
Director of Community Development
City of Ottumwa, Iowa