

OTTUMWA CITY COUNCIL MINUTES Item No. B.-1.

REGULAR MEETING NO. 3
Council Chambers, City Hall

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

The meeting was called to order at 5:30 P.M.

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

Hull moved, seconded by McAntire to approve the following consent agenda items: Mins. from Regular Mtg. No. 1 on Jan. 4, 2022 & Special Mtg. No. 2 on Jan. 11, 2022 as presented; Approve appt. of Wes Olson to Historic Preservation Comm., term to exp. 1/1/2023 due to a vacancy; Approve appt. of Phillip Burgmeier to City Engineer on or about Jan. 23, 2022; Approve promotion of Officer Scott Adams to rank of Sgt. effective on or about Jan. 30, 2022; Purchase rock salt for 2021-2022 fiscal yr. end through IDOT's contract for snow and ice removal; Approve purchase of a replacement walk behind paint sprayer for Traffic Dept. total cost \$7,412.04; Res. No. 10-2022, setting Feb. 1, 2022 as the date of a public hearing for the consideration of the Max. Property Tax Dollars for the City's proposed FY23 Budget; Beer and/or liquor applications for: American Gothic Performing Arts, 529 E. Main, with OSA; La Guadalupana, 301 Church.; Hy-Vee Food Store No. 1, 1025 N. Quincy; Fareway Stores, Inc., 1325 Albia Rd.; Dollar General Store #7179, 721 N. Quincy; Dollar General Store #2898, 921 E. Main; Cedar Creek Golf Course, 13120 Angle Rd; all applications pending final inspections. All ayes.

Galloway moved, seconded by Roe to approve the agenda as presented with the removal of Item No. G-3, Res. No. 11-2022, auth. the Mayor to sign and submit CDBG Application for Ottumwa Cerro Grande Upper-Story Housing Project. All ayes.

Mayor Johnson inquired if there was anyone from the audience who wished to address an item on the agenda. Keith Caviness, 2851 Oak Meadow Dr.; Shannon Murphy, 1131 Monroe; Marcia McDaniel, 321 W. Keota St.; Melissa Childs, 5 Woodshire Dr.; John Rambo, 1 Terrace Ct.; Shelby Mincks, 143 Grandview Ave.; Larry Money, 102 N. Ward; Kris Mundt, 109 S. Cherry; Felisha Morrow, 7133 120th Ave, Trlr 18; Aleigha DeLeon, 801 W. 3rd St.; Tonya Simonson; Laryssa Droz; Rachel Jackson all wished to discuss Item G-4 (removal of breed specific language from City Code/PitBulls).

Roe moved, seconded by Pope to accept bid and award contract for asbestos removal and disposal of materials at 236 Phillips to Dan Laursen for the sum of \$5,400. One bid rec'd. After abated, staff will release property to Fire Dept. for training. All ayes.

Galloway moved, seconded by Pope to approve writing a 2021 Staffing for Adequate Fire and Rescue (SAFER) Grant application to be submitted prior to Feb. 4, 2022. If awarded, this grant will cover salary and benefits costs associated to hire three add'l firefighters for three yrs. All ayes

This was the time, place and date set for a public hearing approving the plans, specs, form of contract and est. cost for the Cooper Ave. Recons. Project. PW Dir. Seals reported bids due Feb. 9, 2022. Est. cost \$645,444. No objections rec'd. Roe moved, seconded by Hull to close the public hearing. All ayes.

Roe moved, seconded by Pope that Res. No. 7-2022, approving the plans, specs, form of contract and est. cost for the Cooper Ave. Recons. Project, be passed and adopted. All ayes.

This was the time, place and date set for a public hearing approving the plans, specs, form of contract and est. cost for the Lillian St. Recons. Project. Seals reported bids due Feb. 9, 2022. Est. cost \$844,767. No objections rec'd. Galloway moved, seconded by Hull to close the public hearing. All ayes.

Hull moved, seconded by McAntire that Res. No. 8-2022, approving the plans, specs., form of contract and est. cost for the Lillian St. Recons. Project, be passed and adopted. All ayes.

This was the time, place and date set for a public hearing to consider requests to remove Breed Specific Lang. from City Code in reference to "Dangerous Animals" as requested through Petition No. 5086-2021 submitted to the City Oct. 29, 2021. A lot of conversation was had; because pit bulls are visually identified by law enforcement and public, they are not able to socialize like other breeds; socialization is key in preventing aggressive tendencies; the current Ord. does not keep pit bulls out of the comm.; to enforce a breed ban, you have to have a way to identify the breed and there currently is no clear way to identify (besides visually); breed specific deterrence does not help the City; need to look more at the owners and not the dogs; no one should have to rehome their family pet; any dog can attack, regardless of breed; use of DNA testing instead of just visually identifying; the way the law is written, it also states any animal that has the same characteristics of a pit bull which is still discriminatory.

Officer Williams went through the process of receiving a call of a pit bull at someone's house. Many times, people are truthful and willing to work through the issue. It is my job to uphold the law for the City. I have to see the animal in person before citations are issued.

Galloway reported we have started conversations about enforcement of ordinances; we know pit bulls are here. If the language in the ordinance is not changed, what does that look like for the City?

Rath stated nothing prevents anyone from filing a suit. From what I've seen, our code is fairly sound in most areas; however, it does qualify for revision to look into addressing service animal language and putting more into the owner of the animal(s) as ours is currently lacking in this regard.

Roe stated that he understands everyone's position but wants to speak from a point of neutrality. I applaud you all for taking an active role in the comm. You are asking a monumental task to change the lang. within our Code and if something bad happens as a result of this change, this council could have the blood of a child on their hands. Are we willing to take this risk? We will have to live with the consequences if something happens. I do not believe any of us are naïve to think pit bulls are not already here in Ottumwa; they are here, they are neglected and not socialized so when they do come out, the unfortunate happens. We have revised the animal ord. twice in 6 yrs. and the issue that remains is enforcement. We need to have a mechanism in place that can be enforced by all parties (Police, County Attny).

Roe moved, seconded by Hull to close the public hearing. All ayes.

Hull moved, seconded by Roe that Res. No. 3-2022, providing for the financial support of the Area 15 Reg. Planning Comm. for FY23 (for a total amount of \$13,019.79), be passed and adopted. All ayes.

Roe moved, seconded by McAntire that Res. No. 4-2022, providing for the financial support of the Area 15 Reg. Planning Affiliation (RPA 15) in the amt. of \$3,973 for FY23, be passed and adopted. All ayes.

Galloway moved, seconded by Pope that Res. No. 5-2022, approving updates to the Personnel Policies for the City of Ottumwa, be passed and adopted. All ayes.

Hull moved, seconded by Roe that Res. No. 9-2022, accept the proposed ext. from Ahlers & Cooney, P.C. for provision of gen. legal services effect. calendar yrs. 2022-2023, be passed and adopted. All ayes.

Roe moved, seconded by Pope that Res. No. 12-2022, approving matching \$750,000 contribution for the construction of improved tennis campus, be passed and adopted. Rath reported the *Friends of Ottumwa's Parks* approached the City about doing something with the tennis courts and they do not want to wait forever. Although we do not have a finalized Master Park Plan, the Ottumwa School Dist. can leverage for this project to match the City's contribution. All we have so far are est. that the tennis courts will cost around \$2.2 Million. If the project runs over, the *Friends of Ottumwa's Parks* would take care of the overage. This project can be done using ARPA funds or as qualifying CIP that the City would bond for. McAntire stated it is hard for him to feel comfortable voting on this item when we have four new council members that haven't gone over the budget yet; something we should table so we can learn the budget process before voting on it. Council would feel more comfortable changing the wording to state 1/3 of the total cost, up to \$750,000.

Roe moved, seconded by Pope to amend the current res. to approve matching up to \$750,000 contribution for the construction of improved tennis campus. All ayes.

Roe moved, seconded by Hull to approve the Res. No. 12-2022 as amended. Approving matching funds up to \$750,000 or 1/3 of total cost for the construction of improved tennis campus. Vote taken: Ayes: Galloway, Hull, Pope, Roe. Nays: McAntire. Motion carried 4-1 vote.

Hull moved, seconded by McAntire to pass the first consideration of Ord. No. 3189-2022, amending Sections 38-963 and 38-966 of the Municipal Code of the City of Ottumwa, Wapello County, IA for the purpose of increasing the sign allowance for schools located in residential zones and making clarifying changes in said sections. All ayes.

McAntire moved, seconded by Roe to waive the second and third considerations, pass and adopt Ord. No. 3189-2022. All ayes.

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

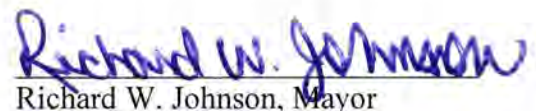
Adjournment was at 7:32 P.M.

CITY OF OTTUMWA, IOWA

ATTEST:



Christina Reinhard, CMC, City Clerk



Richard W. Johnson, Mayor