

TENTATIVE AGENDA
OTTUMWA CITY COUNCIL

REGULAR MEETING NO. 2
Council Chambers, City Hall

January 22, 2019
5:30 O'Clock P.M.

A. ROLL CALL: Council Member Streeby, Berg, Dalbey, Roe, Stevens and Mayor Lazio.

B. CONSENT AGENDA:

1. Minutes from Regular Meeting No. 1 on January 8, 2019 as presented.
2. Acknowledgement of December financial report and payment of bills as submitted by the Finance Department.
3. Reappointment of Bob McDowell to the Inspection Board of Review, term to expire 1/18/2024.
4. Approve the appointment of Brad Davis to the position of Equipment Operator-Street Cleaning Department effective February 4, 2019.
5. Approve the purchase of one 2020 Ford Utility Police Interceptor vehicle from Stivers Ford of Waukee, Iowa in the amount of \$34,473 and the purchase and installation of the police equipment necessary for basic police functions in the amount of \$11,700.
6. Setting February 5, 2019 as the date of a public hearing on the Plans, Specifications, Form of Contract, and Estimated Cost for the Alta Vista Reconstruction Project.
7. Resolution No. 6-2019, setting February 5, 2019 as the date of a public hearing on Ottumwa Transit's Consolidated Funding Application.
8. Resolution No. 9-2019, providing for the financial support of the Area 15 Regional Planning Commission for Fiscal Year 2019-20.
9. Resolution No. 12-2019, authorizing the destruction of certain records according to the Code of Iowa 2015, as amended, and the Iowa Municipal Records Retention Manual.
10. Beer and/or liquor applications for: Fareway Stores, Inc., 1325 Albia Rd.; Dollar General Store #7179, 721 N. Quincy Ave; Dollar General Store #2898, 921 E. Main Street; Cedar Creek Golf Course, 13120 Angle Rd, with outdoor service area; Recovery Room, 1805 W. Second Street; The Keg, 622 Church Street, with outdoor service area; all applications pending final inspections.

C. APPROVAL OF AGENDA

D. REPORTS FROM CITY OFFICERS, BOARDS, COMMISSIONS, COMMITTEES:

1. Airport Update on 2/5/19 City Council Meeting
2. Blakes Branch Sewer Separation Project Discussion – 2/12/19
3. Ottumwa Public Library – Annual Report
4. Beach Sound System Discussion – Special Work Session on 1/29/19 at 5:30 P.M.
5. Continued FY 2019-2020 Budget Discussions – Special Work Session on 1/29/19 at 5:30 P.M.

E. IDENTIFICATION OF CITIZENS DESIRING TO COMMENT ON AGENDA ITEMS:

(When called upon by the Mayor, step to the microphone; state their name, address and agenda item to be addressed. The Mayor will invite you to address the Council when that topic is being discussed. Remarks will be limited to three minutes or less. The City Clerk shall keep the time and notify the Mayor when the allotted time limit has been reached. Comments are to be directly germane to the agenda item being discussed; if not directly germane as determined by the Mayor will be ruled out of order.)

F. DEPARTMENTAL RECOMMENDATIONS/REPORTS:

1. Budget Presentation for FY 2019/2020.

RECOMMENDATION: Receive presentation; receive recommendation and/or direction if applicable

G. PUBLIC HEARING:

1. This is the time, place, and date set for a public hearing on the plans, specifications, form of contract, and estimated cost for the WPCF Primary Clarifier Valve Replacement Project.

- A. Open the public hearing.
- B. Close the public hearing.
- C. Resolution No. 5-2019, approving the plans, specifications, form of contract, and estimated cost for the WPCF Primary Clarifier Valve Replacement Project.

RECOMMENDATION: Pass and adopt Resolution No. 5-2019.

- 2. This is the time, place, and date set for a public hearing on the sale of City owned property located at 108 East Court.

- A. Open the public hearing.
- B. Close the public hearing.
- C. Resolution No. 7-2019, accepting the offer and approving the sale of City owned property located at 108 East Court to Brothers Holding Trust for the sum of \$250.

RECOMMENDATION: Pass and adopt Resolution No. 7-2019.

- 3. This is the time, place, and date set for a public hearing on the sale of City owned property located at 1543 Mable Street.

- A. Open the public hearing.
- B. Close the public hearing.
- C. Resolution No. 8-2019, accepting the offer and approving the sale of City owned property located at 1543 Mable Street to Alissa Welch for the sum of \$250 for the purpose of constructing a commercial building.

RECOMMENDATION: Pass and adopt Resolution No. 8-2019.

- 4. This is the time, place, and date set for a public hearing on the plans, specifications, form of contract and estimated cost for the Beach Phase 4, Slide Restoration Project 2019.

- A. Open the public hearing.
- B. Close the public hearing.
- C. Resolution No. 14-2019, approving the plans, specifications, form of contract, and estimated cost for the Beach Phase 4, Slide Restoration Project 2019.

RECOMMENDATION: Pass and adopt Resolution No. 14-2019.

- 5. This is the time, place, and date set for a public hearing on the Appeal of Ottumwa Police Chief's Order dated January 9, 2019 to remove a dog from the City limits pursuant to Ottumwa Municipal Code Chapter 7, Section 11, in the possession of Elizabeth "Liz" Techel, under her control or on the premises of her property at 901 Chester Avenue, Ottumwa.

- A. Open the public hearing.
- B. Receive comments.
- C. Deny the appeal of Elizabeth Techel.

RECOMMENDATION: Deny the appeal of Elizabeth Techel.

H. RESOLUTIONS:

1. Resolution No. 10-2019, establishing a Brick Streets Policy in the City of Ottumwa, Wapello County, Iowa.

RECOMMENDATION: Pass and adopt Resolution No. 10-2019.

2. Resolution No. 11-2019, approving the purchase of a new ADA Minivan for the Ottumwa Transit Department.

RECOMMENDATION: Pass and adopt Resolution No. 11-2019.

3. Resolution No. 13-2019, approving applications for residential and commercial tax abatement under the Urban Revitalization Plan, subject to review the local assessor.

RECOMMENDATION: Pass and adopt Resolution No. 13-2019.

4. Resolution No. 15-2019, approving Change Order No. 1 for Beach Renovations Phase 3 – Contract B, Office/Kitchen Remodeling.

RECOMMENDATION: Pass and adopt Resolution No. 15-2019.

5. Resolution No. 16-2019, authorizing the Mayor to execute a Preconstruction Agreement with Iowa DOT to prepare a detour route for U.S. Hwy 63 Reconstruction Project.

RECOMMENDATION: Pass and adopt Resolution No. 16-2019.

6. Resolution No. 17-2019, authorizing the Mayor to execute a Temporary Easement Purchase Agreement with Iowa DOT to shape Parcel 247, along U.S. Hwy 63.

RECOMMENATION: Pass and adopt Resolution No. 17-2019.

I. ORDINANCES

1. Ordinance No. 3150-2019, amending the Zoning Ordinance No. 3088-2015 of the City of Ottumwa, Iowa and as set forth in Chapter 38 of the Municipal Code – City of Ottumwa, Iowa by amending Sections 38-885, 38-876(b), 38-79(3), and 38-887(c) City of Ottumwa, Wapello County, Iowa.

RECOMMENDATION: A) Pass the first consideration of Ordinance No. 3150-2019.
B) Waive the second and third consideration, pass, and adopt Ordinance No. 3150-2019.

2. Ordinance No. 3151-2019, amending Chapter 18, of the Municipal Code of the City of Ottumwa, Iowa, entitled Health and Sanitation, by repealing Section 18-51 through 18-55 and enacting a substitute in lieu thereof including new subsections 18-50 through 18-62, concerning massage therapy businesses.

RECOMMENDATION: A) Pass the first consideration of Ordinance No. 3151-2019.
B) Waive the second and third consideration, pass, and adopt Ordinance No. 3151-2019.

J. PUBLIC FORUM:

The Mayor will request comments from the public on topics of city business or operations other than those listed on this agenda. Comments shall not be personalized and limited to three minutes or less. Comments not directly applicable to operations, inappropriate, or an improper utilization of meeting time, as determined by the Mayor, will be ruled out of order. When called upon by the Mayor, step to the microphone; give your name, address and topic on which to address the Council. The Council is not likely to take any action on your comments due to requirements of the Open Meetings Law. Pertinent questions, comments or suggestions may be referred to the appropriate department, city administrator or legal counsel for response, if relevant.

K. PETITIONS AND COMMUNICATIONS

1. Mayor and Council Reports

ADJOURN

***** It is the goal of the City of Ottumwa that all City Council public meetings are accessible to people with disabilities. If you need assistance in participating in City Council meetings due to a disability as defined under the ADA, please call the City Clerk's Office at (641) 683-0621 at least one (1) business day prior to the scheduled meeting to request an accommodation. *****



[CITY OF]

OTTUMWA

FAX COVER SHEET

City of Ottumwa

DATE: 1/18/19 TIME: 9:00 AM NO. OF PAGES 5
(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 Regular City Council Meeting #2 to be held on 1/22/19.

Broadcast Report

P 1
 01/18/2019 09:13
 Serial No. ASC0011021987
 TC: 374312

Addressee	Start Time	Time	Prints	Result	Note
KISS	01-18 08:58	00:03:00	005/005	OK	
KTVO	01-18 09:03	00:03:33	005/005	OK	
Ottumwa Courier	01-18 09:09	00:00:57	000/005	No Ans	
KBIZ/KTVA	01-18 09:11	00:00:57	000/005	No Ans	
TOM FM	01-18 09:12	00:00:57	000/005	No Ans	

Note TMR:Timer TX, POL:Polling, ORG:Original Size Setting, FME:Frame Erase TX, DSP:Page Separation TX, MIX:Mix of Original TX, CALL:Manual TX, CSAC:CSAC, FWD:Forward, PC:PC-FAX, BND:Double-Sided Binding Direction, SP:Special Original, FCODE:F-code, RTX:Re-TX, RLV:Relay, MEX:Confidential, BUL:bulletin, SIP:SIP Fax, IPADR:IP Address Fax, I-FAX:Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF, TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer, Refuse: Receipt Refused, Busy: Busy, M-Full:Memory Full, LOVR:Receiving length over, PORA:Receiving page over, FIL:File Error, DC:decode Error, MDN:MDN Response Error, DSN:DSN Response Error, PRINT:Compulsory Memory Document Print, DEL:Compulsory Memory Document Delete, SEND:Compulsory Memory Document Send.



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MEMO: Tentative Agenda for the Regular City Council Meeting #2 to be held on 1/22/19.

REGULAR MEETING NO. 1
Council Chambers, City Hall

January 8, 2019
5:30 O'Clock P.M.

The meeting convened at 5:30 P.M.

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

Roe moved, seconded by Berg to approve the following consent agenda items: Mins. from Regular Mtg. No. 39 on December 18, 2018 as presented; Acknowledgement of November financial report and payment of bills as submitted by the Finance Dept.; Approve recommendation of reappointment of Brenda Case and John Ohlinger to the Historic Preservation Board, term to expire 1/01/2022; Approve the hiring of Brian Stevenson to the position of Engineering Aide in the Engineering Dept. effective January 2, 2019; Res. No. 1-2019, setting January 22, 2019 as the date of a public hearing on the disposition of city owned property located at 1543 Mable St.; Res. No. 3-2019, setting January 22, 2019 as the date of a public hearing on the disposition of city owned property located at 108 East Court St.; Res. No. 4-2019, Approving the contract, bond, and certificate of insurance for the Milner Pump Station Removal Project; Beer and/or liquor applications for: The Dog House Tavern, 714 Vine St., with outdoor service area; Tequila Grill, 112 N. Market St.; La Guadalupana, 301 Church St.; El Rancho Grande, 232 E. Main St.; Casey's General Store No. 1678, 346 Richmond; Hy-Vee Food Store No. 1, 1025 N. Quincy; Iowa Liquor & Tobacco, 1021 E. Main St.; all applications pending final inspections. All ayes.

Stevens moved, seconded by Dalbey to approve the agenda as presented. All ayes.

City Admin. Morris stated the Massage Therapy Business Licensing Ordinance will be put before Council for approval on January 22, 2019.

He also reported that Brett Douglas, with Genus Architects, will present an MOU to outline maintenance, funding, and responsibilities surrounding the Streetscape project for Main Street.

Mayor Lazio introduced Sharon Stroh, Economic Development Director, for update on strategic initiatives for OEDC.

- Site Development and Preparation:
- Helgerson Flats has been granted conditional Site Certification status as of January 3, 2019.
- Traffic impact (at US 149 and N. Court Frontage) continues to be obstacle while marketing for this area.
- Targeted Industry Recruitment – four that have been identified for Ottumwa are automotive supply chain, machinery manufacturing, warehouse distribution and food/beverage distribution.
- Business Attraction, Retention and Expansion
- Navigation Assistance for Financing Business Growth
- Talent Strategies
- Councilman Stevens asked about retail development. Mr. Heller takes the lead on this, while she focuses on industry. Mr. Heller also has development of a retail/commercial roundtable to enhance networking within Ottumwa on his radar.

City Admin. Morris mentioned the following items:

- Additional Budget Meetings with Staff and Council will be scheduled in January – possibly January 28, 29, 30 or 31 2019 and February 6 or 7, 2019.

- Special Work Session scheduled January 29, 2019 to discuss the Beach Sound System – no legislative action will take place at this meeting.

Fire Chief Miller introduced Mike Craff, Assistant Fire Chief, to discuss results of Sparky Claus initiative for 2018.

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

Roe moved, seconded by Berg to award the contract for asbestos removal of 206 East Court to Environmental Edge of Ottumwa, Iowa, for \$1,500 and demolition of 206 East Court to Tim Skinner Trucking and Excavation for \$8,896. Dir. of Hlth. Insp. & Solid Waste, Flanagan, reported a total of 4 bids were received. All ayes.

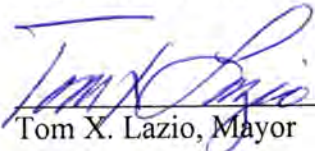
Mayor Lazio inquired if anyone from the audience wished to address an item not on the agenda. There were none.

Mayor Lazio reported the following:

- Compliments to the Finance Dept. for a clean audit received from Anderson Larkin.
- We will have plenty of discussion on the pending budget before it is approved.
- Thank the Chamber and all individuals and groups making the Holiday Nights and Lights successful.
- Upcoming Comprehensive Plan meetings will be open to the public
- POLCO launched today
- Thursday, GOPIP meeting

Roe moved, seconded by Dalbey that the meeting adjourn. All ayes. Adjournment was at 6:05 P.M.

CITY OF OTTUMWA, IOWA


Tom X. Lazio, Mayor

ATTEST:


Christina Reinhard, City Clerk

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	BEG. PERIOD BALANCE	CASH DEBITS	CASH CREDITS	END PERIOD BALANCE	OUTSTANDING CHECKS	TREASURY BALANCE
TOTALS FOR FUND 001	GENERAL OPER	4014664.52	888764.57	1257998.82	3645430.27	23045.25	3668475.52
TOTALS FOR FUND 002	PARKING RAMP	25093.79	4186.00	874.45	28405.34		28405.34
TOTALS FOR FUND 110	ROAD USE TAX	4660790.39	379976.10	630606.47	4410160.02	2063.71	4412223.73
TOTALS FOR FUND 112	EMPLOYEE BEN	729342.54	277504.71	444367.00	562480.25		562480.25
TOTALS FOR FUND 119	EMERGENCY FU		7019.19	7019.19			
TOTALS FOR FUND 121	SALES TAX 1%	1719955.87	262648.45	57499.16	1925105.16		1925105.16
TOTALS FOR FUND 124	VOGEL URBAN						
TOTALS FOR FUND 125	WESTGATE TIF	276661.38	21049.03	21114.50	276595.91		276595.91
TOTALS FOR FUND 126	AIRPORT TIF						
TOTALS FOR FUND 127	PENNSYLVANIA						
TOTALS FOR FUND 128	WILDWOOD HWY	138691.82	1655.25	28238.75	112108.32		112108.32
TOTALS FOR FUND 129	RISK MANAGEM	1165946.87	43349.55	40228.15	1169068.27		1169068.27
TOTALS FOR FUND 131	AIRPORT FUND	119036.70	21966.06	63196.04	77806.72		77806.72
TOTALS FOR FUND 133	LIBRARY FUND	344835.77	37471.65	58688.05	323619.37	439.73	324059.10
TOTALS FOR FUND 135	CEMETERY FUN	-18353.46	23726.60	32703.70	-27330.56	2253.00	-25077.56
TOTALS FOR FUND 137	HAZ-MAT FUND	147322.25	15391.17	16399.92	146313.50	12.00	146325.50
TOTALS FOR FUND 141	2018 UPPER S	26980.88		55385.10	-28404.22		-28404.22
TOTALS FOR FUND 142	HOAP/HILP ES						
TOTALS FOR FUND 143	EPA BROWNFIE						
TOTALS FOR FUND 144	2013 CDBG HO						
TOTALS FOR FUND 145	DOWNTOWN REV						
TOTALS FOR FUND 146	DOWNTOWN STR		.02	.02			
TOTALS FOR FUND 147	CDBG P-2 MAS	-5025.27		93093.91	-98119.18	9069.21	-89049.97
TOTALS FOR FUND 148	2016 OWW CDB						
TOTALS FOR FUND 151	OTHER BOND P	837032.93	129003.00	178316.00	787719.93	20737.00	808456.93
TOTALS FOR FUND 167	FIRE BEQUEST	26097.21	510.00	1213.38	25393.83		25393.83
TOTALS FOR FUND 169	START UP FUN						
TOTALS FOR FUND 171	RETIREE HEAL	771993.45	96200.00	110047.96	758145.49	102.00	758247.49
TOTALS FOR FUND 173	LIBRARY BEQU	174338.98	21427.00	7039.04	188726.94	1076.26	189803.20
TOTALS FOR FUND 174	COMMUNITY DE	73435.65			73435.65		73435.65
TOTALS FOR FUND 175	POLICE BEQUE	91848.57	350.00	4200.00	87998.57		87998.57
TOTALS FOR FUND 177	HISTORIC PRE	1783.17			1783.17		1783.17
TOTALS FOR FUND 200	DEBT SERVICE	2066096.62	222548.84	214234.63	2074410.83		2074410.83
TOTALS FOR FUND 301	STREET PROJE	445467.28	644525.67	186661.65	903331.30	29202.19	932533.49
TOTALS FOR FUND 303	AIRPORT PROJ	106505.45			106505.45		106505.45
TOTALS FOR FUND 307	SIDEWALK & C	190775.75		1325.62	189450.13		189450.13
TOTALS FOR FUND 309	PARK PROJECT	364222.63	7590.00	64507.91	307304.72		307304.72
TOTALS FOR FUND 311	LEVEE PROJEC	179038.81			179038.81		179038.81
TOTALS FOR FUND 313	EVENT CENTER	-827.28		3495.39	-4322.67		-4322.67
TOTALS FOR FUND 315	SEWER CONSTR	899402.83		35967.89	863434.94		863434.94
TOTALS FOR FUND 320	WEST END FLO						
TOTALS FOR FUND 501	CEMETERY MEM	3710.46			3710.46		3710.46
TOTALS FOR FUND 503	CEMETERY PER	234.00	10.00	234.00	10.00		10.00
TOTALS FOR FUND 610	SEWER UTILIT	1725506.31	527082.75	656473.81	1596115.25	15482.38	1611597.63
TOTALS FOR FUND 611	SEWER SINKIN	629165.00	106833.00		735998.00		735998.00
TOTALS FOR FUND 612	STORM WATER						
TOTALS FOR FUND 613	SEWER IMPROV	3008535.00	41707.00		3050242.00		3050242.00
TOTALS FOR FUND 670	LANDFILL FUN	1367037.54	169791.12	110910.64	1425918.02	6451.44	1432369.46
TOTALS FOR FUND 671	LANDFILL RES	1093884.00			1093884.00		1093884.00
TOTALS FOR FUND 673	RECYCLING	183425.79	37537.07	46942.52	174020.34	8216.94	182237.28
TOTALS FOR FUND 690	TRANSIT FUND	955655.82	54410.39	86627.02	923439.19	3151.95	926591.14
TOTALS FOR FUND 695	1015 TRANSIT						
TOTALS FOR FUND 720	BRIDGEVIEW E	107836.16	90000.00	90000.00	107836.16		107836.16
TOTALS FOR FUND 750	GOLF COURSE	1210.62			1210.62		1210.62
TOTALS FOR FUND 810	POOLED INVES	-31516133.84	2046069.56	2000000.00	-31470064.28		-31470064.28
TOTALS FOR FUND 820	PAYROLL CLEA	421322.15	1078748.06	1203568.19	296502.02	13677.43	310179.45
TOTALS FOR FUND 840	EQUIPMENT PU	1115835.52	305500.00		1421335.52		1421335.52
TOTALS FOR FUND 860	GROUP HEALTH	3344691.93	328873.85	284260.92	3389304.86		3389304.86
TOTALS FOR ALL LISTED FUNDS		2015072.56	7893425.66	8093439.80	1815058.42	134980.49	1950038.91

REPORT DATE 12/31/2018
SYSTEM DATE 01/11/2019
FILES ID 0

CITY OF OTTUMWA
STATEMENT OF CHANGES IN CASH BALANCE
AS OF 12/31/2018

PAGE 2
TIME 14:57:12
USER SC

SUMMARY PAGE INFORMATION

ERRORS DETECTED: 0

END OF REPORT

CITY OF OTTUMWA
 VENDOR PAYMENT REPORT

Vendor #	Vendor Name	Check Number	Check Date	Amount	Reason
00198	ABC PEST CONTROL INC.	199708	12/07/2018	42.95	BLDG MAINT & REPAIR
00320	ACCO	199709	12/07/2018	622.40	OPERATING SUPPLIES
00800	AHLERS & COONEY P.C.	199710	12/07/2018	830.00	LEGAL FEES
00855	AIRGAS-NORTH CENTRAL	199711	12/07/2018	980.85	OPERATING SUPPLIES
01700	ALLIANT ENERGY/IPL	199712	12/07/2018	60,804.21	ELECTRIC
02080	ALTORFER INC.	199713	12/07/2018	1,096.77	VHCL MTCE SUPPLIES
04440	ANDERSON LARKIN CO PC	199714	12/07/2018	15,750.00	ACCOUNTING & AUDITING
05124	ARCHANGEL SERVICES, LLC	199715	12/07/2018	2,316.67	MISC CONTRACT WORK
05668	A-TEC RECYCLING INC	199716	12/07/2018	2,182.65	HAZARDOUS WASTE DISPOSAL
06481	BAILEY OFFICE OUTFITTERS	199718	12/07/2018	3,974.11	OFFICE SUPPLIES
06780	BAKER & TAYLOR	199719	12/07/2018	384.20	LIBRARY MAT.-JAMES ESTATE
06994	BANLEACO	199720	12/07/2018	212.15	PHOTOCOPIES
07920	COLTEN BENSON	199721	12/07/2018	57.00	ELECTRICAL PERMITS
09360	BLACK'S TIRE COMPANY LLC	199722	12/07/2018	1,118.30	VHCL MTCE SUPPLIES
11506	BRIDGE VIEW CENTER	199723	12/07/2018	90,000.00	MANAGEMENT SERVICES
12500	BUB'S TREE CARE	199724	12/07/2018	900.00	TREE TRIMMING
14315	CAPITAL CITY BOILER & CARROLL DISTRIBUTING	199725	12/07/2018	533.05	BUILDING MAINTENANCE REPA
15600	CENTRAL IOWA FASTENERS	199726	12/07/2018	503.58	OPERATING SUPPLIES
16300	CENTURYLINK	199727	12/07/2018	164.35	OPERATING SUPPLIES
16402	CHRISTNER CONTRACTING INC	199729	12/07/2018	4,139.91	TELEPHONE/IT
17500	CINTAS CORPORATION	199730	12/07/2018	22,186.91	CAPITAL IMPROVEMENTS
17620	CITY OF OTTUMWA, CEMETERY	199731	12/07/2018	63.01	SUSTENANCE SUPPLIES
17825	CLEMONS INC OF OTTUMWA	199732	12/07/2018	234.00	CASH INVESTED PASSBK SVNG
18379	CLUB SENTRY SOFTWARE	199733	12/07/2018	637.37	VHCL MTCE SUPPLIES
18502	CRESCENT ELECTRIC SUP CO	199734	12/07/2018	32.95	TECHNOLOGY SERVICES
21842	DJ CLEANING COMPANY	199735	12/07/2018	8,821.21	OPERATING SUPPLIES
22469	DAI'S AUTO SUPPLY LLC	199736	12/07/2018	1,900.00	JANITORIAL
22595	DEMCO, INC	199737	12/07/2018	74.34	TRAVEL & CONFERENCE
22608	ELECTRICAL ENG & EQUIP CO	199740	12/07/2018	5,511.60	VHCL MTCE SUPPLIES
24325	EMBLEM ENTERPRISES INC	199741	12/07/2018	93.72	OPERATING SUPPLIES
27010	F & W SERVICE COMPANY, IN	199742	12/07/2018	1,138.66	OPERATING SUPPLIES
27510	GALLIS LLC	199743	12/07/2018	94.08	OPERATING SUPPLIES
28790	GAMETIME	199744	12/07/2018	276.00	EQUIP REPAIR
31682	GARDEN & ASSOCIATES LTD	199745	12/07/2018	158.97	SUSTENANCE SUPPLIES
31686	GREAT WESTERN SUPPLY CO	199746	12/07/2018	7,621.75	CAPITAL IMPROVEMENTS
31797	HACH COMPANY	199747	12/07/2018	6,059.15	ENGINEERING
33635	HAMILTON PRODUCE COMPANY	199748	12/07/2018	327.48	JANITORIAL
34480	HAWKEYE TRUCK EQUIPMENT	199749	12/07/2018	103.59	LAB SUPPLIES
34900	ETHAN HERREN	199750	12/07/2018	1,945.20	PROPANE GAS
36083	HILL PRODUCTIONS & MEDIA	199751	12/07/2018	56.33	VHCL MTCE SUPPLIES
37282	IDEAL READY MIX	199752	12/07/2018	200.00	SUSTENANCE SUPPLIES
37476	IDEAL READY MIX	199753	12/07/2018	74.00	ADVERT/LEGAL PUBL
38785	IDEXX DISTRIBUTION INC	199754	12/07/2018	92.53	SUSTENANCE SUPPLIES
41600	INDUSTRIAL CHEMICAL CO IN	199755	12/07/2018	692.00	STREET MAINT SUPPLIES
41614	INGRAM LIBRARY SERVICES	199756	12/07/2018	259.89	LAB SUPPLIES
41920A	INLAND TRUCK PARTS & SERV	199757	12/07/2018	106.00	OPERATING SUPPLIES
42160	INTERSTATE BATTERY	199758	12/07/2018	1,575.81	LIBRARY MAT.-JAMES ESTATE
42170	IOWA ATTORNEY GENERALS	199759	12/07/2018	112.40	VHCL MTCE SUPPLIES
43265	IOWA LEAGUE OF CITIES	199760	12/07/2018	1,052.55	VHCL MTCE SUPPLIES
43290	J-DUB PROMOTIONS	199761	12/07/2018	742.00	TRAINING
43298	ROBERT JAY	199762	12/07/2018	440.00	OTHER PROF SERV
43901		199763	12/07/2018	68.00	TRAVEL & CONFERENCE
45001		199764	12/07/2018	1,000.00	MISCELLANEOUS
45499		199765	12/07/2018	27.25	TRAINING

CITY OF OTTUMWA
 VENDOR PAYMENT REPORT

Vendor #	Vendor Name	Check Number	Check Date	Amount	Reason
47688	KARL CHEVROLET	199766	12/07/2018	95.35	VHCL MTCE SUPPLIES
49206	KLODT DOOR SERVICE LLC	199767	12/07/2018	98.15	GROUNDS MAINT & REPAIR
49687	KOHL WHOLESAL	199768	12/07/2018	365.29	OPERATING SUPPLIES
50560	BOB LANCASTER OIL CO INC	199769	12/07/2018	1,724.33	VHCL MTCE SUPPLIES
57388	MENKE PROFESSIONAL AUTO P	199770	12/07/2018	454.93	VHCL MTCE SUPPLIES
58500	MIDAMERICAN ENERGY CO	199772	12/07/2018	1,615.85	NATURAL GAS
59382	MIDWEST TAPE	199773	12/07/2018	21.34	LIBRARY MAT. -JAMES ESTATE
62575	MUNICIPAL FIRE & POLICE	199774	12/07/2018	165,447.85	FIRE RETIREMENT
65489	NICHOLS EQUIPMENT LLC	199775	12/07/2018	242.96	VHCL MTCE SUPPLIES
65680	NOEL INSURANCE INC	199776	12/07/2018	1,118.00	PUB OFF E & O INS
66001	NORRIS ASPHALT PAVING INC	199777	12/07/2018	748.44	STREET MAINT SUPPLIES
66548	THE OFFICE CENTER	199778	12/07/2018	50.00	OFFICE/COMP. EQUIP MAINT.
66561	OFFICIAL PEST CONTROL	199779	12/07/2018	55.00	SUSTENANCE SUPPLIES
66730	OHARA HARDWARE	199782	12/07/2018	845.13	OPERATING SUPPLIES
67098	O'REILLY AUTOMOTIVE	199783	12/07/2018	226.98	VHCL MTCE SUPPLIES
67101	OTC BRANDS INC	199784	12/07/2018	86.24	PROGRAM SUPPLIES
67685	OTTUMWA AREA CONVENTION &	199785	12/07/2018	53,619.42	CONV & VISITOR BUREAU
68556	OTTUMWA NAPA	199786	12/07/2018	304.83	VHCL MTCE SUPPLIES
68576	OTTUMWA RADIO	199787	12/07/2018	125.00	MISCELLANEOUS
68591	OTTUMWA REGIONAL HEALTH C	199788	12/07/2018	3,075.00	WELLNESS PROGRAM
68640	OTTUMWA SEAT & TOP	199789	12/07/2018	75.00	VHCL MTCE SUPPLIES
69040	OTTUMWA WATER AND HYDRO	199790	12/07/2018	10,668.86	BILLING FEES-WW
69688	DIXIE L PARKER	199791	12/07/2018	1,400.00	JANITORIAL
71595	PETTY CASH/LANDFILL	199792	12/07/2018	10.46	POSTAGE & SHIPPING
73926	PRODUCTIVITY PLUS ACCOUNT	199793	12/07/2018	56.46	VHCL MTCE SUPPLIES
73960	PROFESSIONAL COMPUTER	199794	12/07/2018	99.99	TECHNOLOGY SERVICES
74626	QUALITY SERVICES CORP	199795	12/07/2018	1,459.71	VHCL MTCE SUPPLIES
75901	RECORDED BOOKS INC	199796	12/07/2018	278.98	LIBRARY MAT. -JAMES ESTATE
75919	REDSPEED	199797	12/07/2018	180.00	FINES-RED SPEED
78279	S & L ALL SEASON	199798	12/07/2018	6.95	VHCL MTCE SUPPLIES
83100A	SNAP-ON-TOOLS	199799	12/07/2018	108.79	TOOLS & SMALL EQUIP
83212	SOL., INC.	199800	12/07/2018	1,317.78	OPERATING SUPPLIES
86196	THE STITCH DOCTOR	199801	12/07/2018	170.00	SUSTENANCE SUPPLIES
86704	SUMMIT FIRE PROTECTION CO	199802	12/07/2018	541.00	OPERATING SUPPLIES
89308	TRANS-IOWA EQUIPMENT, INC.	199803	12/07/2018	235.62	VHCL MTCE SUPPLIES
89462A	TREASURER STATE OF IOWA	199804	12/07/2018	1,682.00	SALES TAX PAYABLE
89855	TRUITT ABSTRACT COMPANY	199805	12/07/2018	125.00	LEGAL FEES
90104	TURNER CONCRETE	199806	12/07/2018	25,491.80	CAPITAL IMPROVEMENTS
90454	ULINE	199807	12/07/2018	251.10	LAB SUPPLIES
90846	UPS	199808	12/07/2018	15.73	POSTAGE & SHIPPING
92648	VEENSTRA & KIMM INC	199809	12/07/2018	32,611.22	ENGINEERING
94125	WAPELLO COUNTY	199810	12/07/2018	3,380.00	DRUG TASK FORCE GRANT
94704	WAPELLO COUNTY RECORDER	199811	12/07/2018	12.00	RECORDING & COURT FEES
94721	WAPELLO CO SHERIFF'S OFFI	199812	12/07/2018	3,303.30	DRUG TASK FORCE GRANT
95120	WAPELLO RURAL WATER ASSC	199813	12/07/2018	43.93	WATER
95185	WASTE MANAGEMENT	199814	12/07/2018	288.66	SANITATION
95368	WAYNE'S TIRE	199815	12/07/2018	1,396.32	VHCL MTCE SUPPLIES
97305	WINDSTREAM	199816	12/07/2018	83.41	TELEPHONE/IT
97320	WINGER COMPANIES	199817	12/07/2018	242.00	EQUIP REPAIR

TOTAL NUMBER OF CHECKS 160 WRITTEN TO 103 VENDORS FOR

566,248.06
 127,743.40
 46,891.38
 41,789.00
 44,409.55
 74,153.43

Fed/Fica
 PIR Tax
 ST. W/HT
 W/HT Share
 Total

926,194.82

US Treasury
 Treasurer's Office
 I.P.E.S.

ERRORS DETECTED:

0



January 22, 2019

TO: Ottumwa City Council Members

FROM: Tom X. Lazio, Mayor

SUBJECT: APPOINTMENT TO CITY BOARDS AND/OR COMMISSIONS

Recommend re-appointment to the Inspection Board of Review, term to expire 1/18/2024.

Bob McDowell
12478 55th St.

FILED
CITY OF OTTUMWA
2019 JAN 15 PM 1:10
STAFF SUMMARY
CITY CLERK
OTTUMWA, IA

Council Meeting of: January 22, 2019

ITEM NO.

Joni Keith *Joni Keith*
Prepared By

Public Works
Department

Larry Seals *Larry Seals*
Department Head

Andy Morris
Approved by City Administrator Andy Morris

AGENDA TITLE: Approve the appointment of Brad Davis to the position of Equipment Operator – Street Cleaning Department effective February 4, 2019.

PURPOSE: Approve the appointment of Brad Davis to the position of Equipment Operator – Street Cleaning Department effective February 4, 2019.

RECOMMENDATION: Approve the appointment.

DISCUSSION: Brad Davis, who is currently a Utility Worker in the Parks Maintenance Department, would fill the position of Equipment Operator in the Street Cleaning Department that will be vacated by the retirement of Ed Menuis on or about February 22, 2019. This position will become effective February 4, 2019 to allow training. Salary will be \$21.54 per hour, plus longevity. This is a Civil Service, Bargaining Unit position.

FILED

2019 JAN 17 PM 12:01

CITY CLERK
OTTUMWA, IA

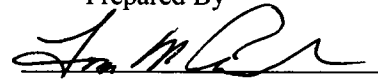
CITY OF OTTUMWA
Staff Summary

**** ACTION ITEM ****

Council Meeting of: Jan 22, 2019

Tom McAndrew

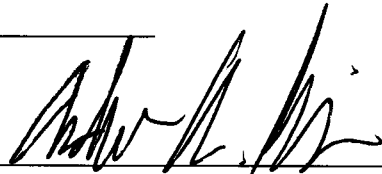
Prepared By



Department Head

Police

Department



City Administrator Approval

AGENDA TITLE: Approve the purchase of one (1) 2020 Ford Utility Police Interceptor vehicle from Stivers Ford of Waukee, Iowa in the amount of \$34,473.00 and the purchase & installation of the police equipment necessary for basic police functions in the amount of \$11,700.

Public hearing required if this box is checked.

RECOMMENDATION: Approve the purchase of one (1) Ford Utility Police Interceptor vehicle and approve the purchase & installation of the police equipment necessary for basic police functions.

DISCUSSION: This vehicle will replace a current police vehicle that was involved in an accident and totaled by the City's insurance company.

Stivers Ford in Waukee, Iowa was awarded the state contract for the Ford Utility Police Interceptor. The new vehicle will be AWD (all wheel drive)

Source of Funds: 840-121-6710

Budgeted Item:

Budget Amendment Needed: Yes

with a V6 engine.

Ford Utility Police Interceptor AWD @ \$34,473.00 x 1 = \$34,473.00
Equipment & Installation @ \$11,700.00 x 1 = \$11,700.00

The City received \$19,132.90 from the insurance company. The remaining \$27,040.10 will come out of Automotive Equipment-Police Fleet fund. This purchase has been approved by the Fleet Committee. The equipment and installation amount is an estimate. Salvageable equipment out of the wrecked vehicle will be transferred to the new vehicle.



Stivers Ford
 1450 East Highway 6, Wauke, Iowa, 502638310
 Office: 515-987-3697
 Fax: 515-987-0163

2020 Police Interceptor Utility, Sport Utility
 AWD Base(K8A)
 Price Level: 15 Quote ID: 011619

Pricing - Single Vehicle

MSRP

Vehicle Pricing

Base Vehicle Price	\$40,615.00
Options & Colors	\$150.00
Upfitting	\$165.00
Destination Charge	\$995.00

Subtotal **\$41,925.00**

Pre-Tax Adjustments

Code	Description	
GPC	Government Concession & Discounts	-\$7,452.00

Total **\$34,473.00**

 Customer Signature

 Acceptance Date

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for: City of Ottumwa
 By: Ron Reese Date: 01/16/2019



Stivers Ford
1450 East Highway 6, Waukee, Iowa, 502638310
Office: 515-987-3697
Fax: 515-987-0163

Customer Proposal

Prepared for:

City of Ottumwa

Prepared by:

Ron Reese
Office: 515-987-3697
Email: reese@stiversfordia.com

Date: 01/16/2019

Vehicle: 2020 Police Interceptor Utility Base
AWD

Quote ID: 011619



FILED

CITY OF OTTUMWA

2019 JAN 17 AM 11:42

Staff Summary

CITY CLERK
OTTUMWA, IA

**** ACTION ITEM ****

Council Meeting of: January 22, 2019

Alicia Bankson

Prepared By

Darryl Seals
Department Head

Engineering
Department

[Signature]
City Administrator Approval

AGENDA TITLE: Set the Public Hearing on Plans, Specifications, Form of Contract, and Estimated Cost for the Alta Vista Reconstruction Project.

**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: Set time, date, and place of the Public Hearing as:

5:30 PM
February 5, 2019
City Hall Chambers

DISCUSSION: The project will consist of full depth full width PCC reconstruction of Alta Vista from the City Limits south westerly a distance of 1190 LF. The existing HMA pavement width varies from 22.5' to 24'. The new design will adjust the vertical profile for line of sight and widen the pavement to 26'.

Source of Funds:

Budgeted Item:

Budget Amendment Needed:

FILED


2019 JAN 15 PM 1:13
CITY OF OTTUMWA
CITY OF OTTUMWA
Staff Summary

**** ACTION ITEM ****

Council Meeting of : Jan 22, 2019

Transit
Department

David Silverio

Prepared By

Department Head


City Administrator Approval

AGENDA TITLE: Resolution No. 6-2019 setting February 5, 2019 for a public hearing on Ottumwa Transit's Consolidated Funding Application.

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: Set public hearing.

DISCUSSION: Application to receive State and Federal funding.

Source of Funds:

Budgeted Item: Budget Amendment Needed:

RESOLUTION NO. 6-2019

RESOLUTION SETTING THE PUBLIC HEARING ON OTTUMWA TRANSIT'S CONSOLIDATED FUNDING APPLICATION

WHEREAS, The City of Ottumwa, Iowa is eligible for State and Federal funding for transit operation; and,

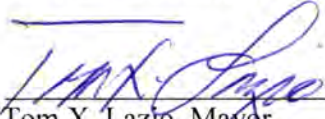
WHEREAS, The City Council of the City of Ottumwa, Iowa will conduct a public hearing on Ottumwa Transit's Consolidated Funding Application on February 5, 2019.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA:

That the 5th day of February, 2019 at 5:30 P.M. in the City Council Chambers located at 105 East Third Street in the City of Ottumwa, Iowa, be and the same is hereby fixed as the time, date and place for a public hearing on Ottumwa Transit's Consolidated Funding Application.

PASSED AND ADOPTED this 22nd day of January, 2019.

CITY OF OTTUMWA, IOWA



Tom X. Lazio, Mayor

ATTEST:


Christina Reinhard, City Clerk

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

Public Hearing
Ottumwa Transit hereto attached was
published in said newspaper for 1 consecutive weeks to wit: 12/28/18 Subscribed and
sworn to before me, and in my presence, by the said 28th day of December, 2018



Traci Counterman
Notary Public

In and for Wapello County

Printer's fee \$20.45

COPY OF ADVERTISEMENT

PUBLIC HEARING NOTICE
Notice is hereby given that a public hearing will be held by the Ottumwa City Council in the Council Chambers, 105 E. Third St., Ottumwa, IA 52501 at 5:30 p.m. on Tuesday February 5th, 2019. The purpose of the hearing is to discuss the application from Ottumwa Transit to the Iowa Department of Transportation for financial assistance as follows: Ottumwa Transit will request state transit assistance and federal transit assistance for \$214,235 and \$365,203 respectively, to support the day-to-day operations. A public hearing is required by the DOT to approve the purchase of vehicles 2 ADA vans. Van costs \$52,500 each for a total of \$105,000. Federal funding of \$89,250 and local match of \$15,750. One 176inch bus at \$148,700 thru RPA15 with a federal match of 118,960 and local match of \$29,740. Total Federal funding of \$208,210 and local match of \$45,490. These projects will not have a significant detrimental environmental effect on the area and no persons or business will be displaced by these activities. The projects are in conformance with the Transportation Improvement Plan prepared by the Area XV regional Planning Commission. Any interested person or agency is invited to speak for or against this application for funding. Written comments will be accepted at the above address through the date and time of the hearing specified above. For additional information, you may call David Silvero at 641-683-0695 during office hours.

FILED
CITY OF OTTUMWA
2019 JAN 10 PM 2:53
Staff Summary
CITY CLERK
OTTUMWA, IOWA
**** ACTION ITEM ****

Council Meeting of : Jan 22, 2019

Peggy Eskew 

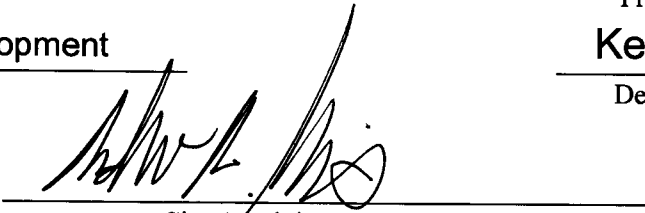
Prepared By

Kevin Flanagan

Department Head

Planning & Development

Department



City Administrator Approval

AGENDA TITLE: Resolution No. 9-2019. A resolution providing for the financial support of the Area 15 Regional Planning Commission for Fiscal Year 2019-20.

RECOMMENDATION: Pass and adopt Resolution No. 9-2019.

DISCUSSION: This resolution authorizes the payment of \$12,011.04 for the City's membership fee in, and financial support of, the Area 15 Regional Planning Commission (RPC).

This membership will continue the availability of RPC's development, grantsmanship and technical services to the City of Ottumwa.

The fee covers the fiscal year – July 1, 2019 through June 30, 2020. This expenditure was budgeted in fund 540. All city departments may access the technical services provided by RPC.

Examples of services and assistance provided by RPC include assistance in preparation and submission of a grant pre-application to the Economic Development Administration (EDA); serving as liaison between the City and federal agencies. RPC also works with the City and other organizations regarding housing projects.

Source of Funds: Not Applicable

Budgeted Item: Budget Amendment Needed:

RESOLUTION NO. 9-2019

RESOLUTION PROVIDING FOR THE FINANCIAL SUPPORT OF THE AREA 15 REGIONAL PLANNING COMMISSION.

WHEREAS, Chapters 28E and 473A of the State Code of Iowa, as amended, authorized the governing bodies of governmental units to cooperate in the operation of a planning commission; and

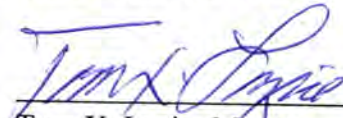
WHEREAS, by the Articles of Agreement, signed on August 15, 1973, as amended, the Area 15 Regional Planning Commission did become the authorized planning agency for Service Delivery Area 15; and

WHEREAS, the governing body of the City of Ottumwa, Iowa is a part of the Area 15 Regional Planning Commission and has agreed to contribute \$.48 per capita, for a total amount equal to \$12,011.04 to cover financial operating costs of the Area 15 Regional Planning Commission from July 1, 2019 through June 30, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA:

That the financial support of the Area 15 Regional Planning Commission for Fiscal Year 2019-2020 is hereby approved in the amount of \$12,011.04.

APPROVED, PASSED AND ADOPTED TO THIS 22nd DAY OF JANUARY 2019.



Tom X. Lazio, Mayor

ATTEST:



Chris Reinhard, City Clerk



Please return this copy to the RPC

RESOLUTION # 9-2019

**RESOLUTION PROVIDING FOR THE FINANCIAL SUPPORT OF THE
AREA 15 REGIONAL PLANNING COMMISSION**

WHEREAS, Chapters 28E and 473A of the State Code of Iowa, as amended, authorized the governing bodies of governmental units to cooperate in the operation of a regional planning commission; and

WHEREAS, by the Articles of Agreement, signed on August 15, 1973, as amended, the Area 15 Regional Planning Commission did become the authorized planning agency for Service Delivery Area 15; and

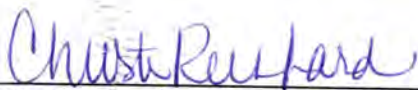
WHEREAS, the governing body of the City of **Ottumwa**, Iowa is a part of the Area 15 Regional Planning Commission and has agreed to contribute \$.48 per capita, for a total amount equal to **\$12,011.04** to cover financial operating costs of the Area 15 Regional Planning Commission from July 1, 2019 through June 30, 2020.

AGREED TO THIS 22nd DAY OF January, 2019.



Mayor Tom X. Lazio

ATTEST:



City Clerk Christina Reinhard

REC

ON

PLANNING FOR BETTER COMMUNITIES

P.O. Box 1110 • OTTUMWA, IA 52501
(P) 641.684.6551 • (F) 641.684.4894
AREA15RPC@AREA15RPC.COM
WWW.AREA15RPC.COM
CHRIS.BOWERS@AREA15RPC.COM

January 7, 2019

Greetings!

Happy New Year, 2019 is upon us and Area 15 Regional Planning Commission is excited to begin its annual membership drive! As you begin your budget process for **FY19-2020**, I hope you will continue your active membership and support of your RPC. Membership provides you with access to all the programs, services and professional staff of the RPC.

The past year has been a very successful and busy year for your Economic Development District (EDD)/Council of Governments (COG). With 53 out of 56 jurisdictions contributing financial backing for FY18-19, your support has been amazing! The RPC staff helped many of our communities and citizens with planning, housing, community and economic development projects. Often this work resulted in our staff preparing applications to help fund these projects. The success rate of our projects is the greatest benefit of RPC membership:

Report on Grant Applications/Projects FY17-18:

Total Submitted	\$ 4,671,118
<i>Total Pending</i>	<i>\$ 1,250,000</i>
TOTAL FUNDED	\$ 1,789,552

The RPC was successful in securing awards of over \$1.7 million in project funding from July 1, 2017 – June 30, 2018! This represents a return of **\$37.64** in Federal/State funds for every \$1 of membership dues invested in FY17-18.

I wish to thank you, our public officials, as well as the economic development professionals and regional partners who have assisted us in pursuing these community and economic development opportunities over the past year. Please consider and return the enclosed Resolution for your FY19-20 RPC membership to us as soon as possible!

If there is anything that we can do for you, please let me know. You can reach me at (641)684-6551 and chris.bowers@area15rpc.com. Remember – we are working for you!

Sincerely,



Chris Bowers
Executive Director

FILED
2019 JAN 16 AM 9:00
CITY OF OTTUMWA
Staff Summary
CITY OF OTTUMWA
OTTUMWA, IOWA
**** ACTION ITEM ****

Council Meeting of : Jan 22, 2019

Cathy Shepherd

Prepared By

Kevin Flanagan *(Signature)*

Department Head

Health & Inspections

Department

(Signature)

City Administrator Approval

AGENDA TITLE: Resolution 12-2019 authorizing the destruction of certain records according to the Code of Iowa 2015, as amended, and the Iowa Municipal Records Manual.

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: Approve Resolution 12-2019.

DISCUSSION: According to the Code of Iowa 2015, as amended, and the Iowa Municipal Records Manual certain records need to be kept for five (5) years. The attached list of records are over five (5) years in age and are records no longer deemed necessary to retain for permanent record by the Health Department.

Source of Funds:

Budgeted Item:

Budget Amendment Needed:

RESOLUTION NO. 12-2019

RESOLUTION AUTHORIZING DESTRUCTION OF CERTAIN RECORDS ACCORDING
TO THE CODE OF IOWA 2015, AS AMENDED, AND THE RECORD RETENTION
MANUAL FOR IOWA CITIES

WHEREAS, the Code of Iowa 2015, as amended, and the Record Retention Manual for Iowa Cities allows for the destruction of certain city records that are over five (5) years in age; and

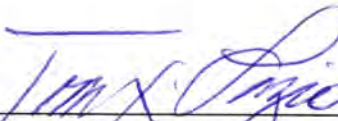
WHEREAS, the records are over five years in age and are records no longer deemed necessary to retain for a permanent record.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA:

That the attached list of documents be destroyed under the direction of the Ottumwa Health Department in accordance with State law and the Record Retention Manual for Iowa Cities.


PASSED AND ADOPTED THIS 22ND day of January 2019.

CITY OF OTTUMWA, IOWA




Tom X. Lazio, Mayor

ATTEST:



Christina Reinhard, City Clerk

<u>CONTENTS OF RECORDS</u>	<u>DATE</u>
ENVIRONMENTAL	2013
HEALTH DEPT. TIME SHEETS	2013
PLACARD RELEASE	2013
HOUSING CODE COMPLAINTS	2013
TEMPORARY FOOD LICENSE	2013
LICENSE – FOOD, HOTEL, TANNING, POOL, TATTOO – OUT OF BUSINESS	2013
SIEDA LOW INCOME HOME ENERGY ASSISTANCE PROGRAM FOR TRASH REDUCTION	2013
HOUSING AUTHORITY INSPECTIONS	2013



CITY OF OTTUMWA
2019-2020
PROPOSED BUDGET

Tentative Tax Levy

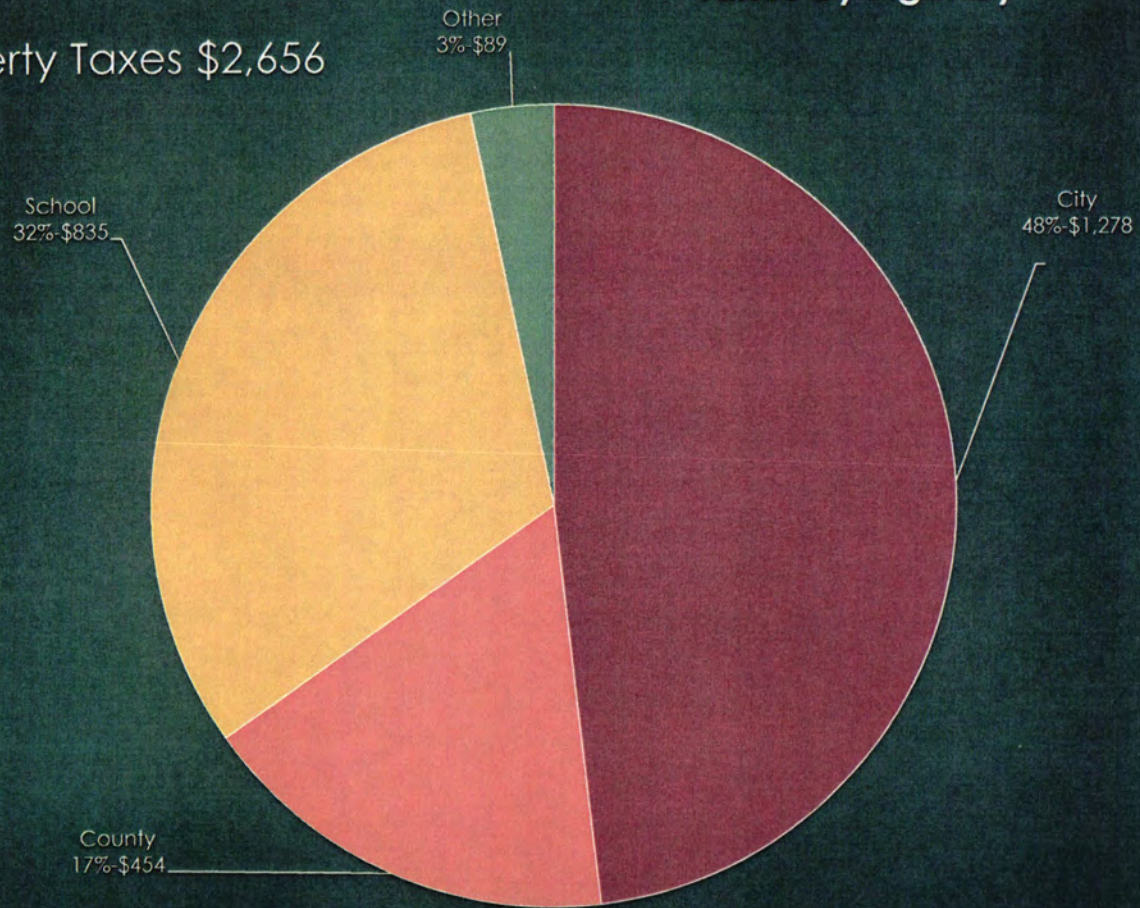
	2018-2019		2019-2020	
	Levy	Amount	Levy	Amount
▶ General Fund	8.10000	4,838,266	8.10000	4,969,224
▶ Event Center	.13500	80,638	.13500	82,820
▶ Emergency	.21000	125,437	.21000	128,832
▶ Library	.27000	161,276	.27000	165,641
▶ Insurance	.57000	340,471	.57000	349,686
▶ Transit	.81000	483,826	.81000	496,922
▶ Debt Service	3.54789	2,189,721	3.05577	1,926,241
▶ Trust & Agency	<u>8.30228</u>	<u>4,959,091</u>	<u>9.30571</u>	<u>5,708,914</u>
▶ Subtotal - Regular Levy	21.94517	13,178,726	22.45648	13,828,280
▶ Ag-Land	3.00375	<u>2,850</u>	3.00375	<u>2,962</u>
▶ TOTAL PROPERTY TAXES	---	13,181,576	---	13,831,242

Taxable valuation

2000 – 2001	399,512,063	18.67328
2001 – 2002	406,268,006	18.87238
2002 – 2003	398,283,138	20.44100
2003 – 2004	405,013,168	20.98486
2004 – 2005	440,993,174	21.43363
2005 – 2006	455,411,378	21.59300
2006 – 2007	477,662,295	21.61392
2007 – 2008	476,135,454	22.07041
2008 – 2009	503,329,606	21.05843
2009 – 2010	513,542,241	20.79314
2010 – 2011	542,130,006	20.45636
2011 – 2012	585,931,862	20.03373
2012 – 2013	622,356,319	20.33947
2013 – 2014	630,134,013	20.30368
2014 – 2015	606,360,046	20.89648
2015 – 2016	599,918,072	20.53040
2016 – 2017	628,367,444	20.72679
2017 – 2018	645,181,816	21.44518
2018 – 2019	597,316,736	21.94517
2019 – 2020	613,484,444	22.45648

Taxes by Agency

Total Property Taxes \$2,656

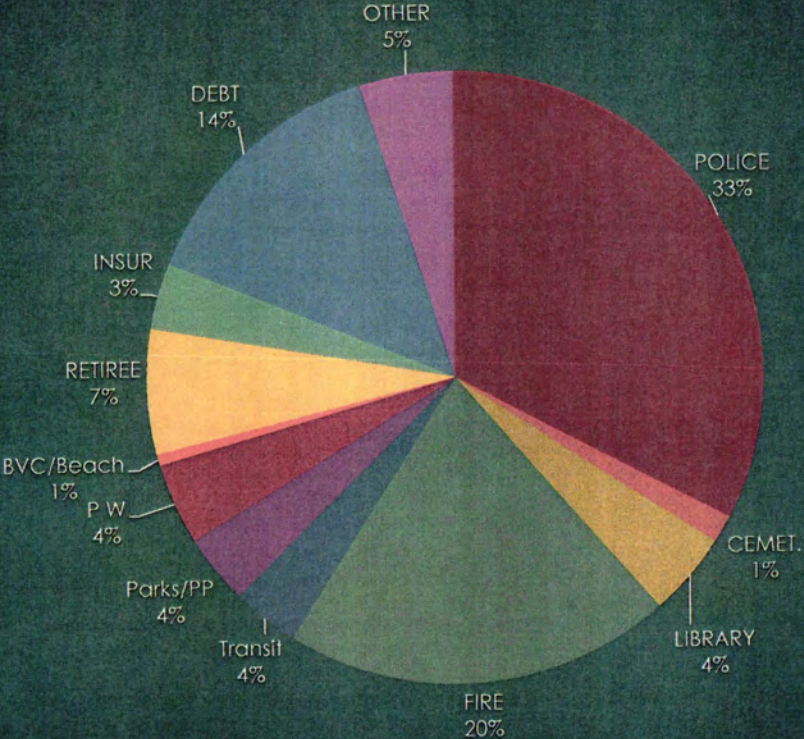


Cost of Services Per Citizen

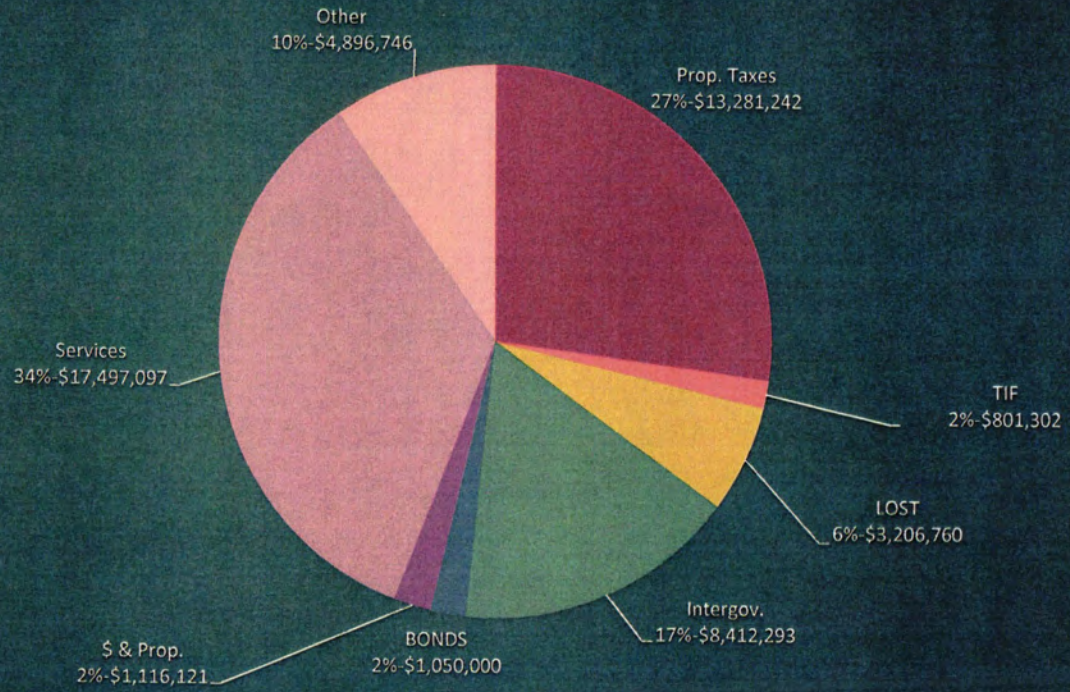
City Property Tax on \$100,000 Home	\$1,278	Population 25003
Police	\$418	33%
Fire	\$260	20%
Cemetery	\$18	1%
Library	\$57	4%
Transit	\$46	4%
Parks&Public Property	\$47	4%
Public Works	\$55	4%
BVC/Beach	\$8	1%
Retiree	\$83	7%
Insurance	\$45	3%
Debt Service	\$178	14%
Other	\$63	5%

Percentages are rounded.

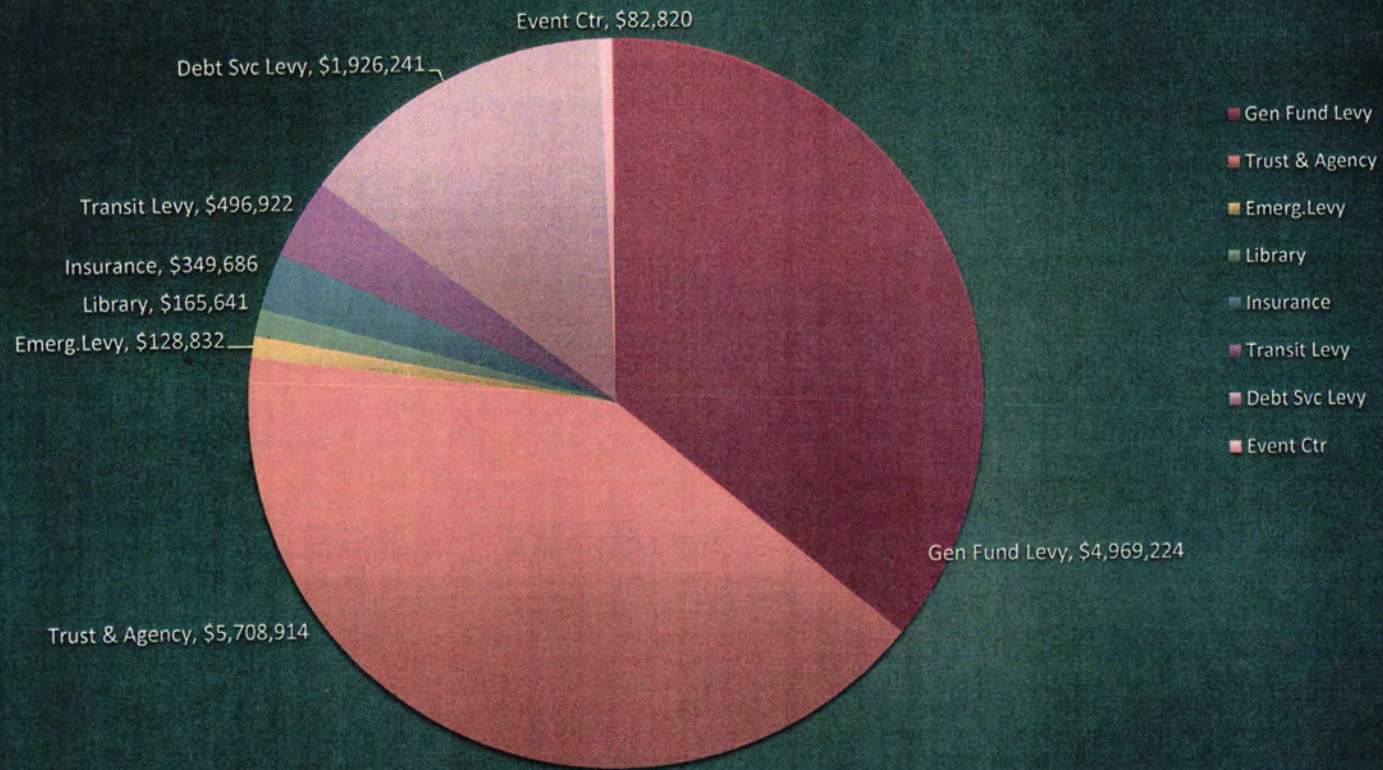
CITY TAX DOLLARS FY 2020



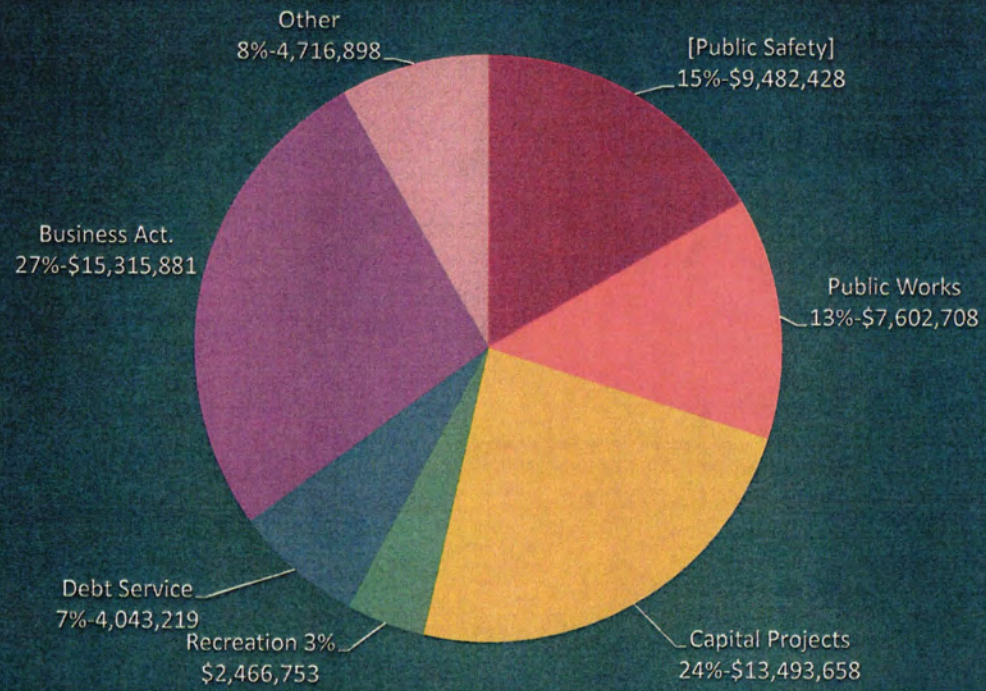
BUDGETED REVENUE



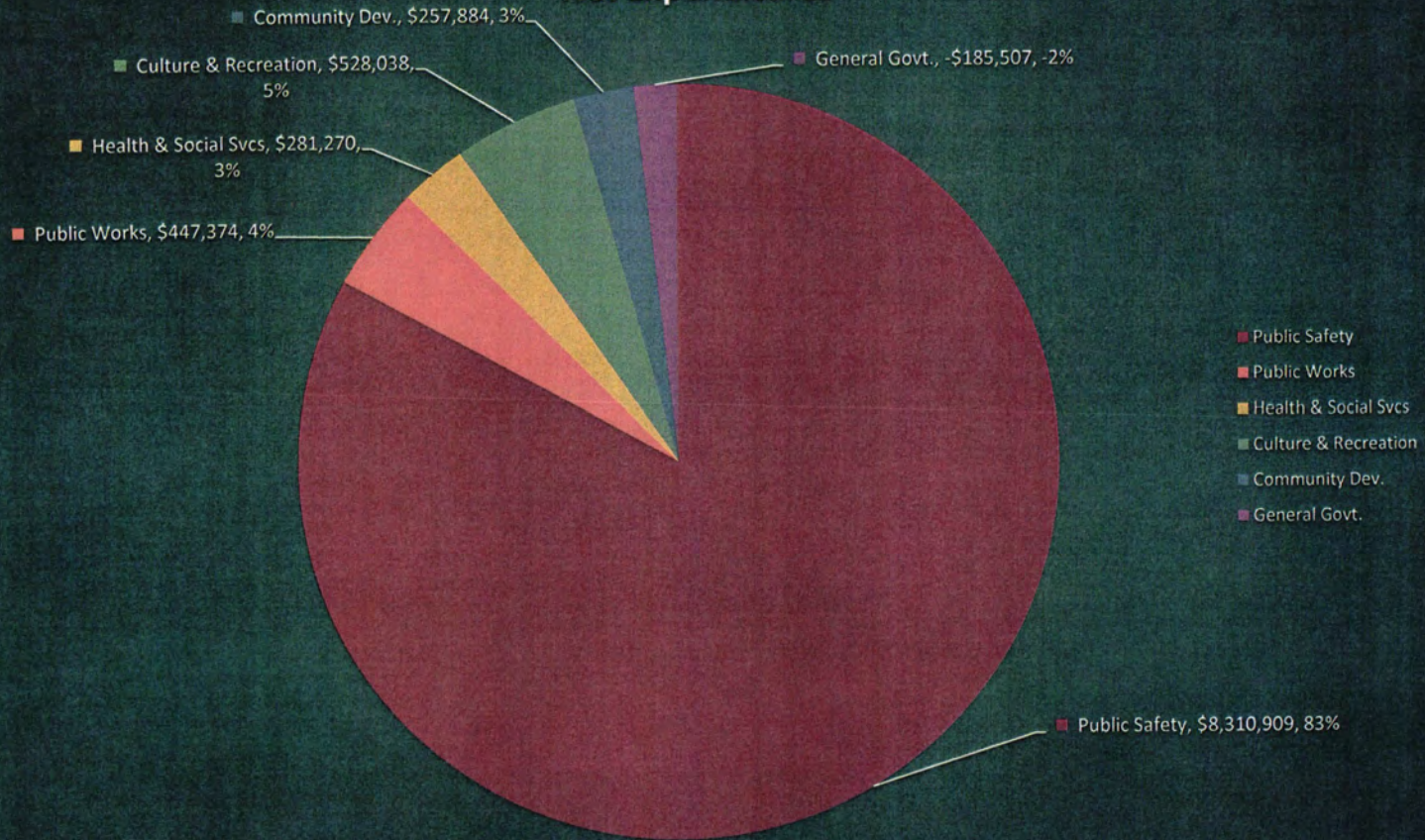
BUDGETED TAX REVENUE



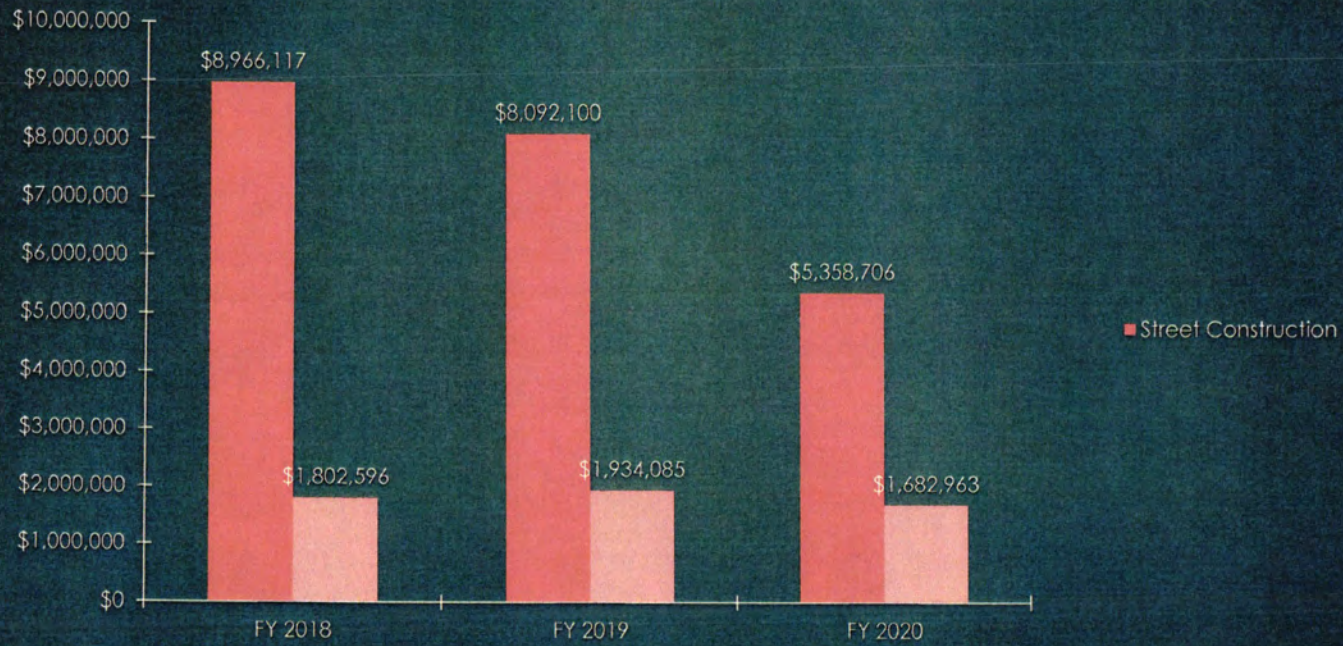
BUDGETED EXPENDITURES FY 2020



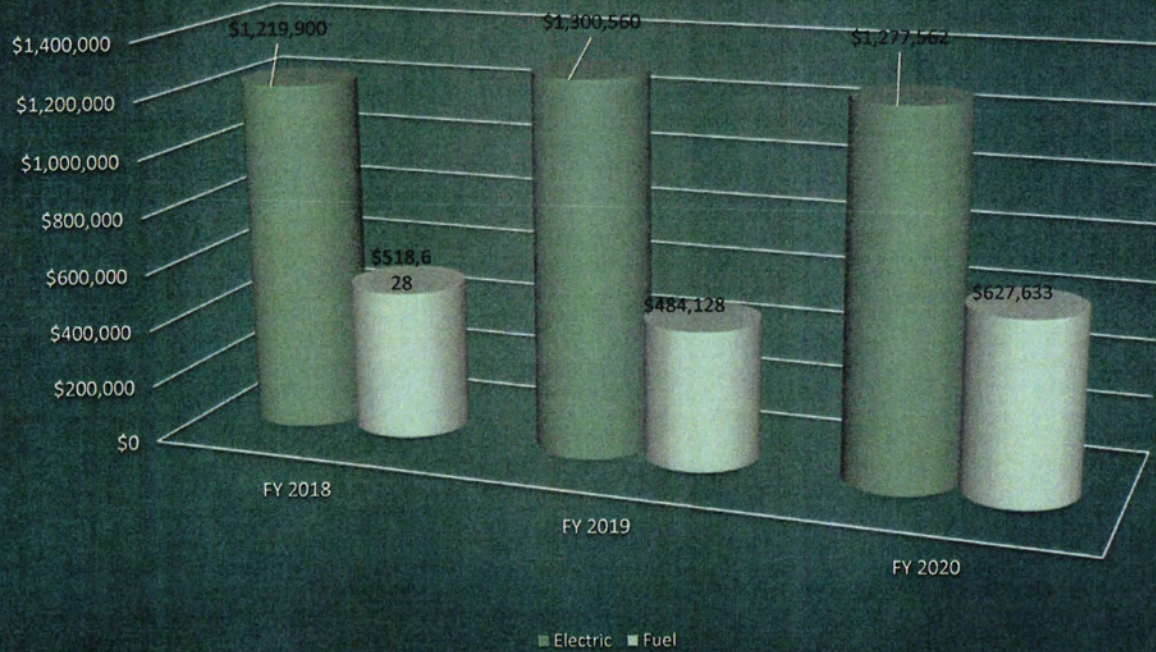
Net Expenditures

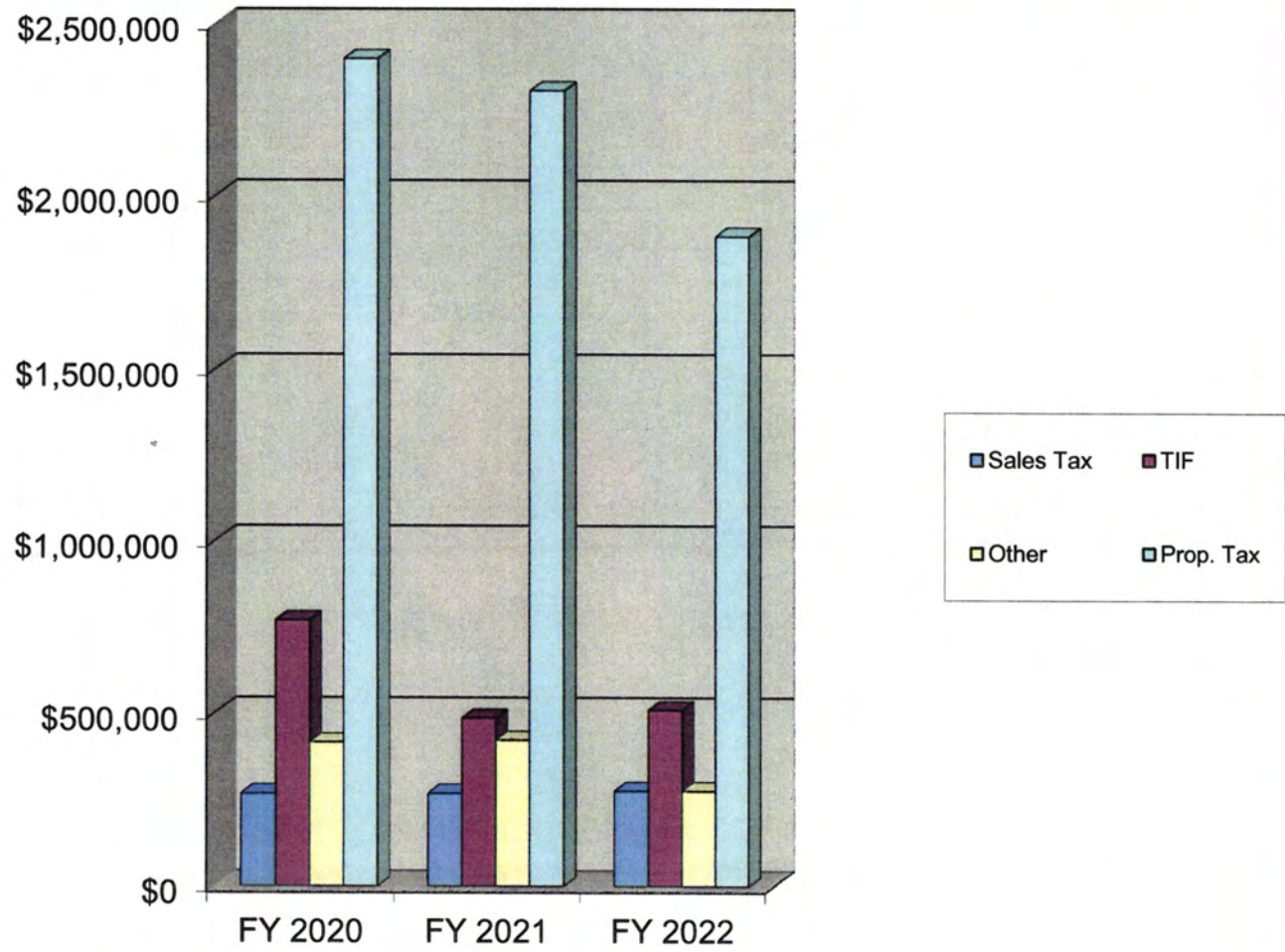


STREET EXPENDITURES

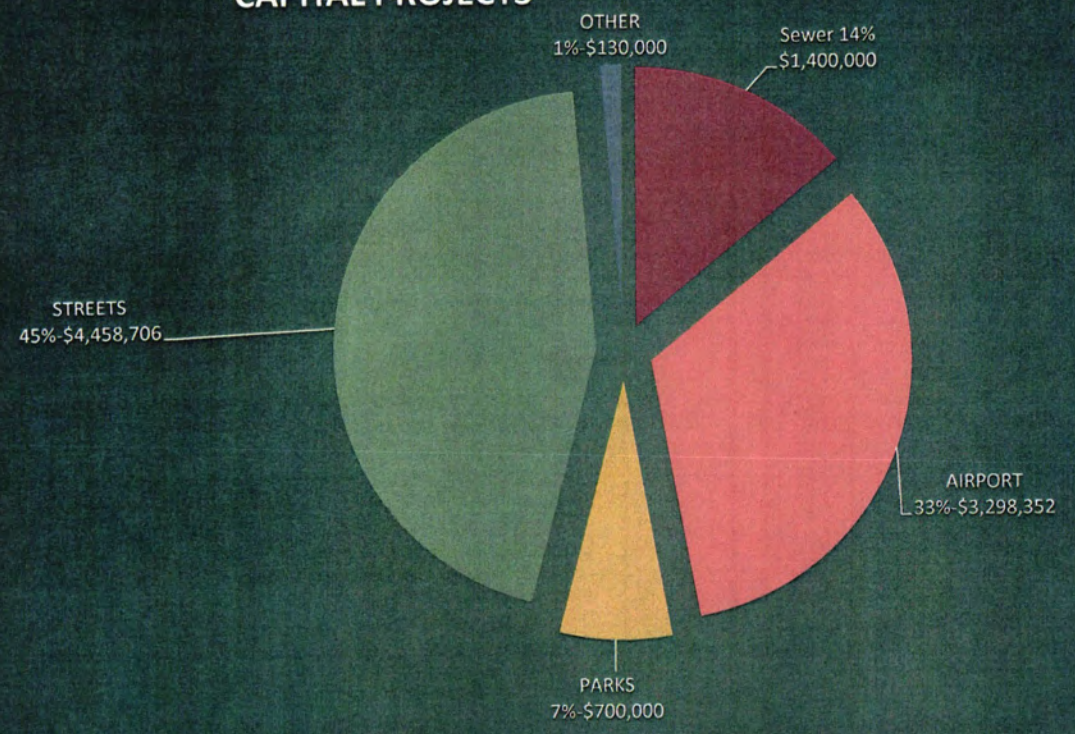


ELECTRIC AND FUEL COMPARISONS

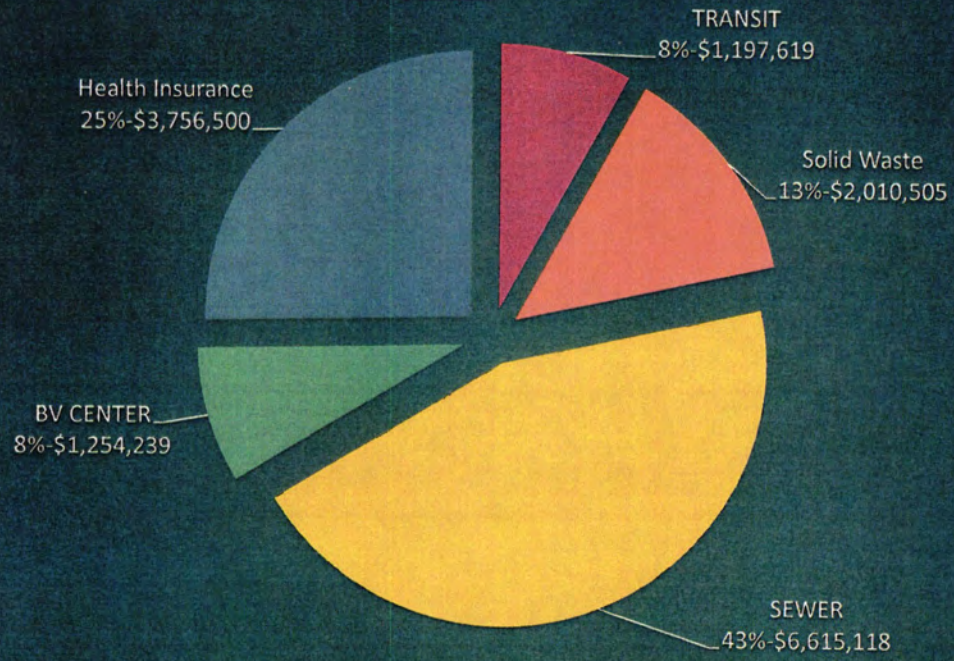





CAPITAL PROJECTS



BUSINESS ACTIVITIES





▶ THANK YOU TO KRISTI MCDOWELL FOR ALL OF THE WONDERFUL DETAIL WORK AND ADVICE THAT GOES ON AND NO ONE EVER SEES, BUT IS TRULY APPRECIATED.

▶ AND TO ALL OF THE DEPARTMENT HEADS AND DEPARTMENT SUPERVISORS THAT PREPARED AND SUBMITTED THEIR BUDGET MATERIAL.

2019 – 2020 PROPOSED OPERATING BUDGET

Tentative Tax Levy

	2018-2019		2019-2020	
	Levy	Amount	Levy	Amount
General Fund	8.10000	4,838,266	8.10000	4,969,224
Event Center	.13500	80,638	.13500	82,820
Emergency	.21000	125,437	.21000	128,832
Library	.27000	161,276	.27000	165,641
Insurance	.57000	340,471	.57000	349,686
Transit	.81000	483,826	.81000	496,922
Debt Service	3.54789	2,189,721	3.05577	1,926,241
Trust & Agency	<u>8.30228</u>	<u>4,959,091</u>	<u>9.30571</u>	<u>5,708,914</u>
Subtotal – Regular Levy	21.94517	13,178,726	22.45648	13,828,280
Ag-Land	3.00375	<u>2,850</u>	3.00375	<u>2,962</u>
TOTAL PROPERTY TAXES	---	13,181,576	---	13,831,242

Taxable valuation

2000 – 2001	399,512,063	18.67328
2001 – 2002	406,268,006	18.87238
2002 – 2003	398,283,138	20.44100
2003 – 2004	405,013,168	20.98486
2004 – 2005	440,993,174	21.43363
2005 – 2006	455,411,378	21.59300
2006 – 2007	477,662,295	21.61392
2007 – 2008	476,135,454	22.07041
2008 – 2009	503,329,606	21.05843
2009 – 2010	513,542,241	20.79314
2010 – 2011	542,130,006	20.45636
2011 – 2012	585,931,862	20.03373
2012 – 2013	622,356,319	20.33947
2013 – 2014	630,134,013	20.30368
2014 - 2015	606,360,046	20.89648
2015 - 2016	599,918,072	20.53040
2016 - 2017	628,367,444	20.72679
2017 - 2018	645,181,816	21.44518
2018 – 2019	597,316,736	21.94517
2019 – 2020	613,484,444	22.45648

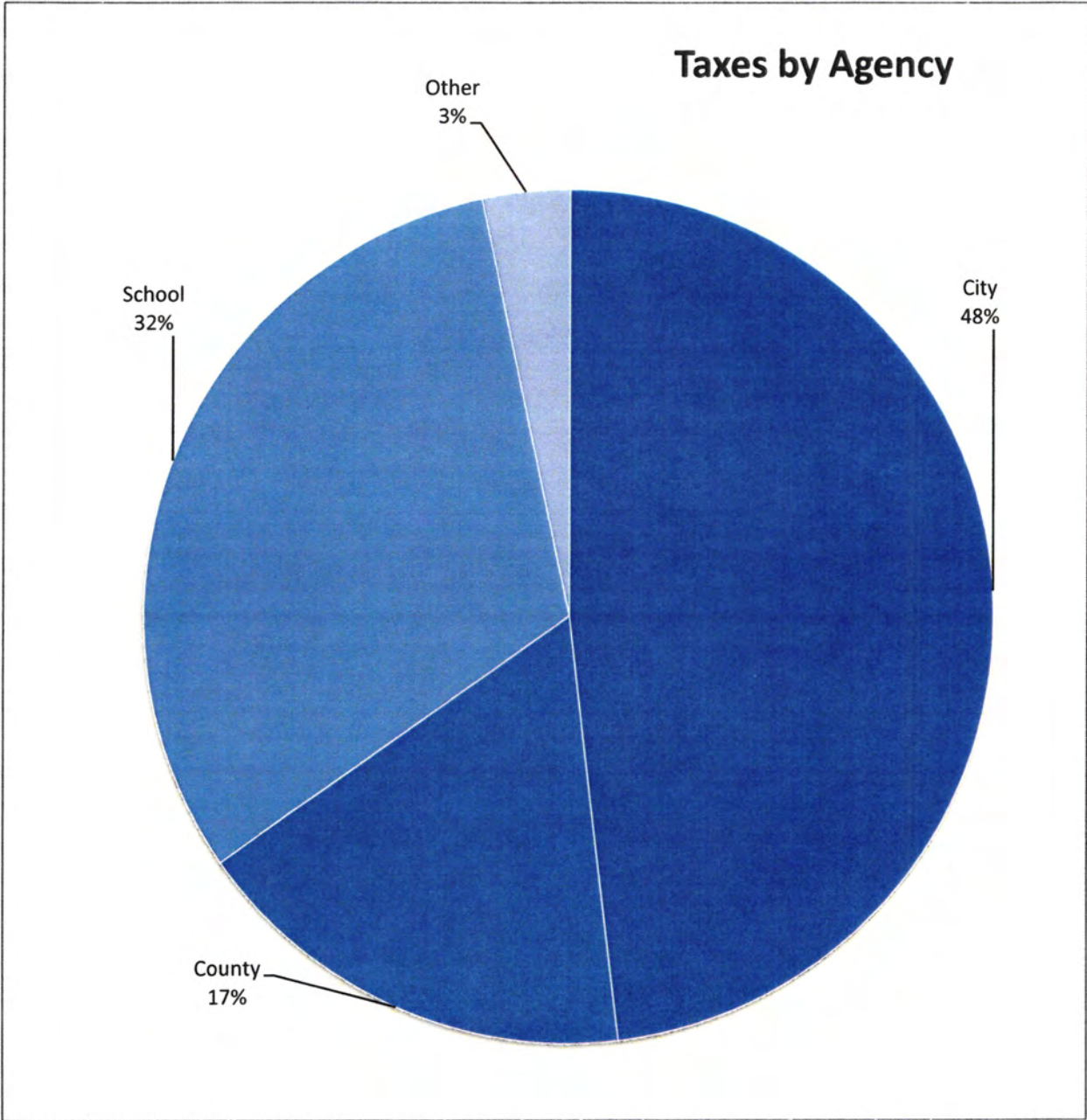
DEBT SERVICE VALUATION

2019– 2020 630,361,944

CITY OF OTTUMWA
ALL PROPERTY TAXES

PROJECTED BUDGET
ASSESSED VALUE \$100,000
Taxes by Agency

<u>City</u>	<u>County</u>	<u>School</u>	<u>Other</u>	<u>TOTAL</u>
\$1,278	\$454	\$835	\$89	\$2,656



Cost of Services Per Citizen

City Property Tax on \$100,000 Home	\$1,278	Population
		25003
Police	\$418	33%
Fire	\$260	20%
Cemetery	\$18	1%
Library	\$57	4%
Transit	\$46	4%
Parks&Public Property	\$47	4%
Public Works	\$55	4%
BVC/Beach	\$8	1%
Retiree	\$83	7%
Insurance	\$45	3%
Debt Service	\$178	14%
Other	\$63	5%

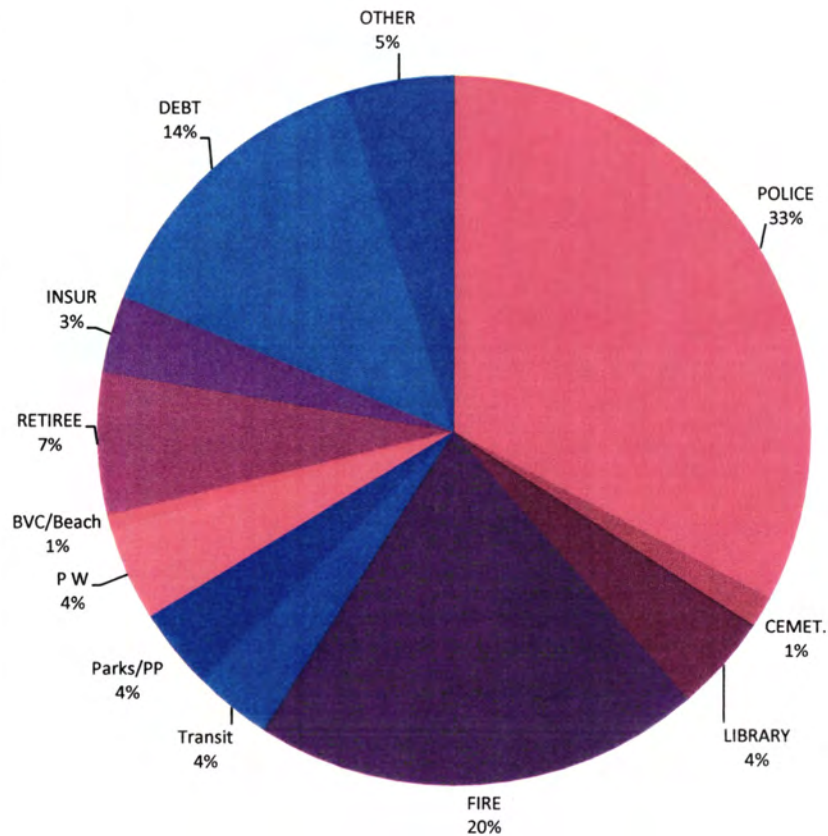
Percentages are rounded.

CITY OF OTTUMWA
PROPERTY TAXES 2019/2020

PROPOSED BUDGET

	<u>POLICE</u>	<u>CEMET.</u>	<u>LIBRARY</u>	<u>FIRE</u>	<u>Transit</u>	<u>Parks/PP</u>	<u>P W</u>	<u>BVC/Beach</u>	<u>RETIREE</u>	<u>INSUR</u>	<u>DEBT</u>	<u>OTHER</u>	<u>TOTAL</u>
CITY TAX DOLLARS FY 2020	\$4,520,559	\$197,998	\$618,722	\$2,814,687	\$496,922	\$511,761	\$596,261	\$82,820	\$900,000	\$482,922	\$1,926,241	\$682,349	\$13,831,242

CITY TAX DOLLARS FY 2020



Other

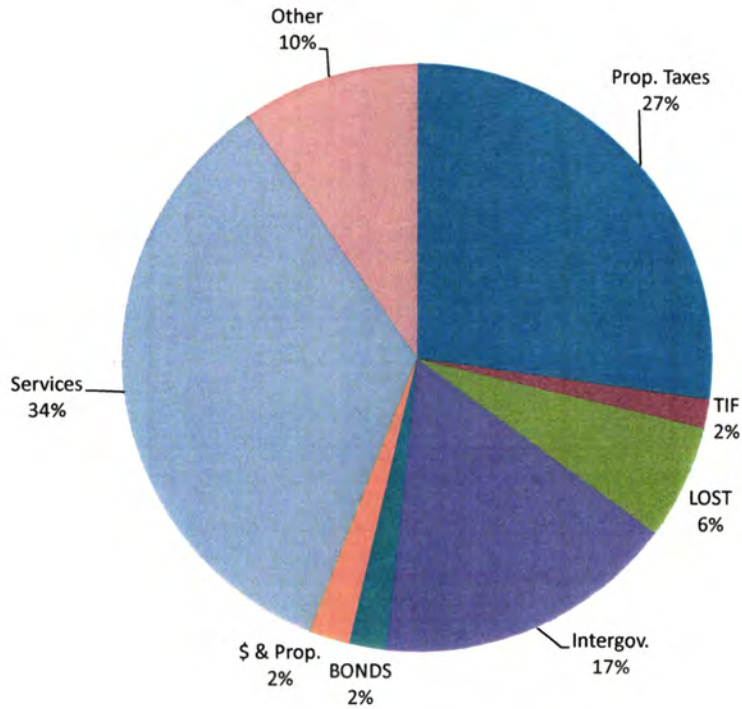
Planning	\$170,587
Health	\$85,294
Engineering	\$426,468
	<u>\$682,349</u>

CITY OF OTTUMWA
BUDGETED REVENUE - FY 2019/2020

PROPOSED BUDGET

	<u>Prop. Taxes</u>	<u>TIF</u>	<u>LOST</u>	<u>Intergov.</u>	<u>BONDS</u>	<u>\$ & Prop.</u>	<u>Services</u>	<u>Other</u>	<u>Total</u>
BUDGETED REVENUE	13,821,242	801,032	3,206,760	8,412,293	1,050,000	1,116,121	17,497,097	4,896,746	50,801,291
	27%	3%	6%	17%	2%	2%	34%	10%	100%

BUDGETED REVENUE



Budgeted Revenue-FY 2019-2020

Other Budgeted Revenue

Utility Franchise Fee	\$ 243,000
Hotel Motel Tax	\$ 450,000
License/Permits	\$ 353,846
Special Assessment	\$ 42,000
Miscellaneous	\$3,807,900
	<u>\$ 4,896,746</u>

Miscellaneous Revenue Source

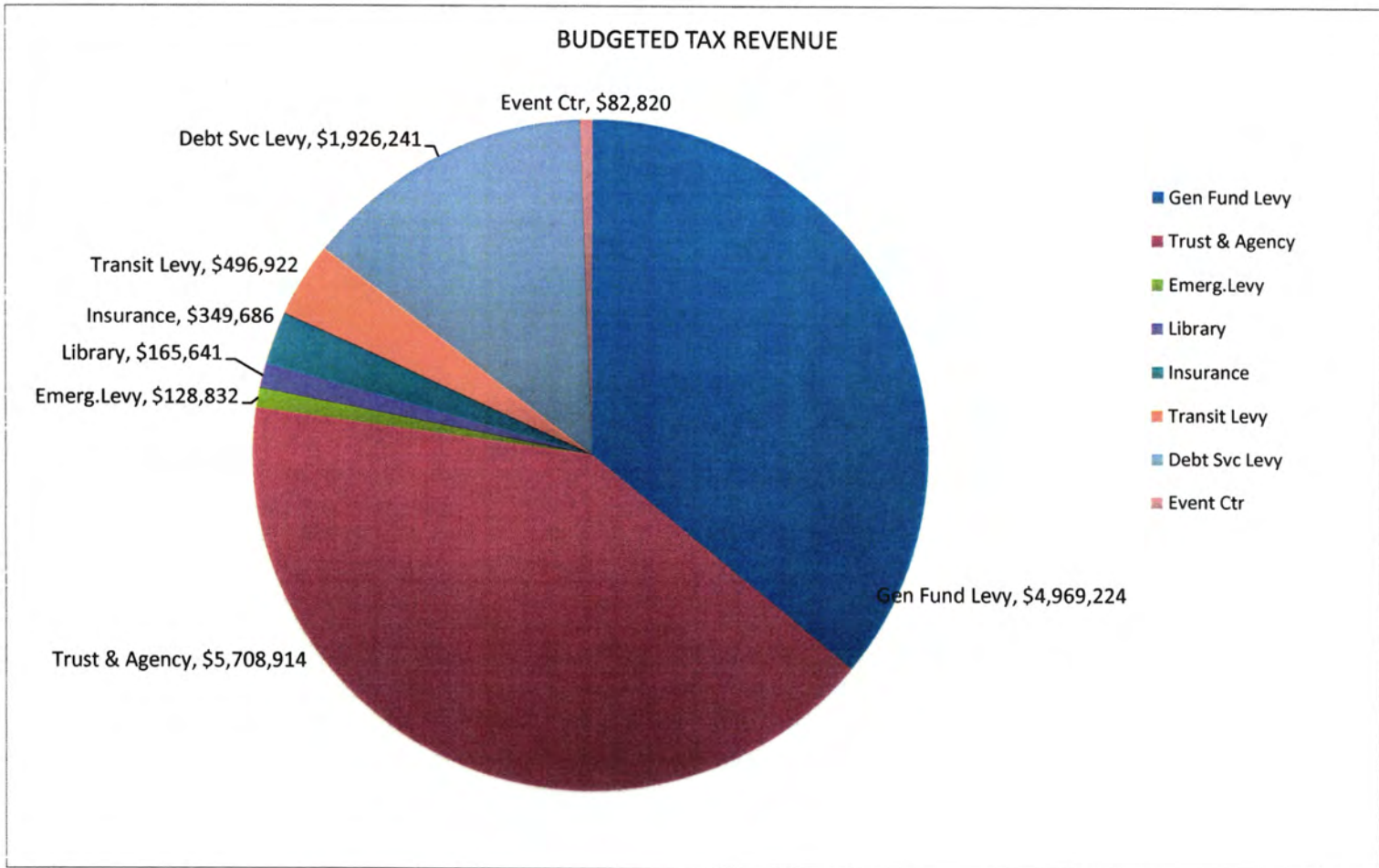
General Fund	\$191,000
Special Revenue	\$3,023,900
Capital Projects	\$0
Permanent Fund	\$6,000
Proprietary Fund	\$587,000
	<u>\$3,807,900</u>

Intergovernmental

Federal Grants	\$3,959,437
Road Use Tax	\$2,990,000
Other State Grants	\$1,162,156
Local Grants/Reimb.	\$300,700
	<u>\$8,412,293</u>

CITY OF OTTUMWA
 PROPOSED BUDGET FY 2020

	<u>Gen Fund Levy</u>	<u>Trust & Agency</u>	<u>Emerg. Levy</u>	<u>Library</u>	<u>Insurance</u>	<u>Transit Levy</u>	<u>Debt Svc Levy</u>	<u>Event Ctr</u>	<u>Total</u>
BUDGETED TAX REVENUE	\$4,969,224	\$5,708,914	\$128,832	\$165,641	\$349,686	\$496,922	\$1,926,241	\$82,820	\$13,828,280
	36%	41%	1%	1%	3%	4%	14%	1%	100%

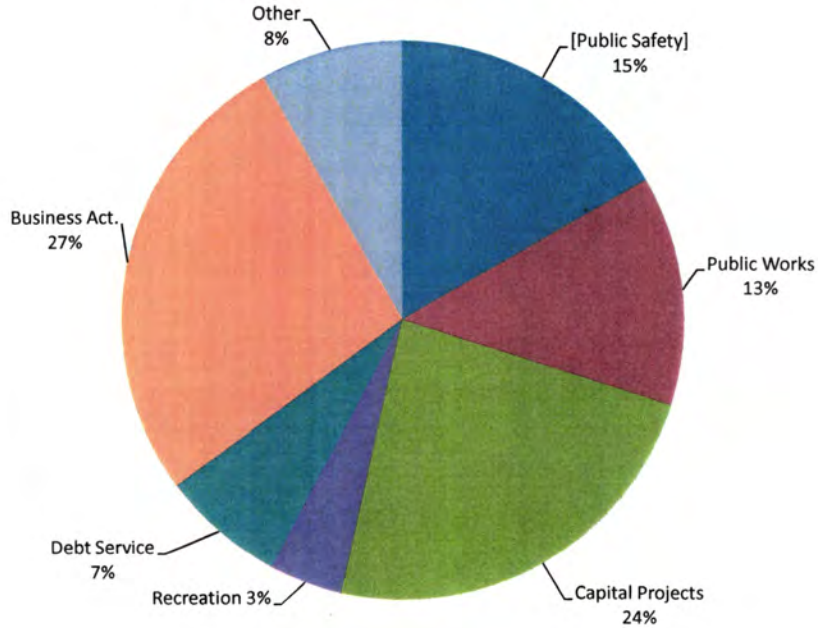


CITY OF OTTUMWA
BUDGETED EXPENDITURES - FY 2019/2020

PROPOSED BUDGET

	Public Safety	Public Works	Capital Projects	Recreation	Debt Service	Business Act.	Other	Total
BUDGETED EXPENDITUR	9,482,428	7,602,708	13,493,658	2,466,753	4,043,219	15,315,881	4,716,898	57,121,545
	18%	13%	24%	3%	7%	27%	8%	100%

BUDGETED EXPENDITURES FY 2020



City of Ottumwa 2020 Budget

Budgeted Expenditures-Other

Health & Social Services	
Health Regulation and Inspections:	\$535,159
Other Health Services	<u>\$417,000</u>
	<u>\$952,159</u>

Community & Economic Development

Economic Development	\$255,619
Housing/Urban Renewal	<u>\$280,896</u>
	<u>\$536,515</u>

General Government

Mayor/Council City Mgr	\$517,270
Clerk/Treasurer Finance	\$813,731
City Hall & General Buildings	\$87,600
Insurance Tort Liab.	\$442,123
Other Gen. Govt.-Retiree Ins.	<u>\$1,367,500</u>
	<u>\$3,228,224</u>

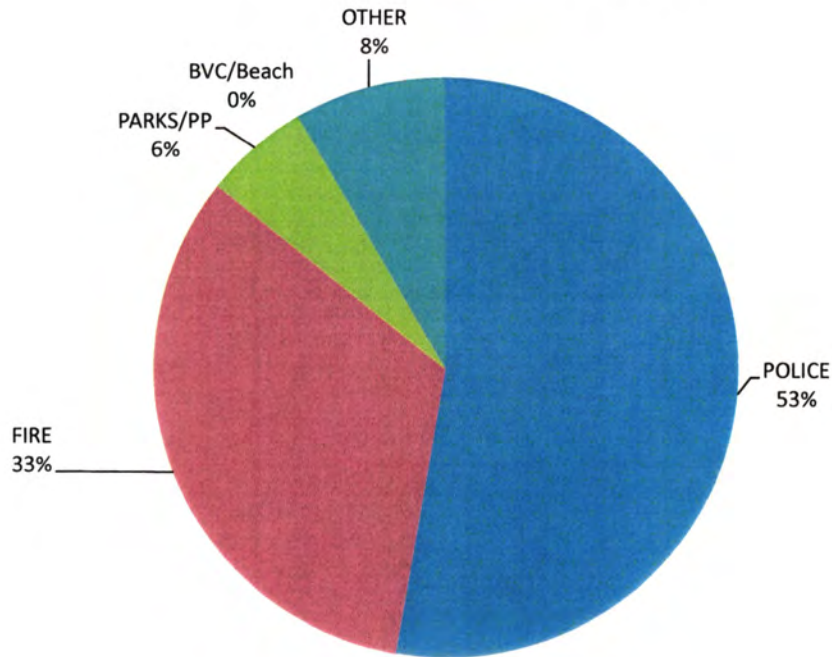
Total Health/Community/Govt. \$4,716,898

CITY OF OTTUMWA
GENERAL FUND NET EXPENDITURES

PROPOSED BUDGET

	<u>POLICE</u>	<u>FIRE</u>	<u>PARKS/PP</u>	<u>BVC/Beach</u>	<u>OTHER</u>	<u>TOTAL</u>
NET EXPENDITURE FY 2020	\$5,259,512	\$3,290,941	\$584,685	\$0	\$841,495	\$9,976,633
DIRECT/Allocated REVENUE	<u>\$671,831</u>	<u>\$95,119</u>	<u>\$235,628</u>	<u>\$656,814</u>	<u>\$3,803,278</u>	<u>\$5,462,670</u>
GROSS EXPENDITURE	\$5,931,343	\$3,386,060	\$820,313	\$656,814	\$4,644,773	\$15,439,303

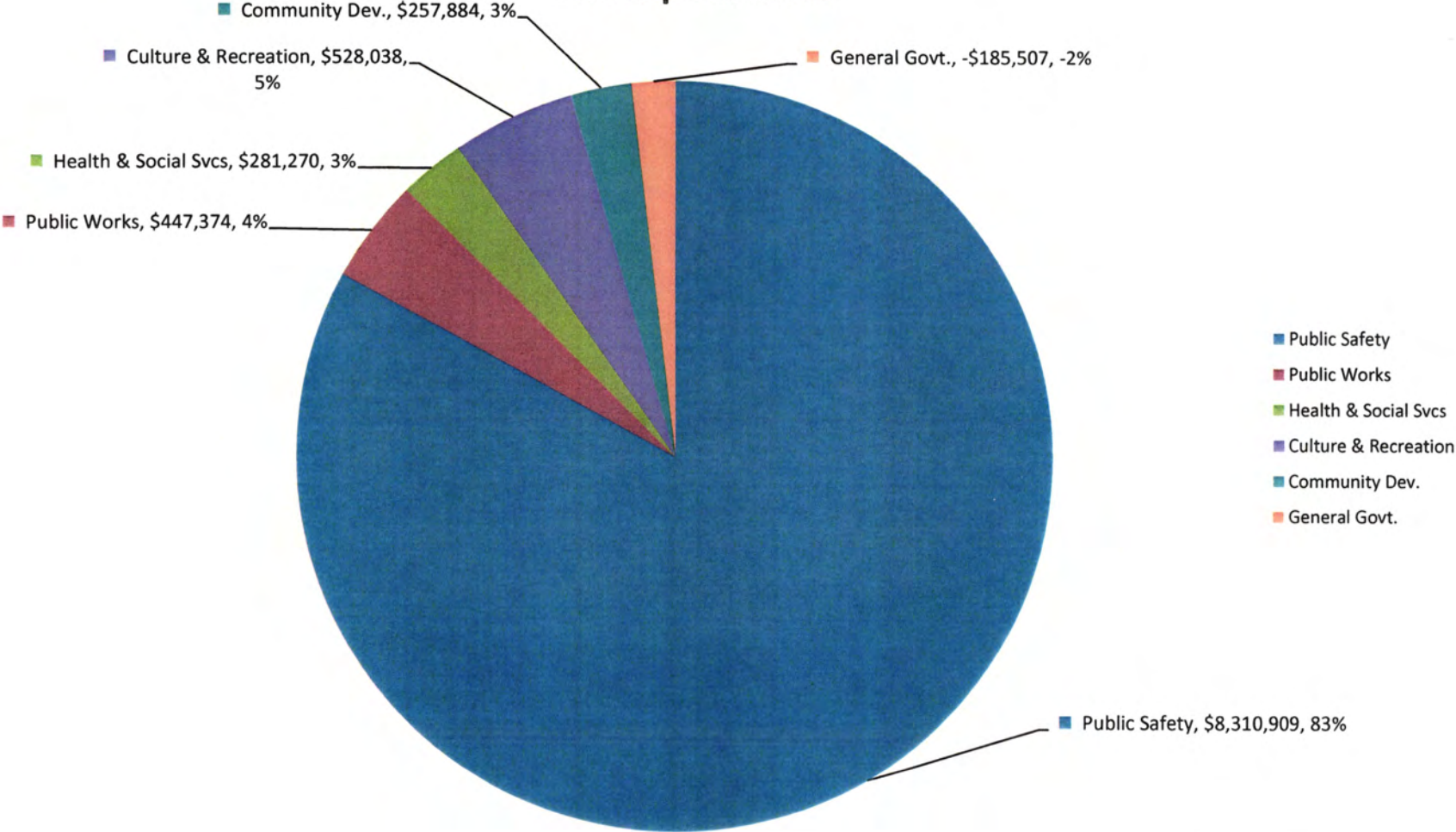
NET EXPENDITURE FY 2020



Other

Planning	\$285,805
Health	\$84,544
Engineering	<u>\$471,146</u>
	<u>\$841,495</u>

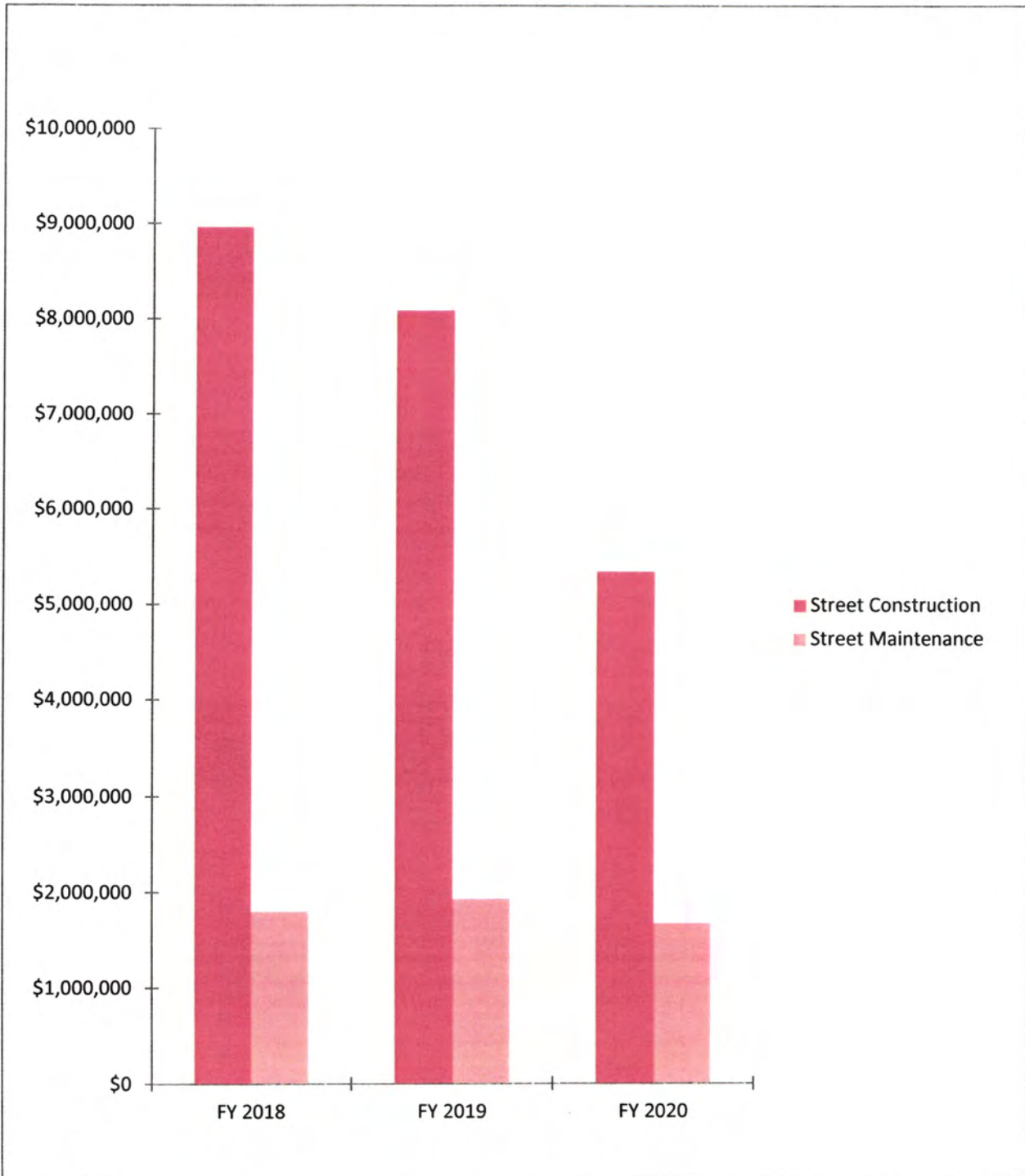
Net Expenditures



CITY OF OTTUMWA
STREET EXPENDITURES

PROPOSED BUDGET

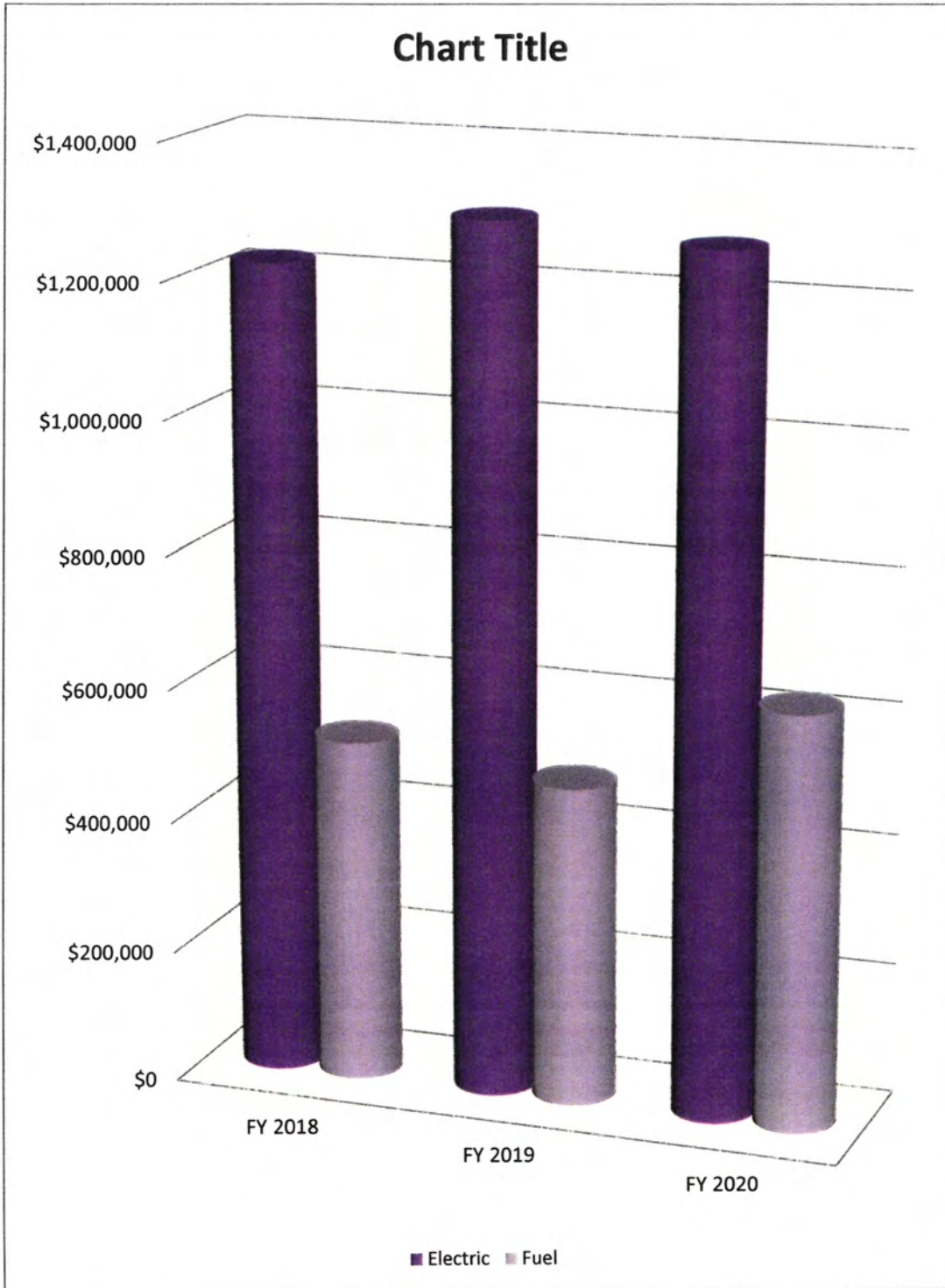
	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
Street Construction	\$8,966,117	\$8,092,100	\$5,358,706
Street Maintenance	\$1,802,596	\$1,934,085	\$1,682,963



CITY OF OTTUMWA
 FUEL/ ELECTRIC EXPENDITURES
 PROPOSED BUDGET
FY 2018 FY 2019 FY 2020

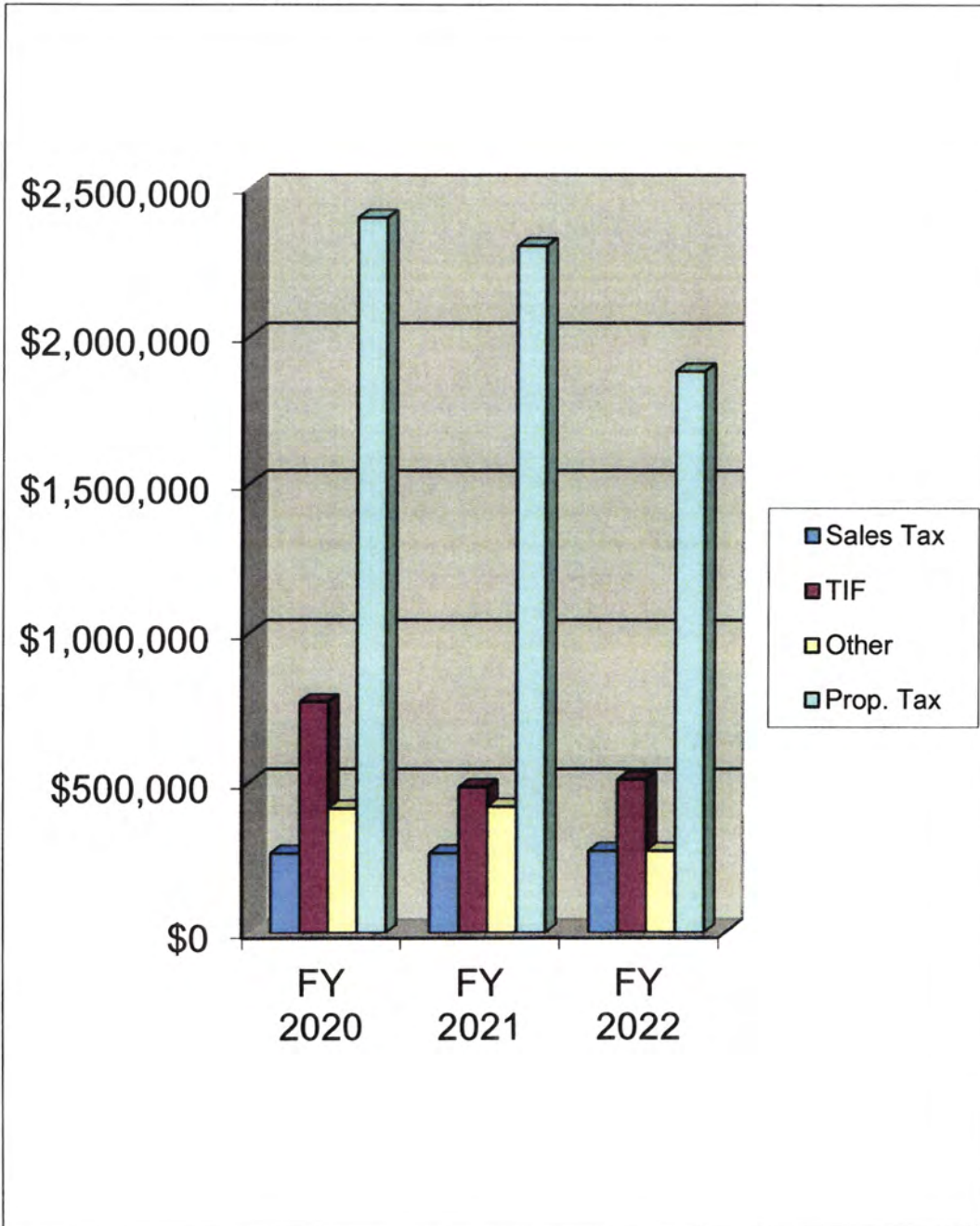
Electric	\$1,219,900	\$1,300,560	\$1,277,562
Fuel	\$518,628	\$484,128	\$627,633

■



CITY OF OTTUMWA
G. O. DEBT SERVICE PAYMENTS

	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Sales Tax	\$265,617	\$266,691	\$273,552
TIF	767,675	484,144	508,589
Other	413,867	420,022	273,427
Prop. Tax	<u>2,399,010</u>	<u>2,304,404</u>	<u>1,881,900</u>
Totals	\$3,846,169	\$3,475,261	\$2,937,468

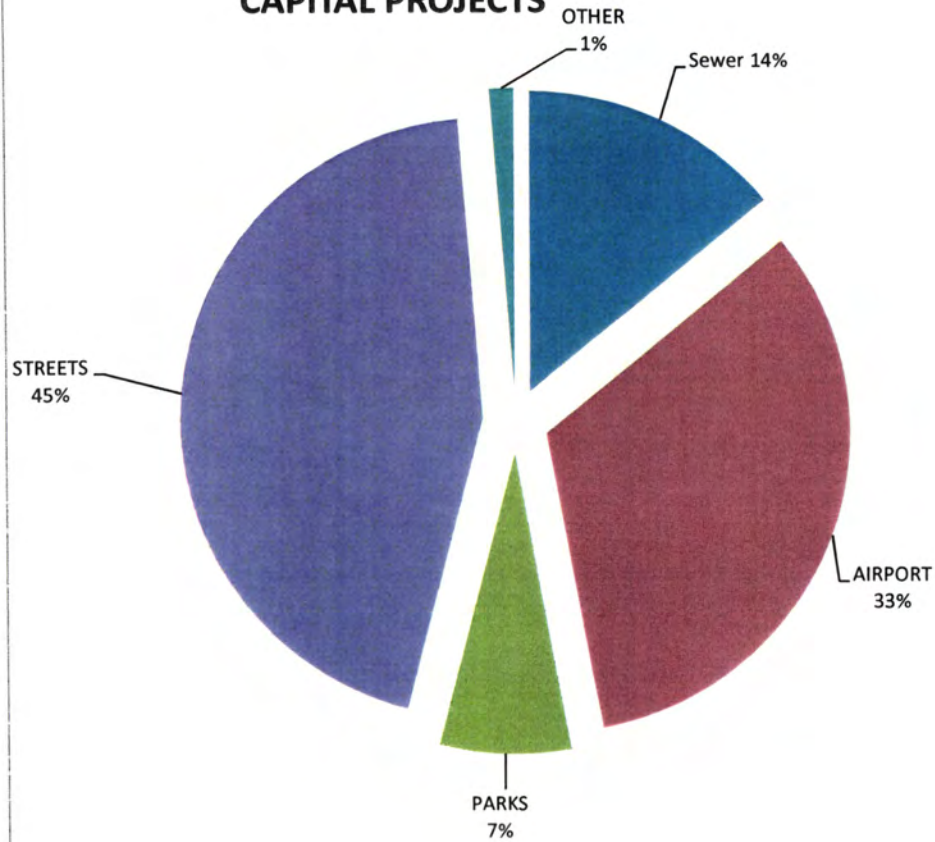


CITY OF OTTUMWA
CAPITAL EXPENDITURES BUDGET - FY 2019/2020

PROPOSED BUDGET

	<u>SEWER</u>	<u>AIRPORT</u>	<u>PARKS</u>	<u>STREETS</u>	<u>OTHER</u>	<u>Total</u>
BUDGETED EXPENDITURES	1,400,000	3,298,352	700,000	4,458,706	130,000	9,987,058
	14%	33%	7%	45%	1%	100%

CAPITAL PROJECTS



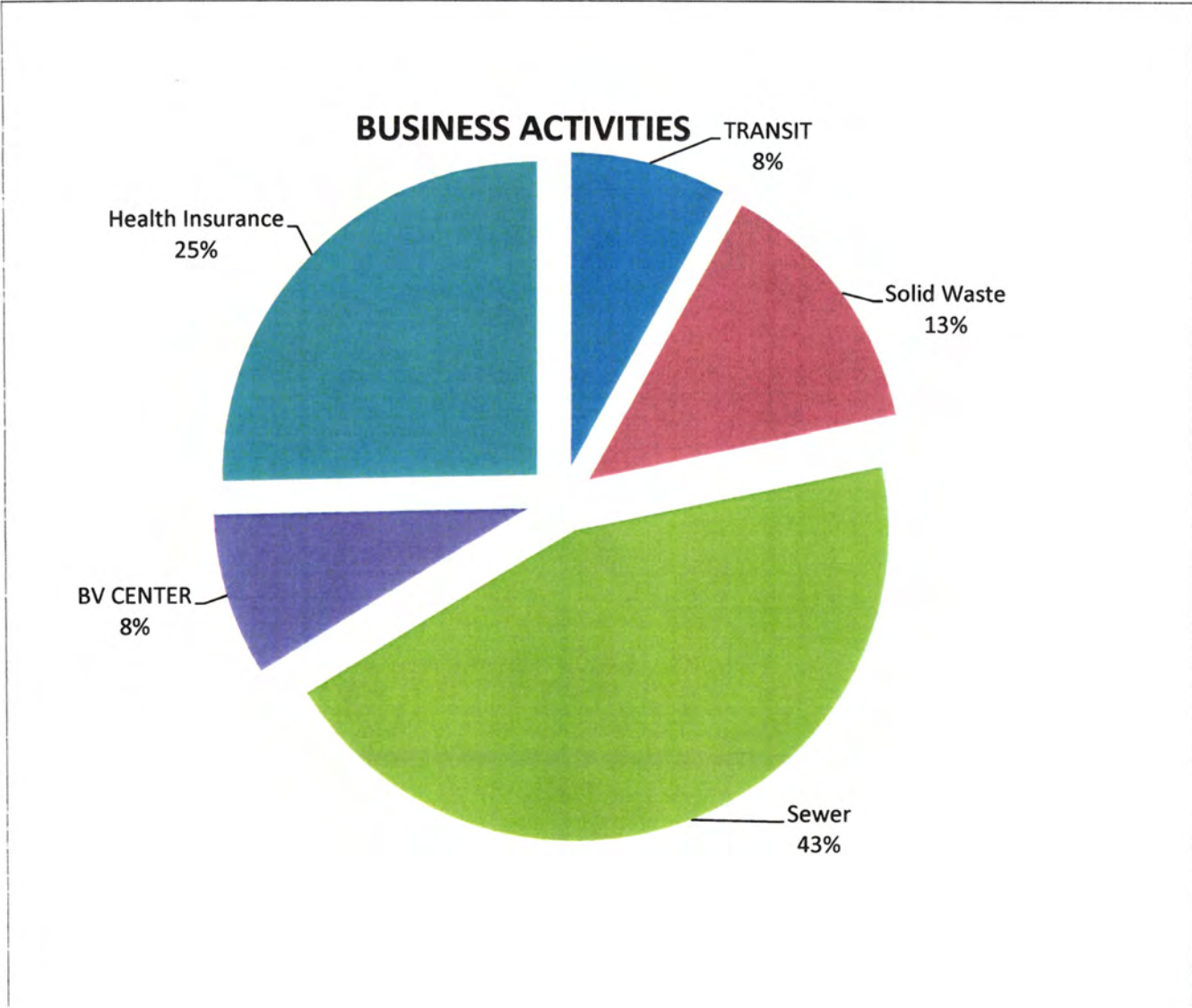
OTHER
BVC

130,000
130,000

**CITY OF OTTUMWA
BUSINESS ACTIVITIES BUDGET-FY 2020**

PROPOSED BUDGET

BUDGETED EXPENDITURES	<u>TRANSIT</u>	<u>SOLID WASTE</u>	<u>SEWER</u>	<u>BV CENTER</u>	<u>HEALTH INS.</u>	<u>OTHER</u>	<u>Total</u>
	1,197,619	2,010,505	6,615,118	1,254,239	3,756,500	481,900	15,315,881
	8%	13%	43%	8%	25%	3%	100%



Other	
EQUIPMENT PURCHASES	481,900
GOLF COURSE	-
	<u>481,900</u>

FILED

2019 JAN 17 AM 11:43

CITY OF OTTUMWA

CITY OF OTTUMWA

Staff Summary

**** ACTION ITEM ****

Council Meeting of: January 22, 2019

Public Works - WPCF Department

Phillip Burgmeier
Prepared By
Darryl Seals
Department Head

[Signature]
City Administrator Approval

AGENDA TITLE: Resolution #005-2018. Approving the Plans, Specifications, Form of Contract and Estimated Cost for the WPCF – Primary Clarifier Valve Replacement Project.

**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: Pass and adopt Resolution #005-2019.

DISCUSSION: This project consists of replacing the drain valves on the Primary Clarifiers at the Water Pollution Control Facility. The valves were installed in 1971. They are buried approximately 18 feet deep in an 11 foot wide space between the Primary Clarifier tanks and the Maintenance Shop. They are below the foundations of both structures and are overlain by a sidewalk, air supply line, 30" influent pipe, and the scum pit drain line.

Work consists of excavation (including shoring of the excavation), removal and replacement of the valves, and site restoration. A bid alternate is included that would include construction of a vault for future access to the valves.

Bids will be received and opened by the City of Ottumwa on February 13, 2019. The bid report and bid award recommendation will be presented at the City Council meeting on February 19, 2019. Construction on this project is expected to commence on or about April 1, 2019 and shall be substantially complete on or before May 15, 2019.

Engineer's Opinion of Cost: \$76,000.00 – Base Bid
\$117,000.00 – Base Bid plus Valve Vault.

10/2/18 Design Contract-HDR: \$19,957.00

RESOLUTION #005-2019

A RESOLUTION APPROVING THE PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATED COST FOR THE WPCF – PRIMARY CLARIFIER VALVE REPLACEMENT PROJECT

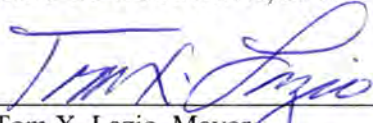
WHEREAS, The City Council of the City of Ottumwa, Iowa has conducted a public hearing on the plans, specifications, form of contract, and estimated cost for the above referenced project; and,

WHEREAS, No objections to the said plans, specifications, form of contract and estimated cost were received.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA THAT: The plans, specifications, form of contract, and estimated cost for the above referenced project are hereby approved and adopted.


APPROVED, PASSED, AND ADOPTED, this 22nd day of January 2019.

CITY OF OTTUMWA, IOWA



Tom X. Lazio, Mayor

ATTEST:



Christina Reinhard, City Clerk



PUBLIC HEARING The City Council of Ottumwa, Iowa, will hold a public hearing on the proposed Plans and Specifications, form of contract, and estimate of cost for the construction of said improvements described in general as "WPCF - Primary Clarifier Valve Replacement Project, Ottumwa, Iowa" at 5:30 o'clock p.m. on January 22, 2019, in the Council Chambers, City Hall, Ottumwa, Iowa. At said hearing any interested person may appear and file objections thereto or to the cost of the improvements. At the hearing, the City will receive and consider any objections made by any interested party, to the Plans and Specifications, proposed form of Contract, and the estimate of cost for the project. The work to be done is as follows: Furnish all labor, materials and equipment to perform the following: Remove and replace drain valves for the primary clarifier at the Ottumwa Water Pollution Control Facility. An alternate bid item includes construction of a vault to provide access to the valves. All work and materials are to be in strict compliance with the Plans and Specifications prepared by HDR Engineering which together with the proposed form of contract, and estimate of cost have heretofore been approved by the City and are now on file for public examination in the office of the Clerk, and are by this reference made a part hereof although fully set out and incorporated herein. CITY OF OTTUMWA, IOWA By: Tom X. Lazio, Mayor ATTEST: Christine Reinhard, City Clerk

1/10/19

FILED

JAN 23 2019

2019 JAN 10 PM 2:53

CITY OF OTTUMWA

Staff Summary

CITY CLERK
OTTUMWA, IA

**** ACTION ITEM ****

Council Meeting of: Jan 22, 2019

Jody Gates

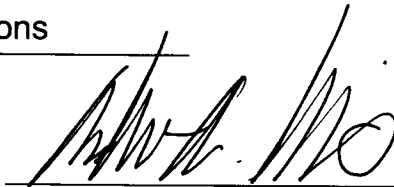
Prepared By

Kevin C Flanagan 

Department Head

Health & Inspections

Department



City Administrator Approval

AGENDA TITLE: Resolution No. 7 - 2019, a Resolution accepting the offer and approving the sale of 108 East Court to Brothers Holding Trust for the sum of \$250.00



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: Pass and adopt Resolution No. 7 - 2019.

DISCUSSION:

Brothers Holding Trust offered the City \$250 for this vacant lot. The lot is adjacent to two lots owned by the trust and they intend to combine all three lots into one. One of the lots contains a placarded house which the company intends to repair. This vacant lot will be used as yard for the property.

Source of Funds:

Budgeted Item:

Budget Amendment Needed:

RESOLUTION No. 7 - 2019

A RESOLUTION ACCEPTING THE OFFER AND APPROVING THE SALE OF CITY OWNED PROPERTY LOCATED AT 108 EAST COURT STREET TO BROTHERS HOLDING TRUST FOR THE SUM OF \$250.00

WHEREAS, the City of Ottumwa, is the present title holder to the property legally described as the Southwest 42 feet of the Northeast 132 feet of Lot 16 in WH Johnson's Subdivision of part of Out Lots 30 and 31 and a permanent easement over a strip of land 8 feet in width along the Southeast side of the Northerly 90 feet of said Lot 16 in WH Johnson's Subdivision, all in the City of Ottumwa, Wapello County, Iowa and the Northeasterly 42 feet of the Southwesterly 108 feet of Lot One in Porter and Company's Subdivision of Out Lots 30 and 31 in the City of Ottumwa, Wapello County, Iowa, also known as 108 East Court Street; and

WHEREAS, pursuant to Resolution No. 3 - 2019 approved, passed and adopted January 8, 2019 by the City Council authorized and directed the City Clerk to publish notice regarding the sale of said property to Brothers Holding Trust for an offered price of \$250.00; and

WHEREAS, the buyer intends to combine the lot with two others they own and use it for a yard; and

WHEREAS, the property will be transferred by quit claim deed, with no abstract, and the buyer shall pay the cost of publishing the public hearing notice and the recording fees.

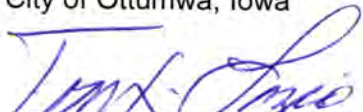
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA, that the offer received from Brothers Holding Trust in the amount of \$250.00 be, and it is hereby accepted and the sale of said property is approved and the Mayor and City Clerk are hereby authorized to sign the appropriate deed on behalf of the city conveying said property.

PASSED AND ADOPTED this 22nd day of January 2019.

ATTEST:


Christina Reinhard, City Clerk

City of Ottumwa, Iowa


Tom X. Lazio, Mayor

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of the City of Ottumwa, Iowa, will hold a public hearing Tuesday, January 22, 2019 at 5:30 P.M. in City Hall in the City of Ottumwa, Iowa on its intent to dispose of real property legally described as the Southwest 42 feet of the Northeast 132 feet of Lot 16 in WH Johnson's Subdivision of part of Out Lots 30 and 31 and a permanent easement over a strip of land 8 feet in width along the Southeast side of the Northerly 90 feet of said Lot 16 in WH Johnson's Subdivision, all in the City of Ottumwa, Wapello County, Iowa and the Northeasterly 42 feet of the Southwesterly 108 feet of Lot One in Porter and Company's Subdivision of Out Lots 30 and 31 in the City of Ottumwa, Wapello County, Iowa, also known as 108 East Court Street, to Brothers Holding Trust for \$250.00, for the purpose of combining with two adjacent lots also owned by said trust by quit claim deed, with no abstract and the buyer paying all costs of conveyance including any property taxes owed. All persons interested in the intent to dispose of said property are invited to be present at the above time and place on the date mentioned to present their objections to, or arguments for the intent to dispose of said property.

FOR THE CITY OF OTTUMWA:
Christina Reinhard, City Clerk

Please publish on January 15, 2019 and provide 3 proofs of publication.

FILED

CITY OF OTTUMWA

Staff Summary

**** ACTION ITEM ****

Council Meeting of: Jan 22, 2019

Jody Gates

Prepared By

Kevin C Flanagan

Department Head

Health & Inspections

Department

City Administrator Approval

AGENDA TITLE: Resolution No. 8 - 2019, a Resolution accepting the offer and approving the sale of 1543 Mable Street to Alissa Welch for the sum of \$250 for the purpose of constructing a commercial building



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: Pass and adopt Resolution No. 8 - 2019.

DISCUSSION: Alissa Welch offered the City \$250 for the vacant lot at 1543 Mable Street. It's the buyers intention to contract a commercial building on the lot. The property is in an I-1 zoning district. The property will be transferred by quit claim deed with the buyer paying all costs of conveyance including any property taxes owed.

Source of Funds:

Budgeted Item:

Budget Amendment Needed:

RESOLUTION No. 8 - 2019

A RESOLUTION ACCEPTING THE OFFER AND APPROVING THE SALE OF CITY OWNED PROPERTY LOCATED AT 1543 MABLE STREET TO ALISSA WELCH FOR THE SUM OF \$250.00 FOR THE PURPOSE OF CONSTRUCTING A COMMERCIAL BUILDING

WHEREAS, the City of Ottumwa, is the present title holder to the property legally described as Lot 18 Block 1 in Manning's First Addition in the City of Ottumwa, Wapello County, Iowa, also known as 1543 Mable Street; and

WHEREAS, pursuant to Resolution No. 1 - 2019 approved, passed and adopted January 8, 2019 by the City Council authorized and directed the City Clerk to publish notice regarding the sale of said property to Alissa Welch for an offered price of \$250.00; and

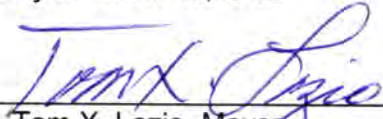
WHEREAS, the buyer intends to construct a commercial building on the vacant lot; and

WHEREAS, the property will be transferred by quit claim deed, with no abstract, and the buyer shall pay the cost of publishing the public hearing notice and the recording fees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA, that the offer received from Alissa Welch in the amount of \$250.00 for the purpose of constructing a commercial building, be and it is hereby accepted and the sale of said property is approved and the Mayor and City Clerk are hereby authorized to sign the appropriate deed on behalf of the city conveying said property.

PASSED AND ADOPTED this 22nd day of January 2019.

City of Ottumwa, Iowa



Tom X. Lazio, Mayor

ATTEST:



Christina Reinhard, City Clerk



NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of the City of Ottumwa, Iowa, will hold a public hearing Tuesday, January 22, 2019 at 5:30 P.M. in City Hall in the City of Ottumwa, Iowa on its intent to dispose of real property legally described as Lot 18 Block 1 in Manning's First Addition in the City of Ottumwa, Wapello County, Iowa, also known as 1543 Mable Street, to Alissa Welch for \$250.00, for the purpose of constructing a commercial building, by quit claim deed, with no abstract and the buyer paying all costs of conveyance including any property taxes owed. All persons interested in the intent to dispose of said property are invited to be present at the above time and place on the date mentioned to present their objections to, or arguments for the intent to dispose of said property.

FOR THE CITY OF OTTUMWA:
Christina Reinhard, City Clerk

Please publish on January 15, 2019 and provide 3 proofs of publication.

FILED

2019 JAN 17 AM 11:43

CITY OF OTTUMWA

CITY OF OTTUMWA

Staff Summary

**** ACTION ITEM ****

Council Meeting of: January 22, 2019

Alicia Bankson

Prepared By

Parks Department
Department

Gene Rathje
Department Head

[Signature]
City Administrator Approval

AGENDA TITLE: Resolution #14-2019. Approving the Plans, Specifications, Form of Contract and Estimated Cost for Beach Phase 4, Slide Restoration Project 2019.

**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: Pass and adopt Resolution #14-2019.

DISCUSSION: Contract A consists of performing designated repairs to the 32" Enclosed, 42" Open Flume, Speed Slide, and the Indoor/Outdoor Waterslides. Contract B consists of performing designated repairs and refinishing of the steel supporting structure for all the slides and the slide tower.

Bids will be received and opened by the City of Ottumwa on February 13, 2019. The bid report and bid award recommendation will be presented at the City Council meeting on February 19, 2019 or at a later date as determined by staff. Actual work on this project will begin when spring temperatures cooperate and the project is expected to be completed by May 17, 2019.

Engineer's Opinion of Cost: Contract A: \$120,000.00
Contract B: \$35,000.00

RESOLUTION #14-2019

A RESOLUTION APPROVING THE PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATED COST FOR THE BEACH RENOVATIONS PHASE 4, SLIDE RESTORATION PROJECT 2019

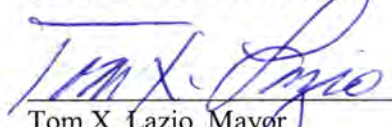
WHEREAS, The City Council of the City of Ottumwa, Iowa has conducted a public hearing on the plans, specifications, form of contract, and estimated cost for the above referenced project; and,

WHEREAS, No objections to the said plans, specifications, form of contract and estimated cost were received.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA THAT: The plans, specifications, form of contract, and estimated cost for the above referenced project are hereby approved and adopted.

APPROVED, PASSED, AND ADOPTED, this 22nd day of January, 2019

CITY OF OTTUMWA, IOWA



Tom X. Lazio, Mayor

ATTEST:




Christina Reinhard, City Clerk

Legal Notices

SECTION 00010 NOTICE OF PUBLIC HEARING. The City Council of Ottumwa, Iowa, will hold a public hearing on the proposed Plans and Specifications, form of contract and estimate of cost for the construction of said improvements described in general as Beach Ottumwa Slide Restoration Project 2019, Ottumwa, Iowa at 5:30 o'clock p.m. on the 22nd day of January, 2019, in the Council Chambers, City Hall, Ottumwa, Iowa. At said hearing any interested person may appear and file objections thereto or to the cost of the improvements. At the hearing, the City will receive and consider any objections made by any interested party, to the Plans and Specifications, proposed form of Contract, and the estimate of cost for the project. The work to be done is as follows: Furnish all labor, materials and equipment to construct the following: Contract A consists of performing designated repairs to the 32" Enclosed, 42" Open Flume, Speed Slide, and the Indoor/Outdoor Waterslides. Contract B consists of performing designated repairs and finishing of the steel slide supporting structure. All work and materials are to be in strict compliance with the Plans and Specifications prepared by the City of Ottumwa Engineering Department which together with the proposed form of contract and estimate of cost have heretofore been approved by the City and are now on file for public examination in the office of the Clerk, and are by this reference made a part hereof as though fully set out and incorporated herein. CITY OF OTTUMWA—IOWA. By: Tom X. Lazio, Mayor ATTEST: Christina Reinhard, City Clerk

1/10/19

FILED

CITY OF OTTUMWA

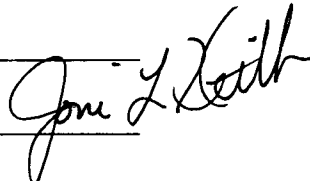
2019 JAN 16 PM 3: 55 STAFF SUMMARY

CITY CLERK
OTTUMWA, IA

Council Meeting of: January 22, 2019

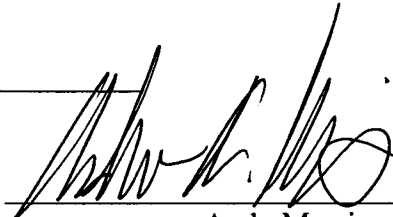
ITEM NO. _____

Joni Keith
Prepared By



Tom McAndrew
Department Head

Police
Department



Andy Morris

AGENDA TITLE: Appeal of Ottumwa Police Chief's Order dated January 9, 2019 to remove a dog from the city limits pursuant to Ottumwa City Ordinance #7-11, in the possession of Elizabeth "Liz" Techel, under her control or on the premises of her property at 901 Chester Avenue, Ottumwa.

PURPOSE: Elizabeth Techel is appealing the Police Chief's Order for her to remove a vicious dog from her possession or control or on her premises at 901 Chester Avenue, in Ottumwa.

RECOMMENDATION: Deny the appeal of Elizabeth Techel.

DISCUSSION: Ottumwa Police Officer Batterson investigated an incident involving a medium sized terrier cross dog named Rusty owned by Elizabeth Techel of 901 Chester Avenue in Ottumwa. On July 1, 2018, Rusty bit a 14-year-old girl on the legs causing injuries that required stitches. She was walking down an alley at the time and did not provoke the dog. The owner claims the girl was cutting through their yard. On December 26, 2018, an individual who was invited to the residence at 901 Chester Avenue, was bitten by the dog. While in the residence, the dog jumped up and bit the visitor on the arm and leg resulting in medical expenses. The visitor alleged that he was advised to lie as to what dog bit him. A notice was sent to the owner, Elizabeth Techel, on January 9, 2019 requiring her to remove the dog from the city limits within three (3) days of the notice. The owner is appealing the Police Chief's Order. Attached hereto is a copy of the Notice dated January 9, 2019. The owner has installed a dog pen in the back yard and plans to put up a privacy fence in the spring. The owner indicates Rusty will not be unrestrained and has purchased a muzzle for the dog when he is outside. Attached is a copy of the Appeal Notice and a letter of explanation.

Elizabeth Techel
901 Chester Ave.
Ottumwa, Ia
52501
641-455-4249

FILED

2019 JAN 11 PM 2:24

CITY CLERK
OTTUMWA, IA

I am appealing that my dog Rusty is not a vicious dog. I would like to address the city council in this matter.

Thank you,
Elizabeth Techel

January 9, 2019

Elizabeth "Liz" Techel
901 Chester Ave.
Ottumwa, IA 52501

Dear Ms. Techel:

On July 1st, 2018, your medium sized terrier cross dog "Rusty" was not restrained and attacked a 14 year old child causing injuries requiring medical care and stitches. This incident was done without provocation.

On December 17th, 2018, your medium sized terrier cross dog "Rusty" attacked an adult friend inside your residence biting his arm and leg causing injuries requiring medical care. This incident was done without provocation.

Therefore, your dog is considered a "vicious" animal as defined by Section 7-1 of the Ottumwa Municipal Code, to wit:

Vicious animal: A dog, cat or other animal that exhibits a propensity to attack or bite persons without provocation or has attacked, bitten, maimed, or killed any domestic animal without provocation.

Section 7-11 of the Ottumwa Municipal Code entitled "Keeping or Harboring Vicious Animals" prohibits vicious animals from being within the city limits and authorizes the Chief of Police to order the animal removed from the city. This section states, in part:

(a) If a person keeps or harbors any vicious animal in the city, the chief of police or designee may direct the animal to be removed. If said animal remains in the city after notice to remove the same has been given to the owner by the chief of police, said animal shall be picked up by a peace officer or a community service officer and destroyed as provided herein. Failure to remove a vicious animal when ordered to do so by the chief of police is a simple misdemeanor.

The order to remove a dangerous animal issued by the Chief of Police may be appealed to the City Council; however, the animal shall be removed until such time as the order is reversed by the City Council. In order to appeal such order, written notice of appeal must be filed with the City Clerk within three days after receipt of the order contained in the notice to remove the dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order.

The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. The hearing of such appeal shall be held during the next scheduled meeting of the City Council following receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the City Council shall affirm or reverse the order of the Chief of Police.

This letter is to serve you notice that your dog is hereby ordered to be removed from the City Limits of Ottumwa within three (3) days of this notice. Failure to do so may result in the Community Service Officer or the Ottumwa Police Department impounding such animal and destroying it immediately. If you choose to remove your animal instead of destroying it, you must provide us with the name, location, and phone number of the individual you have taken the animal to.

If you have any questions regarding this notice, please contact Officer Jeff Williams at the Ottumwa Police Department, 330 W. Second, Ottumwa, Iowa or telephone 641-683-0648.

Sincerely,



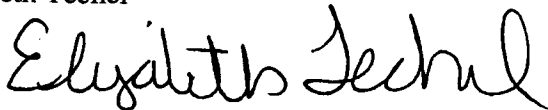
Tom McAndrew
Chief of Police
Ottumwa Police Department

To whom it may concern:

I am writing this in regards to the biting incidence that occurred with Tony Yencsik at my residence. Mr. Yencsik entered my back door letting himself in my house, Rusty came around the corner and seen Mr. Yencsik entering the house and jumped up and bit him. Rusty has only seen Mr. Yencsik once or twice before this happened so he did not know him. Officer Williams told me if someone came into my house uninvited or was breaking in my house that Rusty biting them would be ok, so tell me the difference in a stranger to my dog coming in my house uninvited or was not let in by one of the homeowners? The first biting incident happened this past summer in our yard, a girl came running up the alley behind our house and cut through our yard which startled Rusty and he bit at her. I have had Rusty for 7 years and in those years Rusty has never been a vicious dog or has had any problems. I have a young daughter and 2 young nieces who are always around him and have had no problems, He is a very friendly, loving dog that loves attention and is always wagging his tail. After the first incident occurred we built a dog pen in our back yard and in the spring we plan on putting up a privacy fence. Our dogs are always inside with us and when they go out I put them on leashes. I have also bought a muzzle for Rusty when he is outside just to take precautionary steps. After the second biting incident I consulted our vet to discuss what could have caused these two incidences and she said maybe one could be adding a new dog to our family and she also recommended more social interaction for Rusty. We vet at Pipestone here in Ottumwa and anyone there could tell you Rusty is a very friendly dog and they have had no trouble with him, and we have took him there for the past seven years. I do not condone what happened and am very remorseful for the two incidences. Rusty has been in our family for 7 years and is like a child to me, he is a part of our family. It would be devastating for us as a family to have to part with Rusty. I am willing to take any steps or precautionary measures to be able to keep my beloved dog.

Thank you,

Elizabeth Techel



Brandon Thompson



Ottumwa Police Department

Statement Form

Name: Tony Yencsik

Case #: _____

Address: 908 Albia RD

SSN: _____

City: OTT

State: IA

Phone: _____

Zip Code: 52501

Dec
Mon - 17th @ 3:30

Went to their house to visit, was there for only a few minutes & Rusty the dog jumped me & bit my left arm & left knee with puncture wounds -

Went to doctor, put me on several meds for a month

Brandon witnessed it, Kicked dog off me & then I left - she called me upset, said she was sorry & will take care of all my bills.
+ Liz Techel (Stipp)
+ Brandon Thompson

Now - I have been blocked from her Facebook & text. She's worried something will happen to her dog. I kept in touch with her in text messages -

Continue Statement on another sheet if needed

Tony Yencsik
Signature of Person Making Statement

12-26-18
Date

2:00 pm
Time

Signature of Witness

Location of Statement

and wanted me to say it was someone
else, dog it was up on its shots —
asked me not to say who's dog it was —

Officer Williams took pics —









FILED

2019 JAN 17 PM 4:11

CITY OF OTTUMWA
Staff Summary

**** ACTION ITEM ****

Council Meeting of: Jan 22, 2019

Kevin C. Flanagan

Prepared By

Kevin C. Flanagan

Department Head

Planning & Development

Department



City Administrator Approval

AGENDA TITLE: Resolution No. 10-2019, a resolution establishing a Brick Streets Policy in the City of Ottumwa, Wapello County, Iowa

Public hearing required if this box is checked.

RECOMMENDATION: Pass and adopt Resolution No. 10-2019.

DISCUSSION: This resolution establishing how the City will approach the review of brick street repairs or replacements in Vogel Place and Fifth Street Bluff Historic Districts. It also outlines how the City will proceed with repairs or replacement if indeed it is decided that these brick streets will be replaced or repaired with brick.

Source of Funds:

Budgeted Item:

Budget Amendment Needed:

RESOLUTION NO. 10-2019

A RESOLUTION ESTABLISHING A BRICK STREETS REPAIR AND REPLACEMENT POLICY IN THE CITY OF OTTUMWA, WAPELLO COUNTY, IOWA

WHEREAS, the City has established the Vogel Place Historic District and the Fifth Street Bluff Historic District; and

WHEREAS, these Historic Districts are National Historic Districts; and

WHEREAS, Brick Streets are contributing structures within National Historic Districts; and

WHEREAS, Brick Streets are a significant asset that contribute to the sense of time and place within each district and though costly to install, these streets last for generations and add significant beauty to historic areas; and

WHEREAS, the City of Ottumwa has very few Brick Streets that remain viable thoroughfares; and

WHEREAS, the City wishes to recognize the historic significance of contributing structures to Historic Districts and set forth guidelines for the repair, replacement, or rehabilitation of Brick Streets, including curbs and curb cuts as required for walk and driveways; and

WHEREAS, in instances of repair or replacement street work within the Vogel Place or Fifth Street Bluff Historic Districts, the City will obtain engineering and cost estimates for brick, asphalt, or concrete use and will strive in every manner to preserve the historic nature of these thoroughfares in consideration of repair or replacement, not limited to but to include seeking grants, loans, and special assessments as options helping to facilitate such repairs or replacements, noting the conditions listed within this resolution as guidelines in accordance with this aspiration; and

WHEREAS, the following conditions will be met in instances where Brick Streets are repaired or replaced with Brick:

- **All existing brick streets located within Historic Districts should be maintained as brick streets, using place- and period-appropriate, reclaimed pavers or curbs, and construction standards.**
- **All brick streets located outside Historic Districts should be maintained and or resurfaced using best practices as determined by the City Public Works Department.**
- **When brick streets outside the Historic Districts are scheduled for full-depth replacement, the brick should be salvaged and moved to the City Storage Yard.**
- **Salvaged brick should be used for repairs within Historic Districts following cuts for utility work and similar jobs requiring damaging or removing existing brick. Similar material should be used when salvaged brick or curbing is not available; and**

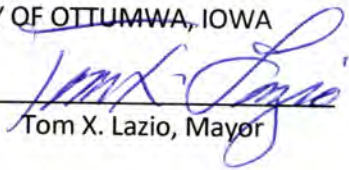
NOW, THEREFORE, be it resolved by the City Council of the City of Ottumwa, Iowa:

That this Brick Street Repair and Replacement Policy in the City of Ottumwa, Wapello County, Iowa, is hereby established, and the Mayor and the City Clerk are hereby authorized to sign this Resolution and attest to the same.

Passed and adopted this 22nd day of January 2019.

CITY OF OTTUMWA, IOWA

By


Tom X. Lazio, Mayor

ATTEST:



Chris Reinhard, City Clerk

FILED

2019 JAN 15 PM 1:13

CITY OF OTTUMWA
Staff Summary

**** ACTION ITEM ****

Council Meeting of : Jan 22, 2019

David Silverio

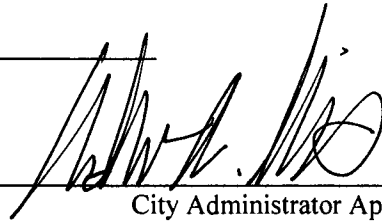
Prepared By

David Silverio

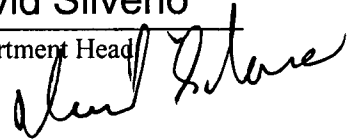
Department Head

Transit

Department



City Administrator Approval



AGENDA TITLE: Purchase of a new ADA minivan.

RECOMMENDATION: Approve Purchase.

DISCUSSION: Transit had a minivan totaled last year. We recieved \$14,983 from the insurance company. We now need to replace it. We will be buying a new ADA minivan for \$45,417 from Masters Transportation. They are the lowest bidder on the DOT bid sheet.

Source of Funds: State 5311 grant and Transit budget

Budgeted Item:



Budget Amendment Needed: No

RESOLUTION NO. 11-2019

RESOLUTION AWARDING THE CONTRACT FOR THE Minivan purchase

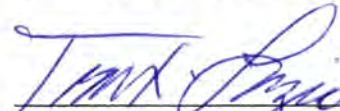
WHEREAS, The City of Ottumwa, Iowa operates the Ottumwa Ottumwa Transit;
and,

WHEREAS, The Department of Public Transit, Iowa did advertise and
accept bids for the above referenced project; and,

WHEREAS, Masters Transportation was the lowest bidder.
NOW, THEREFORE, BE IT RESOLVED, BY THE CITY OF OTTUMWA, IOWA
THAT: The award of contract for the above referenced project is made to the lowest
responsible bidder, Masters Transportation, in the amount of
\$45,417.

APPROVED, PASSED, AND ADOPTED this 22nd day of January, 2019.

CITY OF OTTUMWA, IOWA



Tom X. Lazio, Mayor

Attest:




Christina Reinhard, City Clerk

FILED
2019 JAN 1
CITY OF OTTUMWA
Staff Summary
CITY OF OTTUMWA, IA
**** ACTION ITEM ****

Council Meeting of : Jan 22, 2019

Planning & Development
Department

Peggy Eskew
Prepared By
Kevin Flanagan 
Department Head



City Administrator Approval

AGENDA TITLE: Resolution No. 13-2019. A Resolution approving applications for residential and commercial tax abatement under the Urban Revitalization Plan, subject to review the local assessor.

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: Pass and Adopt Resolution No. 13-2019.

DISCUSSION: This resolution approves 21 residential and 2 commercial tax abatement applications subject to review by the local assessor. There were 5 homes new in the city that applied for tax abatement assistance. The other applicants made improvements to their existing properties.

Tax abatement is available city wide for both residential and commercial.

Source of Funds:

Budgeted Item: Budget Amendment Needed:

RESOLUTION NO. 13-2019

A RESOLUTION APPROVING APPLICATIONS FOR RESIDENTIAL AND COMMERCIAL TAX ABATEMENT UNDER THE URBAN REVITALIZATION PLAN, SUBJECT TO REVIEW BY THE LOCAL ASSESSOR.

WHEREAS, the City of Ottumwa, Iowa, adopted the City of Ottumwa 1992 Urban Revitalization Plan on June 4, 1991; and

WHEREAS, in December, 2002, the City of Ottumwa, Iowa, adopted a Commercial Tax Abatement Plan for properties in the Rochester North Urban Revitalization Area; and

WHEREAS, on January 4, 2005, the City of Ottumwa, Iowa, adopted a Commercial Tax Abatement Plan for properties in the Downtown North Urban Revitalization Plan; and

WHEREAS, on April 4, 2017, the City of Ottumwa, adopted Amendment No. 2 to the 1992 Urban Revitalization Plan expanding commercial and industrial tax abatement throughout the city effective May 1, 2017; and

WHEREAS, all plans provide for property tax abatement for the actual value added by improvements to real estate according to different schedules for abatement; and

WHEREAS, the persons listed on Exhibit A have completed improvements in conformance with the adopted tax abatement plan for the city wide residential, the Rochester North or the Downtown Urban Revitalization Plan; or the adopted expanded commercial and industrial Urban Revitalization Plan; and

WHEREAS, the individuals listed on Exhibit A have completed an application for tax abatement and have selected a schedule for said abatement; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA:

That the applications for tax abatement which are listed on Exhibit A are hereby approved by the City Council of the City of Ottumwa, Iowa, subject to review by the local assessor.

PASSED, APPROVED AND ADOPTED this 22nd day of January 2019.

CITY OF OTTUMWA, IOWA

By: _____


Tom X. Lazio, Mayor

ATTEST:


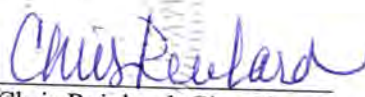


Chris Reinhard, City Clerk

Exhibit A Tax Abatement 2018

Application	Project	Property owners	Address	Cost of Improvements	Miscellaneous
2018-1	New home - 3 year abatement	AM Yates LLC	1156 S Webster St	\$ 98,000	New construction of home
2018-2	Remodeling - 3 years at 100%	James & Judith Sinclair	1028 Boone	\$ 5,808	Add on laundry room and deck
2018-3	Remodeling - 3 years at 100%	Gary and Donnitta Ware	812 Lake Road	\$ 22,620	New Barn
2018-4	Remodeling - 3 years at 100%	Stephen Stoessel	434 Elmdale	\$ 27,600	Roof, doors, siding, some drywall, furnace, AC, 10'x16' deck
2018-5	Remodeling - 5 year sliding	Realty Income Properties 6 LLC	1130 N. Quincy Ave.	\$ 458,500	Complete interior remodel
2018-6	New home - 3 year abatement	Dennis and Jodi White	706 Wabash Ave.	\$ 75,000	New construction
2018-7	Remodel - 3 year abatement	Doug & Andrea Barker	418 Bryan Road	\$ 15,000	removed old deck and built new
2018-8	Garage - 3 year abatement	Jodie Callas	538 Wildwood Dr.	\$ 25,000	egress windows and new 34 x 24 garage
2018-9	Remodel - 3 year abatement	Alice White	911 E. Williams St.	\$ 3,400	replaced old deck on front of home
2018-10	Remodel - 10 year sliding scale multi residential	Teresa Keck & Steven Garrett	2305 N. Court	\$ 53,720	Remodel from commerical to residential 3 family
2018-11	Addition - 5 year sliding scale	Ted Spurgin and Pam Bricker	201 McKinley Ave.	\$ 300,000	Remodel church to funeral home with addition
2018-12	Garage - 3 year abatement	Douglas and Marga Pilcher	1937 Richmond Ave.	\$ 24,000	Tore down old garage and replaced with 30x40
2018-13	Garage - 3 year abatement	Chris and Rachelle Shadduck	2450 N. Jefferson	\$ 19,000	New 24x36 garage
2018-14	Garage - 3 year abatement	Steve and Junella Jones	1611 Greenwood	\$ 50,000	Garage Addition
2018-15	Garage - 3 year abatement	Douglas and Loretta Alexander	538 S. Moore St.	\$ 30,000	32x30 Garage
2018-16	New home - 3 year abatement	Aaron Luke/Joshua Luke	1319 S. Milner	\$ 160,000	New construction
2018-17	Garage- 5 year sliding scale	David and debra Truitt	1339 N. Van Buren	\$ 20,000	N. 80' of E 156' Lot 5 Hammond's Sub of 14-72-13
2018-18	Improvements - 3 year abatement	Ron Wymore	817 Center	\$ 17,000	3/4 partial tax abatement on new back portch, 4 season front porch, new furnace, new upstairs bath, flooring, added laundry room to first floor.
2018-19	Improvements - 3 year abatement	Lauraly Veatch	922 W. Williams	\$ 11,000	removed walls and new kitchen
2018-20	Addition - 3 year abatement	Lowell & Jewel McClure	22 Friendly Lane	\$ 34,115	Increased family room size
2018-21	New home - 3 year abatement	Blunt Investments	610 Adams St.	\$ 200,000	New home
2018-22	New home - 3 year abatement	Edward Allen/Mary Beth Ware	1105 S. Madison Ave.	\$ 27,000	Set double wide manufactured home
2018-23	Addition - 5 year sliding scale	James and Mary Sampson	1230 Hammond Ave.	\$ 24,256	Added a 4 season room and bedroom
				\$ 1,449,763	

General

- Improvements - 8
- New Homes - 5
- Additions - 2
- New garage - 6

Commercial

- Improvements - 1
- Multi-residential - 1

FILED

CITY OF OTTUMWA

2019 JAN 17 AM 11:42

Staff Summary

CITY CLERK
OTTUMWA, IA

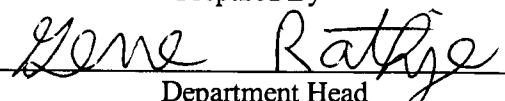
**** ACTION ITEM ****

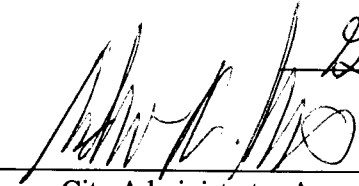
Council Meeting of: January 22, 2019

Alicia Bankson

Prepared By

Parks Department
Department


Department Head


City Administrator Approval

AGENDA TITLE: Resolution #15-2019. Approving Change Order No. 1 for Beach Renovations Phase 3 - Contract B, Office/Kitchen Remodeling.

Public hearing required if this box is checked.

RECOMMENDATION: Pass and adopt Resolution #15-2019.

DISCUSSION: The City Council approved the contract in the amount of \$69,085.00 to Christner Contracting of Ottumwa, Iowa through Resolution #205-2018 on July 24, 2018, which includes the base bid and the alternate bid. Due to a clerical error, the actual contract was made out for the base bid amount only of \$62,360.00. Change Order No. 1 will correct this error by adding the alternate bid amount of \$6,725.00.

Change Order No. 1 also includes several additional items to continue the renovation process:

1.	Add Bid Alternate No. 1	\$6,725.00
2.	Door lockset replacement and keying to unique master	691.25
3.	Additional electrical in kitchen and equipment room	3,726.00
4.	Add knee wall in kitchen	3,380.00
5.	Additional painting to include the lobby	3,011.00
	Total Change Order No. 1	\$17,533.25

Completion date remains May 17, 2019.

Contract B Summary is as follows

Base Contract	\$62,360.00
Change Order #1	\$17,533.25
Revised Contract Amount	\$79,893.25

Phase 3 – Contracts A-D Cost to Date:

Contract A:	Concrete Repairs	\$143,700.00
Contract B:	Office/Kitchen Remodeling	\$ 79,893.25

Source of Funds: \$700,000 Bond Proceeds

Budgeted Item: X

Budget Amendment Needed: No

Contract C:	Masonry Restoration	\$ 36,081.00
Contract D:	Electrical MCC Replacement	\$ 49,400.00
	Total	<u>\$309,074.25</u>

Phase 3 - Project Cost Summary to date is as follows:

RFP 1X - Revised Shade Structure Repair:	\$ 8,179.62 (complete)
RFP 2X - LED Lighting Replacement	\$ 9,954.00 (complete)
REF 3X - Electronic Entrance Sign	\$ 84,545.00 (complete)
RFP 4X - Sound Equipment Installation	Under Review
RFP 5X - Lagoon Landscaping	\$ 12,771.00 (complete)
RFP 6X - Otter Slide	<u>\$ 11,650.00 (complete)</u>
Total Phase 3 RFP Contract Amounts	\$127,099.62
Contracts A-D	<u>\$309,074.25</u>
Total Phase 3 Costs to Date	\$436,173.87
Funding: Phase 3 \$ Available from Bond Proceeds:	\$700,000.00
Wapello County Foundation Grant	\$ 25,000.00

Section 640
CHANGE ORDER

Project: Beach Renovations Phase 3 - Contract B To Contractor: Christner Contracting

Change Order Number: 1

The Contract is changed as follows:

1. Add Bid Alternate No. 1
2. Door lockset replacement and keying
3. Additional electrical in kitchen and equipment room
4. Add knee wall in kitchen
5. Additional painting to include the lobby

DATE : January 22, 2019

\$6,725.00
<u>\$691.25</u>
<u>\$3,726.00</u>
<u>\$3,380.00</u>
<u>\$3,011.00</u>
<u>\$0.00</u>
<u>\$0.00</u>

Total: \$17,533.25

Base bid amount \$62,360.00

NEW PROJECT TOTAL \$79,893.25

NOT VALID UNTIL SIGNED BY THE OWNER AND CONTRACTOR

The Original Contract Sum was	<u>\$62,360.00</u>
Net change by previously authorized Change Orders	<u>\$0.00</u>
The Contract Sum prior to this change order	<u>\$62,360.00</u>
The Contract Sum will be <u>increased</u> by this change order in the amount of	<u>\$17,533.25</u>
The new Contract Sum including this change order	<u>\$79,893.25</u>
The Contract Time will be <u>unchanged</u> by	<u>0</u> days

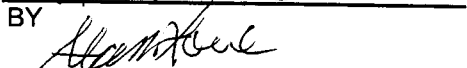
The date of Substantial Completion as of the date of this Change Order is in accordance with contract documents.


ENGINEER/
DIRECTOR OF PUBLIC WORKS

1/16/2019
DATE

Christner Contracting
CONTRACTOR

1/16/2019
DATE

BY Alan Love


TITLE

RESOLUTION #15-2019

A RESOLUTION APPROVING CHANGE ORDER #1
FOR THE BEACH RENOVATIONS PHASE 3-CONTRACT B,
OFFICE/KITCHEN REMODELING

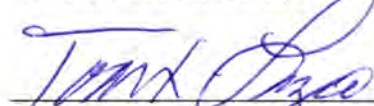
WHEREAS, The City Council of the City of Ottumwa, Iowa entered into a contract with Christner Contracting of Ottumwa, Iowa for the above referenced project; and

WHEREAS, Change Order #1 increases the contract amount by \$17,533.25 resulting in a new contract sum of \$79,893.25.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA THAT: The above mentioned change order for this project is hereby approved.

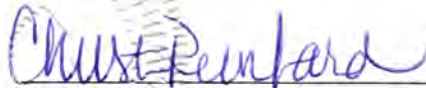
APPROVED, PASSED, AND ADOPTED, this 22nd day of January, 2019.

CITY OF OTTUMWA, IOWA



Tom X. Lazio, Mayor

ATTEST:



Christina Reinhard, City Clerk



ED

FILED

2019 JAN 17 AM 11:42

CITY OF OTTUMWA

Staff Summary

CITY OF OTTUMWA

**** ACTION ITEM ****

Council Meeting of: January 22, 2019

Alicia Bankson

Prepared By

Darryl Seals
Department Head

Engineering
Department

[Signature]

City Administrator Approval

AGENDA TITLE: Resolution #16-2019. Authorizing the Mayor to execute a Preconstruction Agreement with Iowa DOT to prepare a detour route for U.S. 63 reconstruction project.

**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: Pass and adopt Resolution #16-2019.

DISCUSSION: The agreement authorizes IDOT to make improvements to City Streets within our jurisdiction that will be used as a detour route during reconstruction of U.S. 63. The improvements include the installation of HMA shoulder widening units along Madison Avenue from Mary Street to County Road J12/River Road. The shoulder units will be designed, let and inspected by IDOT at their expense and remain as a permanent improvement. The preparation work will also include full depth PCC patching on Vine Street from Madison to On/Off ramps of U.S.34. If any substantial failures occur during the IDOT use of local streets during detour routing IDOT will make the needed repairs. At the close of the U.S. 63 project, IDOT representatives and City Staff will reevaluate the condition and make a determination if any additional work is warranted.

Source of Funds:

Budgeted Item:

Budget Amendment Needed:

RESOLUTION #16-2019

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE IDOT PRECONSTRUCTION AGREEMENT FOR PRIMARY ROAD PROJECT TO PREPARE A DETOUR ROUTE FOR THE US 63 RECONSTRUCTION PROJECT

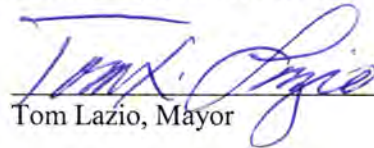
WHEREAS, The Agreement authorizes IDOT to make improvements to City Streets within our jurisdiction that will be used as a detour route during reconstruction of U.S. 63.

WHEREAS, This resolution will authorize the Mayor to sign the Preconstruction Agreement for Primary Roads Project with IDOT.


NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA THAT: The Mayor is authorized to sign the Preconstruction Agreement for Primary Roads Project that will prepare a detour route for the US 63 reconstruction project

APPROVED, PASSED, AND ADOPTED, this 22nd day of January 2019.

CITY OF OTTUMWA, IOWA


Tom Lazio, Mayor

ATTEST:


Christina Reinhard, City Clerk



**IOWA DEPARTMENT OF TRANSPORTATION
Preconstruction Agreement
For Primary Road Project**

County	<u>Wapello</u>
City	<u>Ottumwa</u>
Project No.	<u>NHSN-063-2(170)--2R-90</u>
Iowa DOT Agreement No.	<u>2019-4-090</u>
Staff Action No.	<u>N/A</u>

This Agreement, is entered into by and between the Iowa Department of Transportation, hereinafter designated the "DOT", and Ottumwa, Iowa, a Local Public Agency, hereafter designated the "LPA" in accordance with Iowa Code Chapters 28E, 306, 306A and 313.4 as applicable;

The DOT proposes to establish or make improvements to local roads in advance of proposed improvements to U.S. 63 within Wapello County, Iowa; and

The DOT and the LPA are willing to jointly participate in said project, in the manner hereinafter provided; and

This Agreement reflects the current concept of this project which is subject to modification by mutual agreement between the LPA and the DOT; and

Therefore, it is agreed as follows:

1. Project Information

- a. The DOT will design, let, and inspect construction of the following described project in accordance with the project plans and DOT standard specifications:

Hot Mix Asphalt (HMA) paved shoulder on local roads in Ottumwa in preparation for a U.S. 63 detour onto the local roads. The project provides for widening/paved shoulders and patching. The paved shoulders will remain in-place at the completion of the project and use of the local roads as a detour for U.S. 63 (see Exhibit A for location).

2. Project Costs

- a. The DOT will bear all costs except those allocated to the LPA under other terms of this Agreement.

3. Traffic Control

- a. U.S. 63 and the local road through-traffic will be maintained during the construction.
- b. If it becomes necessary to temporarily close LPA side roads during construction, the DOT will furnish and install the required barricades and signing for the closure at project cost and shall remove same upon completion of the project also at no expense or obligation to the LPA. The DOT will work in close cooperation with the LPA and the contractor to accommodate emergency services and local access across the project during construction. Any detours which may be necessary for project related LPA road closures will be the responsibility of the LPA all at no expense or obligation to the DOT.

- c. If this project causes the temporary closure of a road during construction, the DOT shall meet with the LPA to determine whether said closure(s) will cause increased traffic on other LPA roads. The DOT and the LPA shall determine a plan, and the costs thereof, for the LPA to perform dust control on said LPA roads with increased traffic, should dust control become necessary. In that event, the LPA shall inform the DOT prior to performing said dust control. The DOT shall reimburse the LPA for the cost of said dust control measures following the receipt of a bill for the agreed upon costs (see Iowa Code section 313.4 subsection 1.b.).

4. Right of Way and Permits

- a. Subject to the provisions hereof, the LPA in accordance with 761 Iowa Administrative Code Chapter 150.3(1)c and 150.4(2) will remove or cause to be removed (within the corporate limits) all encroachments or obstructions in the existing project right of way. The LPA will also prevent the erection and/or placement of any structure or obstruction on said right of way or any additional right of way which is acquired for this project including but not limited to private signs, buildings, pumps, and parking areas.
- b. The DOT will be responsible for the coordination of utility facility adjustments for the project.
- c. The LPA agrees to relocate all city-owned utilities necessary for construction which are located within the existing street or alley right of way, subject to the approval of and without expense to the DOT and in accordance with 761 Iowa Administrative Code Chapter 150.4(5) and the DOT Utility Accommodation Policy.

5. Construction & Maintenance

- a. The LPA, in cooperation with the DOT, will take whatever steps may be required with respect to alteration of the grade lines of the new roadway facilities constructed under the project in accordance with Iowa Code section 364.15. The DOT and LPA will work together to minimize potential impacts to properties that may occur as a result of the project.

6. General Provisions

- a. If the LPA has completed a Flood Insurance Study (FIS) for an area which is affected by the proposed Primary Highway project and the FIS is modified, amended or revised in an area affected by the project after the date of this Agreement, the LPA shall promptly provide notice of the modification, amendment or revision to the DOT. If the LPA does not have a detailed Flood Insurance Study (FIS) for an area which is affected by the proposed Primary Highway project and the LPA does adopt an FIS in an area affected by the project after the date of this Agreement, the LPA shall promptly provide notice of the FIS to the DOT.
- b. The LPA will comply with all provisions of the equal employment opportunity requirements prohibiting discrimination and requiring affirmative action to assure equal employment opportunity as required by Iowa Code Chapter 216. No person will, on the grounds of age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, pregnancy, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which State funds are used.
- c. It is the intent of both (all) parties that no third party beneficiaries be created by this Agreement.

July 2014

- d. If any section, provision, or part of this Agreement shall be found to be invalid or unconstitutional, such finding shall not affect the validity of the Agreement as a whole or any section, provision, or part thereof not found to be invalid or unconstitutional, except to the extent that the original intent of the Agreement cannot be fulfilled.
- e. This Agreement may be executed in (two) counterparts, each of which so executed will be deemed to be an original.
- f. This Agreement, as well as the unaffected provisions of any previous agreement(s), addendum(s), and/or amendment(s); represents the entire Agreement between the LPA and DOT regarding this project. All previously executed agreements will remain in effect except as amended herein. Any subsequent change or modification to the terms of this Agreement will be in the form of a duly executed amendment to this document.

July 2014

IN WITNESS WHEREOF, each of the parties hereto has executed Agreement No. 2019-4-090 as of the date shown opposite its signature below.

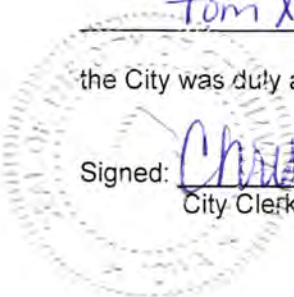
CITY OF OTTUMWA:

By: Tom X. Luzzio Date January 23, 2019.
Title: Mayor

I, Christina Reinhard, certify that I am the Clerk of the City, and that

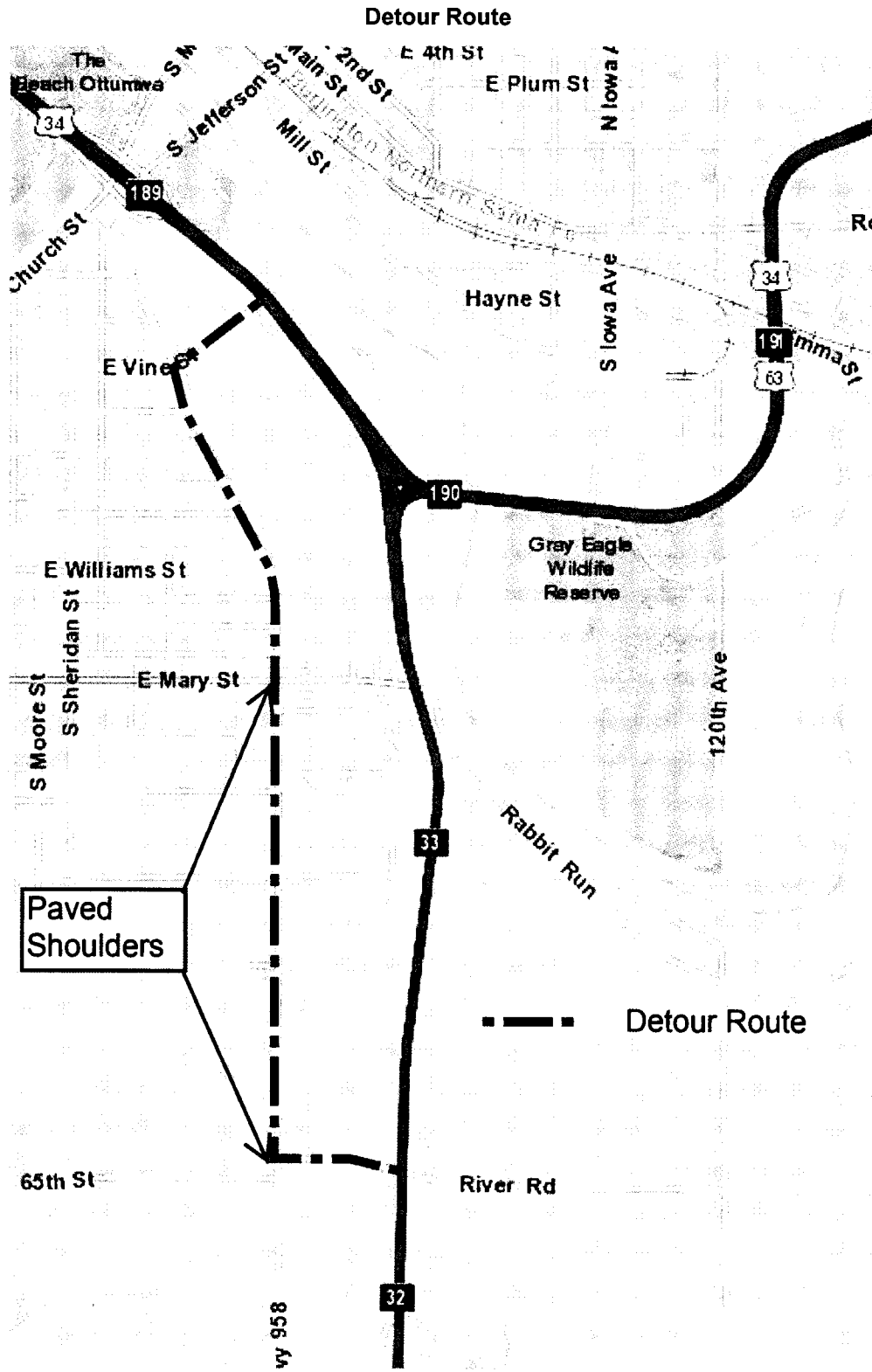
Tom X. Luzzio, who signed said Agreement for and on behalf of
the City was duly authorized to execute the same on the 23 day of January, 2019.

Signed: Christina Reinhard
City Clerk of Ottumwa, Iowa



IOWA DEPARTMENT OF TRANSPORTATION:

By: _____ Date _____, 20____.
Jim Armstrong
District Engineer
District 5



FILED

CITY OF OTTUMWA

2019 JAN 17 AM 11:43

Staff Summary

CITY OF OTTUMWA

**** ACTION ITEM ****

Council Meeting of: January 22, 2019

Alicia Bankson

Prepared By

Larry Seals

Department Head

Engineering
Department

City Administrator Approval

AGENDA TITLE: Resolution #17-2019. Authorizing the Mayor to execute a Temporary Easement Purchase Agreement with Iowa DOT to shape Parcel 247, along US Highway 63.

**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: Pass and adopt Resolution #17-2019.

DISCUSSION: The purpose of the Temporary Easement (mutually beneficial zero dollar) Purchase Agreement allows IDOT to reconstruct U.S. 63 from the 63/34 roundabout south to County Road J12/River Road. This will allow the shaping of the foreslope grade work to be completed during the reconstruction project.

The temporary easement shall terminate upon the completion of the highway project.

Source of Funds:

Budgeted Item:

Budget Amendment Needed:

RESOLUTION #17-2019

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A TEMPORARY EASEMENT AND PURCHASE AGREEMENT WITH IDOT TO SHAPE PARCEL 247, ALONG US HWY 63

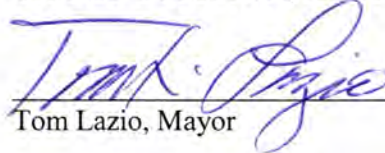
WHEREAS, IDOT has requested the City of Ottumwa grant a mutually beneficial zero cost temporary easement to allow shaping of Parcel 247 within the City right-of-way; and,

WHEREAS, This resolution will authorize the Mayor to sign the temporary easement with IDOT.



NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA THAT: The Mayor is authorized to sign the temporary easement agreement to allow shaping of Parcel 24 along US Hwy 63.

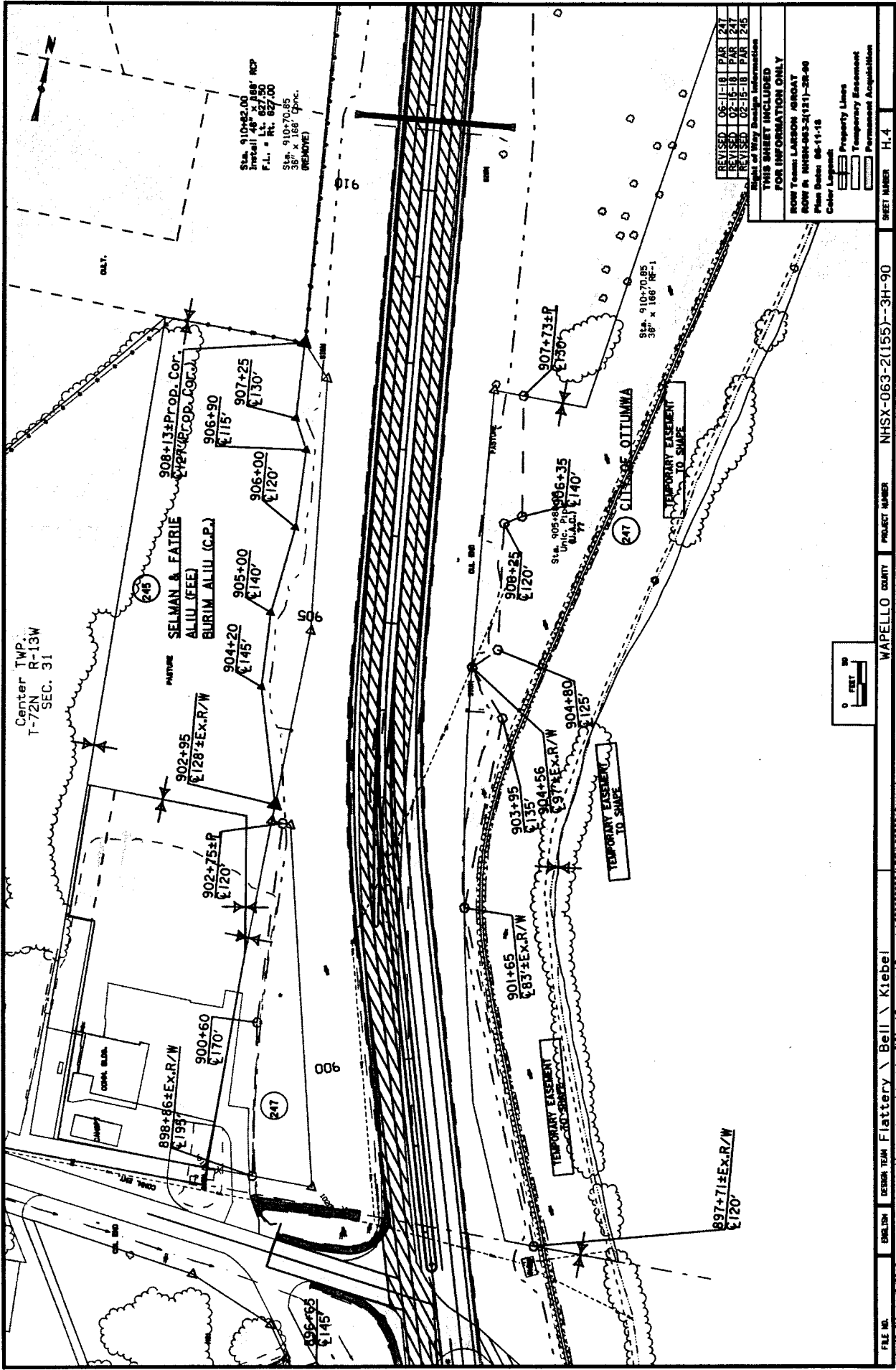
APPROVED, PASSED, AND ADOPTED, this 22nd day of January 2019.

CITY OF OTTUMWA, IOWA


Tom Lazio, Mayor

ATTEST:



Christina Reinhard, City Clerk



Sta. 910+82.00
 Invert of 48" dia. RCP
 F.L. = Rt. 827.00
 Sta. 910+70.35
 36" x 168" pipe.
 (REMOVE)

REVISED	06-11-18	PAS	247
REVISED	06-15-18	PAS	247
REVISED	06-15-18	PAS	245

DATE OF THIS SHEET FOR INFORMATION ONLY

THIS SHEET INCLUDES
 FOR INFORMATION ONLY

HOWE TRENDS LARSON AGRICULT
 800W & HENRI-833-2(151)-38-80
 Plan Date: 06-11-18
 Color Legend

Property Lines
 Temporary Easement
 Permanent Acquisition

Return to and Prepared by Katie Johnson, Right of Way Office, Iowa Department of Transportation,
800 Lincoln Way, Ames, IA 50010, 515-239-1216

Form 634010 (07-16)



Office of Right of Way
www.iowadot.gov
800 Lincoln Way, Ames, Iowa 50010
Phone: 515-239-1135 FAX: 515-239-1247

TEMPORARY EASEMENT PURCHASE AGREEMENT

Parcel Number: 247 County: Wapello
Project Number: NHSN-063-2(121)-2R-90 Route Number: 63
Seller: City of Ottumwa, a municipal corporation

THIS AGREEMENT entered into this _____ day of _____,
by and between, Seller and the Iowa Department of Transportation, acting for the State of Iowa, Buyer.

1. Seller grants to the Buyer a temporary easement upon Seller's real estate, hereinafter referred to as the premises, situated in parts of the following: Part of the NW 1/4 of Section 31, Township 72 North, Range 13 West of the 5th P.M., in the County of Wapello, State of Iowa, and more particularly described on page 4, for the purpose of Shaping and shown on the project plans for said highway improvement. The premises also includes all estates, rights, title and interests, including all easements, and all advertising devices and the right to erect such devices as are located thereon, and the following buildings, improvement and other property: All land, trees, shrubs, landscaping and surfacing attached to the premises sought and described herein.

Seller consents to any change of grade of the highway and accepts payment under this agreement for any and all damages arising from a change. The Seller acknowledges full settlement and payment from the Buyer for all claims per the terms of this agreement and discharges the Buyer from liability because of this agreement and construction of this public improvement project.

2. The Buyer agrees to pay to the Seller the total lump-sum payment of \$0.00 (Mutual benefit). Seller agrees to grant possession. The Buyer may include mortgagees, lien holders, encumbrances, and taxing authorities as payees on agreement payment warrants.
3. The Seller warrants that there are no tenants on the premises holding under lease, except none.
4. It is agreed that the right of temporary easement granted by this agreement shall terminate upon the completion of the highway project.
5. This agreement shall apply to and bind the legal successors in interest of the Seller. The Seller agrees to warrant good and sufficient title. The names and addresses of any lien holders are none.
6. If this agreement is recorded, in addition to the total lump-sum payment amount, the Buyer agrees to pay \$0.00 for the cost of adding title documents required by this transaction to the Seller's abstract of title. The Seller agrees to obtain court approval of this agreement, if requested by the Buyer, if title to the premises becomes an asset of any estate, trust, conservatorship or guardianship. The Buyer agrees to pay court approval and all other costs necessary to transfer the premises to the Buyer, with the exception of attorney fees. Claims for transfer costs shall be paid in amounts supported by paid receipts or signed invoices.

7. Buyer agrees that any agricultural drain tiles located within the premises that are damaged or require relocation by highway construction, shall be repaired or relocated at no expense to the Seller. Where the Buyer specifically agrees to construct and maintain fence, the fence shall be constructed and maintained for vehicle access-control purposes only at no expense to the Seller. The Buyer shall have the right of entry upon the Seller's remaining property along the right-of-way line, if necessary, for the purpose of connecting the drain tile and constructing and maintaining the fence. The Seller may pasture against the fence at his/her own risk. The Buyer will not be liable for fencing private property or maintaining the same to restrain livestock.
8. If Seller holds title to the premises in joint tenancy with full rights of survivorship and not as tenants in common at the time of this agreement, Buyer will pay any remaining proceeds to the survivor of that joint tenancy and will accept title solely from that survivor, provided the joint tenancy has not been destroyed by operation of law or acts of Seller.
9. This written agreement constitutes the entire agreement between Buyer and Seller and there is no agreement to do or not to do any act or deed except as specifically provided for herein.
10. The Seller states and warrants that, to the best of the Seller's knowledge, there is no burial site, well, solid waste disposal site, private sewage disposal systems, hazardous substance or underground storage tank on the premises, except an existing sewer line.
11. Buyer hereby gives notice of Seller's five-year right to renegotiate construction or maintenance damages not apparent at the time of the signing of this agreement as required by the Code of Iowa, Section 6B.52.
12. It is understood and agreed that the City's signs in the area shall NOT be affected.

Seller's signature and claimant's certification: Upon due approval and execution by the Buyer, the undersigned sellers/claimants certify the total lump-sum payment amount shown here is just and unpaid.
 City of Ottumwa

By X *Tom Lazio*
 Tom Lazio, Mayor
 105 E. 3rd Street
 Ottumwa, IA 52501

X *Chris Reinhard*
 Chris Reinhard, Clerk

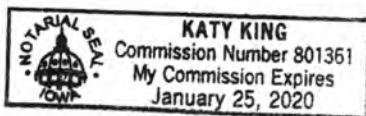
This section to be completed by a Notary Public.

STATE OF IOWA

COUNTY OF Wapello ss:

On this 23 day of January, 2019, before me, the undersigned, a notary public in and for said the State of Iowa, personally appeared Tom Lazio, Mayor and Chris Reinhard, Clerk to me personally known, who being by me duly sworn, did say that they are the mayor and city clerk, respectively, of the city of Ottumwa, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation by authority of its city council _____, as contained in Resolution ordinance number 17-2019, passed (the resolution adopted) by the city council under roll call number 02 of the city council on the 22 day of Jan, and that Tom Lazio, Mayor and Chris Reinhard, Clerk acknowledged the execution of the instrument to be their voluntary act and deed, and the voluntary act and deed of the corporation, by it voluntarily executed.

(AFFIX NOTARIAL SEAL BELOW)



Katy King (Sign in ink)

Katy King (Print/type name)
 Notary Public in and for the State of Iowa

BUYER'S APPROVAL

Recommended by
 (Sign in ink): X _____ (Date)
 Project Agent
 (Printed Name): Scott Henning

Approved by
 (Sign in ink): X _____ (Date)
 Right of Way Director
 (Printed Name): Martin J. Sankey

BUYER'S ACKNOWLEDGEMENT

STATE OF IOWA }
 COUNTY OF STORY } ss:

On this _____ day of _____, before me, the undersigned, personally appeared ROW Director, Martin J. Sankey known to me to be a Right of Way Director of the Buyer and who did say that the instrument was signed on behalf of the Buyer by its authority duly recorded in its minutes, and said right of way director acknowledged the execution of the instrument, whose signature appears hereon, to be the voluntary act and deed of the Buyer, and by it voluntarily executed.

(NOTARIAL SEAL)

 Notary Public in and for the State of Iowa

IOWA DEPARTMENT OF TRANSPORTATION
 PROJECT DEVELOPMENT
 PLOT PLAN

9006303004\row\90063121\SED 247

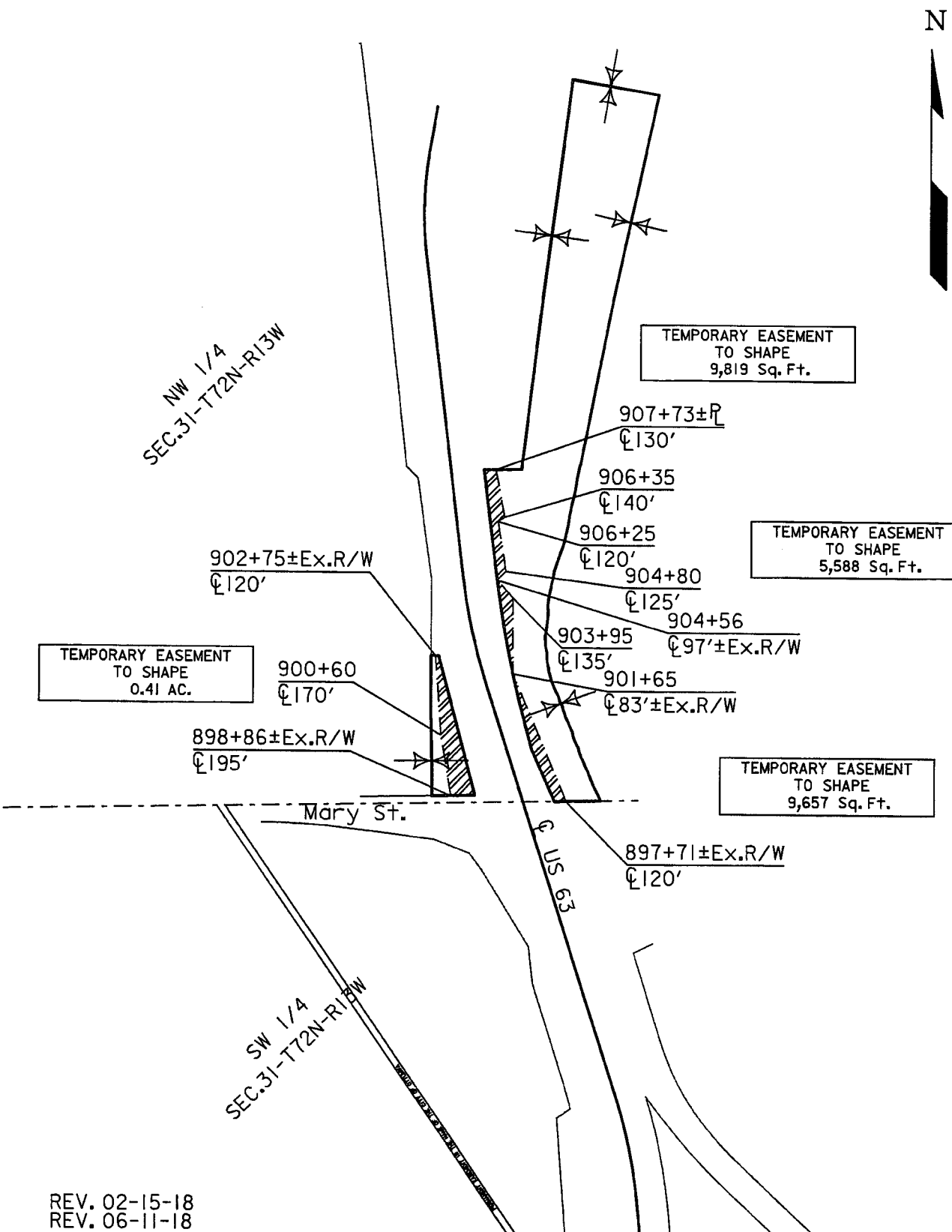
PARCEL NO.: 247

OWNER: CITY OF OTTUMWA

SECTION: 31 T 72 N-R 13 W.

SCALE: 1" = 400'

LEGEND	
W.D. OR EASEMENT LINE:	
ACCESS LOCATION POINT:	
PROPERTY LINE:	



REV. 02-15-18
 REV. 06-11-18

COUNTY: WAPELLO

PROJECT NO.: NHSN-063-2(121)--2R-90

FILED

CITY OF OTTUMWA

Staff Summary

OTTUMWA, IOWA

**** ACTION ITEM ****

Council Meeting of: Jan 22, 2019

Kevin C. Flanagan

Prepared By

Kevin C. Flanagan

Department Head

Planning & Development

Department

City Administrator Approval

AGENDA TITLE: ORDINANCE NO. 3150-2019, AN ORDINANCE AMENDING THE ZONING ORDINANCE #3088-2015 OF THE CITY OF OTTUMWA, IOWA, AND AS SET FORTH IN CHAPTER 38 OF THE MUNICIPAL CODE - CITY OF OTTUMWA, IOWA, BY AMENDING SECTIONS 38-885, 38-876(b), 38-79(3), AND 38-887(c) CITY OF OTTUMWA, WAPELLO COUNTY, IOWA.

Public hearing required if this box is checked.

- RECOMMENDATION: 1) Pass the 1st consideration of Ordinance No. 3150-2019.
- 2) Waive the 2nd and 3rd considerations of Ordinance No. 3150-2019.
- 3) Pass and Adopt Ordinance No. 3150-2019.

DISCUSSION: The following changes are included in the recommended amendments:

Sec. 38-885 Current Version:

"(e) Setbacks on built-up blockfaces; front yard. In any R district, there shall be a minimum front yard required as stated in the yard requirements for that particular district. However, where lots comprising 30 percent or more of the frontage within 200 feet of either side lot line, excluding frontage zoned other than residential, are developed

Source of Funds:

Budgeted Item:

Budget Amendment Needed:

with buildings at a greater or lesser setback, the front yard requirement shall be the average of these building setbacks and the minimum front yard required for the undeveloped lots. In computing the average setback, buildings located on reverse corner lots or entirely on the rear half of lots shall not be counted. The required front yard as computed in this subsection need not exceed 50 feet in any case."

Code Sec. (e) Setbacks on built-up blockfaces; front yard, was supposed to be removed prior to passing and publication of the zoning code in 2015 but was somehow missed during reviews and included in the code. We are now amending that code section out, as it serves no good purpose in our code.

Sec. 38-876(b) Accessory buildings, structures, and garages

This code section was altered in two ways. First, a section was added under (2) called "Definition and Allowable Use" reading as follows:

"Definition and Allowable Use. An accessory building is a building constructed for use as an accessory building for the storage of materials and equipment accessory to a primary use located on a property. For the purposes of this chapter, cargo containers, transport containers, industrial application mechanical housing or storage units, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles and other prefabricated items or modified structures originally manufactured for purposes other than the residential storage of goods and materials shall not be used as accessory buildings, structures, or garages within any residential district or on any property the primary use of which is residential. "

This section is designed to limit the types of structures that can be employed as residential storage units and accessory structures to those types of structures that are designed for such use specifically and to bar the use of structures that would be deemed unsuitable for such use.

Second, the maximum size of the aggregate of all accessory structures in residential applications is being limited to 1,200 sq. feet, which was the original intent in the zoning code, though the language was somewhat more allowable as passed.

Sec. 38-79(3)

Current Code Version:

(3) Custom manufacturing.

a. Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:

1. The use of hand tools;
2. The use of domestic mechanical equipment not exceeding two horsepower; or
3. A single kiln not exceeding eight KW or equivalent.

b. This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, and candle-making shops.

New Code Version:

"(3) Custom manufacturing

a. Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:

1. The use of hand tools; and / or
2. The use of mechanical equipment not exceeding 10 horsepower.

b. This category also includes the direct sale to consumers of goods produced on site, as well as goods incidental to on-site production or ancillary to said production. Typical uses include ceramic studios, custom jewelry manufacturing, custom woodworking, and similar limited custom manufacturing production. "

This code change is to allow for general light custom manufacturing in zones where such activity is already carried out to a general and widespread degree and also to allow for the machination, within reason, necessary to do so.

Sec. 38-887(c)

Current Code Language:

"(c) Facing. The finished surfaces of any fence shall face toward adjacent properties and street frontage."

New Code Language:

"(c) Facing. The finished surfaces of any fence shall face toward adjacent properties and street frontage. In instances where six-foot opaque fencing is utilized in establishing an opaque barrier pursuant to screening standards established in Section 38-914(b)(1), the fence surface that is of a finished design and that establishes opacity shall face toward adjacent properties and street frontage."

This code is designed to ensure that opaque fencing, if required by ordinance, has the side of the fence establishing opacity as the finished side that also faces the neighboring properties, something that was not necessarily the case in the code prior.

PLAN AND ZONING COMMISSION MINUTES
7 p.m. January 7, 2019 City Hall

Members present: Don Krieger, Chairperson; William Hopkins, Peg Lazio, Larry Jarvis, Marilyn Watts

Members absent: Debra Hutton, Mary Ann Reiter, Chuck Manson, Vice Chairperson, Joni Winston

Staff present: Isaac Pezley, Planner; Kevin Flanagan, Director; Peggy Eskew, Secretary.

Krieger called the meeting to order at 7 p.m.

Jarvis moved to approve the Nov. 8, 2018 minutes; seconded by Watts. All in favor, motion carried with a vote of 5-0.

PUBLIC HEARING - AMENDMENTS TO ZONING ORDINANCE Sections 38-885, 38-886(b), 38-79(3), 38-887(c)

Recommendation: Approve and forward to City Council

The public hearing was opened and Flanagan explained the changes to the code stating that Section 38-885 2(e) should have been omitted. It deals with front yard setbacks being calculated with the average of building setbacks and the minimum front yard computing the average setback.

Section 38-876(b) Accessory buildings, structures and garages The maximum size of accessory buildings is 1,200 sq. ft and it still limits to 35% of the rear yard in a residential district.

Section 79(3) Custom Manufacturing – this changes to read the use of mechanical equipment not exceeding 10 horsepower. Plus typical uses include ceramic studios, custom jewelry manufacturing, custom woodworking and similar limited custom manufacturing production. This code change is to allow for general light custom manufacturing in zones where such activity is already carried out to a general and widespread degree and also to allow for the machination necessary to do so.

38-887 (c) Facing. – This change requires the fence opacity to face the street frontage in instances where six-foot opaque fence is required as well as the finished side face the adjacent properties.

Staff did not receive any correspondence from the public. Staff recommendation is to approve the changes and forward to City Council.

Hearing no further comments, the public hearing was closed.

Lazio moved to approve the Zoning Ordinance changes and forward to City Council; seconded by Watts. All in favor, motion carried with a vote of 5 to 0.

Old Business: None.

New Business: Krieger reminded the Commission that work was being compiled on the Comprehensive Plan. Commission members may be asked to serve on subcommittees.

There being no further business, the meeting was adjourned at 7:52 p.m.

For the Plan and Zoning Commission

ATTEST:

Don Kreiger, Chairperson

Peggy Eskew, Secretary

ORDINANCE NO. 3150-2019

AN ORDINANCE AMENDING THE ZONING ORDINANCE #3088-2015 OF THE CITY OF OTTUMWA, IOWA, AND AS SET FORTH IN CHAPTER 38 OF THE MUNICIPAL CODE - CITY OF OTTUMWA, IOWA, BY AMENDING SECTIONS 38-885, 38-876(b), 38-79(3), AND 38-887(c) CITY OF OTTUMWA, WAPELLO COUNTY, IOWA.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA, THAT:

Zoning Ordinance #3088-2015 of the City of Ottumwa, Iowa, and as set forth in Chapter 38 of the Municipal Code City of Ottumwa, Iowa be and the same is hereby amended as follows:

SECTION 1

Section 38-885 is hereby amended by replacing Section 38-885 in its entirety and enacting the following in lieu thereof:

Sec. 38-885. Setback adjustments.

(a)

Side yard adjustment. In residential districts, the required minimum side yard shall be increased by one foot for every story in excess of two stories.

(b)

Lots adjoining alleys. In calculating the depth of a required rear yard, the one-half width of any alley along the rear property line may be included in the calculation of required rear yard area.

(c)

Encroachments on required yards. Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified in the following:

(1)

Architectural projections, including roofs that cover porches, enclosed porches, window sills, belt courses, cornices, eaves, flues and chimneys, and ornamental features may project two feet into a required yard.

(2)

Terraces, patios, uncovered decks, open porches and ornamental features that have no structural element more than three feet above or below the adjacent ground level may project six feet into a required front yard. However, all such projections must be set back at least three feet from an adjacent side lot line; or ten feet from any street property line.

(3)

Fireproof outside stairways and balconies opening to fire towers may project a maximum of three feet into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings.

(4)

In commercial districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet from the front property line, covers less than 15 percent of the area of the required front yard, and has a vertical clearance of at least seven feet.

(5) Swimming pools shall be subject to locational requirements in Sec. 24-3(17) of this Code.

(6) Flag poles up to maximum height of base district may be located within required yards, provided they are set back at least five feet from property lines. The spread of a flag when fully extended shall not extend onto public right-of-way.

(7) Garage setbacks. Any garage that fronts on a public street must be set back at least 20 feet from such street, regardless of the setback requirement within the zoning district. This shall not be interpreted to waive a larger required minimum setback required by the zoning district.

(d) *Setbacks on arterial streets.*

(1) Notwithstanding any other provision of this chapter, the city may require a setback for all buildings built or altered, or off-street parking areas developed along a state or federally designated highway that exceeds those normally required for the zoning district.

(2) Lots of record under five acres in size; lots of record duly platted and approved prior to the effective date of the ordinance from which this section derives, or where a properly dedicated and accepted frontage road right-of-way exists are exempt from these provisions and are instead subject to the setback requirements of their respective zoning district.

(e) *Commercial zones.*

(1) *Front yards.*

a.

When a C-2 district abuts a C-1 or any residential district in the same block, the front yard setback shall be no less than 20 feet.

b.

When a commercial district abuts any residential district along its side property line, there shall be minimum bufferyards as required by article XXIX.

(2) *Rear yards.* For any building in a C-2 district containing a dwelling, a rear yard of not fewer than ten feet in depth is required. Such rear yard shall be increased an additional one foot for each story above the first.

(3) *Side yards.* For all multi-family residential building in a C-2 district containing a residential dwelling, a side yard of four feet shall be maintained and this shall increase by one foot in width for each story above the first.

(f)

Townhouse side yards. For any townhouse development, there shall be a continuous row of three or more units with both interior side lot lines having a zero-foot side yard setback. The end units shall have a minimum side yard of at least ten feet.

(g)

Manufacturing/industrial. When an I-1 district abuts any residential district along its side property line, there shall be minimum bufferyards as required by article XXIX.

(h)

Vision clearance zones. On any corner lot in any district, no fence or wall that is greater than three feet in height shall be constructed within 20 feet of the closest point where the edge of road pavement or curb end meet at intersecting roads, unless the city determines the fence or wall is not a safety hazard.

SECTION 2

Section 38-876(b) is hereby amended by replacing Section 38- 876(b) in its entirety and enacting the following in lieu thereof:

Sec. 38-876(b)

Accessory buildings, structures, and garages.

(1)

Time of construction. No accessory building, accessory structure, or garage shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

(2)

Definition and Allowable Use. An accessory building is a building constructed for use as an accessory building for the storage of materials and equipment accessory to a primary use located on a property. For the purposes of this chapter, cargo containers, transport containers, industrial application mechanical housing or storage units, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles and other prefabricated items or modified structures originally manufactured for purposes other than the residential storage of goods and materials shall not be used as accessory buildings, structures, or garages within any residential district or on any property the primary use of which is residential.

(3)

Percentage of required rear yard area occupied. No detached, accessory structure, accessory building, or buildings shall occupy more than 35 percent of the rear yard area. This area shall include the area measured the full width of the lot, lying between the rear lot line and the closest portion of the main building.

(4)

Maximum size of accessory buildings. The maximum size of the aggregate of all detached structures for single-family detached, single-family attached, or duplex residential uses shall not exceed 1,200 square feet. A detached garage, along with all other accessory buildings, must not exceed a maximum of 35 percent rear yard area coverage limitation. If compliant with the maximum rear yard coverage limitation, detached accessory buildings may exceed the maximum aggregate allowance limitation, subject to approval of a Conditional Use Permit through the Zoning Board of Adjustment.

(5)

Height of accessory buildings in required rear yards. No detached accessory building or accessory structure located in a required rear yard area shall exceed 18 feet in height.

(6)

Location. No detached accessory building shall be located closer to the road than the front of the main building, unless approved by a conditional use permit. On corner lots, no detached accessory building shall be located closer to the road than the front and side of the main building, unless approved by a conditional use permit.

SECTION 3

Section 38-79(3) is hereby amended by replacing Section 38-79(3) in its entirety and enacting the following in lieu thereof:

(3) *Custom manufacturing*

- a. Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:
 1. The use of hand tools; and / or
 2. The use of mechanical equipment not exceeding 10 horsepower.
- b. This category also includes the direct sale to consumers of goods produced on site, as well as goods incidental to on-site production or ancillary to said production. Typical uses include ceramic studios, custom jewelry manufacturing, custom woodworking, and similar limited custom manufacturing production.

SECTION 4

Section 38- 887(c) is hereby amended by replacing Section 38-887(C) in its entirety and enacting the following in lieu thereof:

(C) *Facing.* The finished surfaces of any fence shall face toward adjacent properties and street frontage. In instances where six-foot opaque fencing is utilized in establishing an opaque barrier pursuant to screening standards established in Section 38-914(b)(1), the fence surface that is of a finished design and that establishes opacity shall face toward adjacent properties and street frontage.

SECTION 5

This ordinance shall be in full force and effect, from and after its passage, adoption, and approval and publication as required by law, unless a subsequent effective date is set out hereinabove.

SECTION 6

When this ordinance is in effect, it shall automatically supplement, amend, and become a part of the said Code of Ordinance (Municipal Code) of the City of Ottumwa, Iowa.

PASSED on its first consideration the 22nd day of January, 2019.

PASSED on its second consideration the _____ day of _____, 2019.

Requirement of consideration and vote at two (2) prior Council meetings suspended the _____ day of _____, 2019.

APPROVED this 22nd day of January, 2019.

CITY OF OTTUMWA, IOWA

By: Tom X. Lazio
Tom X. Lazio, Mayor

____ No action taken by Mayor.

____ Vetoed this _____ day of _____, 2019

Tom X. Lazio, Mayor

____ Repassed and adopted over the veto this _____ day of _____, 2019.

____ Veto affirmed this _____ day of _____, 2019 by failure of vote taken to repass.

____ Veto affirmed no timely vote taken to repass over veto.

ATTEST:

Chris Reinhard
Chris Reinhard, City Clerk



Item No. I.-2.

FILED

CITY OF OTTUMWA 2019 JAN 16 AM 9:08
STAFF SUMMARY

CITY CLERK
OTTUMWA, IA

Council Meeting of: January 22, 2019

ITEM NO. _____

Joni Keith

Prepared By

Andy Morris

Department Head

Administration

Department

AGENDA TITLE: Ordinance No. 3151-2019 Amending Chapter 18, of the Municipal Code of the City of Ottumwa, Iowa, entitled Health and Sanitation, by repealing Section 18-51 through 18-55 and new sections 18-50 through 18-62, concerning massage therapy businesses.

PURPOSE: The ordinance repeals the City's Health and Sanitation section regarding massage therapy businesses and establishes a licensing provision for massage therapy businesses within the city limits.

RECOMMENDATION: Pass the first consideration of Ordinance No. 3151-2019.
Waive second and third considerations and pass and adopt Ordinance No. 3151-2019.

DISCUSSION: This Ordinance deletes the current section dealing with massage therapy businesses and creates a new section providing for licensing for those businesses operating in the city limits. All existing businesses would be grandfathered in as far as fees are concerned. Background checks including nationwide checks if the therapists are from out of state would be required at the expense of the business. For new businesses after this year, the license fee is \$75 with an additional fee of \$25 for each person performing therapy up to a maximum permit fee of \$150. Photo id's would be required for each therapist to ensure the license is for that individual. An appeal process is included if the applicant is denied the license or if the license is suspended. Prohibited acts are also described in the ordinance. Chief McAndrew, who is strongly endorsing the ordinance, spoke with the licensing personnel at the state level and was encouraged to expand our current ordinance to assist with enforcement and reduce illegal activity such as prostitution and/or human trafficking within the State.

ORDINANCE NO. 3151 - 2019

AN ORDINANCE AMENDING CHAPTER 18, HEALTH AND SANITATION, OF THE CODE OF ORDINANCES (MUNICIPAL CODE OF THE CITY OF OTTUMWA, IOWA) BY REPEALING SECTIONS 18-51 THROUGH 18-55 AND ENACTING A SUBSTITUTE IN LIEU THEREOF INCLUDING NEW SUBSECTIONS 18-50 THROUGH 18-62, CONCERNING MASSAGE THERAPY BUSINESSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA:

SECTION ONE: The Code of Ordinances (Municipal Code of the City of Ottumwa, Iowa) is hereby amended by adding the following new Section 18-50:

Section 18-50. – Purpose.

State of Iowa licensed massage therapists and businesses offering massage therapy services perform an important service in addressing the health and wellbeing of our citizens. The purpose of this ordinance is to identify and address businesses that engage in the practice of massage therapy without a license and/or are involved in illegal activities which may include prostitution and/or human trafficking. The implementation of this ordinance will better enable the City to proactively screen, monitor and remove businesses that are engaged in illegal activity. This ordinance IS NOT intended to discourage a legitimately licensed massage therapist or massage therapy business from providing their services in the City of Ottumwa.

SECTION TWO: The Code of Ordinances (Municipal Code of the City of Ottumwa, Iowa) is hereby amended by repealing Section 18-51 in its entirety and enacting the following in lieu thereof:

Section 18-51. - Definitions.

For the purposes of this chapter, the following words and phrases have the meanings herein set forth, unless it is apparent from the context that a different meaning is intended.

- A. “License” means permission granted by competent authority to exercise a certain privilege that, without such authorization, would constitute an illegal act. The document that confers permission to a person to engage in massage therapy shall be issued by the Iowa Board of Massage Therapy for the State of Iowa; massage therapy business licenses shall be issued by the City of Ottumwa.
- B. “Massage Therapy Business or Establishment” means any place of business wherein any of the treatments, techniques, or methods of treatment referred to in subsection E are administered, practiced, used, given or applied.
- C. “Massage Therapist” means a person licensed to practice the health care service of the healing art of massage therapy under Iowa Code Chapter 152C.
- D. “Massage patron” means any person who receives, or pays to receive, a massage or massage services from a massage therapist for value.

E. "Massage Therapy" means performance for compensation of massage, myotherapy, massotherapy, bodywork, bodywork therapy, or therapeutic massage including hydrotherapy, superficial hot and cold applications, vibration and topical applications, or other therapy which involves manipulation of the muscle and connective tissue of the body, excluding osseous tissue, to treat the muscle tonus system for the purpose of enhancing health, muscle relaxation, increasing range of motion, reducing stress, relieving pain, or improving circulation.

F. "Reflexology" means manipulation of the soft tissues of the human body which is restricted to the hands, feet, or ears, performed by persons who do not hold themselves out to be massage therapists or to be performing massage therapy.

G. "Sexual or genital parts" means and includes the genitals, pubic area, anus or perineum of any person, or the vulva or breast of a female.

SECTION THREE: The Code of Ordinances (Municipal Code of the City of Ottumwa, Iowa) is hereby amended by repealing Section 18-52 in its entirety and enacting the following in lieu thereof:

Section 18-52. – License Required.

No person shall operate a massage therapy business, either exclusively or in connection with another business, without being licensed as provided in this chapter.

SECTION FOUR: The Code of Ordinances (Municipal Code of the City of Ottumwa, Iowa) is hereby amended by repealing Section 18-53 in its entirety and enacting the following in lieu thereof:

Section 18-53. – License Fee.

A. New Massage Therapy Businesses to Ottumwa.

1. The initial license fee for a new massage therapy business to the City of Ottumwa is \$75.00. There is an additional fee of \$25 for each person performing massage therapy employed at the business. The additional fee will apply to a maximum of three additional employees performing massage therapy at the business or a maximum permit fee of \$150. The license fee and additional fees shall be paid when the application is filed.

2. The license, if granted, and not revoked or suspended, shall be valid so long as the business does not materially change ownership, business name or the service provided. An annual review shall be initiated by the City Clerk, with assistance from the police department, to confirm business ownership, business name, service(s) provided and accurate and up-to-date state licenses for the employees performing massage therapy.

B. Existing Massage Therapy Businesses within the City of Ottumwa.

1. For a massage therapy business applying for licensure in the initial partial year of this ordinance's effective date (February 1, 2019 through December 31, 2019) the licensing fee identified in Section A (1), above, is waived. If an application properly submitted during the first year of the ordinance is approved, and the massage therapy business remains in continuous operation, renewal fees for a massage therapy business license will be waived. A massage therapy business grandfathered

in under this section will be required to pay a \$25 fee for each additional employee not included in its original application (up to a maximum fee of \$75). The business will be required to go through the annual review process.

C. A separate license shall be obtained for each place of business. The licensee shall display the license in a prominent place in the licensed business at all times so that the same may be readily seen by persons entering the premises.

D. Renewal Fee.

1. The annual renewal fee, unless waived under Section B(1), shall be \$25 per licensed massage therapist to a maximum of three for those not listed on previously approved application. There is no fee if there is no change in ownership, business name, or services.

E. During the twelve (12) month licensed period, the massage therapy businesses will be required to notify the City Clerk of changes in massage therapist staffing and/or business manager.

SECTION FIVE: The Code of Ordinances (Municipal Code of the City of Ottumwa, Iowa) is hereby amended by repealing Section 18-54 in its entirety and enacting the following in lieu thereof:

Section 18-54. – Application.

Application for a massage therapy business license shall be made on forms provided by the City Clerk's Office. The application shall include:

A. The address of the property to be used and documentation establishing the applicant's interest in the premises on which the business will be located, which shall be in the form of a lease, deed, or other document that establishes the applicant's interest;

B. The names, ages, and addresses of the applicant, owner, manager and all employees who are or will be employed or present on the premises to perform massage therapy;

C. Dates and locations of other places the applicant has owned or operated as a massage therapy business;

D. Descriptions of all crimes or other offenses, including the time, place, date and disposition for which the applicant, owner, manager, and all persons employed by the applicant or present on the premise to perform massage therapy have been arrested, charged, or convicted;

E. A statement as to whether the applicant, owner, manager, or any person employed by the applicant has had any license to perform massage therapy denied, revoked or suspended in any city, state, county, or any country and the reason for the denial, revocation or suspension;

F. A government issued photo ID of the applicant, owner, manager and all employees or persons present on the premises who are or will be employed to perform massage therapy;

G. Such other information as the Chief of Police or designee may require for purposes of a DCI background check and a nationwide background check, all at the cost of the applicant; however, if the

background checks are part of the State's licensing process, no additional background checks will be required at the expense of the applicant;

H. Insurance. Any application for a license shall be accompanied by proof of insurance executed by an insurance company authorized to do business in the State of Iowa, in the amount of \$2 million dollars per occurrence, \$3 million dollars per policy year. All insurance policies hereunder shall provide for at least thirty (30) days prior notice to the Ottumwa Police Department before a cancellation thereof is effective and shall continue to provide coverage as to all matters arising during the term of the insurance policy whether or not later cancelled.

I. Provide proof of current State of Iowa massage therapy license for all employees who are or will be employed or present on the premises to perform massage therapy.

SECTION SIX: The Code of Ordinances (Municipal Code of the City of Ottumwa, Iowa) is hereby amended by repealing Section 18-55 in its entirety and enacting the following in lieu thereof:

Section 18-55. – Granting or Denial of License.

Business license applications shall be reviewed by the Chief of Police or designee, who will either grant or deny the license based upon all of the information provided and obtained in the background check.

SECTION SEVEN: The Code of Ordinances (Municipal Code of the City of Ottumwa, Iowa) is hereby amended by adding the following new Section 18-56:

Section 18-56. – Conditions Governing Issuance.

A. No license shall be issued if the applicant or any of its owners, managers, employees, or agents has a criminal conviction for a sex crime as defined by Iowa Code Chapter 709, or for Prostitution as defined by Iowa Code Chapter 725, or for keeping a house of prostitution as defined by Iowa Code Chapter 657, or who is a registered sex offender, or who has been denied a license by any other community.

B. Licenses shall be issued only if the applicant and all of its owners, managers, employees and agents are free of convictions for offenses which involve sex crimes or which relate directly to such person's ability or fitness to legally and safely perform the duties and discharge the responsibilities of the licensed activity.

C. Licenses shall only be issued to applicants who have provided all of the information requested in the application, have paid the license fee and have cooperated with the Chief of Police and other city officials in review of the application.

D. The business license, if issued, shall be displayed on the business premise in a conspicuous public area.

SECTION EIGHT: The Code of Ordinances (Municipal Code of the City of Ottumwa, Iowa) is hereby amended by adding the following new Section 18-57:

Section 18-57. – Exemptions.

- A. Businesses who employ or provide the services of persons who are licensed to practice medicine or surgery, osteopathic medicine and surgery, chiropractic, cosmetology arts and sciences, or podiatry in Iowa: or athletic trainers, nurses, occupational therapists, physical therapists, or physician assistants licensed, certified, or registered in this state or acting under the prescription or supervision of a person licensed to practice medicine, surgery, osteopathic medicine, or chiropractic in this state.
- B. Massage Therapists who are employed or are contracted to perform massage therapy in a business identified in Section 18-57.A (above).
- C. Businesses who employ or provide the services of persons who are licensed, registered, or certified in another state, territory, the District of Columbia, or a foreign country when incidentally and temporarily present in this state to teach a course of instruction related to massage therapy and bodywork therapy.
- D. Businesses which offer the services of students enrolled in a program recognized by the State Board of Massage Therapy while completing a clinical requirement for graduation performed under the supervision of a person licensed.
- E. Persons giving massage therapy and bodywork to members of their immediate family.
- F. Persons practicing reflexology.
- G. Persons engaged within the scope of practice of a profession with established standards and ethics utilizing touch, words, and directed movement to deepen awareness of existing patterns of movement in the body as well as to suggest new possibilities of movement, provided that the practices performed or services rendered are not designated or implied to be massage therapy. Such practices include, but are not limited to, the Feldenkrais method, the Trager approach, and mind-body centering.
- H. Persons engaged within the scope of practice of a profession with established standards and ethics in which touch is limited to that which is essential for palpitation and affectation of the human energy system, provided that the practices performed or services rendered are not designated or implied to be massage therapy.
- I. Persons incidentally present in this state to provide services as part of an emergency response team working in conjunction with disaster relief officials.

SECTION NINE: The Code of Ordinances (Municipal Code of the City of Ottumwa, Iowa) is hereby amended by adding the following new Section 18-58:

Section 18-58. – Grounds for Denial and Revocation or Suspension.

It shall be grounds for denial, revocation and/or suspension of an application or massage therapy business license if one or more of the following conditions are met:

- A. If the applicant or licensee is not complying with or has a history of violations of the laws and ordinances that might adversely impact public health or safety.

- B. If the licensee solicits or advertises to offer services that are a violation of this chapter.
- C. If the licensee is convicted of any violation, reasonably related to the licensed activity and/or occurring on the licensed premise, of any city ordinance or federal or state statute.
- D. If there is fraud or deception involved in the license application.
- E. If the licensee is found to be in control or possession of any narcotic drugs or controlled substances on the premises for which they are licensed to operate, possession of which is illegal as defined by Iowa Statutes or city ordinances.
- F. If the licensee has, in the past, engaged in willful disregard for health codes and regulations.
- G. If the applicant fails to provide all the information and certificates required by this chapter.
- H. If the licensee permits an unlicensed individual(s) to conduct massage therapy services at the licensee's premises.
- I. If the licensee refuses to permit any authorized police officers or authorized city, county, or state governmental official to inspect the premises or operations.
- J. If the licensee is found to be violating provisions of this chapter or the Iowa Code.
- K. If the business promotes its services on websites that are known to advertise services that are illegal.

SECTION TEN: The Code of Ordinances (Municipal Code of the City of Ottumwa, Iowa) is hereby amended by adding the following new Section 18-59:

Section 18-59. – Appeal Process.

- A. If an applicant has been denied, revoked or suspended pursuant to this chapter, then said applicant may file a written request with the City Administrator for review of the decision of the Chief of Police within ten (10) days from the receipt of said notice of denial, revocation or suspension. Failure to file a written request for review of the decision within this time frame shall constitute a waiver of any right to contest the decision to deny, revoke or suspend a license.
- B. Within ten (10) days of the receipt of a request to review a decision of denial, revocation or suspension of any applicant's license, the City Administrator shall notify the applicant of a date, time and place for a hearing to review the decision of the Chief of Police. Said hearing shall be informal and the applicant may present any oral or written testimony the City Administrator deems pertinent.
- C. Within ten (10) days from the hearing held pursuant to subparagraph B, the City Administrator will provide written findings and decision to the applicant.
- D. If the applicant's denial, revocation or suspension is upheld by the City Administrator, the applicant may then appeal said decision to the District Court pursuant to the laws of the State of Iowa.

SECTION ELEVEN: The Code of Ordinances (Municipal Code of the City of Ottumwa, Iowa) is hereby amended by adding the following new Section 18-60:

Section 18-60. – Restrictions and Regulations.

- A. Compliance with law. The licensee and persons in its employe shall comply with all applicable regulations and laws of the city and state.
- B. Person in charge. If the applicant is a partnership, corporation or other organization, the applicant shall designate a person to be manager and in responsible charge of the business. The manager shall be a resident of Iowa. The manager shall provide written consent to serve as an agent for service of notices and other process relating to the business. The manager shall remain responsible for the conduct of the business until another suitable person has been designated in writing by the licensee. The licensee shall promptly notify the Chief of Police in writing of any change indicating the address of the new manager and the effective date of such change.
- C. Hours of Business. The licensed premises shall not be open for business nor shall patrons be permitted on the premises between the hours of 10:00 p.m. and 6:00 a.m.
- D. Unlawful Acts:
1. It shall be unlawful for any person, in a massage establishment, to place his or her hand or hands upon, to touch with any part of his/her body, to fondle in any manner a sexual or genital part of any other person; with the exception that scar tissue due to mastectomy surgery and pectoral release is permissible.
 2. It shall be unlawful for any person, in a massage establishment, to expose his sexual or genital parts, or any portion thereof, to any other person. It shall be unlawful for any person, in a massage establishment, to expose the sexual or genital parts, or any portion thereof, of any other person.
 3. It shall be unlawful for any person, while in the presence of any other person in a massage establishment, to fail to conceal with a fully opaque covering the sexual or genital parts of his/her body.
 4. It shall be unlawful for any person owning, operating or managing a massage establishment knowingly to cause, allow, or permit in or about such massage establishment any agent, employee, or any other person under his/her control or supervision to perform such acts prohibited in subsections D(1), (2), or (3) of this section.

SECTION TWELVE: The Code of Ordinances (Municipal Code of the City of Ottumwa, Iowa) is hereby amended by adding the following new Section 18-61:

Section 18-61. – Penalty.

A person who commits or attempts to commit, conspires to commit or aids or abets in the commission of an act constituting a violation of this chapter, whether individually or in connection

with one or more other persons or as principal, agent, or accessory is guilty of a simple misdemeanor. A person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, permits or directs another to violate a provision of this chapter is guilty of a simple misdemeanor.

SECTION THIRTEEN: The Code of Ordinances (Municipal Code of the City of Ottumwa, Iowa) is hereby amended by adding the following new Section 18-62:

Section 18-62. – Severability Clause.

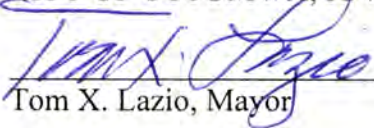
If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION FOURTEEN: All ordinances or parts of ordinances or provisions in the Code of Ordinances (Municipal Code of the City of Ottumwa, Iowa) in conflict herewith are hereby repealed.

Passed on its first consideration on the 22 day of January, 2019.

Waive the second and third considerations. Requirement of consideration and vote at two prior council meetings suspended on the _____ day of _____, 2019.

Final passage and adoption on the 22nd day of January, 2019.

CITY OF OTTUMWA, IOWA

Tom X. Lazio, Mayor

___ No action taken by Mayor.

___ Vetoed this ___ day of _____, 2019.


Tom X. Lazio, Mayor

___ Repassed and adopted over the veto this ___ day of _____, 2019.

___ Veto affirmed this ___ day of _____, 2019 by failure of vote taken to repass.

___ Veto affirmed, no timely vote taken to repass over veto.

ATTEST:



Christina Reinhard, City Clerk



APPLICATION FOR MESSAGE THERAPY BUSINESS LICENSE

Section I – General Information

- Please read this form before completing. This form must be typed or printed legibly in black ink.
 - **A message therapy business cannot offer massage therapy until the business license is issued.**
 - Provide complete information. An incomplete application may delay issuance of the license.
 - Enclose the appropriate license fee as indicated below. Although the fee is capped at 3 LMTs, information is required for all employees. This fee must be made in the form of a check or money order.
 - Please check one of the following below indicating what type of application is being submitted.
 - New Business - Fee: \$75 License Fee/ \$25 per LMT to a maximum of 3 – Maximum fee is \$150.
 - Renewal – Fee: \$25 per LMT (to a maximum of 3) not listed on previously approved application. No fee if no change in ownership, business name, or services
 - Change in Existing Licensed Business – Fee: \$75 License Fee/ \$25 per LMT to a maximum of 3 – Maximum fee is \$150
- List Change(s) Here: _____

Section II – Business Information

If the individual in charge of the establishment changes for a period of more than 30 days, the new individual(s) in charge and the former individual in charge must jointly or individually notify the City of Ottumwa of the change. Failure to notify the City will be considered a violation.

NAME OF ESTABLISHMENT _____

D/B/A _____

BUSINESS TYPE Office Mobile Home Based Other _____

Professional Liability Insurance:

Any application for a license shall be accompanied by proof of insurance executed by an insurance company authorized to do business in the state of Iowa, in the amount of two-million dollars per occurrence, three-million dollars per policy year.

Liability insurance company is _____ Policy Number _____

BUSINESS ADDRESS (STREET, CITY, STATE, ZIP) _____

MAILING ADDRESS, IF DIFFERENT FROM ABOVE (STREET, CITY, STATE, ZIP) _____

MESSAGE THERAPY BUSINESS OWNER NAME _____

WILL BUSINESS OWNER PROVIDE MESSAGE THERAPY SERVICES? YES NO

IF YES PROVIDE STATE OF IOWA LICENSE NUMBER: _____

EXPIRATION DATE: _____

TELEPHONE NUMBER _____

FAX NUMBER _____

EMAIL ADDRESS _____

SOCIAL SECURITY NUMBER OF OWNER _____

IOWA STATE TAX IDENTIFICATION NUMBER _____

DOES/HAS APPLICANT OWN(ED) OR OPERAT(ED) OTHER MESSAGE THERAPY BUSINESSES?

YES NO

IF YES, PLEASE PROVIDE DATES AND LOCATIONS:

Section III – Complete if Corporation or LLC

CORPORATE NAME

REGISTERED AGENT

STATE OF INCORPORATION

CORPORATE REGISTRATION NUMBER, IF ANY

ADDRESS OF CORPORATE OFFICE (STREET, CITY, STATE, ZIP)

Section IV – IMPORTANT: A written, detailed explanation including place, date and disposition is required if the response is "yes" to any question in this section. (18.54)

HAVE YOU OR ANYONE EMPLOYED BY YOU EVER BEEN ARRESTED, CHARGED, SUBJECT TO PROSECUTION, INDICTED, FOUND GUILTY, OR ENTERED A PLEA OF GUILTY OR NOLO CONTENDRE, IN A CRIMINAL PROSECUTION UNDER THE LAWS OF ANY STATE OR OF THE UNITED STATES WHETHER OR NOT SENTENCE WAS IMPOSED? APPLICANTS MUST ANSWER "YES" EVEN IF A SUSPENDED IMPOSITION OF SENTENCE OR SUSPENDED EXECUTION OF SENTENCE WAS RECEIVED/ORDERED.

YES NO

IF YES – ARE YOU CURRENTLY ON PROBATION

YES NO

ALL APPLICANTS MUST COMPLETE THIS SECTION:

HAS ANY OWNER OR EMPLOYEE OF THIS ESTABLISHMENT EVER HAD HIS/HER MESSAGE THERAPY LICENSE DISCIPLINED FOR ANY CAUSE?

YES NO

HAS ANY OWNER OR EMPLOYEE OF THIS ESTABLISHMENT EVER BEEN AN OWNER OF A MESSAGE BUSINESS WHICH HAS HAD ITS LICENSE DISCIPLINED?

YES NO

HAS ANY OWNER OR EMPLOYEE OF THIS ESTABLISHMENT EVER BEEN THE SUBJECT OF DISCIPLINE BEFORE ANY STATE BOARD?

YES NO

Section V - Employees

MANAGER NAME (IF DIFFERENT THAN OWNER LISTED IN SECTION II):

AGE:

MANAGER ADDRESS:

HOW LONG:

CITY:

STATE:

ZIP CODE:

PHONE:

EMAIL:

FAX:

WILL MANAGER PERFORM MESSAGE THERAPY? YES NO

IF YES – PROVIDE STATE LICENSE NUMBER:

EMPLOYEE 1 NAME:

POSITION:

AGE:

STATE LICENSE NUMBER:

EXPIRATION DATE:

EMPLOYEE 1 ADDRESS:

HOW LONG:

CITY:

STATE:

ZIP CODE:

PHONE:

EMAIL:

EMPLOYEE 2 NAME:

POSITION:

AGE:

STATE LICENSE NUMBER:

EXPIRATION DATE:

EMPLOYEE 2 ADDRESS:

HOW LONG:

CITY:

STATE:

ZIP CODE:

PHONE:

EMAIL:

EMPLOYEE 3 NAME:		POSITION:	AGE:
STATE LICENSE NUMBER:		EXPIRATION DATE:	
EMPLOYEE 3 ADDRESS:			HOW LONG:
CITY:		STATE:	ZIP CODE:
PHONE:		EMAIL:	
EMPLOYEE 4 NAME:		POSITION:	AGE:
STATE LICENSE NUMBER:		EXPIRATION DATE:	
EMPLOYEE 4 ADDRESS:			HOW LONG:
CITY:		STATE:	ZIP CODE:
PHONE:		EMAIL:	
EMPLOYEE 5 NAME:		POSITION:	AGE:
STATE LICENSE NUMBER:		EXPIRATION DATE:	
EMPLOYEE 5 ADDRESS:			HOW LONG:
CITY:		STATE:	ZIP CODE:
PHONE:		EMAIL:	
EMPLOYEE 6 NAME:		POSITION:	AGE:
STATE LICENSE NUMBER:		EXPIRATION DATE:	
EMPLOYEE 6 ADDRESS:			HOW LONG:
CITY:		STATE:	ZIP CODE:
PHONE:		EMAIL:	
EMPLOYEE 7 NAME:		POSITION:	AGE:
STATE LICENSE NUMBER:		EXPIRATION DATE:	
EMPLOYEE 7 ADDRESS:			HOW LONG:
CITY:		STATE:	ZIP CODE:
PHONE:		EMAIL:	
EMPLOYEE 8 NAME:		POSITION:	AGE:
STATE LICENSE NUMBER:		EXPIRATION DATE:	
EMPLOYEE 8 ADDRESS:			HOW LONG:
CITY:		STATE:	ZIP CODE:
PHONE:		EMAIL:	

USE ADDITIONAL SHEET IF MORE THAN 8 EMPLOYEES

Section VI – MUST BE SIGNED IN THE PRESENCE OF NOTARY

I hereby acknowledge that I have received and/or reviewed Chapter 18 – Health and Sanitation, of the Ottumwa Code of Ordinances and am familiar with the provisions thereof.

The information I have provided on this application is truthful. I understand that the falsification or misrepresentation of information submitted with my application constitutes grounds for denial of the license. I authorize the City of Ottumwa to verify any and all of the information requested on this application including the ordering of criminal background checks, and to conduct any necessary investigation to assure this application complies with the City's licensing ordinances.

I understand that the information supplied on this form will become public information when received by the City of Ottumwa. I hereby release the City of Ottumwa, its agents, or others, from any liability or damage which may result from furnishing the information requested.

Applicant Printed Name

Title

Applicant Signature

Date

Subscribed and sworn before me by _____ on this _____ day of _____, 20____.

Notary Public Name

My Commission Expires: _____

Notary Public Signature

(Notary Stamp)

END OF APPLICATION

CITY OF OTTUMWA USE – DO NOT COMPLETE THIS SECTION

Completed Application

Liability Insurance

Notarized Statement

Copies of government issued ID for all persons on the premises who will be employed to perform massage therapy

Application fee

New/Change Amount: _____

Renewal only. No Charge

Received and reviewed by: _____

Date: _____

Date to Ottumwa Police Department: _____



STATE OF IOWA

Criminal History Record Check Request Form



DCI Account Number: _____
(if applicable)

Mail or Fax completed forms to:

Iowa Division of Criminal Investigation
Support Operations Bureau, 1st Floor
215 E. 7th Street
Des Moines, Iowa 50319
(515) 725-6066
(515) 725-6080 Fax

Send results to:

Name _____
Address _____

Phone _____
Fax _____

I am requesting an Iowa Criminal History Record Check on:

Last Name (mandatory)	First Name (mandatory)	Middle Name (recommended)
Date of Birth (mandatory)	Gender (mandatory)	Social Security Number (recommended)
	<input type="checkbox"/> Male <input type="checkbox"/> Female	

Release Authorization: Without a signed release from the subject of the request, a complete criminal history record may not be releasable, per Code of Iowa, Chapter 692.2. For complete criminal history record information, as allowed by law, always obtain a signed release from the subject of the request.

*****This form (DCI-77) is the only approved release authorization form for this purpose.*****

Release Authorization: I hereby give permission for the above requesting official to conduct an Iowa criminal history record check with the Division of Criminal Investigation (DCI). Any criminal history data concerning me that is maintained by the DCI may be released as allowed by law. I understand this can include information concerning completed deferred judgments and arrests without dispositions.

Release Authorization Signature: _____

<u>Iowa Criminal History Record Check Results</u>	(DCI use only)
As of _____, a search of the provided name and date of birth revealed:	
<input type="checkbox"/> No Iowa Criminal History Record found with DCI	
<input type="checkbox"/> Iowa Criminal History Record attached, DCI # _____	
DCI initials _____	

Release Authorization Information:

Iowa law does ***not*** require a release authorization. However, without a signed release authorization from the subject of the request any arrest over 18 months old, ***without*** a final disposition, cannot be released to a non-law enforcement agency.

Deferred judgments where DCI has received notice of successful completion of probation also cannot be released to non-law enforcement agencies without a signed release authorization from the subject of the request.

If the "No Iowa Criminal History Record found with DCI" box is checked, it could mean that the information on file is not releasable per Iowa law without a signed release authorization.

General Information:

The information requested is based on ***name*** and ***exact date of birth only***. Without fingerprints, a ***positive*** identification cannot be assured. If a person disputes the accuracy of information maintained by the Department, they may challenge the information by writing to the address on the front of this form or personally appearing at DCI headquarters during normal business hours.

The records maintained by the Iowa Department of Public Safety are based upon reports from other criminal justice agencies and therefore, the Department cannot guarantee the completeness of the information provided.

The criminal history record check is of the Iowa Central Repository (DCI) ***only***. The DCI files do not include other states' records, FBI records, or subjects convicted in federal court within Iowa.

In Iowa, a ***deferred judgment*** ***is not*** generally considered a conviction once the defendant has been discharged after successfully completing probation. However, it should be noted that a deferred judgment may still be considered as an offense when considering charges for certain specified multiple offense crimes, i.e. second offense OWI. If a disposition reflects that a deferred judgment was given, you may want to inquire of the individual his or her current status.

A ***deferred sentence*** ***is*** a conviction. The judge simply withholds implementing a sentence for a certain probationary period. If probation is successful, the sentence is not carried out.

Any questions in reference to Iowa criminal history records can be answered by writing to the address on the front of this form or calling (515) 725-6066 between 8:00 a.m. and 4:00 p.m., Monday - Friday.

REMINDER - (1) Send in a separate Request Form for each last name, (2) a fee is required for each last name submitted, (3) a completed Billing Form must be submitted with all request(s).

Iowa law requires employers to pay the fee for potential employees' record checks.