

OTTUMWA CITY COUNCIL MINUTES

Item No. B.-1.

REGULAR MEETING NO. 18
Council Chambers, City Hall

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

The meeting convened at 5:33 P.M.

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

Roe moved, seconded by Dalbey to approve the following consent agenda items: Mins. from Regular Mtg. No. 17 on June 1, 2021 as presented; Ack. May financial rpt. and pymt. of bills as submitted by Finance Dept.; Recommend re-appointment of Jo Rohach and Michael Carpenter to the Library Brd. of Trustees, terms to expire 7/1/2027 and re-appointment of Keith Caviness to the Ottumwa Water Works Brd. of Trustees, term to expire 7/22/2027; Civil Service Commission Eligibility List for June 10, 2021; Finance Grants Admin. /AR Accountant Entrance; Approve the appointment of Stephanie Dudman to full-time Grants Admin. /AR Accountant in Finance Dept. effective June 28, 2021; Authorizing Mayor to sign lease agt. with Adult Softball League for use of facilities effective June 15, 2021 through Dec. 31, 2022; Approving updated employee Life Ins. Policy and Personnel Policies & Procedures Manual; Approving utilization of Barada Assoc. for employee background checks and Motor Vehicle Rpts. (MVR's); Approving pymt. to Interstate Power Systems for repair to the 2003 American LaFrance Pumper Fire Truck for the sum of \$6,674.10; Approving the purchase of two right angle gearbox lift replacements for the Orchard pump station from Gurney & Associates for \$10,105; Res. No. 112-2021, setting July 20, 2021 as the date of a Public Hearing on the disposition of City owned property located at 922 Russell St.; Cigarette Permit Applications for: Elliot Oil – Albia Rd BP (1340 Albia Rd.), North Court BP (1301 N. Court), Penn & Jeff BP (1147 N. Jefferson), Richmond & Ferry BP (720 Richmond Ave.), West Second BP (1049 W. Second), Casey's General Stores - #7 (1001 E. Main), #1678 (346 Richmond Ave.), #2208 (1603 W. Second), #1886 (504 W. Mary St.), Fareway Stores #648 (1325 Albia Rd.), Smokin Hot, LLC (2604 N. Court, Suite A), Walgreens #1301 (327 W. 4th), Yesway #1012 (2508 N. Court), Yesway #1013 (534 Church St.), Yesway #1014 (502 W. Second), Yesway #1030 (1317 E. Mary); Dollar General #7179 (721 N. Quincy Ave.), Dollar General #2898 (921 E. Main), Hy-Vee #2 C-Store (2547 N. Court), Hy-Vee #2 (2453 N. Court), Hy-Vee Drugstore (1140 N. Jefferson), Hy-Vee #1 (1025 N. Quincy), Hy-Vee #1 Gas (1027 N. Quincy), Walmart #1285 (1940 Venture Dr.), Smokin' Joe's Tobacco & Liquor Outlet #5 (1115 Albia Rd.), Fine Liquor & Tobacco (821 B Albia Rd.), Iowa Liquor & Tobacco (1021 E. Main St.; MAD Ave. Quik Shop (405 S. Madison Ave.), Murphy USA #6945 (1939 Venture Dr.); Beer and/or liquor applications for: Applebee's, 1303 Vaughn Dr.; Jade Palace, 1404 Sherwood; Happy Joe's Pizza, 315 Church St.; Mike's Pizza & Steakhouse, 2517 Northgate; Yesway Store #10012, 2508 N. Court; Yesway Store #10013, 534 Church St.; Yesway Store #10030, 1317 E. Mary; Yesway Store #10014, 502 W. Second; all applications pending final inspections. Motion carried 4-0 vote. Council Member Stevens was absent.

Dalbey moved, seconded by Berg to approve the agenda as presented. Motion carried 4-0 vote. Council Member Stevens was absent.

City Admin. Rath introduced Fred Zesiger to provide quarterly update on Main Street Ottumwa. Ladies Night out held 4/23/21 - 324 passports turned in; plant sale 5/1/2021 that brought in \$2,000 profit; Upstairs/Downtown Tours held 5/14-15 with about 70 in attendance.; continued work on First National Bank bldg. clean out; Hometown Hero Banner Project displays veterans and military personnel from Memorial Day to Veterans Day; Downtown is back event scheduled for June 17-19; selected by the downtown professionals network to participate in a study to profile the local market and hone-in on market trends and opportunities.

City Admin. Rath reminded the public of upcoming Work Sessions on June 22 at Bridge View Center and June 29 at City Hall.

He also discussed general airport updates with the City absorbing FBO responsibilities earlier this year.

Mayor Lazio inquired if there was anyone from the audience who wished to address an item on the agenda. The following individuals wish to discuss Item K-1 June Proclamation: Lily Streeby, Kolby Streeby and Cara Galloway.

Comm. Development Director Simonson reported the following participants during Make Ottumwa Shine: Area 15 RPC, Ottumwa Noon Lions, the Bridge Church, Pleasant U & the Sodbusters 4H Club, First Church of the Open Bible Youth, Bobbie & Rachel from Girl Scout Troop #00132, Kris Moore, Jessica Neely, Calvin Neely, Holly Berg & Kory McDonald, Albia Rd. Baptist Church, Heather Babcock and Jeffery Dowding, Speer, Kim Jones and Brenda Curran, Brad Grefe, Davis St. Christian Church Youth Group, SDA Church, Joe & Mandy Gard.

This was the time, place and date set for a public hearing approving plans, specs, form of contract and est. cost for the Forrest Ave. Flood Wall Project for the City of Ottumwa. PW Dir. Seals reported this project will construct a reinforced concrete flood wall along the east side of Forrest Ave., between the street and the drainage ditch. This work is required as a step to complete the Levee Accreditation process. Engineer's est. \$296,100. No objections were rec'd. Berg moved, seconded by Meyers to close the public hearing. Motion carried 4-0 vote. Council Member Stevens was absent.

Meyers moved, seconded by Roe that Res. No. 123-2021, approving the plans, specs, form of contract and est. cost for the Forrest Ave. Flood Wall Project, be passed and adopted. Motion carried 4-0 vote. Council Member Stevens was absent.

This was the time, place and date set for a public hearing and Consideration of Order Assessing Penalty for BW Gas & Convenience Retail d/b/a Yesway #1030 – 2nd Violation. City Attorney Stone reported this is the second violation at this location. No objections were rec'd. Dalbey moved, seconded by Roe to close the public hearing. Motion carried 4-0 vote. Council Member Stevens was absent.

Berg moved, seconded by Meyers that Res. No. 132-2021, order assessing penalty, 2nd Violation, to BW Gas & Convenience Retail d/b/a Yesway#1030, for the permit holder to either remit one thousand five hundred dollars (\$1,500) to the City on or before July 16, 2021 (30 days from the date of this Order) or agree to a suspension of the retailer's permit for a period of thirty days, for the 2nd violation of IA Code section 453A.2(1), be passed and adopted. Motion carried 4-0 vote. Council Member Stevens was absent.

This was the time, place and date set for a public hearing on proposed Ord. No. 3182-2021, amending Chp. 31 ½, Solid Waste, of the Code of Ord. by repealing Section 31 ½ - 35 in its entirety and enacting a substitute in lieu thereof. Comm. Development Dir. Simonson reported this ord. adopts new solid waste fees for noncommercial establishment customers. These are the same fees included in the Bridge City Sanitation proposal submitted and approved by Council in Oct. 2020. The fee for July 1, 2021 through June 30, 2022 will be \$18.70 per unit per month. This is an increase of \$1.50. The fee for July 1, 2022 through June 30, 2023 will be \$19.18 per unit per month, an increase of \$.48. No objections were rec'd. Meyers moved, seconded by Roe to close the public hearing. Motion carried 4-0 vote. Council Member Stevens was absent.

Roe moved, seconded by Meyers to pass the first consideration of Ord. No. 3182-2021, amending Chp. 31 ½, Solid Waste, of the Code of Ord. by repealing Section 31 ½ - 35 in its entirety and enacting a substitute in lieu thereof. Motion carried 4-0 vote. Council Member Stevens was absent.

Meyers moved, seconded by Berg to waive the second and third considerations, pass and adopt Ord. No. 3182-2021. Motion carried 4-0 vote. Council Member Stevens was absent.

Meyers moved, seconded by Roe that Res. No. 116-2021, approving the revised contract with Bridge City Sanitation for the collection of refuse, recyclables, bulky items, and yard waste for the City of Ottumwa, effective July 4, 2021 – June 28, 2031, be passed and adopted. City Admin. Rath reported this contract has been revised based upon input from both staff and Bridge City Sanitation to address issues that the prior contract failed to meet. Both entities plan to meet more frequently throughout the duration of the contract to address issues as they arise. Vote taken: Ayes: Roe, Meyers, Berg. Nays: Dalbey. Motion carried 3-2 vote. Council Member Stevens was absent.

Roe moved, seconded by Dalbey that Res. No. 117-2021, approving the final plat of Kiple's Second Subdivision in the City of Ottumwa, Wapello County, IA, be passed and adopted. Comm. Development Dir. Simonson reported the applicant requested approval of a 14.43-acre, four lot, contiguous area to be consolidated and subdivided into four new lots situated between North Court Rd. to the west and Oak Meadow Dr. to the east. The two west lots will provide separate lots for Tractor Supply and McGregors Furniture. The applicant wants to clarify the property taxes. The center lot contains a high-pressure natural gas main contained within a 30 ft easement. Access to the center lot is available from two 20 ft. wide easements, one on each of the west lots. The east lot will be available for development and applicant is working with a prospective buyer interested in building a church. Motion carried 4-0 vote. Council Member Stevens was absent.

Berg moved, seconded by Meyers that Res. No. 126-2021, approving an application and agt. for Federal Assistance, Airports Coronavirus Response Grants Program, be passed and adopted. City Admin. Rath reported the Airports Coronavirus Response Grant Program (ACRGP) provides supplemental funding to airports via the Federal Aviation Administration (FAA) as part of the Coronavirus, Aid, Relief, and Economic Security (CARES) Act. The airport received funding earlier this year and is eligible for an additional \$13,000; there is no grant match required under this program. Motion carried 4-0 vote. Council Member Stevens was absent.

Meyers moved, seconded by Roe that Res. No. 127-2021, approving Change Order No. 1 and accepting the work as final and complete and approving Final Pay Request for the 2020 RFP#4 K Ave. Patch Project, be passed and adopted. PW Dir. Seals reported CO#1 increases the contract by \$1,425. Total contract sum \$30,035.50. Motion carried 4-0 vote. Council Member Stevens was absent.

Dalbey moved, seconded by Berg that Res. No. 128-2021, approving Change Order No. 1 and accepting the work as final and complete and approving Final Pay Request for the Ottumwa Street Reconstruction Project, be passed and adopted. PW Dir. Seals reported CO#1 increases the contract by \$35,141.82 for added water main, boring for addtl. water main and qty adj. Total contract sum \$284,551.82. Motion carried 4-0 vote. Council Member Stevens was absent.

Roe moved, seconded by Meyers that Res. No. 129-2021, removing a special assessment in the amt. \$320, plus accumulated interest and admin. costs \$87, that was applied to 1378 Bluegrass Rd on Res. No. 284-2018, be passed and adopted. Comm. Development Dir. Simonson reported bc of the language in the application to dismiss and the property owner's insistence that a former staff member made assurances the

assessment would be removed, staff recommends removing the assessment and any accumulated fees. Motion carried 4-0 vote. Council Member Stevens was absent.

Berg moved, seconded by Roe that Res. No. 130-2021, approving an application and agt. for Federal Assistance, AIP Grant No. 3-19-0073-023-2021, for Rehabilitate Runway 4/22 & Rehabilitate Taxiway B Project, be passed and adopted. City Admin. Rath reported the FAA has approved the Ottumwa Reg. Airport's requested projects and awarded up to a \$474,000 grant under the AIP pending Council approval. Motion carried 4-0 vote. Council Member Stevens was absent.

Dalbey moved, seconded by Roe that Res. No. 131-2021, approving a Dockless Shared Motorized Scooter Operating and License Agt. with Bird Rides, Inc. and auth. Mayor to sign and execute said Agt., be passed and adopted. Comm. Development Dir. Simonson reported this agt. becomes effective after the final passage and publication of an ordinance establishing regulations for operating e-scooters within the City. The agt. is valid for one year and could be extended upon mutual agreement. Unfortunately, we do not have any comparables for this type of thing just yet; another reason we are only doing a one yr. agt. Vote taken: Ayes: Dalbey, Roe, Berg. Nays: Meyers. Motion carried 3-2 vote. Council Member Stevens was absent.

Meyers moved, seconded by Berg that Res. No. 133-2021, support for Heugerich Construction's Application for IA Economic Development Workforce Housing Tax Credits, be passed and adopted. Comm. Development Dir. Simonson reported Heugerich Construction is pursuing Workforce Housing Tax Credits as part of the incentive and financing package for a 108 unit housing development. The selected site includes 10 acres zoned R-4 between Bonita and Rochester. The Workforce Tax Credit program is not an income-based program; instead, projects qualify based on the established housing need for middle-income workers and the barrier that housing poses to economic development. Vote taken: Ayes: Roe, Meyers, Berg. Nays: Dalbey. Motion carried 3-2 vote. Council Member Stevens was absent.

Roe moved, seconded by Berg to pass the first consideration of Ord. No. 3183-2021, amending Chp. 9 and 26 of the Code of Ordinances (Municipal Code of the City of Ottumwa, IA) to create regulations for the safe operation of e-scooters in Ottumwa. Comm. Development Dir. Simonson reported the e-scooter rental program with Bird has been the catalyst for amending the ordinance to allow e-scooters within city limits. Anyone operating an e-scooter must obey all traffic rules and may be operated on the trails with a max speed of 10 mph. Motion carried 4-0 vote. Council Member Stevens was absent.

Meyers moved, seconded by Berg to pass the first consideration of Ord. No. 3184-2021, amending Chp. 31 ½ of the City Code of the City of Ottumwa, IA to allow privately owned or leased trash dumpsters or receptacles in city parking lots to add a new Section 31 ½ - 45. PW Dir. Seals reported there is a desire to improve the overall appearance of the downtown business areas and improve traffic flows by developing a process to allow privately owned or leased dumpsters to be placed on public owned parking lot property. This is the same concept used in both the Canteen Alley and Jefferson St. Parking lot. We have modeled our process on Cedar Falls which includes a \$300 annual fee. Councilperson Berg mentioned this was a priority identified within SSMID and it would be beneficial to discuss with Fred Zesiger before finalizing anything. Motion carried 4-0 vote. Council Member Stevens was absent.

Roe moved, seconded by Berg to pass the first consideration of Ord. No. 3185-2021, amending Section 32-73 of the City Code of the City of Ottumwa, IA for the purpose of addressing adjacent property owner liability for sidewalks. PW Dir. Seals reported our current ordinance needs updated to align with the recent IA Supreme Court Opinion outlining responsibilities for maint. of private sidewalks located in public right of ways that are defective. This ordinance also est. a timeline for repairs to occur and if

necessary the auth. to assess itemized repair cost to the abutting property owner as taxes for payment. Motion carried 4-0 vote. Council Member Stevens was absent.

Mayor Lazio opened the floor for citizen input on Item K-1, June Proclamation. Lily Streeby, Kolby Streeby and Cara Galloway all expressed how doing a proclamation for June as Ottumwa Pride Month would show a symbol of respect and to feel acknowledged. Council members then expressed that they are all in full support of this proclamation.

Roe moved, seconded by Dalbey to pass the Proclamation for Ottumwa Pride Month for June 2021; June is designated "International Gay Pride Month" honoring the history and achievements of LGBTQ people, and commemorates the 1969 "Stonewall Uprising" as the catalyst for the modern LGBTQ civil rights movement and the City of Ottumwa and the LGBTQ community continue to support and encourage diversity in the workplace and throughout the community. Motion carried 4-0 vote. Council Member Stevens was absent.

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

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

Adjournment was at 7:15 P.M.

CITY OF OTTUMWA, IOWA


Tom X. Lazio, Mayor

ATTEST:


Christina Reinhard, CMC, City Clerk