



[CITY OF]

OTTUMWA

TENATIVE AGENDA
OTTUMWA CITY COUNCIL

REGULAR MEETING NO. 26
Council Chambers, City Hall

September 6, 2022
5:30 O'Clock P.M.

PLEDGE OF ALLEGIANCE

A. ROLL CALL: Council Member Pope, Roe, Galloway, McAntire, Hull and Mayor Johnson.

B. CONSENT AGENDA:

1. Minutes from Regular Meeting No. 25 on August 16, 2022 as presented.
2. Civil Service Commission Eligibility Lists for August 24, 2022: Equipment Operator Entrance, Engineering Assistant II Promotional.
3. Resolution No. 220-2022, approving purchase of a half-ton 4WD Standard Cab Pickup Truck for the WPCF from Stivers Ford of Waukee in the amount of \$42,508.
4. Resolution No. 222-2022, setting September 20, 2022 as the date of a Public Hearing on the disposition of City owned real property at 902 North Jefferson Street.
5. Resolution No. 225-2022, setting September 20, 2022 as the date of a Public Hearing on Proposed Ordinance Repealing Current Gas Franchise, Granting a new Franchise to MidAmerican Energy Company, and Imposing a Franchise Fee.
6. Beer and/or liquor applications for: Aldi, Inc. #73, 940 Quincy Ave.; Bridge View Center/VenuWorks, 102 Church St.; Morgan's Corner Bar & Grill, temporary outdoor service area on 9/9 and 9/17/2022; Ottumwa Oktoberfest Committee, temporary outdoor service area, Jimmy Jones Shelter, 9/27-10/1/202; Uncle Buck's Bar & Grill, temporary outdoor service area special event at Canteen Alley, 9/17/2022; West Second & McPherson BP, 1049 West Second (new license classification); all applications pending final inspections.

C APPROVAL OF AGENDA

D. ADMINISTRATORS REPORT TO COUNCIL AND CITIZENS:

1. *Our Ottumwa* 2040 Comprehensive Plan – Introduction of Envisio platform.

All items on this agenda are subject to discussion and/or action.

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:

G. PUBLIC HEARING:

H. RESOLUTIONS:

1. Resolution No. 221-2022, approving Change Order No. 1 and accepting the work as final and complete and approving the final pay request for the 04-22 Runway Rehabilitation Project at the Ottumwa Regional Airport.

RECOMMENDATION: Pass and adopt Resolution No. 221-2022.

2. Resolution No. 224-2022, awarding the contract for WPCF – Operations Roof Replacement Project to For Sure Roofing & Sheet Metal, LLC of Des Moines, Iowa, in the amount of \$163,953.

RECOMMENDATION: Pass and adopt Resolution No. 224-2022.

3. Resolution No. 226-2022, authorizing an agreement for Professional Design Services between the City of Ottumwa and Design Workshop for Greater Ottumwa Park Phase 1 Tennis Facility Design.

RECOMMENDATION: Pass and adopt Resolution No. 226-2022.

4. Resolution No. 227-2022, authorizing an Agreement for Professional Consulting Services between the City of Ottumwa and Retail Strategies.

RECOMMENDATION: Pass and adopt Resolution No. 227-2022.

5. Resolution No. 228-2022, accepting for filing an application for Voluntary Annexation of certain land to the City of Ottumwa, Iowa, setting the date for a Public Hearing and Consultation Meeting, and providing for notice of Proposed City Council Action.

RECOMMENDATION: Pass and adopt Resolution No. 228-2022.

I. ORDINANCES:

1. Ordinance No. 3204-2022, an Ordinance Amending the City of Ottumwa's Fire Protection and Prevention Code by Amending Chapter 14 of the City of Ottumwa Municipal Code to Adopt the 2021 Edition of the International Fire Code.

RECOMMENDATION: Pass third consideration and adopt Ordinance No. 3204-2022.

2. Ordinance No. 3206-2022, an Ordinance Repealing Ordinance No. 3194-2022 and Establishing Supplemental Regulations for Automobile Sales by Amending Section 38-872 of the Zoning Code of the City of Ottumwa, Wapello County, Iowa.

RECOMMENDATION: Pass third consideration and adopt Ordinance No. 3206-2022.

3. Ordinance No. 3208-2022, Proposed Ordinance amending Chapter 2, Article VI, Division 5, Public Safety Advisory Committee, of the Code of Ordinances of the City of Ottumwa.

RECOMMENDATION: Pass third consideration and adopt Ordinance No. 3208-2022.

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

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. ***

Items on the Table:

1. Ordinance No. 3202-2022, an Ordinance Amending Appendix D, Electricity Franchise, with Interstate Power and Light Company for the Purpose of Imposing a Franchise Fee.



[CITY OF]

OTTUMWA

FAX COVER SHEET

City of Ottumwa

DATE: 9/2/2022 TIME: 9:15 AM NO. OF PAGES 4
(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 #26 to be held on
9/06/2022 at 5:30 P.M.

*** FAX MULTI TX REPORT ***

JOB NO. 1749
DEPT. ID 4717
PGS. 4
TX INCOMPLETE -----
TRANSACTION OK 96823269
ERROR 96847834
916606271885
96828482

Ottumwa Waterworks
Ottumwa Courier
KTVO
Tom FM



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

MEMO: Tentative Agenda for the Regular City Council Meeting #26 to be held on
9/06/2022 at 5:30 P.M.

REGULAR MEETING NO. 25
Council Chambers, City Hall

August 16, 2022
5:30 O'Clock P.M.

The meeting convened at 5:30 P.M.

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

Roe moved, seconded by Galloway to approve consent agenda items: Mins. from Regular Mtg. No. 23 on July 19, 2022 and Regular Mtg. No. 24 on Aug. 2, 2022 as presented; Ack. May financial stmt. and pymt. of bills submitted by Finance Dept.; Res. No. 211-2022, accepting renewal effective Jan. 1, 2023, for the City's Post-65 retiree medical supplement and Rx plans carrier with Humana; Res. No. 212-2022, approving Wapello County/City of Ottumwa Law Enforcement Center Maint. Budget for FY ending June 30, 2023; Res. No. 214-2022, approving contract, bonds and cert. of ins. for Troeger Parking Lot Project; Res. No. 215-2022, approving contract, bonds and cert. of ins. for Bridge View Hotel Parking Lot Ext. Project; Beer and/or liquor applications for: El Tex Mex, 1317 E. Main, with OSA; Hotel Ottumwa, N. Court & Fourth, City Park, temp. OSA for 9/23/2022; all applications pending final inspections. Motion carried 3-0. Council Member Hull and McAntire were absent.

Galloway moved, seconded by Pope to approve the agenda as presented. Motion carried 3-0. Council Member Hull and McAntire were absent.

City Admin. Rath discussed HF2130, an Act relating to registered all-terrain (ATV) and off-road utility vehicles (UTV) as it was signed into Law July 1, 2022. Changes made at state level didn't impact us at municipal level. Cities are not allowed to charge a fee to operate registered ATV within the city limits. Our current City Code Sec. 26-20 (a): During winter months, ATVs, motorcycles and dirt bikes shall only be allowed to operate on designated frozen ponds within Greater Ottumwa Park when specifically auth. by the parks director. At this time, without any other action by Council, this remains the same. This is strictly informational tonight; Council needs to decide whether or not to amend our code.

Roe added, personally, we should be monitoring and using our current code/ord. and enforcing it. If we want to tighten down our current regulations then it might be worth exploring.

Police Chief Farrington reported we haven't issued any citations for citizens driving ATVs/UTVs on city streets since law was enacted. Officers try to educate citizens on what the code states and ATVs/UTVs are not currently allowed on city streets.

Mayor Johnson inquired if there was anyone from the audience who wished to address an item on the agenda. Joe Damerval wished to speak about ATVs/UTVs. Mr. Damerval provided copies of City of Oskaloosa's City Code which includes use of golf carts, ATVs, snowmobiles and UTVs. Request City Council to take a look into recreating an ord. to allow these in city limits. It could be beneficial to tourists who can take them on our trail system and businesses selling ATVs/UTVs. Most UTVs are equipped with numerous safety features (likeness of a vehicle) with doors, seat belts, etc.

This was the time, place and date set for public hearing on consideration of a Real Estate Purchase Agt. with Elliott Oil. Comm. Development Dir. Simonson, reported this goes along with the vacated area included in Ord. No. 3205-2022, to allow Elliott Oil to expand their location. No objections rec'd. Galloway moved, seconded by Roe to close public hearing. Motion carried 3-0. Council Member Hull and McAntire were absent.

Roe moved, seconded by Galloway that Res. No. 213-2022, approving Real Estate Purchase Agt. between City of Ottumwa and Elliott Oil and auth. conveyance of certain property identified in Ord. No. 3205-2022, be passed and adopted. Motion carried 3-0. Council Member Hull and McAntire were absent.

Pope moved, seconded by Galloway that Res. No. 216-2022, awarding contract for disposal and demolition of 236 Phillips St. to Dig N Doze of Bloomfield, IA, for the best bid \$9,400, be passed and adopted. Simonson reported one bid was rec'd. Motion carried 3-0. Council Member Hull and McAntire were absent.

Roe moved, seconded by Pope that Res. No. 217-2022, approving CO No. 2 for Ottumwa Park Campground Shower House and Office Project, be passed and adopted. Parks Dir. Rathje reported CO No. 2 increases contract \$15,250; total contract sum \$589,717. Motion carried 3-0. Council Member Hull and McAntire were absent.

Galloway moved, seconded by Pope that Res. No. 218-2022, approving Agenda Mgmt. and Site License of Laserfiche Project through OPG-3 for the City Clerk's office, be passed and adopted. Clerk Reinhard explained this project was requested with CIP funding to assist in streamlining the agenda process and move the city to a more paperless process. Annual amt. for system after in place \$25,750; \$37,000 for Agenda Mgmt. Platform implementation. Motion carried 3-0. Council Member Hull and McAntire were absent.

Pope moved, seconded by Galloway that Res. No. 219-2022, approving matching funds and letter of support for application for Main St. IA Challenge Grant Program for 301-305 E. Main St., be passed and adopted. Simonson reported total project cost est. \$225-250,000; grant provides \$100,000; City matching amt. \$25,000; with the owner covering the balance of the project between \$100 and \$125,000. The Challenge Grant has never been awarded to an organization that didn't have contributing matching funds from the city. Motion carried 3-0. Council Member Hull and McAntire were absent.

Roe moved, seconded by Pope to pass the third consideration and adopt Ord. No. 3200-2022, adopting new State Electrical Code by Amending Ch. 13 of the City of Ottumwa Municipal Code. Motion carried 3-0. Council Member Hull and McAntire were absent.

Pope moved, seconded by Galloway to pass the second consideration of Ord. No. 3204-2022, Amending City of Ottumwa's Fire Protection and Prevention Code by Amending Ch. 14 of the Municipal Code to Adopt 2021 Edition of the International Fire Code. Motion carried 3-0. Council Members Hull and McAntire were absent.

Roe moved, seconded by Pope to pass the third consideration and adopt Ord. No. 3205-2022, Vacation of public ROW in the portion of Alleyway running NW/SE from E. McPherson Ave. to Phillips St. between W. Second and Third Street West in the City of Ottumwa. Motion carried 3-0. Council Member Hull and McAntire were absent.

Galloway moved, seconded by Roe to pass the second consideration of Ord. No. 3206-2022, an Ord. Repealing Ord. No. 3194-2022 and Establishing Supplemental Regulations for Automobile Sales by Amending Sec. 38-872 of the Zoning Code of the City of Ottumwa, Wapello County, IA. Motion carried 3-0. Council Member Hull and McAntire were absent.

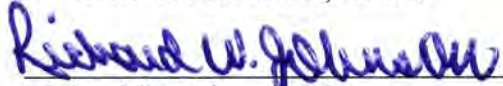
Pope moved, seconded by Galloway to pass the second consideration of Ord. No. 3208-2022, Proposed Ord. amending Ch. 2, Article VI, Div. 5, Public Safety Adv. Committee, of the Code of Ord. of the City of Ottumwa. Motion carried 3-0. Council Member Hull and McAntire were absent.

Mayor Johnson 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 Galloway that the mtg. adjourn. Motion carried 3-0. Council Member Hull and McAntire were absent.

Adjournment was at 6:16 P.M.

CITY OF OTTUMWA, IOWA


Richard W. Johnson, Mayor

ATTEST:


Christina Reinhard, CMC, City Clerk

Published in the Ottumwa Courier on 8/25/2022.

OTTUMWA CIVIL SERVICE COMMISSION

**PW – Equipment Operator
Entrance Eligibility List**

1. Clinton Taylor
1. Dakota Vaughn
3. Edward Hull
4. Cole Swaim

Certified August 24, 2022

OTTUMWA CIVIL SERVICE COMMISSION

Ed Wilson, Chairman
Ann Youngman
Amy Gardner

OTTUMWA CIVIL SERVICE COMMISSION

Engineering Assistant II Promotional Eligibility List

1. Luke Wimsatt

Certified August 24, 2022

OTTUMWA CIVIL SERVICE COMMISSION

Ed Wilson, Chairman
Ann Youngman
Amy Gardner

CITY OF OTTUMWA

Staff Summary

**** ACTION ITEM ****

Council Meeting of: 9-6-2022

John Lloyd

Prepared By

Water Pollution Control Facility
Department

Larry Seal *Larry Seal*
Department Head

[Signature]
City Administrator Approval

AGENDA TITLE: Resolution 220-2022. Approve the purchase of a half-ton 4WD Standard Cab Pickup Truck for the Water Pollution Control Facility.

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 # 220-2022. Approve this purchase from Stivers Ford of Waukee in the amount of \$42,508.

DISCUSSION: This pickup is part of the City Fleet Replacement Program. It will replace a 2009 Ford F-150 1/2 Ton 2WD Truck (#198) with 100,670 miles. The truck is inoperable due to transmission failure (reverse gear out). All sale proceeds will be applied to offset the purchase price, remaining balance will be taken from the sewer fund balance. The truck was budgeted FY22 year.

Bid Packets with specifications were sent out from the Purchasing Department. Only one bid was returned. The low bid received was from Stivers Ford in the amount of \$42,508. There was \$37,521 set aside for this purchase in fund 610-815-6710.

Bid	\$42,508
Budgeted	\$37,521
Estimated Sale	\$ 1,500

Balance Estimated	\$ 3,487	Sewer Fund
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Source of Funds: Sewer Fund

Budgeted Item: YES

Budget Amendment Needed: Yes

RESOLUTION #220-2022

A RESOLUTION APPROVING THE PURCHASE OF A 1/2 TON 4WD STANDARD CAB PICKUP TRUCK FOR THE WATER POLLUTION CONTROL FACILITY

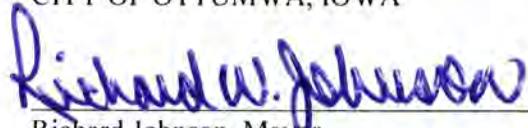
WHEREAS, The purchase of a pickup is part of the Fleet Replacement Program and will replace a 2009 Ford F-150 1/2 Ton 2WD Truck (#198), which will be sold; and,

WHEREAS, The new pickup truck was a budgeted item with \$42,508.00 appropriated.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA THAT: the purchase of a 1/2 ton 4wd regular cab pickup truck for the Water Pollution Control Facility is hereby approved.

APPROVED, PASSED, AND ADOPTED, this 6th day of September, 2022.

CITY OF OTTUMWA, IOWA


Richard Johnson, Mayor

ATTEST:


Christina Reinhard, City Clerk

15-Aug-22

BID TABULATION FOR

WPCF - Replace Truck 198

ITEM	DESCRIPTION	UNIT	QTY	Clemons Inc. (Ottumwa)	Dewey Ford (Ankeny)	Stivers Ford (Waukee)	Charles Gabus (Des Moines)	Vaughn (Ottumwa)	Bob Brown (Ankeny)	Stew Hanson (Waukee)
				UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
1A	1/2 Ton Truck	LS	1			\$ 42,508.00				
1A	1/2 Ton Truck (plus 3%)	LS	1			\$ 43,783.24				
TOTAL				\$	\$	\$ 42,508.00	\$	\$	\$	\$

There was only 1 bid received, which was from Stivers Ford.

I HEREBY CERTIFY THAT THIS IS A TRUE TABULATION
 OF THE BIDS RECEIVED
 BY: John Lloyd

\$42,508

CITY OF OTTUMWA
WPCF DEPARTMENT

SPECIFICATIONS FOR A 1/2 TON PICKUP TRUCK

Minimum specifications for bid of a 1/2 ton pickup truck. Items bid will be equal to or exceed the written specifications. Any deviation to the specifications will be written and explained. Failure to explain is cause for an invalid bid. Literature will accompany the bid. The City reserves the right to reject any or all bids.

Brand of equipment Truck

Model Number 2023

Authorized Dealer for product bid: Yes (✓) No ()

Dealer Bidding Stivers Ford Lincoln

EPA rated large size pickups, V8 cylinder

<u>CAB & BODY</u>	CHECK ONE	
	YES	NO
Bench seat, heavy duty vinyl upholstery, foam cushion	(✓)	()
Standard Cab	(✓)	()
AM/FM Radio, factory installed	(✓)	()
Dual power mirrors (minimum 5"x8") <u>Power Glass</u>	(✓)	()
Dome light	(✓)	()
8' straight side body	(✓)	()
Intermittent wipers	(✓)	()
Standard front bumper	(✓)	()
Cruise Control	(✓)	()

SPECIFICATIONS FOR A 1/2 TON PICKUP TRUCK

Page 2 of 4

- | | | |
|--------------------------------------------------------------------------|-------------------------------------|--------------------------|
| Integrated strobes, front and rear | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ACARI or comparable mount | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Light bar mounted with LED amber lights, width to fit ACARI mount | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Standard or step type rear bumper | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Receiver hitch frame mounted, class III 5000 lb weight carrying capacity | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Trailer tow package | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Backing Camera | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Color: white | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

ENGINE - CHASSIS - DRIVE

- | | | |
|-------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| Engine: V8 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Magnetic drain plugs (magnetic collectors are satisfactory if magnetic drain plugs are not available) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Automatic transmission | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Four Wheel Drive | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Alternator: 12 volt, 75 amp minimum | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Battery: 525 CCA (maintenance free/long life type) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Power disc brakes | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Shock absorbers, heavy duty

(✓) ()

SPECIFICATIONS FOR A ½ Ton Pickup Truck
Page 3 of 4

Power steering

(✓) ()

Tires – all season (5 required) P metric sizing required
spare mounted under the box

(✓) ()

Differential standard axle ratio

(✓) ()

Rust proofing – factory

(✓) ()

Fuel tank minimum 30 gal

(✓) ()

Air conditioning

(✓) ()

3,000 watt, 12V, 120V Pure Sine Inverter mounted as
customer specifies, surge rating: 9,000 watt *w/on/off switch*

(✓) ()

With battery or as needed, installed at customer's specifications

(✓) ()

Passenger side, side mount tool box with brite tread,
L 48" x W 12.75" x H 10" *LGO!!*

(✓) ()

LITERATURE

One (1) copy of service, parts, operators, and body manuals, books,
Or CD's. *CD*

(✓) ()

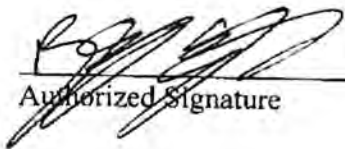
Five hundred dollars (\$500.00) will be withheld until manuals are delivered. If not available please
explain: _____

WARRANTY: 3 year or 36,000 mile, minimum

SPECIFICATIONS FOR A ½ Ton Pickup Truck
Page 4 of 4

The City will sign for delivery but no acceptance until we have sufficient time to properly inspect the equipment. Please set up an appointment for delivery.

VARIATIONS: If the equipment offered differs from the provisions contained in this specification, such differences must be explained on a separate sheet and labeled as such. All such bids will receive considerations if such deviations do not depart from the intent of the specifications and are in the best interests of the purchaser. It is not our intent to disqualify any quality equipment if your equipment does not meet these qualifications.


Authorized Signature

8/2/22
Date

**CITY OF OTTUMWA
CAPITAL ITEM REQUEST
BUDGET YEAR 2022-2023**

 X REPLACEMENT

 NEW ITEM

ACTIVITY NO. 815 ACTIVITY NAME: Capital REQUEST NO.

DESCRIPTION OF ITEM TO BE PURCHASED:

 Replacement of truck #198. Approved for replacement in Nov 2021.

IF REPLACEMENT, DESCRIPTION OF ITEM TO BE REPLACED:

 2007 Ford F150 Pick-up.

YEAR PURCHASED:

COST ESTIMATES:

PURCHASE \$ 37,521 (omit cents)

OTHER COSTS \$

TOTAL COSTS \$ 37,521

SUBMITTED BY: P.B.

COST CHECKED BY:

FLEET COMMITTEE RECOMMENDATION: Yes DATE: November 2021

NOTE: This form must be completed for each capital item requested. Capital Items purchased must be specifically budgeted.

CITY OF OTTUMWA
Staff Summary

**** ACTION ITEM ****

Council Meeting of : Sep 6, 2022

Planning & Development
Department

Zach Simonson
Prepared By
Zach Simonson
Department Head

City Administrator Approval

AGENDA TITLE: RESOLUTION 222-2022: RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON DISPOSITION OF CITY PROPERTY AT 902 N JEFFERSON

Public hearing required if this box is checked.

RECOMMENDATION: PASS AND ADOPT RESOLUTION 222-2022.

DISCUSSION: Mahaska Communicaions Group has submitted an application to purchase the City-owned property at 902. The developer intends to use the lot to place equipment for a broadband utility project. This resolution sets a public hearing to consider the disposition of the lot on September 20.

Source of Funds:

Budgeted Item: Budget Amendment Needed:

RESOLUTION NO. 222-2022

RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON DISPOSITION
OF CITY PROPERTY AT 902 N JEFFERSON

WHEREAS, the City owns real property situated in the City of Ottumwa, Wapello County, State of Iowa, legally described as Lot 12 in Mahon and Phillips Addition to the City of Ottumwa, Wapello County, Iowa and known locally as 902 N Jefferson; and

WHEREAS, Mahaska Communication Group, LLC has submitted an application to purchase the above property for the purpose of placing permanent equipment for a broadband utility project; and

WHEREAS, before such application may be considered, it is necessary that a public hearing be held thereon and that due notice be given.

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

Section 1. It is determined that it is in the best interests of the citizens of the City to hold a public hearing on the matter of the disposition of City property at 902 N Jefferson, on September 20, 2022, at 5:30 P.M., in the Council Chambers, City Hall, 105 East Third Street, Ottumwa, Iowa.

Section 2. That the City Clerk be and is hereby directed to publish a notice of a public hearing on the application, at least once not less than seven days prior to the date of said public hearing. September 20, 2022 will be the next regularly scheduled City Council meeting after the publication of notice.

Section 3. The notice of the proposed hearing shall be in substantially the following form:

PLEASE PUBLISH SEPTEMBER 8, 2022

NOTICE OF PUBLIC HEARING ON DISPOSITION OF
CITY PROPERTY AT 902 N JEFFERSON

TO WHOM IT MAY CONCERN:

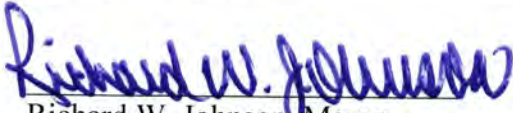
Notice is hereby given that the City Council of the City of Ottumwa, Iowa, will hold a public hearing Tuesday, September 20, 2022 at 5:30 P.M. in City Hall in the City of Ottumwa, Iowa on its intent to dispose of real property legally described as Lot 12 in Mahon and Phillips Addition to the City of Ottumwa, Wapello County, Iowa, also known as 902 N Jefferson, to Mahaska Communications Group. 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.

If you are unable to attend this meeting but have comments, written comments must be received no later than 4:30 p.m. September 20, 2022. Written comments may be addressed to: City of Ottumwa, 105 E. Third St., Ottumwa, IA 52501.

Dated this 6th day of September, 2022.

City Clerk, City of Ottumwa, Iowa

PASSED AND APPROVED this 6th day of September, 2022.


Richard W. Johnson Mayor

ATTEST:


City Clerk

Real Estate Purchase Agreement

This Real Estate Purchase Agreement is dated _____, 2022 and is between the City of Ottumwa, Iowa (the "Seller") and the Mahaska Communication Group, LLC, an Iowa limited liability company (the "Buyer").

The parties agree as follows:

1. **Purchase and Sale of Property.** The Seller shall convey to the Buyer the real property known locally as 902 N. Jefferson, Ottumwa, Iowa, and legally described as follows:

Lot 12 in Mahon and Phillips Addition to the City of Ottumwa, Wapello County, Iowa

together with any easements and servient estates appurtenant thereto and subject to any (i) zoning restrictions, (ii) easements of record, and (iii) restrictive covenants of record (the "Property").

2. **Purchase Price.** The Purchase Price shall be \$500.00 (the "Purchase Price"). The Buyer shall pay the Purchase Price in cash on the Closing Date with proper adjustments as provided in this agreement.

3. **Real Estate Taxes.** The Buyer acknowledges that the Seller is a tax-exempt government entity, and the Buyer agrees that the Seller shall not be required to pay any real estate taxes or to give the Buyer a credit for prorated real estate taxes at Closing. The Buyer shall pay all real estate taxes, if any, assessed against the Property.

4. **Special Assessments.** The Seller shall pay all special assessments which are a lien on the Property as of the Closing Date. The Buyer shall pay all other special assessments.

5. **Risk of Loss and Insurance.** The Seller agrees to maintain any property casualty insurance it currently carries to protect against damage or destruction of the Property until the Closing Date. If the Property is significantly damaged or is destroyed prior to the Closing Date, the Buyer may elect to: (i) terminate this agreement by written notice to the Seller, or (ii) complete the Closing and receive insurance proceeds payable under the Seller's insurance policies described in this section 5.

6. **Closing and Possession.** Closing shall occur on a date mutually agreed to between the parties on or before November 1, 2022 (the "Closing Date"). The Seller shall deliver possession of the Property to the Buyer on the Closing Date. This transaction shall be considered closed upon: (i) the filing of all title transfer documents, and (ii) the Seller's receipt of all funds due from the Buyer under this agreement ("Closing").

7. **Closing Costs.**

a. Seller shall pay the following costs associated with this transaction:

- i. Seller's attorney's fees or other professional fees incurred by Seller in connection with this transaction.
- ii. Transfer taxes, if any.
- iii. Recording fees necessary to cure title defects identified under section 10 of

this agreement.

b. Buyer shall pay the following costs associated with this transaction:

- i. The Purchase Price under section 2 of this agreement.
- ii. Buyer's attorney's fees.
- iii. The cost of any abstract creation and/or update under section 10 of this agreement.
- iv. The cost to prepare any survey under section 11 of this agreement.
- v. The recording fee to record the deed transferring title to Buyer.

8. **Fixtures.** Included with the Property shall be all fixtures that integrally belong to, are specifically adapted to, or are a part of the real estate, whether attached or detached.

9. **Inspection and Disclaimer of Warranties.** The Buyer acknowledges and agrees that the Seller is not making and has not at any time made any warranties or representations of any kind or character, express or implied, with respect to the Property, including, but not limited to, any warranties or representations as to habitability, merchantability, fitness for a particular purpose, title, leasing, zoning, tax consequences, latent or patent physical condition, utilities, operating history or projections, valuation, governmental approvals, or the compliance of the Property with laws. The Buyer represents to the Seller that the Buyer has conducted, or will conduct prior to Closing, any investigations of the Property, including its physical and environmental condition, as the Buyer deems necessary to satisfy itself as to the condition of the Property. The Buyer acknowledges and agrees that at the Closing, the Buyer shall accept the Property "as is, where is, with all faults." At the Closing, the Buyer shall be deemed to have released the Seller from any claims, known or unknown, which the Buyer might have asserted or alleged against the Seller arising out of any latent or patent physical condition of the Property, violations of any applicable laws, and any other matters regarding the Property. The Buyer acknowledges that the compensation to be paid to the Seller for the Property considers that the Property is being sold subject to the provisions of this section 9.

10. **Abstract and Title.** Seller, at Buyer's request, has placed an order for an abstract of title to the Property prior to the date of this Agreement. Buyer agrees to pay all costs related to the abstract, payable at Closing. Seller agrees to deliver the abstract to Buyer's attorney for examination and rendering of a title opinion. If the title opinion does not show marketable title in Seller in conformity with this agreement, Iowa law, and the title standards of the Iowa State Bar Association, then the Seller shall reasonably cooperate with the Buyer to remedy any defects to title. If the Seller is unable to cure the defects to title by the Closing Date, then either party may terminate this agreement by giving 10 calendar days written notice to the other party. The abstract shall become the property of Buyer when the Purchase Price is paid in full.

11. **Survey.** Prior to Closing, Buyer may, at Buyer's expense, have the Property surveyed by a registered land surveyor.

12. **Deed.** Upon payment of the Purchase Price, Seller shall convey the Property to Buyer by deed without warranty, free and clear of all liens, restrictions, and encumbrances except as permitted by this agreement.

13. **Remedies of the Parties.**

- a. If the Seller breaches, repudiates, or otherwise fails to timely perform this agreement, the Buyer's sole and exclusive remedy will be to terminate this agreement by written notice to the Seller and to recover its actual out-of-pocket expenses associated with this transaction from the Seller.
- b. If the Buyer breaches, repudiates, or otherwise fails to timely perform this agreement, the Seller may elect to (i) terminate this agreement by written notice to the Buyer, or (ii) to enforce this agreement by any remedy available to it under law, including specific performance.
- c. The prevailing party in any dispute arising out of this agreement shall be entitled to obtain judgment for its reasonable costs and attorney fees.

14. **Notice.** For a notice under this agreement to be valid, it must be in writing and must be delivered either (i) in person, (ii) via certified mail to the address noted below, or (iii) via email if the receiving party consents to receiving notice via email. All notices shall be effective upon receipt.

If to the Seller:

City of Ottumwa, Iowa
 ATTN: Philip Rath, Administrator
 105 E. 3rd Street
 Ottumwa, IA 52501

If to the Buyer:

Mahaska Communication Group, LLC
 ATTN: _____
 210 South D Street,
 Oskaloosa, IA 52577

15. **Time of the Essence.** In the performance of each part of this agreement, time shall be of the essence.

16. **Choice of Law.** All claims relating to this agreement shall be governed by the laws of the State of Iowa without regard to principles of conflicts of law.

17. **Forum.** The sole and exclusive jurisdiction for any action arising from or relating to this agreement shall be in the state or federal courts located in the State of Iowa.

18. **Assignment.** Neither party may transfer to any other person (i) any discretion granted under this agreement, (ii) any right under this agreement, (iii) any remedy under this agreement, or (iv) any obligation imposed under this agreement.

19. **Survival.** This agreement shall survive the Closing.

20. **Entire Agreement.** This agreement constitutes the entire understanding between the parties with respect to the subject matter of this agreement and supersedes all other agreements, whether written or oral, between the parties.

21. **Modification.** No amendment of this agreement will be effective unless it is in writing and signed by both parties.

22. **Waiver.** No waiver under this agreement will be effective unless it is in writing and signed by the party granting the waiver.

23. **Severability.** The parties agree that if a dispute between the parties arises out of this

agreement, they would want the court to interpret this agreement as follows:

- a. With respect to any provision that it holds to be unenforceable, by modifying that provision to the minimum extent necessary to make it enforceable or, if that modification is not permitted by law, by disregarding that provision;
- b. If an unenforceable provision is modified or disregarded in accordance with this section, by holding that the rest of this agreement will remain in effect;
- c. By holding that any unenforceable provision will remain as written in any circumstances other than those in which the provision is held to be unenforceable; and
- d. If modifying or disregarding the unenforceable provision would result in failure of an essential purpose of this agreement, by holding the entire agreement unenforceable.

24. **Certification.** Buyer and Seller each certify that they are not acting, directly or indirectly, for or on behalf of any person, group, entity or nation named by any Executive Order or the United States Treasury Department as a terrorist, "Specially Designated National and Blocked Person" or any other banned or blocked person, entity, nation or transaction pursuant to any law, order, rule or regulation that is enforced or administered by the Office of Foreign Assets Control; and are not engaged in this transaction, directly or indirectly on behalf of, any such person, group, entity or nation. Each party hereby agrees to defend, indemnify and hold harmless the other party from and against any and all claims, damages, losses, risks, liabilities and expenses (including attorney's fees and costs) arising from or related to my breach of the foregoing certification.

25. **Counterpart and Electronic Signatures.** This agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. Facsimile and PDF signatures shall be given the same effect as original signatures.

The parties are signing this agreement as of the date stated in the introductory clause.

SELLER:
CITY OF OTTUMWA, IOWA

BUYER:
MAHASKA COMMUNICATION GROUP

By: _____
Richard W. Johnson, Mayor

By: _____

Print Name: _____

By: _____
Christina Reinhard, City Clerk

Its: _____

CITY OF OTTUMWA
Staff Summary

**** ACTION ITEM ****

Council Meeting of: Sep 6, 2022

Philip Rath

Prepared By

Administration

Department

Department Head



City Administrator Approval

AGENDA TITLE: Resolution 225-2022 - Resolution Setting Public Hearing on Proposed Ordinance Repealing Current Gas Franchise, Granting a New Franchise to MidAmerican Energy Company, and Imposing a Franchise Fee

Public hearing required if this box is checked.

RECOMMENDATION: Pass and adopt Resolution 225-2022

DISCUSSION: Pursuant to Iowa Code section 364.2(4)(f) municipalities may impose a franchise fee when adopted by ordinance. Prior to consideration of the ordinance, the City Council is required to hold a public hearing. This resolution is presented to establish that public hearing before the council at the regular meeting scheduled to begin at 5:30 PM on September 20, 2022.

Source of Funds: N/A

Budgeted Item:

Budget Amendment Needed:

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: The City Council of the City of Ottumwa, State of Iowa.
Date of Meeting: September 6, 2022.
Time of Meeting: 5:30 P.M.
Place of Meeting: City Hall – Council Chambers, 105 E. Third Street, Ottumwa, Iowa

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for the meeting is as follows:

- RESOLUTION SETTING PUBLIC HEARING ON PROPOSED ORDINANCE REPEALING CURRENT GAS FRANCHISE, GRANTING A NEW FRANCHISE TO MIDAMERICAN ENERGY COMPANY, AND IMPOSING A FRANCHISE FEE.

Such additional matters as are set forth on the additional 6 page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of the governmental body.

Christina Reinhard

City Clerk, the City of Ottumwa, State of Iowa

September 6, 2022

The City Council of the City of Ottumwa, State of Iowa, met in regular session, in the City Hall – Council Chambers, 105 E. Third Street, Ottumwa, Iowa, at 5:30 P.M. on the above date. There were present Mayor Johnson, in the chair, and the following named Council Members:

Marc Roe, Doug McAntire, Russ Hull

Absent: Sandra Pope, Cara Galloway

* * * * *

Council Member Hull introduced the following Resolution entitled "**RESOLUTION SETTING PUBLIC HEARING ON PROPOSED ORDINANCE REPEALING CURRENT GAS FRANCHISE, GRANTING A NEW FRANCHISE TO MIDAMERICAN ENERGY COMPANY, AND IMPOSING A FRANCHISE FEE,**" and moved that the same be adopted. Council Member McAntire seconded the motion to adopt. The roll was called and the vote was,

AYES: Roe, McAntire, Hull

NAYS: _____

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION NO. 225-2022

RESOLUTION SETTING PUBLIC HEARING ON PROPOSED ORDINANCE REPEALING CURRENT GAS FRANCHISE, GRANTING A NEW FRANCHISE TO MIDAMERICAN ENERGY COMPANY, AND IMPOSING A FRANCHISE FEE

WHEREAS, the City Council will consider a proposed ordinance repealing ordinance no. 2888-2000 and granting to MidAmerican Energy Company, its successors and assigns, the right and non-exclusive franchise to acquire, construct, erect, maintain and operate in the City of Ottumwa, Iowa, a natural gas system and to furnish and sell natural gas to the City and its inhabitants and authorizing the City to collect franchise fees for a period of 25 years; and

WHEREAS, pursuant to Iowa Code section 364.2(4)(f), the proposed ordinance imposes a franchise fee. The franchise fee provision of the ordinance provides, "A franchise fee of three percent (3%) is imposed upon the gross revenue generated from the sales of natural gas by the Company within the corporate limits of the city. For purposes of this section gross revenue shall include in addition to revenue from direct sales of natural gas to customers, the gross revenue derived by the company from the transmission, transportation or distribution of natural gas sold to customers by suppliers other than the company through the company's distribution system within the City. In determining the amount of the fee, the Company may presume that the customer's cost of gas is the same as if the gas were sold by the Company, unless a different cost is provided;" and

WHEREAS, the City shall be solely responsible for the proper use of any amounts collected as a franchise fee, and shall only use such fees as collected for purposes as allowed by applicable law; and

WHEREAS, pursuant to Iowa Code § 364.2(4)(a), the City Council of the City of Ottumwa will hold a public hearing regarding any adoption of a gas franchise prior to adoption of any such franchise; and

WHEREAS, pursuant to Iowa Code § 364.2(4)(f)(2), before a city adopts or amends a franchise ordinance to increase the percentage rate at which franchise fees are assessed, a revenue purpose statement shall be prepared specifying the purpose or purposes for which the revenue collected from the increased rate will be expended; and

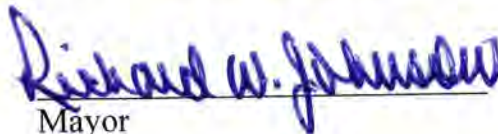
WHEREAS, the City Council held a public hearing and adopted a revenue purpose statement for the use of gas franchise fees on July 19, 2022.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Ottumwa, Iowa, that this Council shall meet at 5:30 P.M. on the 20th day of September, 2022, in the City Hall – Council Chambers, 105 E. Third Street, Ottumwa, Iowa, for the following purposes:

1. To hold a public hearing to receive public comments on the proposed repeal of its current gas franchise with MidAmerican Energy Company, and granting of a new franchise to MidAmerican Energy Company (under which a franchise fee will be assessed); and
3. To consider an ordinance repealing ordinance no. 2888-2000 and granting to MidAmerican Energy Company, its successors and assigns, the right and non-exclusive franchise to acquire, construct, erect, maintain and operate in the City of Ottumwa, Iowa, a natural gas system and to furnish and sell natural gas to the City and its inhabitants and authorizing the City to collect franchise fees for a period of 25 years.

BE IT FURTHER RESOLVED, that the Clerk is hereby instructed to cause a Notice of Public Hearing to be published in the manner required by Iowa Code § 362.3.

PASSED AND APPROVED this 6th day of September, 2022.


Mayor

ATTEST:

Christina Rushard
City Clerk

CERTIFICATE

STATE OF IOWA

)
) SS

COUNTY OF WAPELLO

)

I, the undersigned City Clerk of the City of Ottumwa, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of the City showing proceedings of the City Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of the agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective City offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the City hereto affixed this 6th day of September, 2022.

Christa Runhara
City Clerk, the City of Ottumwa, State of Iowa



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CITY OF OTTUMWA
Staff Summary

2022 AUG 19 PM 3:52

**** ACTION ITEM ****

Council Meeting of : Sep 6, 2022

JAY WHEATON

Prepared By

DUKE BALL

Department Head

Airport

Department

City Administrator Approval

AGENDA TITLE: Resolution #221-2022 Approving change order #1 and Accepting the work as final and complete and approving the final pay request for the 04-22 rehabilitation project.

Public hearing required if this box is checked.

RECOMMENDATION: Pass and adopt Resolution #221-2022

DISCUSSION: Struck & Irwin Paving Inc. of DeForest Wisconsin was awarded the contract for the 04-22 runway rehabilitation project on May 4th 2021 in the amount of \$319,084.37. Change order #1 will increase the contract by \$11,409.81. Work has been completed and approve final payment. Reimbursement to the city will be 100% of the project cost with \$0.00 coming from the Airport Fund Balance.

Original Contract Amount	\$319,084.37
Change Order #1	\$11,409.81
Less Previous Payments	\$272,373.38
Final Amount Due	\$58,120.80

Source of Funds: 100% FAA

Budgeted Item: Budget Amendment Needed: NO

RESOLUTION # 221-2022

A RESOLUTION APPROVING CHANGE ORDER # 1 AND ACCEPTING THE WORK AS FINAL AND COMPLETE AND APPROVING FINAL PAY REQUEST FOR THE RUNWAY 04-22 REHABILITATION PROJECT AT THE OTTUMWA REGIONAL AIRPORT

WHEREAS, The City Council of the City of Ottumwa, Iowa entered into contract on May 4th 2021. Resolution # 87-2021

WHEREAS, Change order #1 increases the contract by \$11,409.81 with a new contract sum \$330,494.18.

WHEREAS, The project is now complete in accordance to the contract and plans and specifications.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA. THAT: The above mentioned change order is hereby approved. The 04-22 Runway Rehabilitation project is hereby accepted as complete, and authorization to make final payment to Struck & Irwin Paving Inc. of DeForest Wisconsin in the amount of \$58,120.80

PASSED AND ADOPTED this September 6th 2022

CITY OF OTTUMWA, IOWA

ATTEST:


Christina Reinhard, City Clerk


Richard W. Johnson Mayor

Change Order No. 1

Project No.: KM No 2012240

Name of Airport: Ottumwa Regional Airport

Contractor: Struck & Irwin

The above-named Contractor agrees to make the following change(s) in the plans and/or specifications for the above-designated project:

1. Description of change to be made:

As-Built Quantities: Extra Crack Repair/Seal Joints and Pavement Markings.

2. Reason for ordering change:

More quantity of Crack Repair than originally scoped almost two years ago. Additional markings needed in taxiway intersection. In addition, we changed width of centerline markings from 12" to 18".

3. Settlement for the cost of the above change is to be made as follows.

Item	Description	Contract Qty	As-Built Qty	Unit	Unit Price	Amount
3	Pavement Patching	620	777.3	SF	\$ 79.00	\$ (3,373.30)
4	Crack Repair/Seal Joints (1.5")	2000	2660	LF	\$ 0.75	\$ 495.00
5	Crack Repair/Seal Joints (0.5" - 1.5")	16000	23930	LF	\$ 0.75	\$ 4,447.50
6	Crack Repair/Seal Joints (>1.5")	1000	1330	LF	\$ 2.30	\$ 759.00
7	Pavement Marking Removal	41005	33985	SF	\$ 0.27	\$ (1,895.40)
8	Pavement Markings (White)	25011	31139	SF	\$ 1.18	\$ 7,231.04
9	Pavement Markings (Yellow)	355	687	SF	\$ 1.18	\$ 391.76
10	Pavement Markings (Black)	73	431	SF	\$ 1.28	\$ 456.24
11	Slurry Seal	45600	45828	SY	\$ 2.94	\$ 670.32
4A	Crack Repair/Seal Joints (1.5")	2000	2660	LF	\$ 0.75	\$ 495.00
5A	Crack Repair/Seal Joints (0.5" - 1.5")	2000	2660	LF	\$ 0.75	\$ 495.00
7A	Pavement Marking Removal	3710	3075	SF	\$ 0.27	\$ (171.45)
9A	Pavement Markings (Yellow)	2010	2324	SF	\$ 2.00	\$ 628.00
11A	Slurry Seal	14800	15065	SY	\$ 2.94	\$ 779.10
Total						\$ 11,409.81

Original Contract Amount \$ 319,084.37

Net Increase previous Change Orders \$ -

Net Increase of this Change Order \$ 11,409.81

Total New Estimated Contract Costs \$ 330,494.18

5. This change increases contract time by 0 working days.

Agreed to By: Katherine M. Wesley SEC-TREAS
 Contr. Auth. Rep. KATHERINA M. WESLEY Title Date

Agreed to By: [Signature] Airport Manager 8-17-22
 Sponsor Auth. Rep. Title Date

Distribution: Sponsor, Contractor, Consultant

CITY OF OTTUMWA

Staff Summary

2022 11 03 09:00 AM 12:00

**** ACTION ITEM ****

Council Meeting of: September 6, 2022

Engineering Department
Department

Larry Seals
Prepared By
Larry Seals
Department Head

[Signature]
City Administrator Approval

AGENDA TITLE: Resolution #224-2022. Awarding the contract for the WPCF – Operations Roof 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 #224-2022.

DISCUSSION: This project involves removing the existing roofing membrane system and designated mechanical equipment. New recovery board will be installed over existing insulation by mechanically fastening and installing 2-ply fire resistant SBS modified bitumen roofing system with a granule surfaced cap sheet. Approximately 4,000 SF. Roofing system will be eligible for a 20 year no-dollar-limit water tightness warranty. The existing roof was installed in 2005.

Construction on this project is expected to commence on or about October 15, 2022 and shall be substantially complete on or before November 15, 2022.

Plans for the project were posted on the City's website, submitted to Master Builders of Iowa for publication with their Construction Update plan service, and available for pick up in the Engineering Office. An announcement was published in the Ottumwa Courier notifying the public of the project.

Bids were received and opened by the City of Ottumwa on August 24, 2022 at 2:00 p.m. Two (2) bids were received. The low bidder is For Sure Roofing & Sheet Metal, LLC of Des Moines, Iowa in the amount of \$163,953.00.

Engineer's Opinion of Cost: \$175,000.00

Funding: WPCF Fund Balance

Plan Holders List and Bid Tab are attached.

Source of Funds: WPCF Fund Balance

Budgeted Item: Yes

Budget Amendment Needed: No

RESOLUTION #224-2022

A RESOLUTION AWARDING THE CONTRACT FOR THE
WPCF – OPERATIONS ROOF REPLACEMENT PROJECT

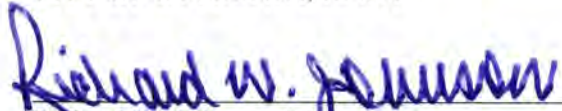
WHEREAS, The City Council of the City of Ottumwa, Iowa did advertise and accept bids for the above referenced project; and,

WHEREAS, Bids were received, proper, and mathematically correct.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA THAT: The award of contract for the above referenced project is made to the lowest responsible bidder, For Sure Roofing & Sheet Metal, LLC of Des Moines, Iowa in the amount of \$163,953.00.

APPROVED, PASSED, AND ADOPTED, this 6th day of September, 2022.

CITY OF OTTUMWA, IOWA


Richard W. Johnson, Mayor

ATTEST:


Christina Reinhard, City Clerk

PLAN HOLDERS LIST

**WPCF Operations Roof Replacement
Ottumwa, Iowa 52501**

Engineer's Estimate: \$175,000

Bids Received:

Plan Deposit: \$40.00 (\$40.00 refundable)

Set No	Name & Address of Plan Holder	Phone/Fax	Plans Mailed	Deposit Received	Plans Returned Refund Mailed	Addendum No. 1
1	For Sure Roofing and Sheet Metal 5741 NE 22nd St #300 Des Moines IA 50313 estimating@forsurerroofing.com	515-367-7873	City Website 8/9/2022			
2	Academy Roofing & Sheet Metal Co 6361 NE 14th St Des Moines, IA 50313 srichards@academyroofing.com	515-964-2345	City Website 8/9/2022			
3	Brainard Roofing & Construction Co 4 South Ross St Farmersburg, IA 52047 Brainardrcc2020@gmail.com	319-330-5708	City Website 8/16/2022			
4	T and K Roofing and Sheet Metal PO Box 279, 191 TK Drive Ely, IA 52227 psiegner@tkroofing.com	319-848-4191	CityWebsite 8/22/2022			
5						
6						
	Master Builders 221 Park Street Des Moines, IA 50309 CAdams@mbionline.com	800-362-2578 515-288-8718	Emailed 8/3/2022			
	City of Ottumwa 105 E 3rd St Ottumwa, IA 52501	641-683-0680	Emailed 8/3/2022			

2022-09-06 PM 6:00

CITY OF OTTUMWA Staff Summary

**** ACTION ITEM ****

Council Meeting of : Sep 6, 2022

Planning & Development
Department

Zach Simonson
Prepared By
Zach Simonson
Department Head

City Administrator Approval

AGENDA TITLE: RESOLUTION 226-2022: A RESOLUTION AUTHORIZING AN AGREEMENT FOR PROFESSIONAL DESIGN SERVICES BETWEEN THE CITY OF OTTUMWA AND DESIGN WORKSHOP FOR GREATER OTTUMWA PARK PHASE 1 TENNIS FACILITY DESIGN

Public hearing required if this box is checked.

RECOMMENDATION: PASS AND ADOPT RESOLUTION 226-2022.

****ITEM REMOVED FROM AGENDA – NO LEGISLATIVE ACTION OCCURRED****

DISCUSSION: This resolution approves an agreement with Design Workshop to create construction documents for the Greater Ottumwa Park Phase 1 Tennis Facility project. Design Workshop was selected by an RFQ to complete the Greater Ottumwa Park master plan and subsequent design work. The fee for this design work is \$196,000. The construction documents would be used to bid construction of tennis project as soon as October 2022. The

Source of Funds: CIP -- Tennis Facility Project

Budgeted Item: Budget Amendment Needed:

City has allocated \$750,000 for the tennis project and the Ottumwa Schools have pledge \$750,000. The construction documents would be for a full complex of 12 courts, fencing, netting, lighting, stands and support buildings. The project may be bid across multiple phases at determined by Council. The final location of the tennis complex will be determined by the delivery of the Master Plan after the September 21, 2022 public meeting, however Design Workshop has enough information on the project to begin much of the design in the meantime in order to achieve an early bid date.

CITY OF OTTUMWA
Staff Summary

**** ACTION ITEM ****

Council Meeting of: Sep ⁶ 7, 2022

Planning & Development
Department

Zach Simonson
Prepared By
Zach Simonson
Department Head

City Administrator Approval

AGENDA TITLE: RESOLUTION 227-2022: A RESOLUTION AUTHORIZING AN AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF OTTUMWA AND RETAIL STRATEGIES

Public hearing required if this box is checked.

RECOMMENDATION: PASS AND ADOPT RESOLUTION 227-2022.

****ITEM REMOVED FROM AGENDA – NO LEGISLATIVE ACTION OCCURRED****

DISCUSSION: Retail Strategies a real estate consultant and retail recruitment firm out of Birmingham, Alabama. Since 2011, they have worked with cities and counties to provide research and direct recruiting support for retail. Retail Strategies provided a proposal to the City in June which detailed their offer to provide recruitment services for a period of three years and to create a downtown strategic plan for retail recruitment during the first year. The

Source of Funds: ARPA

Budgeted Item: Budget Amendment Needed:

fee for these services would be as follows:

Year 1: Retail Recruitment and Downtown Strategic Plan \$70,000

Year 2: Retail Recruitment \$45,000

Year 3: Retail Recruitment \$45,000

Total: \$160,000

Retail recruitment is essential for providing the quality of life amenities our residents seek. Recruitment also works to backfill vacancies in commercial buildings, generate new sales tax and property tax revenue and create jobs. Included in the packet is an informational resources created by Retail Strategies which describes the average sales per store for the 100 largest retailers. This graph shows the recovery rate for a city with a 2% sales tax rate. Ottumwa only has a 1% local option sales tax, but the return per store is still significant. Adding only a few retailers would recover the cost of the program and more in sales tax revenue alone.

This project is the result of significant attention paid to this retail by staff and community partners. The Greater Ottumwa Partners in Progress Economic Development Committee quickly identified retail as an opportunity for improvement. Retail variety is an amenity that helps to attract and retain talent in a community. Recruitment helps to fill vacancies to revive existing districts and increase sales for all businesses. Destination retail brings visitors from out of the community to spend time and money in Ottumwa. Because of their interest in this project, the Legacy Foundation has provided \$20 thousand per year for a total of \$60 thousand for this project.

Also included in the packet is a memo outlining the justification for using ARPA funds for this project. Using those funds as a one-time investment in recruiting retail which will produce revenue in perpetuity is a solid means of investing in future growth.

It is important to explain why recruitment is best done by a consultant rather than staff. Because Retail Strategies represents communities across the country and has done so for over a decade, they have established relationships with retailers and site selectors. When retailers look to expand, their site selectors will work directly with Retail Strategies to look at properties represented by Retail Strategies to place stores. These site selectors do not even take calls from local economic development.

Finally, the plan will include creating a downtown strategic report which will address both the downtown Main Street District as well as church street. Elements of this report will not only support retail development in those districts but entrepreneur development and physical improvements to buildings and public space.

CITY OF OTTUMWA
Staff Summary

**** ACTION ITEM ****

Council Meeting of: Sep 6, 2022

Planning & Development
Department

Zach Simonson
Prepared By
Zach Simonson
Department Head

City Administrator Approval

AGENDA TITLE: RESOLUTION 228-2022: RESOLUTION ACCEPTING FOR FILING AN APPLICATION FOR VOLUNTARY ANNEXATION OF CERTAIN LAND TO THE CITY OF OTTUMWA, IOWA, SETTING THE DATE FOR A PUBLIC HEARING AND A CONSULTATION MEETING, AND PROVIDING FOR NOTICE OF PROPOSED CITY COUNCIL ACTION

Public hearing required if this box is checked.

RECOMMENDATION: PASS AND ADOPT RESOLUTION 228-2022.

DISCUSSION: An application for voluntary annexation has been made for the property at 1235 Hutchinson Ave. The applicants intend for a Dollar General store to be built on the property. This resolution accepts the filing of the application and sets the dates for two important meetings for considering this item. First, it sets the date of a consultation meeting with the county and township. This meeting is set for September 13, 2022 at 10am in the

Source of Funds:

Budgeted Item: Budget Amendment Needed:

Council Chamber. The resolution also appoints the Community Development Director to be the City's representative at that meeting. Second, it sets the November 1, 2022 Council meeting as the date of a public hearing at which the Council would vote on the annexation application.

Because property is by default annexed into the City zoned AG Agricultural and Urban Preserve, there is a parallel process by which rezoning of the property will be considered at future meetings with the expectation that all Council proceedings will conclude by November 1.

RESOLUTION NO. 228-2022

RESOLUTION ACCEPTING FOR FILING AN APPLICATION FOR VOLUNTARY ANNEXATION OF CERTAIN LAND TO THE CITY OF OTTUMWA, IOWA, SETTING THE DATE FOR A PUBLIC HEARING AND A CONSULTATION MEETING, AND PROVIDING FOR NOTICE OF PROPOSED CITY COUNCIL ACTION

WHEREAS, the City Council of the City of Ottumwa, Iowa, has received an application for voluntary annexation to the City of certain property adjacent to current City limits from all owners of said property, which property is legally described as follows:

A part of Lot Nine (9) of Wm. Hammond's Subdivision of the South Half of the Northwest Quarter (NW 1/4) of Section 20, Township 72 North, Range 13 West of the 5th P.M., in Wapello County, Iowa, being more particularly described as follows, to-wit:

Beginning at the Northeast Corner of said Lot Nine (9); thence South 89°33'27" West along the South right of way line of East Pennsylvania Avenue in the City of Ottumwa, Wapello County, Iowa extended to the East, a distance of 219.97 feet; the South 2°06'21" West along an existing fence line and this line extended Southwesterly, a distance of 305.46 feet to a point on the South line of said Lot Nine (9) as heretofore evidence by Iron Pins; thence North 89°37'19" East along the said South line of Lot Nine (9), a distance of 231.19 feet to an existing Iron Pin at the Southeast Corner of said Lot Nine (9); thence North along the East line of said Lot Nine (9), the same being the West right of way line of Hutchinson Avenue, a distance of 305.42 feet to the point of beginning. Half inch Iron Pins with Plastic Survey Caps, "Graham R.L.S. 3955" have been set at the Northeast, Northwest and Southwest Corners of the above described Tract of Land.

and which property, when combined with the following described adjacent road right-of-way forms a proposed "Annexation Territory":

The adjacent road right-of-way to the centerline of Pennsylvania Ave.

AND

The adjacent road right-of-way to the centerline of Hutchinson Ave.

(the "Annexation Territory"); and

WHEREAS, all the above-described property is located in Wapello County, Iowa; and

WHEREAS, the above-described property shall comprise a single territory proposed for annexation to the City of Ottumwa; and

WHEREAS, the Annexation Territory is not within two miles of the boundaries of any other city, and accordingly, is not within an urbanized area of another city; and

WHEREAS, in accordance with Iowa Code Section 368.7, the City shall hold a public hearing on the application before approving or denying it; and

WHEREAS, because the Annexation Territory contains road right-of-way owned by Wapello County, Iowa, the County Attorney of Wapello County must be served with a notice of the public hearing and a copy of the application; and

WHEREAS, before the proposal for annexation may be acted upon, the City is required to mail a copy of the application and notice of the public hearing, by certified mail, at least fourteen (14) business days prior to City Council action on the application, to (1) the board of supervisors of each county containing a portion of the Annexation Territory, (2) the township trustees of each township containing a portion of the Annexation Territory, (3) each affected public utility, and (4) the regional planning authority for the Annexation Territory; and

WHEREAS, before the proposal for annexation may be acted upon, the City is also required to mail a copy of the application, by regular mail, at least fourteen (14) business days prior to City Council action on the application, to (1) the chairperson of the board of supervisors of each county containing a portion of the Annexation Territory and (2) each property owner of property adjacent to the Annexation Territory (except if the adjacent property is in a city); and

WHEREAS, in accordance with Iowa Code Section 368.7, at least fourteen (14) business days before the foregoing notices are mailed, the City is required to hold a consultation meeting with each county and township that contains all or a portion of the Annexation Territory; and

WHEREAS, before the proposal for annexation may be acted upon, notice of the application must be published in an official county newspaper in the county in which the property to be annexed is contained, at least fourteen (14) days prior to City Council action on the application; and

WHEREAS, the City Council wishes to give proper consideration to the application for annexation under the 100% voluntary annexation procedures outlined in Iowa Code Section 368.7 and deems it appropriate to set a time and place for a consultation meeting thereon, to set a time and place of public hearing thereon, to direct the publication of notice and the mailing of notice, both to include the time and place of hearing on and the legal description of the property proposed to be annexed, in accordance with law.

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

Section 1. That the consultation on the proposed annexation required by Section 368.7(1)(b), Code of Iowa, as amended, shall be held on September 13, 2022, in the Council Chambers, City Hall, 105 East Third Street, Ottumwa, Iowa, at 10:00 A.M., and the Community

Development Director, or his delegate, is hereby appointed to serve as the designated representative of the City for purposes of conducting the consultation in accordance with Section 368.7(1)(b), Code of Iowa.

Section 2. That the City Clerk is authorized and directed to cause a written notice of such consultation to be sent to the board of supervisors and the township trustees of each county and township that contains all or a portion of the Annexation Territory, such notice to be in substantially the following form:

NOTICE OF A CONSULTATION TO BE HELD BETWEEN THE
CITY OF OTTUMWA, STATE OF IOWA AND EACH COUNTY
AND TOWNSHIP THAT CONTAINS ALL OR A PORTION OF
A PROPOSED ANNEXATION TERRITORY

The City of Ottumwa, State of Iowa, has received an application for voluntary annexation to the City (a copy of which is attached hereto) for certain property adjacent to current City limits from all owners of said property, which property is legally description as follows:

A part of Lot Nine (9) of Wm. Hammond's Subdivision of the South Half of the Northwest Quarter (NW 1/4) of Section 20, Township 72 North, Range 13 West of the 5th P.M., in Wapello County, Iowa, being more particularly described as follows, to-wit:

Beginning at the Northeast Corner of said Lot Nine (9); thence South 89°33'27" West along the South right of way line of East Pennsylvania Avenue in the City of Ottumwa, Wapello County, Iowa extended to the East, a distance of 219.97 feet; the South 2°06'21" West along an existing fence line and this line extended Southwesterly, a distance of 305.46 feet to a point on the South line of said Lot Nine (9) as heretofore evidence by Iron Pins; thence North 89°37'19" East along the said South line of Lot Nine (9), a distance of 231.19 feet to an existing Iron Pin at the Southeast Corner of said Lot Nine (9); thence North along the East line of said Lot Nine (9), the same being the West right of way line of Hutchinson Avenue, a distance of 305.42 feet to the point of beginning. Half inch Iron Pins with Plastic Survey Caps, "Graham R.L.S. 3955" have been set at the Northeast, Northwest and Southwest Corners of the above described Tract of Land.

and which property, when combined with the following described adjacent road right-of-way forms a proposed "Annexation Territory":

The adjacent road right-of-way to the centerline of Pennsylvania Ave.

AND

The adjacent road right-of-way to the centerline of Hutchinson Ave.

The City of Ottumwa, State of Iowa will hold a consultation meeting, commencing at 10:00 A.M. on September 13, 2022, in the Council Chambers, City Hall, 105 East Third Street, Ottumwa, Iowa with each county and township that contains all or a portion of the proposed Annexation Territory.

Each county and township that contains all or a portion of the Annexation Territory may appoint one representative to attend the consultation meeting. Each such county and township may make written recommendations for modification to the proposed annexation no later than seven business days following the date of the consultation.

The Community Development Director, or his delegate, shall serve as the designated representative of the City of Ottumwa, State of Iowa, for the consultation.

This notice is given by order of the City Council of the City of Ottumwa, State of Iowa, as provided by Section 368.7, Code of Iowa, as amended.

Dated this 6th day of September, 2022.



City Clerk, City of Ottumwa, State of Iowa

(End of Notice)

Section 3. That a public hearing shall be held to consider the application and proposal for the voluntary annexation of the property legally described in the preambles hereof into the City before the City Council at its meeting which commences at 5:30 P.M. on November 1, 2022, in the Council Chambers, City Hall, 105 East Third Street, Ottumwa, Iowa.

Section 4. That the City Clerk is authorized and directed to publish notice of the application, including the legal description of the territory to be annexed, and of time and place of the public hearing in the Ottumwa Courier, an official county newspaper in Wapello County, which is the only county in which the territory proposed to be annexed is located, at least fourteen (14) days prior to the date fixed as the date for a public hearing on the proposal for annexation, such notice to be in substantially the following form:

NOTICE OF APPLICATION FOR VOLUNTARY ANNEXATION OF
PROPERTY TO THE CITY OF OTTUMWA, IOWA; AND THE PUBLIC
HEARING THEREON

The City Council of the City of Ottumwa, State of Iowa, will hold a public hearing before itself at its meeting which commences at 5:30 P.M. on November 1, 2022, in the Council Chambers, City Hall, 105 East Third Street, Ottumwa, Iowa, to consider an application for the voluntary annexation of territory into the City, which proposed territory for annexation includes the property described as follows:

A part of Lot Nine (9) of Wm. Hammond's Subdivision of the South Half of the Northwest Quarter (NW 1/4) of Section 20, Township 72 North, Range 13 West of the 5th P.M., in Wapello County, Iowa, being more particularly described as follows, to-wit:

Beginning at the Northeast Corner of said Lot Nine (9); thence South 89°33'27" West along the South right of way line of East Pennsylvania Avenue in the City of Ottumwa, Wapello County, Iowa extended to the East, a distance of 219.97 feet; the South 2°06'21" West along an existing fence line and this line extended Southwesterly, a distance of 305.46 feet to a point on the South line of said Lot Nine (9) as heretofore evidence by Iron Pins; thence North 89°37'19" East along the said South line of Lot Nine (9), a distance of 231.19 feet to an existing Iron Pin at the Southeast Corner of said Lot Nine (9); thence North along the East line of said Lot Nine (9), the same being the West right of way line of Hutchinson Avenue, a distance of 305.42 feet to the point of beginning. Half inch Iron Pins with Plastic Survey Caps, "Graham R.L.S. 3955" have been set at the Northeast, Northwest and Southwest Corners of the above described Tract of Land.

AND

The adjacent road right-of-way to the centerline of Pennsylvania Ave.

AND

The adjacent road right-of-way to the centerline of Hutchinson Ave.

Additional information regarding the proposed annexation may be obtained in the office of the City Clerk, City Hall, City of Ottumwa, Iowa. Any person or organization desiring to be heard shall be afforded an opportunity to be heard at such hearing. This notice is given by order of the City Council of the City of Ottumwa, State of Iowa, as provided by Section 368.7 of the Code of Iowa.

Dated this 6th day of September, 2022.



City Clerk, City of Ottumwa, State of Iowa

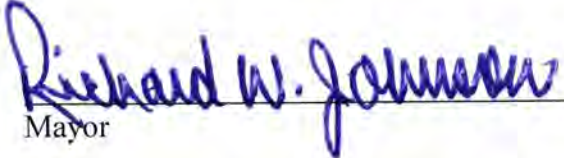
(End of Notice)

Section 5. That the City Clerk is authorized and directed to mail, by certified mail, on a date not less than fourteen (14) business days prior to the date fixed as the date for the public hearing on the proposal for annexation, a copy of the application and a copy of the notice of public hearing to (i) the board of supervisors of each county containing a portion of the Annexation Territory, (ii) the township trustees of each township containing a portion of the Annexation Territory, (iii) each affected public utility, and (iv) the regional planning authority for the Annexation Territory.

Section 6. That the City Clerk is authorized and directed to mail, by regular mail, on a date not less than fourteen (14) business days prior to the date fixed as the date for the public hearing on the proposal for annexation, a copy of the application and a copy of the notice of public hearing to (i) the chairperson of the board of supervisors of each county containing a portion of the Annexation Territory and (ii) each property owner of property adjacent to the Annexation Territory (except if the adjacent property is already in a city).

Section 7. That the City Clerk shall cause the County Attorney of Wapello County, Iowa to be served with notice of the public hearing and a copy of the application, to be sent by certified mail.

PASSED AND APPROVED this 6th day of September, 2022.



Mayor

ATTEST:



City Clerk

CERTIFICATE

STATE OF IOWA

)

) SS

COUNTY OF WAPELLO

)

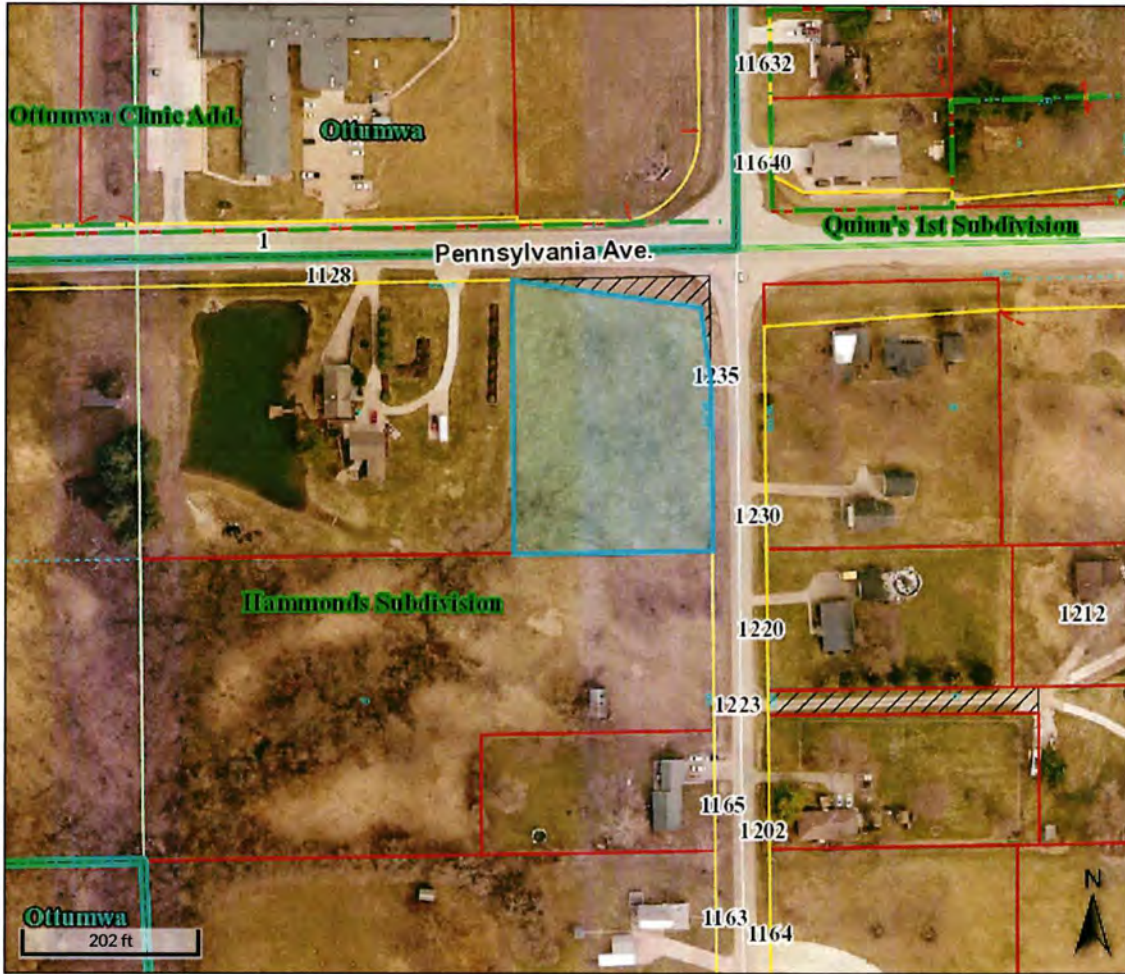
I, the undersigned City Clerk of the City of Ottumwa, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the City showing proceedings of the Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Council hereto affixed this 6th day of September, 2022.

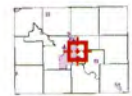
Christina Reinhard
City Clerk, City of Ottumwa, State of Iowa

(SEAL)

02096616-1110981-159



Overview



Legend

-  Easements
-  Lots
- Parcels**
-  <blank>
-  <blank>
-  Subdivisions
-  City Limits
-  Lot Symbols
-  Misc Symbols
-  Parcel Symbols
-  Road Symbols
-  Right-of-Way Line
- Roads**
-  Sections
-  Section Center
-  Quarter Lines
-  Quarter Quarter Lines

Parcel ID	007072011323010	Alternate ID	n/a	Owner Address	Smithart, Michael A
Sec/Twp/Rng	20-72-13	Class	R		Dennis-Smithart, Ronda K
Property Address	1235 HUTCHINSON AVE OTTUMWA	Acreeage	1.48		12378 Sycamore Rd Ottumwa, IA 52501-
District	CENTER TWP/ OTTUMWA SCH				
Brief Tax Description	PT LOT 9 OF WM H HAM MONDS SUB OF S1/2 NW SEC 20-72-13 BEING THE E'LY&EX PT SOLD & EX EASEMENT TO WAPELLO CO (1235 HUTCHINSON AVE) (Note: Not to be used on legal documents)				

Date created: 8/1/2022
Last Data Uploaded: 7/31/2022 9:39:56 PM

2022 AUG 31 PM 12:17

CITY OF OTTUMWA

STAFF Summary

****Action Item****

Council Meeting: September 06, 2022

Fire
Department

Tony Miller
Prepared by
Tony Miller
Department Head

City Administrator Approval

Agenda Title: Ordinance No. 3204-2022, an Ordinance Amending the City of Ottumwa's Fire Protection and Prevention Code by Amending Chapter 14 of the City of Ottumwa Municipal Code to Adopt the 2021 Edition of the International Fire Code.

.....
Recommendation: Pass the third and final consideration, and adopt Ordinance No. 3204-2022.

Discussion: The first consideration to adopt the 2021 International Fire Code was discussed and passed at the August 2, 2022 council meeting. The second consideration was passed at the August 16, 2022 council meeting. Pass the third and final consideration and adopt ordinance 3204-2022. I have not received any questions or concerns from the public about the possible changes to the International Fire Code/City Fire Code.

Proposed amendments and changes to the 2021 International Fire Code, included are changes from the 2015 to the 2021. ISO requires a department not be more than two code cycles out from current, code cycles are three years each.

Section 307.3 Delete the section and replace with: Extinguishment authority. The fire code official, a member of the Ottumwa Fire Department, member of the Ottumwa Police Department or City of Ottumwa Building and Code Enforcement official is authorized to order the extinguishment by the responsible person or the fire department, of any burning that creates or adds to a hazardous or objectionable situation, or open burning that is objectionable because of smoke or odor emissions, or a required permit for open burning has not been obtained, or conditions of permit are not being followed.

This section is amended to allow a member of those listed to have the authority to extinguish a fire that they deem meets the criteria of the code.

Delete section 307.4.2 and replace with 307.4.2 Recreational Fires - No permit shall be required for recreational fires. Recreational fires shall be limited to manufactured fire pit appliances, above or below ground fire pits protected by metal, stone, or concrete. Recreational fires shall be located at least 15 feet from any structure or combustible material. Recreational fires shall be limited to 3 feet or less in diameter and 2 feet or less in height. Burning material shall be limited to clean dry wood or commercial fireplace logs. Recreational fires shall be limited to between the hours of 11:00 am and 11:00 pm.

This section puts a time limit on when a recreational fire may be burning. The fire department responds to many fires late at night when the air changes and doesn't allow the smoke to rise creating a nuisance.

Add section 307.4.4 Leaves - Leaves are defined as leaves and twigs smaller than one inch in diameter and two feet in length. Open burning of leaves shall be permitted on Wednesdays and Saturdays between 10:00 a.m. and 9:00 p.m., April 1 through April 30 and November 1 through November 30. A permit is not required for burning of leaves.

Leaf fires create objectionable smoke due to people tend to try and burn a pile to large or when they are too wet which creates a smoldering fire which create a large amount of smoke due to incomplete combustion.

Add section 307.4.5 Outdoor wood fired boilers - Outdoor wood fired boilers are defined as a variant of the classic wood stove adapted for set-up outdoors while still transferring the heat to interior buildings. These appliances shall be used in accordance with the manufacturer's instructions and the following:

1. Only fire wood that is dry can be used.
2. Must not be operated within 15 feet of a structure or combustible material
3. Must not emit objectionable smoke that may be considered a nuisance.

Outdoor wood fired boilers are used to heat structures. When the boiler is not properly installed to the manufacturers instruction this creates a safety hazard. When they are used in a regulated

area it is difficult for the smoke to rise and dissipate. Therefore the requirement for dry fire wood is added. The requirement for greater than 15 feet was added due to these devices are used when unattended, so they need to be installed a safe distance from combustibles so radiant and convective heat cannot transfer.

Section 503.2.9 Add a new section to read as follows: Designation - The Fire Code Official may designate fire lanes on private and public property as deemed necessary for the protection of life and property.

503.3 (Marking) is repealed and there is adopted in lieu thereof the following:

Section 503.3 to read as follows: Signs and markings - Wherever a fire lane has been designated, the Code Official shall cause appropriate signs and markings to be placed identifying such fire lanes. Signs or markings shall be maintained in a clean and legible condition at all times and shall be replaced or repaired when necessary to provide adequate visibility. Fire lanes may be established or relocated at the time of plan review, pre-construction site inspection, and/or post construction site inspection, as well as any time during the life of the occupancy as needed to provide and maintain emergency vehicle access. All designated fire lanes shall be clearly marked in the following manner:

(1) Vertical curbs shall be painted red on the top and side, extending the length of the designated fire lane. Rolled curbs or surfaces without curbs shall have a red [six] (6) inch wide stripe painted the length of the designated fire lane. One of the following identification lettering methods shall be utilized:

a. The words "NO PARKING — FIRE LANE" shall be stenciled with three (3) inch white letters and a minimum three-quarter ($\frac{3}{4}$) inch stroke on the face of the curbing, or in the absence of vertical curbing, on the red stripe, and spaced at fifty (50) foot intervals or portions thereof, or

(2) Signage identifying fire lanes shall conform to the following: Fire lane signs shall be 18 inches tall × 12 inches wide with red letters on a white reflective background to read "Fire Lane No Parking Except For Emergency Vehicles" or similar verbiage as approved by the code official. Fire lane signs shall be placed 2—4 feet from the edge of the Fire Lane. The bottom of fire lane signs shall be between five (5) and seven (7) feet from the ground. Intermediate fire lane signs shall be set every one hundred (100) feet in a continuous fire lane. The BEGINS sign shall mark the beginning of a fire lane and shall be mounted below the first fire lane sign. The ENDS sign shall mark the ending of a fire lane and shall be mounted below the last fire lane sign. The BEGINS and ENDS signage may be omitted by the Code Official due to the location of the fire lane. Signs may be placed on a building when approved by the Fire Code Official.

503.3.1 Add a new section to read as follows: Maintenance - The owner, manager, or person in charge of any property upon which designated fire lanes have been established shall provide marking as required above and, shall maintain fire lanes at their expense as often as needed to clearly identify the designated area as being a fire lane.

503.3.2 - Add a new section to read as follows: Property Owner Responsibility -The owner, manager or person in charge of any property upon which designated fire lanes have been established shall be responsible for, and not allow, vehicles or other objects to park in such fire lanes.

503.4.1 Add a new section to read as follows: Penalty for violations - The obstruction of a designated fire lane by a parked vehicle or any other object is prohibited and shall constitute a fire hazard and be an immediate hazard to life and property. Any person who obstructs or allows the obstruction of a designated fire lane is guilty of a simple misdemeanor. The maximum penalty for parking a vehicle in or obstructing a designated fire lane shall be not more than a fine of \$150.00. Each day or part of a day during which the unlawful act or violation occurs shall constitute a separate offense. Any vehicle or object obstructing a designated fire lane is hereby declared a fire hazard and may be immediately impounded without prior notification to its owner. The owner shall be held responsible for all impound fees.

This section addresses fire lanes on private property and gives the City of Ottumwa the authority per code to cite and remove vehicles if warranted from designated fire lanes. This code spells out how a fire lane is to be designated and the code is to be enforced.

Section 5601.2.4 Financial responsibility is repealed and there is adopted in lieu thereof the following: Section 3301.2.4 Financial Responsibility: Fireworks: Before a permit is issued, as required by Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property that arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

AN ORDINANCE AMENDING THE CITY OF OTTUMWA'S FIRE PROTECTION AND PREVENTION CODE BY AMENDING CHAPTER 14 OF THE CITY OF OTTUMWA MUNICIPAL CODE TO ADOPT THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE

WHEREAS, the City Council of the City of Ottumwa, Iowa has determined that the City should adopt the 2021 edition of the *International Fire Code*, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Ottumwa.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Ottumwa, Iowa that:

SECTION 1. Section 14-29 of the municipal code of the City of Ottumwa is hereby amended by repealing Section 14-29 in its entirety and enacting the following in lieu thereof:

Sec. 14-29. Adoption of fire prevention code.

Pursuant to published notice and public hearing, as required by law, the city hereby adopts in full and incorporated by reference, except such portions as are hereinafter deleted, modified or added in section 14-31, the International Fire Code, 2021 edition, including all appendix chapters, published by the International Code Council, Inc. which is adopted periodically by the state. Said provisions thereof shall be controlling within the limits of the city; that an official copy of the said International Fire Code, 2021 edition, and a certified copy of this article (Ordinance No. _____), certifying the adoption of same and the effective date, is on file at the office of the city clerk and shall be kept available for public inspection and may be purchased from said city at the current price of said code as established by the publisher.

SECTION 2. Section 14-31 of the municipal code of the City of Ottumwa is hereby amended by repealing Section 14-31 in its entirety and enacting the following in lieu thereof:

Sec. 14-31. Amendments, modifications, additions and deletions.

The following amendments, modifications, additions and deletions to the International Fire Code are hereby made:

1. The following sections are deleted: 105.5.10, 105.5.12, 105.5.13, 105.5.15, 105.5.17, 105.5.19, 105.5.21, 105.5.25, 105.5.26, 105.5.27, 105.5.35, 105.5.36, 105.5.38, 105.5.39, 105.5.45, and 105.5.49.
2. A new Section 108.2.3 is added, as follows:

Section 108.2.3 – *Opening, expansion or relocation inspections.* A fire inspection is required before any new business can open for business or any existing business can open at or in a new location, expanded or enlarged location.

3. Section 112.4 is revised to read as follows:

Section 112.4 - *Violation penalties.* Any person who shall violate any of the provisions of this article or fail to comply with an order made there under, or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under, or any certificate of permit issued there under, and from which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by chief of the bureau of fire prevention or by a court of competent jurisdiction within the time fixed herein, shall severally and for each and every such violation of non-compliance, respectively, be guilty of a misdemeanor, punishable by a fine not exceeding \$750.00. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations and defects within a reasonable time; and when not otherwise specified, each ten days that prohibitive conditions are maintained shall constitute a separate offense.

4. Section 113.4 is revised to read as follows:

Section 113.4 - *Failure to comply.* A [Any] person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to removed a violation or unsafe condition, shall be liable to a fine of not less than \$100.00 or more than \$750.00.

5. Section 307.1 is revised to add the following additional Exception:

Outdoor Cooking Fires - Outdoor cooking fires are defined as the burning of materials where fuel being burned is contained in manufactured outdoor fireplaces or grills used for food preparation and in accordance with this section. A permit is not required for outdoor cooking fires. Outdoor cooking fires shall be conducted within safe distances from buildings, structures and combustible materials. Fuel shall be limited to clean lumber, logs, propane, natural gas or charcoal.

6. Section 307.2 is deleted in its entirety and replaced with the following:

Section 307.2 - *Permit required.* A permit shall be obtained from the fire code official in accordance with section 105.6 prior to kindling a fire for recognized silvicultural, range or wildlife management practices, prevention or control of disease or pests, bonfire, construction clearing, disaster or storm damage removal by city request, other open burning permits allowed by adopted fire code. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled, or company hired to conduct such open burning.

7. Section 307.3 is deleted in its entirety and replaced with the following:

Section 307.3 - *Extinguishment authority*. The fire code official, a member of the Ottumwa Fire Department, member of the Ottumwa Police Department or City of Ottumwa Building and Code Enforcement official is authorized to order the extinguishment by the responsible person or the fire department, of any burning that creates or adds to a hazardous or objectionable situation, or open burning that is objectionable because of smoke or odor emissions, or a required permit for open burning has not been obtained, or conditions of permit are not being followed.

8. Section 307.4.2 is deleted in its entirety and replaced with the following:

Section 307.4.2 - *Recreational Fires*. No permit shall be required for recreational fires. Recreational fires shall be limited to manufactured fire pit appliances, above or below ground fire pits protected by metal, stone, or concrete. Recreational fires shall be located at least 25 feet from any structure or combustible material. Recreational fires shall be limited to 3 feet or less in diameter and 2 feet or less in height. Burning material shall be limited to clean dry wood or commercial fireplace logs. Recreational fires shall be limited to between the hours of 11:00 am and 11:00 pm.

9. Section 307.4.3 is deleted in its entirety and replaced with the following:

Section 307.4.3 - *Portable or approved by fire code official permanent outdoor fireplaces*. Portable or permanent outdoor fireplaces shall be used in accordance with the manufacturer's instructions and the following:

1. Only fire wood that is dry can be used.
2. Constantly attended by an adult.
3. An approved method of extinguishment is present during use.
4. Must not be operated within 15 feet of a structure or combustible material

10. Section 307.4.4 is revised to read as follows:

Section 307.4.4 – *Leaves*. Leaves are defined as leaves and twigs smaller than one inch in diameter and two feet in length. Open burning of leaves shall be permitted on Wednesdays and Saturdays between 10:00 a.m. and 9:00 p.m., April 1 through April 30 and November 1 through November 30. A permit is not required for burning of leaves.

11. A new Section 307.4.5 is added, as follows:

Section 307.4.5 - *Outdoor wood fired boilers*. Outdoor wood fired boilers are defined as a variant of the classic wood stove adapted for set-up outdoors while still transferring the heat to interior buildings. These appliances shall be used in accordance with the manufacturer's instructions and the following:

1. Only fire wood that is dry can be used.

2. Must not be operated within 15 feet of a structure or combustible material
3. Must not emit objectionable smoke that may be considered a nuisance.

12. A new Section 405.2.6 is added, as follows:

Section 405.2.6 - *Fire and severe weather drills.* Fire and severe weather drills shall be in accordance with Iowa Code Section 100.31.

13. A new Section 503.2.9 is added, as follows:

Section 503.2.9 – *Designation.* The Fire Code Official may designate fire lanes on private and public property as deemed necessary for the protection of life and property.

14. Section 503.3 is deleted in its entirety and replaced with the following:

Section 503.3 - *Signs and markings.* Wherever a fire lane has been designated, the Code Official shall cause appropriate signs and markings to be placed identifying such fire lanes. Signs or markings shall be maintained in a clean and legible condition at all times and shall be replaced or repaired when necessary to provide adequate visibility. Fire lanes may be established or relocated at the time of plan review, pre-construction site inspection, and/or post construction site inspection, as well as any time during the life of the occupancy as needed to provide and maintain emergency vehicle access. All designated fire lanes shall be clearly marked in the following manner:

1. Vertical curbs shall be painted red on the top and side, extending the length of the designated fire lane. Rolled curbs or surfaces without curbs shall have a red [six] (6) inch wide stripe painted the length of the designated fire lane. The words "NO PARKING — FIRE LANE" shall be stenciled with three (3) inch white letters and a minimum three-quarter ($\frac{3}{4}$) inch stroke on the face of the curbing, or in the absence of vertical curbing, on the red stripe, and spaced at fifty (50) foot intervals or portions thereof.
2. Signage identifying fire lanes shall conform to the following: Fire lane signs shall be 18 inches tall × 12 inches wide with red letters on a white reflective background to read "Fire Lane No Parking Except For Emergency Vehicles" or similar verbiage as approved by the Code Official. Fire lane signs shall be placed 2 - 4 feet from the edge of the Fire Lane. The bottom of fire lane signs shall be between five (5) and seven (7) feet from the ground. Intermediate fire lane signs shall be set every one hundred (100) feet in a continuous fire lane. The BEGINS sign shall mark the beginning of a fire lane and shall be mounted below the first fire lane sign. The ENDS sign shall mark the ending of a fire lane and shall be mounted below the last fire lane sign. The BEGINS and ENDS signage may be omitted by the Code Official due to the location of the fire lane. Signs may be placed on a building when approved by the Fire Code Official.

15. A new Section 503.3.1 is added, as follows:

Section 503.3.1 – *Maintenance*. The owner, manager, or person in charge of any property upon which designated fire lanes have been established shall provide marking as required above and, shall maintain fire lanes at their expense as often as needed to clearly identify the designated area as being a fire lane.

16. A new Section 503.3.2 is added, as follows:

Section 503.3.2 - *Property Owner Responsibility*. The owner, manager or person in charge of any property upon which designated fire lanes have been established shall be responsible for, and not allow, vehicles or other objects to park in such fire lanes.

17. A new Section 503.4.1 is added, as follows:

Section 503.4.1 - *Penalty for violations*. The obstruction of a designated fire lane by a parked vehicle or any other object is prohibited and shall constitute a fire hazard and be an immediate hazard to life and property. Any person who obstructs or allows the obstruction of a designated fire lane is guilty of a simple misdemeanor. The maximum penalty for parking a vehicle in or obstructing a designated fire lane shall be not more than a fine of \$150.00. Each day or part of a day during which the unlawful act or violation occurs shall constitute a separate offense. Any vehicle or object obstructing a designated fire lane is hereby declared a fire hazard and may be immediately impounded without prior notification to its owner. The owner shall be held responsible for all impound fees.

18. A new Section 507.5.7 is added, as follows:

Section 507.5.7 - *Fire Hydrant Installation*. Fire hydrants under the AHJ of the Ottumwa Fire Department shall be installed per 507.5.7.1 through 507.5.7.3.

19. A new Section 507.5.7.1 is added, as follows:

Section 507.5.7.1 - *Fire hydrant height*: Fire hydrants shall be installed a minimum of eighteen (18) inches from the nominal ground level to the center of the lowest water outlet.

20. A new Section 507.5.7.2 is added, as follows:

Section 507.5.7.2 - *Fire hydrant outlet direction*. All fire hydrants shall be positioned so that the four (4) inch Storz or 4 ½” male connection is facing the street or, if provided, the fire access road accessible to fire department apparatus.

21. A new Section 507.5.7.3 is added, as follows:

Section 507.5.7.3 - *Fire hydrants threads*. All new fire hydrants shall have National Standard Threads (NST) on the two and one-half (2 1/2) inch connections, a four (4) inch Storz connection with a cable or chain connected

to the cover or a 4 ½" male with cable or chain connected cover.

22. A new Section 901.5.2 is added, as follows:

Section 901.5.2 - *Inspection Record Submission*. Contractors who perform installation, inspection, testing and/or maintenance services on fire and life safety systems are required to electronically submit all installation and compliant & non-compliant inspection reports to the Fire Department via a method approved by the fire code official within 30 calendar days of the installation/inspection date. Reports submitted after 30 calendar days may incur late fees.

23. A new Section 901.7.3 is added, as follows:

Section 901.7.3. Additional signs shall be located throughout the building as required by the fire code official, the sign and location shall be approved by the fire code official.

24. A new Section 907.2.1.3 is added, as follows:

Section 907.2.1.3. Group A occupancies shall on activation of a fire alarm system or Fire Sprinkler system shall additionally cause:

- a. All conflicting or confusing sounds and visual distraction to automatically stop.
- b. Illumination of all the, means of exit egress components to not less than 10 foot-candles at the walking surface level.

25. A new Section 907.4.2.7 is added, as follows:

Section 907.4.2.7 - *Location of Manual Fire Alarm Boxes*. Where in the opinion of the fire code official manual fire alarm boxes may be used to cause false fire alarms, the fire code official is authorized to modify the requirements for manual fire alarm boxes.

26. A new Section 912.8 is added, as follows:

Section 912.8 - *Fire Department Connection Height*. The fire department connection shall be located not less than 18 inches from the bottom of the cap(s) and not more than 42 inches from the top of the cap(s) above the level of the adjacent grade or access level. Deviation from this height may be granted by the fire code official for just cause.

27. A new Section 912.9 is added, as follows:

Section 912.9 - *Size*. Minimum fire department connection size shall be a 4 inch Storz connection with a 30° elbow towards the ground. For more water flow additional connections may be necessary. Deviation from this size may be granted

by the fire code official for just cause.

28. A new Section 1003.8 is added, as follows:

Section 1003.8 - *Frost protection*. Exterior landings at doors shall be provided with frost protection.

29. Section 1011.5.2, "Riser height and tread depth," shall be modified by replacing the term "7 inches" with "7.25 inches".

30. A new Section 1013.6.4 is added, as follows:

Section 1013.6.4 - *Exit Signs and Emergency Lights*. Exit signs and/or emergency lights shall be on dedicated electrical circuits for the purpose of conducted monthly and yearly testing requirements.

31. A new Section 1013.6.5 is added, as follows:

Section 1013.6.5 - *Additional Exit Signs*. Exit signs may be required at the discretion of the fire code official to clarify an exit or exit access.

32. Section 5601.2.4 is deleted in its entirety and replaced with the following:

Section 5601.2.4 - *Financial Responsibility: Fireworks*. Before a permit is issued, as required by Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property that arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

Any further amendments, modifications, additions and deletions to the International Fire Code may be made by city council resolution.

SECTION 5. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

SECTION 7. This ordinance shall be in full force and effect, from and after the later of: (i) its passage, adoption, and approval and publication as required by law, or (ii) July 1, 2022.

SECTION 8. 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.

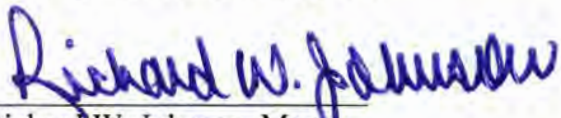
Passed on its first consideration on the 2nd day of August, 2022.

Passed on its second consideration on the 16th day of August, 2022.

Requirement of consideration and vote at two prior council meetings suspended on the _____ day of _____, 2022.

Final passage and adoption on the 6th day of September, 2022.

CITY OF OTTUMWA, IOWA


Richard W. Johnson, Mayor

___ No action taken by the Mayor

___ Vetoed this ___ day of _____, 2022.

Richard W. Johnson, Mayor

___ Repassed and adopted over the veto this ___ day of _____, 2022.

___ Veto affirmed this ___ day of _____, 2022 by failure of vote taken to repass.

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

ATTEST:


Christina Reinhard, City Clerk

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CITY OF OTTUMWA
Staff Summary

**** ACTION ITEM ****

Council Meeting of: Sep 6, 2022

Planning & Development
Department

Zach Simonson
Prepared By
Zach Simonson
Department Head

City Administrator Approval

AGENDA TITLE: ORDINANCE NO. 3206-2022: AN ORDINANCE REPEALING ORDINANCE NO. 3194-2022 AND ESTABLISHING SUPPLEMENTAL REGULATIONS FOR AUTOMOBILE SALES BY AMENDING SECTION 38-872 OF THE ZONING CODE OF THE CITY OF OTTUMWA, WAPELLO COUNTY, IOWA.

Public hearing required if this box is checked.

RECOMMENDATION: Pass third consideration, pass and adopt Ordinance No. 3206-2022.

DISCUSSION: Ordinance No. 3194-2022 established a moratorium on issuing new certificates of zoning compliance for auto dealer lots. The moratorium was established to provide time to create new supplemental regulations which improve some of the issues the Council and public has identified with car lots.

The new ordinance prohibits car lots within 100 feet of residential zones without a conditional use permit. This will help to create a buffer between

Source of Funds:

Budgeted Item: Budget Amendment Needed:

residential areas and these businesses. The ordinance also cracks down on outdoor storage around car lots. Storage of vehicles that are not for sale, body-damaged and inoperable in the display area will be prohibited. All auto parts, damaged vehicles and service vehicles will need to be stored completely screened from residential areas and public rights-of-way.

Because this is a zoning ordinance, existing businesses near residential areas will be grandfathered and protected as existing nonconforming uses. However, if those existing lots cease operation for a year, they would lose that protect and need seek a conditional use permit or find other, permitted uses.

ORDINANCE NO. 3206-2022

AN ORDINANCE REPEALING ORDINANCE NO. 3194-2022 AND ESTABLISHING SUPPLEMENTAL REGULATIONS FOR AUTOMOBILE SALES BY AMENDING SECTION 38-872 OF THE ZONING CODE OF THE CITY OF OTTUMWA, WAPELLO COUNTY, IOWA.

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

SECTION ONE. That Ordinance No. 3194-2022, An Ordinance Establishing a One-Year Moratorium on the Issuance of Certificates of Zoning Compliance for New Applications for Used Motor Vehicle Dealer Lots and New Applications for Dealer Extension Lots is hereby repealed.

SECTION TWO. Section 38-872, Supplemental Use Regulations – Commercial Uses, of the municipal code of the City of Ottumwa is hereby amended by repealing Section 38-872(c) in its entirety and enacting the following in lieu thereof:

Sec. 38-872(c) *Automobile, RV and equipment rental and sales.*

- (1) The property shall be at least 100 feet from any residential zone. Location closer than 100 feet from a residential zone shall be permitted by Conditional Use Permit subject to the approval of the Zoning Board of Adjustment.
- (2) All outdoor display areas for rental and sales facilities shall be paved.
- (3) Rental and sales facilities shall provide a minimum of 200 square feet of display area, excluding maneuvering space, per vehicle. Requests for certificates of zoning compliance shall be accompanied by a map of the proposed vehicle display area.
- (4) Body repair services are permitted as an accessory use to automobile rental and sales facilities provided that such repair services shall not exceed 25 percent of the gross floor area of the building.
- (5) Where permitted in commercial districts, all repair activities, including oil drainage, lifts, and other equipment, must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to auto repair and body repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-way. Screening is subject to provisions of article XXIX of this chapter.
- (6) Storage of inoperable vehicles or vehicles other than dealer inventory in the approved display area is prohibited.
- (7) Outdoor storage of discarded or replacement vehicle parts and accessories must be completely screened so as not to be visible from adjacent properties or public rights-of-way. Screening is subject to provisions of article XXIX of this chapter.

SECTION THREE. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

SECTION FOUR. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION FIVE. 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 SIX. 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 2nd day of August, 2022.

PASSED on its second consideration the 16th day of August, 2022.

Requirement of consideration and vote at two (2) prior Council meetings suspended the _____ day of _____, 2022.

APPROVED this 6th day of September, 2022.

CITY OF OTTUMWA, IOWA

By: Richard W. Johnson
Richard W. Johnson, Mayor

_____ No action taken by Mayor.

_____ Vetoed this _____ day of _____, 2022

Richard W. Johnson, Mayor

_____ Repassed and adopted over the veto this _____ day of _____, 2022.

_____ Veto affirmed this _____ day of _____, 2022 by failure of vote taken to repass.

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

ATTEST:

Chris Reinhard
Chris Reinhard, City Clerk

CITY OF OTTUMWA
Staff Summary

**** ACTION ITEM ****

Council Meeting of: Sep 6, 2022

Philip Rath

Prepared By

Administration

Department

Department Head



City Administrator Approval

AGENDA TITLE: Ordinance No. 3208-2022: Proposed Ordinance to Repeal and Replace Chapter 2, Article VI, Division 5 of the City Code

Public hearing required if this box is checked.

RECOMMENDATION: Pass and adopt the third reading of Ordinance No. 3208-2022

DISCUSSION: The Public Safety Advisory Committee exists within the city's code and used to meet on a regular basis. Whether due to COVID-19 restrictions, changes in city personnel, or a reduction in issues this group has not met in a couple years. Following a survey of current committee members and impacted staff it is recommended to maintain the committee, but move from monthly meetings to quarterly meetings (or as needed) by call of the chairperson. The first reading passed and second readings passed and the issue has been moved to the third and final reading.

Source of Funds:

Budgeted Item:

Budget Amendment Needed:

ORDINANCE NO. 3208-2022

**AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VI, DIVISION 5
PUBLIC SAFETY ADVISORY COMMITTEE, OF THE CODE OF
ORDINANCES OF THE CITY OF OTTUMWA**

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

SECTION ONE. Section 2-507, Membership, is hereby repealed and replaced as follows:

Sec. 2-507. Membership.

- (a) The city public safety advisory committee shall consist of six members appointed by the mayor, subject to approval of the city council. The members shall serve for three-year terms with the terms of two members expiring each year; however, the initial membership shall consist of the existing members of the city advisory committee. A vacancy in said initial committee shall not be filled until such time as the number of members of said committee drops below six.
- (b) The committee each year shall elect one of its members as chairperson. No member shall serve more than two consecutive one-year terms as chairperson.
- (c) The committee shall schedule regular quarterly meetings and shall meet at such other times upon the call of the chairperson.
- (d) The committee shall not incur any expenses unless authorized by the city council.

(Code 1970, § 2-195; Ord. No. 2748, § 1, 10-2-1990)

SECTION TWO. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

SECTION THREE. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION FOUR. Effective. 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 FIVE. 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 2nd day of August, 2022.

PASSED on its second consideration the 16th day of August, 2022.

PASSED on its third consideration the _____ day of _____, 2022.

APPROVED this 6th day of September, 2022.

CITY OF OTTUMWA, IOWA

By: Richard W. Johnson
Richard W. Johnson, Mayor

_____ No action taken by Mayor.

_____ Vetoed this _____ day of _____, 2022

Richard W. Johnson, Mayor

_____ Repassed and adopted over the veto this _____ day of _____, 2022.

_____ Veto affirmed this _____ day of _____, 2022 by failure of vote taken to repass.

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

ATTEST:

Chris Reinhard
Chris Reinhard, City Clerk





CITY OF
OTTUMWA

Citizen Input Request Form

9-6-22

Council Meeting Date

Name: Larry Williams

Address: 1933 Greenwood Drive

Item No. to Address: _____
(Agenda will be provided to complete this section)

If you are addressing the Council on an item not listed on the agenda, briefly explain the item you wish to speak on:

ATVs VTVs

The Mayor will invite you to address the City Council at the appropriate time. When called upon by the Mayor, step to the microphone and please state your name for the record. Comments are to be directly germane to City business, operations, or an item listed on this agenda. Remarks shall not be personalized and 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 not directly germane to City business, operations, or an item listed on the agenda, as determined by the Mayor, will be ruled out of order. If you are addressing an item not listed on the agenda the Council will not take any action on the item due to requirements of the Open Meetings Law. Pertinent questions, comments or suggestions may be referred to the appropriate department for response, if relevant.