



TENTATIVE AGENDA
OTTUMWA CITY COUNCIL

REGULAR MEETING NO. 3
Council Chambers, City Hall

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

PLEDGE OF ALLEGIANCE

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

B. CONSENT AGENDA:

1. Minutes from Regular Meeting No. 1 on January 4, 2021 and Special Meeting No. 2 on January 11, 2022 as presented.
2. Approve the appointment of Wes Olson to the Historic Preservation Commission, term to expire 1/1/2023 due to a vacancy.
3. Approve the appointment of Phillip Burgmeier to the position of City Engineer on or about January 23, 2022.
4. Approve the promotion of Officer Scott Adams to rank of Sergeant effective on or about January 30, 2022.
5. Purchase rock salt for the 2021-2022 fiscal year end through Iowa Department of Transportation's contract for snow and ice removal.
6. Approve the replacement of a walk behind paint sprayer for the Traffic Department for total cost \$7,412.04.
7. Resolution No. 10-2022, setting February 1, 2022 as the date of a public hearing for the consideration of the Maximum Property Tax Dollars for the City's proposed FY23 Budget.
8. Beer and/or liquor applications for: American Gothic Performing Arts, 529 E. Main, with Outdoor Service Area; La Guadalupana, 301 Church St.; Hy-Vee Food Store No. 1, 1025 N. Quincy Ave.; Fareway Stores, Inc., 1325 Albia Rd.; Dollar General Store #7179, 721 N. Quincy Ave.; Dollar General Store #2898, 921 E. Main St.; Cedar Creek Golf Course, 13120 Angle Rd; all applications pending final inspections.

C. APPROVAL OF AGENDA

D. ADMINISTRATORS REPORT TO COUNCIL AND CITIZENS:

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:

1. Bid review and Contract award for asbestos removal and disposal of materials at 236 Phillips, Ottumwa, Iowa.

RECOMMENDATION: Accept bid and award contract to Dan Laursen for the sum of \$5,400.

2. Writing a 2021 Staffing for Adequate Fire and Rescue (SAFER) Grant application.

RECOMMENDATION: Approve writing a 2021 Staffing for Adequate Fire and Rescue (SAFER) Grant application to be submitted prior to February 4, 2022.

G. PUBLIC HEARING:

1. This is the time, place and date set for a public hearing approving the plans, specifications, form of contract and estimated cost for the Cooper Ave. Reconstruction Project.

- A. Open the public hearing.
- B. Close the public hearing.
- C. Resolution No. 7-2022, approving the plans, specifications, form of contract and estimated cost for the Cooper Ave. Reconstruction Project.

RECOMMENDATION: Pass and adopt Resolution No. 7-2022.

2. This is the time, place and date set for a public hearing approving the plans, specifications, form of contract and estimated cost for the Lillian Street Reconstruction Project.

- A. Open the public hearing.
- B. Close the public hearing.
- C. Resolution No. 8-2022, approving the plans, specifications, form of contract and estimated cost for the Lillian Street Reconstruction Project.

RECOMMENDATION: Pass and adopt Resolution No. 8-2022.

3. This is the time, place and date set for a public hearing on the Community Development Block Grant (CDBG) Application for the Ottumwa Cerro Grande Upper-Story Housing Project.

- A. Open the public hearing.
- B. Close the public hearing.
- C. Resolution No. 11-2022, authorizing the Mayor to sign and submit the Community Development Block Grant (CDBG) Application for the Ottumwa Cerro Grande Upper-Story Housing Project and, if funded, to sign all contract related documents.

RECOMMENDATION: Pass and adopt Resolution No. 11-2022.

4. This is the time, place and date set for a public hearing to consider requests to remove Breed Specific Language from City Code in reference to “Dangerous Animals” and requested through Petition No. 5086-2021 submitted to the City Clerk’s office on October 29, 2021.

- A. Open the public hearing.
- B. Close the public hearing.

RECOMMENDATION: Gather public input regarding a potential revision to the ordinance.

H. RESOLUTIONS:

1. Resolution No. 3-2022, providing for the financial support of the Area 15 Regional Planning Commission for Fiscal Year 2023 (for a total amount of \$13,019.79).

RECOMMENDATION: Pass and adopt Resolution No. 3-2022.

2. Resolution No. 4-2022, providing for the financial support of the Area 15 Regional Planning Affiliation (RPA 15) in the amount of \$3,973 for the Fiscal Year 2023.

RECOMMENDATION: Pass and adopt Resolution No. 4-2022.

3. Resolution No. 5-2022, approving updates to the Personnel Policies for the City of Ottumwa.

RECOMMENDATION: Pass and adopt Resolution No. 5-2022.

4. Resolution No. 9-2022, accept the proposed extension from Ahlers & Cooney, P.C. for the provision of general legal services effective calendars years 2022-2023.

RECOMMENDATION: Pass and adopt Resolution No. 9-2022.

5. Resolution No. 12-2022, approving matching \$750,000 contribution for the construction of improved tennis campus.

RECOMMENDATION: Pass and adopt Resolution No. 12-2022.

I. ORDINANCES:

1. Ordinance No. 3189-2022, amending Sections 38-963 and 38-966 of the Municipal Code of the City of Ottumwa, Wapello County, Iowa for the purpose of increasing the sign allowance for schools located in residential zones and making clarifying changes in said sections.

RECOMMENDATION: A. Pass the first consideration of Ordinance No. 3189-2022.
 B. Waive the second and third considerations, pass and adopt Ordinance No. 3189-2022.

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. *****



[CITY OF]

OTTUMWA

FAX COVER SHEET

City of Ottumwa

DATE: 1/14/2022 TIME: 9:10 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 #3 to be held on 1/18/2022 at 5:30 P.M.

*** FAX MULTI TX REPORT ***

JOB NO.	0239	
DEPT. ID	4717	
PGS.	4	
TX INCOMPLETE	-----	
TRANSACTION OK	96847834	Ottumwa Courier
	916606271885	KTVO
	96823269	Ottumwa Waterworks
ERROR	96828482	Tom FM



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MEMO: Tentative Agenda for the Regular City Council Meeting #3 to be held on 1/18/2022 at 5:30 P.M.

*** TX REPORT ***

JOB NO. 0239
DEPT. ID 4717
ST. TIME 01/14 09:08
SHEETS 4
FILE NAME
TX INCOMPLETE -----
TRANSACTION OK 96847834
916606271885
96823269
ERROR 96828482

Ottumwa Courier
KTVO
Ottumwa Waterworks
Tom FM



[CITY OF]
O T T U M W A

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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 #3 to be held on 1/18/2022 at 5:30 P.M.

REGULAR MEETING NO. 1
Council Chambers, City Hall

January 4, 2022
5:30 O'Clock P.M.

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

Present were Council Member Pope, Roe, Galloway, McAntire and Mayor Johnson.
One Council Seat Vacant

Roe moved, seconded by Pope to affirm and ratify the appointment of Russ Hull to fill the vacancy left by Bob Meyers resignation. Motion carried 4-0 vote.

Judge Gamon attended in place of Judge Daily; she provided Russ Hull with Oath of Office. Council Member Hull then took his seat with the elected officials.

Galloway moved, seconded by Hull to approve the following consent agenda items: Mins. from Regular Mtg. No. 36 on Dec. 21, 2021 as presented; Approve appointment of Landon Allen to Parks Adv. Brd., term to exp. 8/16/2023 due to a vacancy; Approve appointments of Kale Critchlow, Matthew Mahaffey and Yoshio Vo to probationary firefighters effective on or about Jan. 30, 2022; Setting Jan. 18, 2022, as the date of a public hearing to consider request to remove breed specific lang. from City Code in reference to "Dangerous Animals"; Beer and/or liquor applications for: El Rancho Grande, 232 E. Main; Iowa Liquor & Tobacco, 1021 E. Main; all applications pending final inspections. All ayes.

Roe moved, seconded by Pope to approve the agenda as presented. All ayes.

City Admin. Rath introduced the following to discuss proposed tennis court improvements: Mark Hanson, OHS Principal; Mike McGrory, Superintendent, Ottumwa Schools, Bob Kramer, President and Blaire Seims, Fundraising Chair, Friends of Ottumwa's Parks; Mark Garner, and Samantha Hewlett. Friends of Ottumwa's Parks fka Ottumwa Park & Rec. Fdn., Inc., along with the Ottumwa School Dist. request to partner with the City to allocate \$750,000 from ARPA funds to facilitate the required improvements. Work jointly with the City to solve an issue and build it the right way so it will be here for years to come. Currently, the condition of the courts is not suitable for meets or even practice. Large cracks in the asphalt with vegetation growing out of some. Looking at total project costs around \$2.1 Million; \$750,000 from Ottumwa Schools, \$750,000 from the City and remaining \$600,000+ from fundraising efforts and grants. Funding would allow for installation of 12 post-tensioned concrete tennis courts, fencing, nets, parking lot, ADA restroom accommodations and concession area. Pending results from the Master Plan for Greater Ottumwa Park, developed by Design Workshop, we should have a better understanding of the best location to install these tennis courts. Hopeful to start construction this fall (2022) so the courts would be ready for use in the spring (2023) season.

Finance Dir. Mulder began discussion of the 2021 Annual Comp. Financial Rpt; compiled by Anderson Larkin & Co. audit and the City. Completion of this report annually encourages state and local governments to cont. being transparent and fully disclosing financial stmts. Alex Barr, CPA with Anderson Larkin & Co., went on to explain the Comp. Annual Financial Rpt FY Ended June 30, 2021, in more detail. This rpt. will also be available on the city website.

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

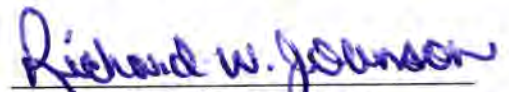
Roe moved, seconded by Hull that Res. No. 1-2022, auth. Mayor to sign and submit Downtown Housing Grant Application for Capitol Lofts Project and, if funded, sign all contract related docs., be passed and adopted. Community Development Dir. Simonson reported this grant would provide for up to \$300,000 in grant funding for a \$1,000,000 project to build four new apartment units in the second floor of the Capitol Theater bldg. at 231 E. Main St. Legacy Foundation, as the bldg. owner, will provide the entire \$700,000 in matching funds. The City would only administer the grant and not contribute financially to the project. All ayes.

Mayor Johnson inquired if anyone from the audience wished to address an item not on the agenda. Kris Mundt, 109 S. Cherry, would like the City to look at the dog license process (recommend getting a license at the same frequency as rabies shots-every 3 years) instead of yearly.

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

Adjournment was at 6:11 P.M.

CITY OF OTTUMWA, IOWA


Richard W. Johnson, Mayor

ATTEST:


Christina Reinhard, CMC, City Clerk

OTTUMWA CITY COUNCIL MINUTES

SPECIAL MEETING NO. 2
Council Chambers, City Hall

January 11, 2022
5:30 O'Clock P.M.

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

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

Pope moved, seconded by Hull to approve the agenda as presented. All ayes.

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

Roe moved, seconded by Hull that Res. No. 2-2022, setting Jan. 18, 2022 as the date of a public hearing on an application to the IA Economic Development Auth. for a CDBG Grant from the CV-19 Program, be passed and adopted. Comm. Development Dir. Simonson reported this project will convert the unused second floor at 311 E. Main St. All ayes.

Hull moved, seconded by Galloway to auth. Mayor to sign City/County Election Precinct Agt. with the Wapello County Brd. of Supervisors and submit corrected City Reprecincting Worksheet Precinct Population Cert. to the SOS. Clerk Reinhard stated this Agt. combines Ottumwa Precincts #1, 3, and 7 with adjacent Unincorporated Center Township areas. All ayes.

Roe moved, seconded by Pope to allow the City to participate in Assistance to Firefighters Grant (AFG), as drafted by Tim Richmond, Wapello County EMA Coord. to equip all fire dept. in Wapello County with new radio system. Richmond stated Council already approved funds to purchase dispatch system from Central Square which is the first piece of this process. Evolving tech. and limitations with bandwidth are reasons we need to update/upgrade our current radio system. Wapello County Rural Fire Agency will be the host organization of the Regional 2021 AFG application, with all other parties responsible for 10% match of awarded equip. All ayes.

Simonson presented on Housing, Development and Code Enforcement. Much discussion was had; topics being discussed Nuisance, Housing and Bldg. Code Enforcement; Code Enforcement Plan. Also discussed housing study and recommendations. Our current housing stock does not meet the needs of residents in most categories. Projected need for housing a little under 500 units over the next 10 yrs. We currently have 45 vacant lots in our infill lot inventory. Ramp-up a non-profit developer (like Rippling Waters); Provide incentives for medium-density infill; gap financing; neighborhood/community campaign to help build a sense of pride and ownership in neighborhoods. Staff has identified opportunities in the next yr. to begin addressing these recommendations; programs could leverage ARPA funds, CIP bonding, and grant opportunities. Make Ottumwa Home program; Ottumwa Block Challenge; Upper-Story Housing Grant; House America. Economic Development/Planning – Greater Ottumwa Park Master Plan, Railport Relocation, Airport Study, Church Street Historic Survey, Bonita Housing Development, Wildwood Commercial Development, Low-to-Moderate Income Housing Development with CDC, Downtown Development and Vogel Development, Bridge View Hotel are just a few.

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

Adjournment was at 7:15 P.M.

CITY OF OTTUMWA, IOWA

Richard W. Johnson
Richard W. Johnson, Mayor

ATTEST:

Christina Reinhard
Christina Reinhard, CMC, City Clerk





January 18, 2022

TO: Ottumwa City Council Members

FROM: Richard W. Johnson, Mayor

SUBJECT: APPOINTMENT TO CITY BOARDS AND/OR COMMISSIONS

Recommend appointment to the Historic Preservation Commission, term to expire 01/01/2023 due to a vacancy.

Wes Olson
547 Leighton

CITY OF OTTUMWA
Biographical Data for Appointment to City Advisory Board

received
12-29-21

The information contained on this form is for the use of the Mayor and City Council in order to fill vacancies on City Advisory Boards Commissions, Committees, or Task Forces.

Biographical forms may be submitted at any time during the year; however, they will be purged January 31 of each year. If you have not been appointed to an advisory board during the preceding year, and still desire appointment, please resubmit an updated biographical form or advise in writing that the initial form is still usable.

Board, Commission, Committee, or Task Force to which appointment is desired:

Historical Preservation Commission

Name: Wes Olson Telephone: 641-455-4280

Email: (optional) wes@olson570@gmail.com

Address: 547 Leighton St. Ott. IA ZIP: 52501

Business: Tallister Brothers Bling Co. Telephone: 641 455 4250

Address: 116 N Market St. Ott. IA ZIP: 52501

Date Available for Appointment 1/22 E-Mail: _____

Present occupation: Brewer / Business Owner / Landlord

Previous Employment: L.I. Swisher / Medical Social worker

Answer the following: (Use additional sheets if necessary)

Community Service:

(List boards, commissions, committees and organizations currently serving or have served on, offices held and in what city).

Please list any professional or vocational licenses or certificates you hold.

Licensed Independent Social Worker / MSW / Inactive
Secondary Teaching Certificate

Personal:

(Have you ever worked for the City of Ottumwa?)

Yes _____ No

(If yes, please list dates and names of departments)

Are you related to any employee or appointee of the City of Ottumwa? (If yes, please indicate name and relationship.)

Yes No

Julanne Olson / wife

Rules of law and ethics prohibit members from participating in and voting on matters in which they pay have a direct or indirect financial interest. Are you aware of any potential conflicts of interest which may develop from your occupation or financial holdings in relation to your responsibilities as a member of the advisory body to which you seek appointment). (If yes, please indicate any potential conflicts).

Yes No

I own a building constructed in the 1980's on Market St. This could potentially be construed as a conflict of interest.

Are you aware of the time commitment necessary to fulfill the obligations of the advisory body to which you seek appointment?

Yes No

Please furnish brief written responses to the three following questions: (Use additional sheets if necessary.)

1. What is there specifically in your background, training, education, or interests which qualifies you as an appointee? *A.S. History ISU, 1981. Long term interest in local history. President of local history in school system & Cemetery fairs, (Archibald Alexander, Richardas Godley, James Gardner, Kallishi Brothers), L.T.S.W. U.S. Fove 95.*
2. What do you see as the objectives and goals of the advisory body to which you seek appointment? *To preserve and enhance our local history, specifically buildings and parks.*
3. How would you help achieve these objectives and goals? What special qualities can you bring to the advisory body? *I have training as a Grant writer. I've written grants for the State Park, Nature Little League Complex and service provision for the Ottumwa Public School system.*

I hereby certify that the following information is correct to the best of my knowledge.

Morgan Walker
Signature

12/29/21
Date

You are invited to attach additional pages or submit supplemental information which you feel may assist the Mayor and City Council in their evaluation of your application.

WHEN COMPLETED MAIL ORIGINAL TO: OFFICE OF THE MAYOR
Ottumwa City Hall
105 E Third Street
Ottumwa, IA 52501

One of the goals of the City Council is to balance advisory board appointments in terms of gender and age.

The following information is desirable but not required for appointment.

Year of Birth 1957 Male Female

Number of years a city resident 59

**YOUTH BOARD
MEMBER APPLICANT ONLY**

Name of School

Year

CITY OF OTTUMWA
Staff Summary

**** ACTION ITEM ****

Council Meeting of: Jan 18, 2022

Administration
Department

Barbara Codjoe

Prepared By

Barbara Codjoe

Department Head



City Administrator Approval

AGENDA TITLE: Approve the appointment of Phillip Burgmeier to the position of City Engineer.

Public hearing required if this box is checked.

RECOMMENDATION: Approve the appointment of Phillip Burgmeier to the position of City Engineer on or about January 23, 2022.

DISCUSSION: Appoint Phillip Burgmeier to the position of City Engineer that was vacated in 2021 due to an employee retirement.

Phillip is currently the Assistant City Engineer and Facility Manager for the Water Pollution Control Facility for the City. Phillip brings a wealth of knowledge and experience to the position.

The recommendation is for Phillip to start at step 5 which is \$49.48 per hour. This would be the step which is at least 4% over his current salary.

Source of Funds: N/A

Budgeted Item: Budget Amendment Needed:

CITY OF OTTUMWA
Staff Summary

**** ACTION ITEM ****

Council Meeting of: Jan 18, 2022

Police
Department

Chad Farrington
Prepared By

Department Head


City Administrator Approval

AGENDA TITLE: Approve the promotion of Officer Scott Adams to the rank of Sergeant

Public hearing required if this box is checked.

The Proof of Publication for a Public Hearing must be attached to this Staff Summary. If the Proof of Publication is not attached, the item will not be published.

RECOMMENDATION: Approve the promotion of Officer Scott Adams to the rank of Sergeant effective on or about January 30th, 2022.

DISCUSSION: This promotion will be filling a vacancy created by the resignation of Sergeant Blake Lefler. Officer Scott Adams is on the current civil service eligibility list for the position of Police Supervisor-Sergeant. Officer Scott Adams is currently assigned to the Investigations Division as a Criminal Investigator. Upon receiving this promotion he would be assigned to the Patrol Division as a Sergeant. This is a budgeted position within the police department.

Source of Funds:

Budgeted Item: Budget Amendment Needed: No

CITY OF OTTUMWA
Staff Summary

**** ACTION ITEM ****

Council Meeting of: Jan 18, 2022

Kristen Mitchell

Prepared By

Larry Seals
Department Head

Engineering

Department

[Signature]

City Administrator Approval

AGENDA TITLE: Purchase Rock Salt for 2021-2022 fiscal year end through Iowa Department of Transportation's contract for snow and ice removal.

Public hearing required if this box is checked.

RECOMMENDATION: Approve participation in the State of Iowa, D.O.T contract.

DISCUSSION: This is our annual contract to purchase Rock Salt for snow and ice removal for the winter. The City will participate along with other government agencies in combining statewide salt orders. This allows the City to take advantage of the State's lowest bid on Rock Salt.

Public Works has estimated that The City of Ottumwa needs to purchase 1,500 tons of rock salt this winter; 2021-2022 fiscal year end. We purchased 1255 tons of salt last year and started the winter with approx. 400 tons. The bidding procedure has been completed by the Iowa D.O.T and the price for rock salt will be \$73.41. Last year the price was \$72.26. Budgeted 250 - \$111,000- Purchase salt sand

Source of Funds: Road Use

Budgeted Item: Budget Amendment Needed: No

CITY OF OTTUMWA

Staff Summary

**** ACTION ITEM ****

Council Meeting of: January 18, 2022

Public Works
Department

Chad Carlson
Prepared By

Larry Seals *Larry Seals*
Department Head

[Signature]

City Administrator Approval

AGENDA TITLE: Approve the replacement of a walk behind paint sprayer for the Traffic Department in amount of \$7,412.04.

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

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

RECOMMENDATION: Approve the replacement of a walk behind paint sprayer for the amount of \$7,412.04.

DISCUSSION: The Traffic Department is responsible for various painting duties including street striping, symbols & parking lot painting. An integral tool used by this Department is their walk behind paint sprayer. This sprayer is relied on heavily during the summer months and is used largely for spraying stripes for on street parking and parking lots. The existing sprayer was purchased in 2011. The sprayer has been rebuilt in the past but is now in need of complete replacement.

Bids to replace the sprayer were received from Sherwin Williams and Pittsburg Paints. Pittsburg Paints submitted the lowest bid of \$7,412.04. This price includes the Sprayer and a mounted Glass bead dispenser.

Budgeted: \$9,000.00
Actual Cost: \$7,412.04

Source of Funds: Road Use

Budgeted Item: Yes

Budget Amendment Needed: No



PAINTS

STORE #9833
 9833 - OTTUMWA
 631 CHURCH ST
 OTTUMWA, IA 52501
 PH: (641)682-7539
 FX: (641)682-7530
 PAF9833@PPG.COM

ESTIMATE FOR: 301451420000
 CITY OF OTTUMWA
 105 E 3RD ST
 OTTUMWA, IA 52501-2999
 (641)683-0603

PRICE ESTIMATE

#E983302001008



CUST JOB #

DATE: 12/06/2021
 TIME: 9:10 AM
 STORE REP: SPENCER S
 SALES REP: PATRICIA W
 PAGE 1 OF 1

PRICE ESTIMATE - NOT FOR USE AS A RECEIPT

This price estimate should not be accepted in place of an invoice and is not valid for the return of merchandise

QTY	ITEM #	DESCRIPTION	ESTIMATE PRICE	AMOUNT
1	GRA00321/EA	277064 DUAL BEAD DISPENSER KIT GRA00321	\$861.84	\$861.84 *

Prices are valid for 30 days from the time this estimate is prepared.
 For colors requiring Ultra Deep, Deep Rustic, or Neutral bases, add \$2 per gallon.
 Global PPG employment opportunities at www.ppgac.com/careers.

Thanks for shopping with us today!

SUBTOTAL	\$861.84
RECOVERY FEE:	\$0.00
TAX	\$0.00
TOTAL ESTIMATE	\$861.84



PAINTS

STORE #9833
 9833 - OTTUMWA
 631 CHURCH ST
 OTTUMWA, IA 52501
 PH: (641)682-7539
 FX: (641)682-7530
 PAF9833@PPG.COM

ESTIMATE FOR: 301451420000
 CITY OF OTTUMWA
 105 E 3RD ST
 OTTUMWA, IA 52501-2999
 (641)683-0603

CUST JOB #

DATE: 12/06/2021
 TIME: 9:03 AM
 STORE REP: SPENCER S
 SALES REP: PATRICIA W
 PAGE 1 OF 1

PRICE ESTIMATE

#E983302001007



PRICE ESTIMATE - NOT FOR USE AS A RECEIPT

This price estimate should not be accepted in place of an invoice and is not valid for the return of merchandise

QTY	ITEM #	DESCRIPTION	ESTIMATE PRICE	AMOUNT
1	GRA20316/EA	253953 LINELAZER IV 3900 2 GUN GRA20316	\$6,550.20	\$6,550.20 *

Prices are valid for 30 days from the time this estimate is prepared.
 For colors requiring Ultra Deep, Deep Rustic, or Neutral bases, add \$2 per gallon.
 Global PPG employment opportunities at www.ppgac.com/careers.

Thanks for shopping with us today!

SUBTOTAL	\$6,550.20
RECOVERY FEE:	\$0.00
TAX	\$0.00
TOTAL ESTIMATE	\$6,550.20



**SHERWIN
WILLIAMS.**

OTTUMWACITY OF***

*OTTUMWA**CITY OF**

Quote Presented By:

Aaron Jeffrey

Professional Coatings Representative

The Sherwin-Williams Company

(641)208-2015

sw703816@sherwin.com

SHERWIN-WILLIAMS

1231 THEATRE DR

OTTUMWA, IA 52501 3772

(641) 684-6564

December 03, 2021



ACCOUNT # 6538-7716-7
OTTUMWA*CITY OF
QUOTE # 5467662

VALID FROM: DEC 03, 2021 - DEC 31, 2021

Dear Brian Lewis:

Thank you for considering Sherwin-Williams for your sprayer needs. Included is the Sherwin-Williams price quote. This quote will be valid through the end of the year, and Graco will honor pricing as long as it is placed on order before January 1st. After that time, there will be a 10% increase on both items. Estimated time frame of product availability is middle of March, 2022.

Should you require assistance or have any questions or concerns, please contact me at or e-mail me at sw703816@sherwin.com.

Aaron Jeffrey
Professional Coatings Representative
The Sherwin-Williams Company
(641)208-2015
sw703816@sherwin.com

SHERWIN-WILLIAMS
1231 THEATRE DR, OTTUMWA, IA 52501 3772



ACCOUNT # 6538-7716-7
 OTTUMWA*CITY OF
 QUOTE # 5467662

VALID FROM: DEC 03, 2021 - DEC 31, 2021

PROJECT: OTTUMWA*CITY OF

Purchase Type: Annual Purchase

Description	Sales #	Rex #	Qty	Price	Extended Price
LLV3900STRD 2MECHGUN	100664812	100664812- EACH	1	\$7,225.00	\$7,225.00
Comments: LineLazer 3900 (Two Mechanical gun)					
GLASS BEAD DISPNSR	8636524	.08636524- EACH	1	\$835.00	\$835.00

Total Price: \$8,060.00*

* Please note, effective through December 31, 2021 a 4% Supply Chain Surcharge will be added to all applicable items purchased.

We thank you for consideration of Sherwin-Williams products and look forward to supplying these products to you.

NOTICE: Please take notice that the quotation set forth above is not a contract and is subject to and conditioned upon approval by Sherwin-Williams. In the event such approval is not obtained, you will be provided with a revised quotation and the quotation set forth above shall be null, void and of no force or effect. The pricing and recommendations detailed in this proposal represent confidential information provided by Sherwin-Williams. We request that it not to be copied or shared with others outside your firm. Please refer to product data pages for surface prep, mixing and application instructions.

Square footage amounts were estimated or given. Coverage of materials are estimated and actual coverages may differ. These guidelines should not be used as absolutes. Sherwin-Williams cannot assume responsibility for job site conditions.

The purchase of the products set forth in this price quote is subject to The Sherwin-Williams Company Terms and Conditions of Sale, which are incorporated in full by this reference and are available at <https://www.sherwin-williams.com/terms-and-conditions>. Sherwin-Williams limits acceptance of the price quote to these Terms and Conditions of Sale, and objects to any different terms in any purchase order, issuance of which indicates purchaser's acceptance of such Terms and Conditions of Sale.

CITY OF OTTUMWA Staff Summary

**** ACTION ITEM ****

Council Meeting of : Jan 18, 2022

Finance
Department

Kala Mulder

Prepared By

Department Head



City Administrator Approval

AGENDA TITLE: Resolution No 10-2022: Set February 1, 2022 at 5:30 p.m. for the Public Hearing on the FY23 Maximum Property Tax Dollars.

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

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

RECOMMENDATION: Set the public hearing for proposed Fiscal Year 2023 Maximum Property Tax Dollars.

DISCUSSION: Resolution No 10-2022 – Iowa law requires the City Council to hold a public hearing on the proposed Maximum Property Tax Dollars before adopting the City Budget.

Source of Funds:

Budgeted Item: Budget Amendment Needed: No

RESOLUTION NO. 10-2022

RESOLUTION SETTING TIME AND PLACE FOR A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING THE MAXIMUM TAX DOLLARS FROM CERTAIN LEVIES FOR THE CITY'S PROPOSED FISCAL YEAR 2022-2023 BUDGET

WHEREAS, the City Council of Ottumwa, Iowa is preparing the annual budget for the Fiscal Year 2022-2023; and

WHEREAS, Iowa SF 634 requires a public hearing on the proposed maximum property tax dollars from certain levies where any resident or taxpayer of the City may present to the City Council objections or arguments in favor of the tax dollars before the budget is adopted and certified to the county auditor; and

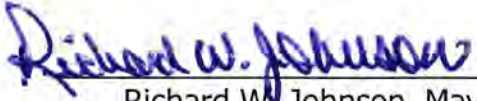
WHEREAS, interested residents or taxpayers having comments for or against the maximum property tax dollar proposal from certain levies may appear and be heard at the public hearing at the city council meeting on February 1, 2022, at 5:30 PM at the Ottumwa City Hall, at 105 East Third Street, Ottumwa, Iowa.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ottumwa, Iowa, that this confirms that the city council order the publication of a notice of public hearing pertaining to proposed maximum property tax dollars from certain levies not less than ten (10) days nor more than twenty (20) days prior to the date set for the hearing. A notice shall also be posted on the city website and social media accounts.

BE IT FURTHER RESOLVED, by the Ottumwa City Council of the City of Ottumwa, Iowa, that the Mayor and City Clerk are hereby authorized and directed to execute said resolution.

APPROVED, PASSED AND ADOPTED, this 18th day of January 2022.

CITY OF OTTUMWA, IOWA


Richard W. Johnson, Mayor

ATTEST:


Christina Reinhard, City Clerk

CITY OF OTTUMWA
Staff Summary

**** ACTION ITEM ****

Council Meeting of: Jan 18, 2022

Planning & Development
Department

Zach Simonson
Prepared By
Zach Simonson
Department Head



City Administrator Approval

AGENDA TITLE: Bid review and contract award for asbestos removal and disposal of materials at 236 Phillips

****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: Accept bid and award the contract to Dan Laursen for the sum of \$5,400

DISCUSSION: The City accepted bids for this project until 2:00 P.M. January 11, 2022. One bid was received. Dan Laursen was the best asbestos removal bidder for the sum of \$5,400. Staff recommends awarding him the contract. After asbestos is abated, Staff will release the property to the Fire Department for a training fire.

Source of Funds: 151-3-342-6499

Budgeted Item: Budget Amendment Needed:



REQUEST FOR BID FOR ASBESTOS REMOVAL AND DISPOSAL
OF ASBESTOS CONTAINING MATERIALS AT 236 PHILLIPS
OTTUMWA, IOWA

BID FORM

TASKS	BID AMOUNT
236 Phillips – removal and disposal of asbestos containing materials	\$5400 ⁰⁰

It is understood that the City reserves the right to accept or reject any or all proposals, to disregard any formality in connection therewith, or to accept any proposal, which in its opinion, is in the best interest of the City.

A Bid Security must be included in the sealed bid envelope along with this bid sheet. The bid security must equal ten percent (10%) of the total bid price and must be in the form of cash or a cashier's check or as a certified check drawn on a bank in Iowa or chartered in the United States, or a certified share draft drawn on a credit union chartered under the laws of the United States.

The Successful Bidder shall then provide a performance bond with corporate surety to one hundred percent (100%) of the bid price on all projects. A cashier's check, a certified share draft, as described above, or cash may be used. An irrevocable letter of credit stating the amount of the project for an amount equal to 100% of the bid price may be substituted for the performance bond.



[CITY OF]

OTTUMWA

**REMOVAL AND DISPOSAL OF ASBESTOS CONTAINING MATERIALS AT 236 PHILLIPS,
OTTUMWA, IOWA**

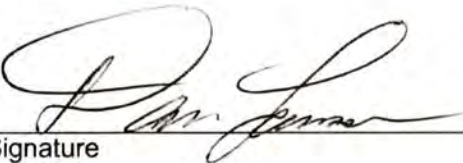
WORK REQUIRED

1. Remove and dispose of all asbestos containing materials as indicated on the Asbestos Analysis and Summary provided. All material is to be taken to the Ottumwa/Wapello County landfill.
2. The selected contractor will not be required to pay any fee for the disposal of asbestos listed in the analysis and summary.
3. **Contractors are responsible for all required legal notifications.** Failure to follow the rules and requirements associated with the Work Required Document, Bid Document, Notice of Letting Document or Contract will result in the contractor paying for any and all damages.
4. Direct all questions pertaining to this request for bid to Zach Simonson, 641-683-0694 or simonsonz@ottumwa.us.

PL Initial Form Here

The Bid Form and Work Required document automatically become part of the final contract should this proposal be accepted. **All of the debris from this property is declared to be asbestos contaminated and must be removed and disposed of by a licensed asbestos contractor.**

If my proposal is accepted, I, the undersigned, agree to enter into a contract (see attached sample) for said work.


Signature

DAN LAURSEN
Printed Name

Address

641-799-3818
Telephone Number

OTTUMWA IA 52501
City, State, Zip

1-10-2022
Date

E-mail Address



SUMMARY OF ASBESTOS BUILDING MATERIALS

236 Phillip

Surfacing Materials

<u>Material</u>	<u>Description</u>	<u>Location</u>	<u>Quantity</u>
Drywall Joint Compound	White	Bathroom + Hallway	600 SF

Thermal Systems Insulation

<u>Material</u>	<u>Description</u>	<u>Location</u>	<u>Quantity</u>
None			

Miscellaneous Materials

<u>Material</u>	<u>Description</u>	<u>Location</u>	<u>Quantity</u>
Vent Flue	Gray	Bedroom/entry	20 LF

Quantities supplied are estimates. Contractors must field verify all material quantities, locations and conditions.



Dan Laursen Excavating
DBA Asbestos Abatement & Inspections of Iowa
510 Morrell Drive
Ottumwa, Iowa 52501

236 phillips

BID FOR (236 phillips
(OTTUMWA, IA 52501.)

\$540 cash

ASBESTOS REMOVAL AND MATERIALS DISPOSAL CONTRACT

This contract made and entered into, in duplicate, at Ottumwa, IA this **19th day of January 2022** by and between the **City of Ottumwa, IA**, hereinafter called the “**OWNER**” and **DAN LAURSEN**, hereinafter called the “**CONTRACTOR**”. WITNESSETH:

The contractor hereby agrees to furnish all labor, tools, materials, transportation and equipment necessary to fulfill the contract consisting of:

Asbestos removal and disposal of materials at the following property is to be completed within **thirty (30) working days** of the date on the “Notice to Proceed” in accordance with the bid documents at the following locations to wit:

Location Address: 236 Phillips Street - \$5,400

It is understood and agreed:

The Contractor shall commence removal within such time and work continuously as to be completed by the date indicated in this contract. The Contractor shall forfeit **\$250.00 per working day** required to complete the contract after the aforesaid completion date. A working day as used herein, shall be defined as any calendar day, exclusive of Saturdays, Sundays, or a recognized legal holiday, or on which weather or other conditions (not under the control of the Contractor) will permit the removal operations to proceed for not less $\frac{3}{4}$ of a normal work day in the performance of a controlling item of work.

An extension of the contract period may be granted by the Director for additional work requiring additional removal time. An extension may also be granted by the Director for inclement weather or Acts of God that interfere with the Contractor’s ability to work.

The Certificate of Insurance and the Performance Bond, cashier’s check or Irrevocable Letter of Credit MUST be on file with the City Clerk within five (5) working days of the awarding of the contract and BEFORE the “Notice to Proceed” will be issued.

The work under the proposed contract shall be commenced within **fifteen (15) days after the issuance of the “Notice to Proceed”** and shall be completed as stated in the Notice to Proceed and in this contract.

The owner shall have the right to deduct said liquidated damages from any moneys in its hands, otherwise due, or to become due, to said Contractor or to sue for and recover compensation for damages for non-performance of this contract.

The Contractor must comply with all Federal, State, and Local Laws and Ordinances. In addition, all OSHA, NFPA, and ADA regulations must be complied with.

A certificate of insurance for liability, bodily injury, and property damage satisfactory to the City, in the amount of \$1,000,000.00 combined single limit, must be furnished to the City. The City of Ottumwa must be included as an additional insured to, and be so stated on, the certificate of insurance. Also, Worker’s Compensation coverage in accordance with the State of Iowa statutes must be provided.

The Contractor hereby agrees to and shall defend, indemnify and save harmless the City of Ottumwa, IA, and any other jurisdiction or agency issuing permits for any work in the improvement, their officers,

agents and representatives from all suits, actions, loss, damage, expense, costs or claims of any character or any nature brought on account of any injuries including death or damage sustained by any person or property arising out of the work done, whether such injuries to any person or damage to property are due or claim to be due to any negligence of the City, it's employees or agents or any other person, in fulfillment of the contract under the terms of this agreement, or on account of any act or omission by the Contractor or his agents, or from any claims or amounts arising from or recovered under Worker's Compensation laws or any other law, bylaws, ordinance or order of decree.

The Contractor will insure a drug free environment in accordance with Federal regulations.

Upon completion of said work, the Owner agrees to pay to the Contractor therefore, the prices as set out in the bid document, which is a part of this contract. Said payment is to be made after inspection of the work and upon presentation of an invoice for aforesaid demolition/removal.

IN WITNESS WHEREOF, This Contract has been executed in duplicate on the date herein written.

CITY OF OTTUMWA

Richard W. Johnson
Richard W. Johnson, Mayor

ATTEST:

Christina Reinhard
Christina Reinhard, City Clerk

CONTRACTOR SIGNATURE

Contractor Printed Name

Address

City, State, Zip

Phone Number

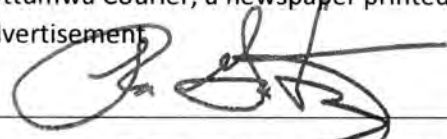
Date Contractor Signed

PROOF OF PUBLICATION

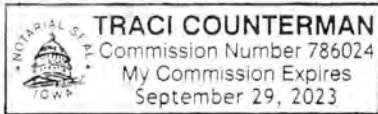
STATE OF IOWA
WAPELLO COUNTY

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

Notice of Letting
City of Ottumwa



hereto attached was published in said newspaper for 1 consecutive week's to-wit: 12/16/21 Subscribed and sworn to before me, and in my presence, by the said 16th day of December, 2021



Notary Public

In and for Wapello County

Printer's fee \$20.00

COPY OF ADVERTISEMENT

NOTICE OF LETTING

The City of Ottumwa, IA will accept sealed bids until 2:00 P. M. on January 11, 2022 for the asbestos removal and disposal of asbestos containing materials

at the structure located within the City of Ottumwa, IA: LOCATION: 236 Phillips, Ottumwa, Iowa NOTE: All removal and disposal of asbestos containing materials must comply with all existing Iowa Department of Natural Resources and U. S. Environmental Protection Agency guidelines and regulations. This is an asbestos removal and disposal project only for now. Proposals must be addressed to: City Clerk, 105 East Third Street, Ottumwa, Iowa 52501 and plainly marked: 236 Phillips - January 11, 2022. Bids will be opened at this time and a bid report and recommendation will be taken to the January 18, 2022 City Council meeting. The request for proposal and contract conditions may be obtained from the Building and Code Enforcement Department, Room 204, City Hall, 105 East Third Street, Ottumwa, IA 52501 or online at www.cityofottumwa.com Bid security deposit required. (See bid form). A 100% performance bond or irrevocable letter of credit stating the total cost of the project bid is required from the successful bidder on all removal projects. For additional information concerning this project, contact Zach Simonson, at 641-683-0694 or simonsonz@ottumwa.us.

236 Phillips
- removal & disposal of asbestos

CITY OF OTTUMWA
Staff Summary

**** ACTION ITEM ****

Council Meeting of: Jan 18, 2022

Fire
Department

Tony Miller
Prepared By
Tony Miller
Department Head



City Administrator Approval

AGENDA TITLE: To approve writing a 2021 Staffing for Adequate Fire and Rescue (SAFER) Grant.

Public hearing required if this box is checked.

RECOMMENDATION: Approve this recommendation.

DISCUSSION: The SAFER Grant application process closes February 4, 2022 at 4:00 P.M. If awarded, this grant will allow the OFD to hire three firefighters. The grant will cover salary and benefits for three years of the cycle. After three years, the City will be required to make the decision to keep the positions permanently or not. The costs incurred by the City include pre-employment physicals, turnout gear and clothing which is approximately \$5,500. This grant will greatly reduce the overtime costs for a minimal cost of hiring these positions. As for some SAFER Grant data, there will be approximately 500 grants awarded with \$560,000,000 available. This will fall under the Hiring of Firefighters Activity part of

Source of Funds: NA

Budgeted Item: Budget Amendment Needed: No

SAFER and have a thirty-six month cycle. The anticipated start of announcing awards will begin May 30, 2022 and continue until all funds are issued, but no later than September 30, 2022.

CITY OF OTTUMWA

Staff Summary

**** ACTION ITEM ****

Council Meeting of: January 18, 2022

Engineering
Department

Alicia Bankson
Prepared By
Larry Seals
Department Head

[Signature]
City Administrator Approval

AGENDA TITLE: Resolution #7-2022. Approving the Plans, Specifications, Form of Contract and Estimated Cost for the Cooper Street Reconstruction Project.

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

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

RECOMMENDATION: Pass and adopt Resolution #7-2022.

DISCUSSION: This project involves full depth, full width, PCC reconstruction (Main Street to Second Street). Reconstruction of storm intakes and sewer replacement as needed.

The water main was replaced in 2019.

Bids will be received and opened by the City of Ottumwa on February 9, 2022 at 2:00 p.m. The bid report and bid award recommendation will be presented at the City Council meeting on February 15, 2022, or at a later date as determined by staff.

Estimated cost: \$ 645,444.00

Budgeted amount: \$ 645,444.00

RESOLUTION #7-2022

A RESOLUTION APPROVING THE PLANS, SPECIFICATIONS, FORM OF CONTRACT,
AND ESTIMATED COST FOR THE COOPER STREET RECONSTRUCTION PROJECT

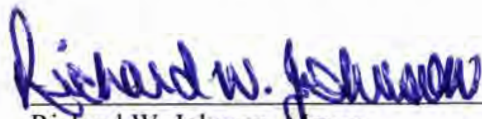
WHEREAS, The City Council of the City of Ottumwa, Iowa has conducted a public hearing on the plans, specifications, form of contract, and estimated cost for the above referenced project; and,

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

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

APPROVED, PASSED, AND ADOPTED, this 18th day of January, 2022.

CITY OF OTTUMWA, IOWA


Richard W. Johnson, Mayor

ATTEST:


Christina Reinhard, City Clerk

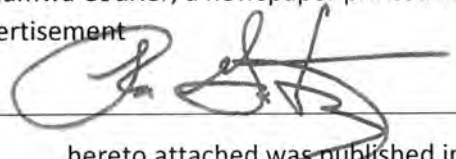


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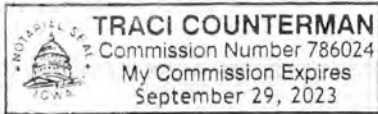
STATE OF IOWA
WAPELLO COUNTY

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

Public Hearing
City of Ottumwa



hereto attached was published in said newspaper for 1 consecutive week's to-wit: 01/08/22 Subscribed and sworn to before me, and in my presence, by the said 8th day of January, 2022



Notary Public

In and for Wapello County

Printer's fee \$22.29

COPY OF ADVERTISEMENT

SECTION 00010
NOTICE OF PUBLIC HEARING

The City Council of Ottumwa, Iowa, will hold a public hearing on the proposed Plans and Specifications, form of contract and estimate of cost for the construction of said improvements described in general as "Cooper Avenue Reconstruction Project, Ottumwa, Iowa" at 5:30 o'clock p.m. on the 18th day of January 2022, in the Council Chambers, City Hall, Ottumwa, Iowa. At said hearing any interested person may appear and file objections thereto or to the cost of the improvements. At the hearing, the City will receive and consider any objections made by any interested party, to the Plans and Specifications, proposed form of Contract, and the estimate of cost for the project. The work to be done is as follows: Furnish all labor, materials and equipment to construct the following: Full Depth, Full Width, PCC Reconstruction (Main Street to Second Street). Reconstruction of storm intakes and sewer replacement as needed. All work and materials are to be in strict compliance with the Plans and Specifications prepared by the City of Ottumwa Engineering Department which together with the proposed form of contract and estimate of cost have heretofore been approved by the City and are now on file for public examination in the office of the Clerk, and are by this reference made a part hereof as though fully set out and incorporated herein. CITY OF OTTUMWA, IOWA

By :
Richard W. Johnson, Mayor
ATTEST: Christina Reinhard,
City Clerk

PH - approve P/s
Cooper Ave Recon

CITY OF OTTUMWA

Staff Summary

**** ACTION ITEM ****

Council Meeting of: January 18, 2022

Engineering
Department

Alicia Bankson
Prepared By
Darryl Seals
Department Head

[Signature]
City Administrator Approval

AGENDA TITLE: Resolution #8-2022. Approving the Plans, Specifications, Form of Contract and Estimated Cost for the Lillian Street Reconstruction Project.

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

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

RECOMMENDATION: Pass and adopt Resolution #8-2022.

DISCUSSION: This project involves full depth, full width PCC reconstruction (Mary Street to Williams Street). Work includes ADA compliant HC drops, storm and sanitary sewer improvements. We are working with Ottumwa Water Works on replacement of existing water main. Any water main work will be reimbursed by Ottumwa Water Works.

Bids will be received and opened by the City of Ottumwa on February 9, 2022 at 2:00 p.m. The bid report and bid award recommendation will be presented at the City Council meeting on February 15, 2022, or at a later date as determined by staff.

Estimated cost: \$ 844,767.00

Budgeted amount: \$ 844,767.00

RESOLUTION #8-2022

A RESOLUTION APPROVING THE PLANS, SPECIFICATIONS, FORM OF CONTRACT,
AND ESTIMATED COST FOR THE LILLIAN STREET RECONSTRUCTION PROJECT

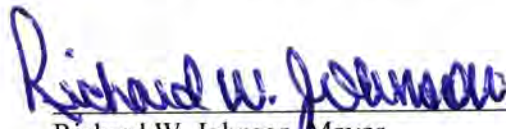
WHEREAS, The City Council of the City of Ottumwa, Iowa has conducted a public hearing on the plans, specifications, form of contract, and estimated cost for the above referenced project; and,

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

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

APPROVED, PASSED, AND ADOPTED, this 18th day of January, 2022.

CITY OF OTTUMWA, IOWA


Richard W. Johnson, Mayor

ATTEST:


Christina Reinhard, City Clerk

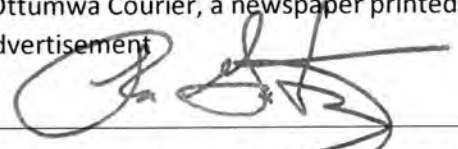
PROOF OF PUBLICATION

STATE OF IOWA
WAPELLO COUNTY

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

Public Hearing (Lillian St)

City of Ottumwa

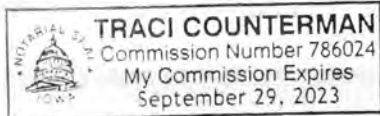


hereto attached was published in

said newspaper for 1 consecutive week's to-wit: 01/08/22

Subscribed and

sworn to before me, and in my presence, by the said 8th day of January, 2022



Notary Public

In and for Wapello County

Printer's fee \$22.29

COPY OF ADVERTISEMENT

SECTION 00010
NOTICE OF PUBLIC HEARING
The City Council of Ottumwa, Iowa, will hold a public hearing on the proposed Plans and Specifications, form of contract and estimate of cost for the construction of said improvements described in general as "Lillian Street Reconstruction Project, Ottumwa, Iowa" at 5:30 o'clock p.m. on the 18th day of January 2022, in the Council Chambers, City Hall, Ottumwa, Iowa. At said hearing any interested person may appear and file objections thereto or to the cost of the improvements. At the hearing, the City will receive and consider any objections made by any interested party, to the Plans and Specifications, proposed form of Contract, and the estimate of cost for the project. The work to be done is as follows: Furnish all labor, materials and equipment to construct the following: Full Depth, Full Width PCC Reconstruction (Mary Street to Williams Street). Work includes ADA compliant HC drops, storm and sanitary sewer improvements. All work and materials are to be in strict compliance with the Plans and Specifications prepared by the City of Ottumwa Engineering Department which together with the proposed form of contract and estimate of cost have heretofore been approved by the City and are now on file for public examination in the office of the Clerk, and are by this reference made a part hereof as though fully set out and incorporated herein. CITY OF OTTUMWA, IOWA By: Richard W. Johnson, Mayor ATTEST: Christina Reinhard, City Clerk

PH-Approx Pls
Lillian St Recon



CITY OF OTTUMWA
Staff Summary

**** ACTION ITEM ****

Council Meeting of : Jan 18, 2022

Planning & Development
Department

Zach Simonson
Prepared By
Zach Simonson
Department Head



City Administrator Approval

AGENDA TITLE: RESOLUTION 11-2022: A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND SUBMIT THE COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR THE OTTUMWA CERRO GRANDE UPPER-STORY HOUSING PROJECT AND, IF FUNDED, TO SIGN ALL CONTRACT RELATED DOCUMENTS.

Public hearing required if this box is checked.

RECOMMENDATION: PASS AND ADOPT RESOLUTION 11-2022.

ITEM REMOVED FROM AGENDA – NO LEGISLATIVE ACTION

DISCUSSION: The Iowa Economic Development Authority (IEDA) is seeking projects on a first-come-first-serve basis for the Community Development Block Grant (CDBG) COVID- 19 (CV) Program. The IEDA CDBG-CV Housing Conversion Program provides grants of up to \$ 500,000 for upper-story housing projects in COVID- 19-impacted commercial districts, such as downtown Ottumwa. The property owner of 311 E. Main St. has a

Source of Funds:

Budgeted Item: Budget Amendment Needed:

completed architectural design for two 3-bedroom apartments in the vacant second-floor space and are invested in contributing their share. Area 15 Regional Planning has provided grant assistance, including preparing the application which has been included in the Council packet. This resolution authorizes the staff to submit the application. The application has a total budget of \$685,500. Staff proposes providing match through the CIP. The property owners would contribute \$175,500 and the grant would provide \$500,000 for the project.

RESOLUTION NO. 11-2022

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND SUBMIT THE COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR THE OTTUMWA CERRO GRANDE UPPER-STORY HOUSING PROJECT AND, IF FUNDED, TO SIGN ALL CONTRACT RELATED DOCUMENTS.

WHEREAS, the City Council has determined that housing and downtown revitalization are high priorities for the City of Ottumwa; and

WHEREAS, the scope of work will be consistent with Ottumwa Municipal Code Chapter 10, the Building Code, adopted by Ordinance 3096-2016; and

WHEREAS, the City Council of Ottumwa, Iowa, intends to submit an application requesting assistance from the Iowa Economic Development Authority (IEDA) through the Community Development Block Grant (CDBG) COVID-19 (CV) housing conversion fund not to exceed \$500,000; and

WHEREAS, local match will be provided in the amount of \$10,000 from the City through an allocation in the Capital Improvements Program with additional assistance from the participating property owner in the amount of \$175,500 for a total project of \$685,500; and

WHEREAS, the CDBG CARES Program notice requires that grantees ensure Duplication of Benefits (DOB) does not occur for CDBG-CV funds; and

WHEREAS, the CDBG CARES Program notice requires that all CDBG-CV grantees adopt DOB policies and procedures;

WHEREAS, the IEDA has developed "Community Development Block Grant Coronavirus (CDBG-CV) Duplication of Benefits Policies and Procedures" for non-entitlement communities to utilize.

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

The Mayor of the City of Ottumwa is authorized to sign all documents related to the CDBG Application to the COVID-19 housing conversion fund, and, if funded, is hereby authorized to sign all grant related contract documents; and furthermore, the City does hereby commit \$10,000 from Capital Improvement Program Fund.

BE IT FURTHER RESOLVED THAT, the City adopts IEDA's Duplication of Benefits Policies and Procedures.

BE IT FURTHER RESOLVED THAT, the City has authorized the Area 15 Regional Planning Commission (RPC) to submit the CDBG-COVID 19 application and intends to employ the services of Area 15 RPC for grant administration services, if awarded.

APPROVED, PASSED, AND ADOPTED this 18th day of January 2022.

CITY OF OTTUMWA, IOWA

Richard W. Johnson, Mayor

ATTEST:

ITEM REMOVED FROM AGENDA – NO LEGISLATIVE ACTION
Christina Reinhard, City Clerk

CONTRACT FOR GRANT APPLICATION ASSISTANCE

This contract for grant application assistance has been agreed to by and between the **City of Ottumwa, Iowa**, hereinafter referred to as the CITY, and the **Area 15 Regional Planning Commission**, hereinafter referred to as the RPC.

WHEREAS, the CITY wishes to prepare a Community Development Block Grant (CDBG) Application to the Iowa Economic Development Authority (IEDA) COVID-19 (CV) Housing Conversion Program for the upper-story at 311 E. Main St.; and

WHEREAS, the CITY wishes to contract with the RPC to provide the technical assistance required to carry out the grant application services; and

WHEREAS, the CITY recognizes that the completion of an environmental review prior to application submittal provides for a more competitive grant proposal; and

WHEREAS, the CITY understands that the RPC will incur substantial expense in providing technical assistance and the CITY enters into this contract with the understanding that it will enter into a further grant administration contract with the RPC if the CDBG Application is funded or it will reimburse the RPC for grant application assistance services if grant administration is awarded to another provider.

NOW, THEREFORE, BE IT RESOLVED that the parties do mutually agree as follows:

- A. TECHNICAL ASSISTANCE STAFF: The RPC represents that it has, or shall acquire, all personnel necessary to perform the services described in the Scope of Services.
- B. SCOPE OF SERVICES: The RPC shall assist the CITY with all activities relating to the preparation and submission of the CDBG Application, including:
 - 1. The RPC shall assist the CITY with the preparation and submission of the CDBG Application.
 - 2. The RPC shall assist the CITY in shall facilitate discussion between all project stakeholders, including but not limited to the CITY, property owner, and IEDA.
 - 3. The RPC staff shall assist the CITY in arranging, and will attend, all public hearings required to complete and submit the CDBG Application.
 - 4. The RPC shall complete prepare an Environmental Review Record (ERR), which will evaluate the environmental impacts of the proposed project and will be developed in a format satisfying the pre-application directives provided by IEDA.
- C. COMPENSATION:
 - 1. The RPC shall complete activity #4 in the Scope of Services for a lump-sum total of one thousand dollars (\$1,000). Payment shall be made no later than thirty (30) days after receipt of invoice for services, unless other terms are agreed to by both parties and attached to this contract.
 - 2. If the CDBG Application IS NOT funded, the CITY will pay no compensation to the RPC for grant application services, activities #1-3 in the Scope of Services.
 - 3. If the CDBG Application IS funded, the CITY agrees to either:
 - A.) enter into a further contract with the RPC for administration of the CDBG grant at a cost not to exceed the administrative costs as identified in the CDBG grant application, with no compensation payable to the RPC for grant application services; **OR**

B.) pay the RPC a fee of five thousand dollars (\$5,000) as reimbursement for activities #1-3 as provided in the Scope of Services if the CITY chooses to solicit proposals for grant administration services and awards a grant administration contract to a provider other than the RPC.

D. CONTRACT DURATION: This contract shall be in effect for a period of eighteen (18) months from the date of signature, or until the CDBG Application is funded and the grant administration contract has been executed, whichever occurs last. If the application is not funded, the RPC will complete any necessary revisions to the ERR for no more than one CDBG application resubmittal. Any necessary revisions will be carried out at no additional cost, assuming there are no substantial changes in the scope of work. Either the CITY or the RPC shall have the right to terminate this contract and the CDBG full application process upon ten (10) days written notice.

E. INDEMNIFICATION: The CITY shall hold the RPC, its officers and employees, harmless from any and all claims losses, damages or liability whatsoever resulting from or arising out of this contract or the project to which it pertains.

CITY OF OTTUMWA, IOWA

AREA 15 REGIONAL PLANNING COMMISSION

By: _____
Title: MAYOR

CHAIR, RPC BOARD

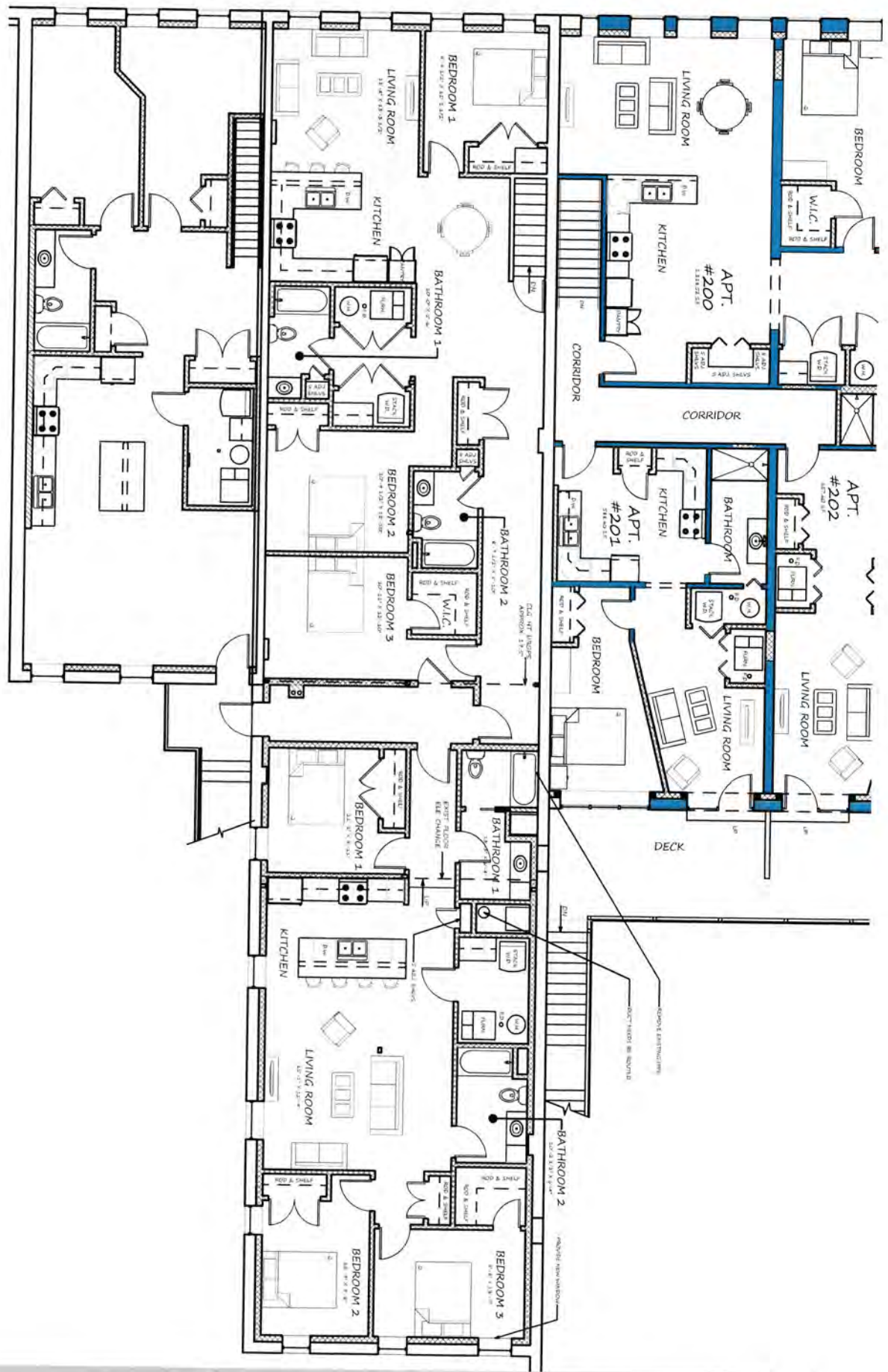
DATE

DATE

ATTEST:

CITY CLERK

FLOOR PLAN
1/8" = 1'-0"



SP1.1

DATE: 01/06/2022
REVISIONS:
PRELIMINARY
NOT FOR
CONSTRUCTION
PROJECT #
PAGE NAME

311 E MAIN ST
OTTUMWA, IA

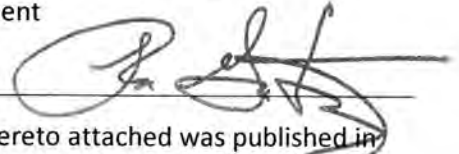
WWW.CADRESEARCH.COM
721 E MAIN STREET
OTTUMWA, IA 52501
663.414.1500

PROOF OF PUBLICATION

STATE OF IOWA
WAPELLO COUNTY

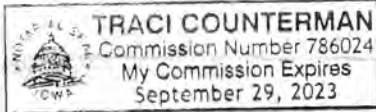
I, Ron Gutierrez, being duly sworn on my oath, say I am the Publisher of the Ottumwa Courier, a newspaper printed in said Wapello County, Iowa and of general circulation there in, and that the advertisement

Public Hearing Jan. 18
City of Ottumwa



hereto attached was published in said newspaper for 1 consecutive week's to-wit: 01/13/22 Subscribed and

sworn to before me, and in my presence, by the said 13th day of January, 2022



Notary Public

In and for Wapello County

Printer's fee \$14.42

COPY OF ADVERTISEMENT

NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA, ON AN APPLICATION FOR THE IOWA ECONOMIC DEVELOPMENT AUTHORITY COVID-19 PROGRAM FOR A COMMUNITY DEVELOPMENT BLOCK GRANT Public notice is hereby given that the City Council of the City of Ottumwa, Iowa, will hold a public hearing on January 18, 2022, in the Council Chambers, City Hall, 105 East Third Street, Ottumwa, Iowa, at 5:30 P.M., at which meeting the Council proposes to take action on an application to the Iowa Economic Development Authority (IEDA) Community Development Block Grant COVID-19 Program (CDBG-CV). The application will be for housing conversion improvements for 311 East Main Street. Any persons interested may appear at said meeting of the Council and present evidence for or against the application. Dated this 11th day of January, 2022, Chris Reinhard, City Clerk, City of Ottumwa, Iowa

PH-CDBG-311 E Main

CITY OF OTTUMWA
Staff Summary

**** ACTION ITEM ****

Council Meeting of : Jan 18, 2022

Philip Rath

Prepared By

Administration

Department

Department Head



City Administrator Approval

AGENDA TITLE: Public Hearing to consider the request to remove breed specific language from the City Code in reference to "Dangerous Animals"

Public hearing required if this box is checked.

RECOMMENDATION: Hold public hearing to gather input from residents regarding the proposed ordinance revision

DISCUSSION: On November 16 the City Council officially received a petition (Petition No. 5086-2021) to end the ban on Pit Bulls in Ottumwa, Iowa. This public hearing is to gather input from the community at large regarding a potential revision to the ordinance as requested by the petition.

Source of Funds:

Budgeted Item:

Budget Amendment Needed:



[CITY OF]
OTTUMWA

Petition No.: 5086-2021

Petitioner Information:

Name: Marcia McDaniel - 730 signatures in 52501 (1,185 total online) no St. Addresses

Address: _____

Phone Number: (641) 777-3163 Petition contains the required number of signatures.

Summary of Petition:

End the Ban on Pit Bulls in Ottumwa, Iowa

~~1. Engineering Department~~ Approve Deny

~~Comments:~~

Council Members and Mayor

Date

Dept. Initials
Required

~~2. Plan/Zoning/Dev. Department~~ Approve Deny

~~Comments:~~

Date

Dept. Initials
Required

~~3. Health Department~~ Approve Deny

~~Comments:~~

Date

Dept. Initials
Required

** If denied by your department automatically return to the City Clerk's Office.

** If approved by your department submit to the next department for review.

*** Once the form is completed return to the City Clerk's Office

October 29th, 2021

Re: Ottumwa's Pitbull ban

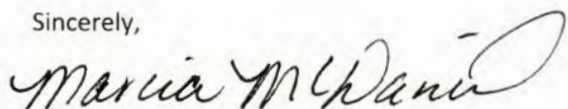
Dear Mayor and City Council,

Along with the petition, the Coalition to end Ottumwa's Pitbull ban is including our folder of facts for you to review. The petition has also been filed with the City Clerk. To provide full transparency, we are in contact with the Animal Farm Foundation and have included a page from their website that shows what the foundation spent in the lawsuit against Sioux City. You will also find an email from the city attorney in Sioux City regarding the amount the city spent prior to dropping their defense once it became apparent that Breed Specific Legislation is unconstitutional.

I can be reached by phone at 641-777-3163 if any of you need additional information or have any questions.

I look forward to hearing from you soon.

Sincerely,



Marcia McDaniel

Coalition to end Ottumwa's Pitbull Ban

Pick the Pitbull
this is what
you ask animal
control to do...

answer on pg. 23





American Bulldog



American Akita



Alapaha Blue Blood Bulldog



Dogo Argentino



Presa Canario



Ca Do Bou



Pit Bull Terrier



Cane Corso



Boxer



Bandogge



Olde English Bulldogge



American Bully

American Pit Bull Terrier

[Tweet](#)

[Save](#)



Tara Gregg, Animal Photography

Breed Group: Terrier

Height: 17 to 21 inches

Weight: 30 to 60 pounds

Life Span: 10 to 15 years

The Pit Bull, Pittie or APBT, as he's known for short, is often described as a goofball or clown. Although this medium-sized dog is not always aggressive, he has a fearsome reputation because of his background as a fighting dog. But with people who appreciate and understand his personality, he can be a wonderful family companion.



Breed Characteristics

Adaptability ³



Affection Level ⁵



Apartment Friendly ²



Barking Tendencies ³



Cat Friendly ¹



Child Friendly ⁵



Dog Friendly ¹



Exercise Needs ³



Grooming ¹



Health Issues ³



Intelligence ⁵



Playfulness ⁵



Shedding Level ²



Social Needs ⁵



Stranger Friendly ⁵



Territorial ³



Trainability ⁵



Watchdog Ability ³





ASPOCA[®]



DONATE

ABOUT US / POLICIES AND POSITIONS

Position Statement on Pit Bulls



Position Statement on Pit Bulls

Dog breeds are characterized by certain physical and behavioral traits. Each breed was developed to perform a specific job, whether that job is hunting rabbits, retrieving downed birds, herding livestock or sitting on people's laps. When developing a breed, breeders selected only those dogs that performed their job best to produce the next generation.

Physical abilities and behavior are both important facets of any breed. A well-bred dog should have both the physical attributes necessary to perform its job and the behavioral tendencies needed to learn it. It's not surprising that individuals of a specific breed tend to look and behave somewhat similarly. Pointers are more likely than Poodles to point, and sheepdogs are more likely than lapdogs to herd. However, while a dog's genetics may predispose it to perform certain behaviors, tremendous behavioral variation exists among individuals of the same breed or breed type. It's also important to note that some dog breeds are now bred for entirely different jobs than those for which they were originally developed. For example, certain strains of Golden Retrievers are now being bred as service dogs, a far cry from their original job of retrieving downed birds.

Today's pit bull is a descendant of the original English bull-baiting dog—a dog that was bred to bite and hold bulls, bears and other large animals around the face and head. When baiting large animals was outlawed in the 1800s, people turned instead to fighting their dogs against each other. These larger, slower bull-baiting dogs were crossed with smaller, quicker terriers to produce a more agile and athletic dog for fighting other dogs.

Some pit bulls were selected and bred for their fighting ability. That means that they may be more likely than other breeds to fight with dogs. It doesn't mean that they can't be around other dogs or that they're unpredictably

aggressive. Other pit bulls were specifically bred for work and companionship. These dogs have long been popular family pets, noted for their gentleness, affection and loyalty. And even those pit bulls bred to fight other animals were not prone to aggressiveness toward people. Dogs used for fighting needed to be routinely handled by people; therefore aggression toward people was not tolerated. Any dog that behaved aggressively toward a person was culled, or killed, to avoid passing on such an undesirable trait. Research on pet dogs confirms that dog aggressive dogs are no more likely to direct aggression toward people than dogs that aren't aggressive to other dogs.

It is likely that that the vast majority of pit bull type dogs in our communities today are the result of random breeding—two dogs being mated without regard to the behavioral traits being passed on to their offspring. The result of random breeding is a population of dogs with a wide range of behavioral predispositions. For this reason it is important to evaluate and treat each dog, no matter its breed, as an individual.

While a dog's genetics may predispose it to behave in certain ways, genetics do not exist in a vacuum. Rather, behavior develops through a complex interaction between environment and genetics. This is an especially important consideration when we look at an individual dog versus a breed. Many diverse and sometimes subtle factors influence the development of behavior, including, but not limited to, early nutrition, stress levels experienced by the mother during pregnancy, and even temperature in the womb. And when it comes to influencing the behavior of an individual dog, factors such as housing conditions and the history of social interactions play pivotal roles in behavioral development. The factors that feed into the expression of behavior are so inextricably intertwined that it's usually impossible to point to any one specific influence that accounts for a dog becoming aggressive. This is why there is such variation in behavior between individual dogs, even when they are of the same breed and bred

for the same purpose. Because of the impact of experience, the pit bull specifically bred for generations to be aggressive may not fight with dogs and the Labrador retriever bred to be a service dog may be aggressive toward people.

Early positive experiences, most notably socialization, are considered key in preventing aggressive tendencies in dogs. Puppies that learn how to interact, play and communicate with both people and members of their own and other species are less likely to show aggressive behavior as adults. Given the powerful impact of socialization, it's no surprise that dogs that are chained outside and isolated from positive human interaction are more likely to bite people than dogs that are integrated into our homes. Unfortunately, pit bull type dogs that find themselves in these conditions may be at greater risk for developing aggressive behavior. But because these factors are ones that can be controlled by better educated owners, it is possible to reduce these risks, not just in pit bulls but in dogs of all breeds.

The reality is that dogs of many breeds can be selectively bred or trained to develop aggressive traits. Therefore the responsible ownership of any dog requires a commitment to proper socialization, humane training and conscientious supervision. Despite our best efforts, there will always be dogs of various breeds that are simply too dangerous to live safely in society. We can effectively address the danger posed by these dogs by supporting the passage and vigorous enforcement of laws that focus, not on breed, but on people's responsibility for their dogs' behavior, including measures that hold owners of all breeds accountable for properly housing, supervising and controlling their dogs. Breed neutral "dangerous dog" laws, "leash laws" that prohibit dogs from running loose off their owners' property, and "anti chaining" laws can control the behavior of individual dogs and individual owners and thereby help reduce the risk of harm to people and other animals.

Laws that ban particular breeds of dogs do not achieve these aims and instead create the illusion, but not the reality, of enhanced public safety. Notably, there are no statewide laws that discriminate based on dog breed, and 18 states have taken the proactive step of expressly banning laws that single out particular breeds for disparate legal treatment. Even the White House has weighed in against laws that target specific breeds. In a [statement issued in 2013](https://petitions.whitehouse.gov/response/breed-specific-legislation-bad-idea) (<https://petitions.whitehouse.gov/response/breed-specific-legislation-bad-idea>), President Obama said “[w]e don’t support breed-specific legislation—research shows that bans on certain types of dogs are largely ineffective and often a waste of public resources. And the simple fact is that dogs of any breed can become dangerous when they’re intentionally or unintentionally raised to be aggressive.”

All dogs, including pit bulls, are individuals. Treating them as such, providing them with the care, training and supervision they require, and judging them by their actions and not by their DNA or their physical appearance is the best way to ensure that dogs and people can continue to share safe and happy lives together.



Issue Analysis: Why Breed-Specific Legislation Doesn't Work

By AKC Staff

Apr 07, 2015 | 4 Minutes



 [socialization, therapy dogs, service dogs](#)

We have all heard the heartbreaking stories: A child brutally attacked by a dog. A beloved family pet or a farmer's livestock killed or injured by a stray dog. Such stories are far too common, and everyone agrees our communities must be protected from dangerous

communities must be protected from dangerous animals.

When faced with this dilemma, many public officials have turned to breed-specific legislation (BSL) as a possible solution. Breed-specific legislation is any bill that seeks to ban or place severe restrictions on owners of a particular breed of dog or dogs with certain physical characteristics, regardless of whether or not the dog is a problem in the community.

Like racial profiling for dogs, BSL unfairly penalizes responsible dog owners without holding owners of truly dangerous dogs accountable. This is why the American Kennel Club, the American Veterinary Medical Association, the National Animal Control Association, the American Bar Association, and a host of other respected national organizations oppose BSL and recognize the inequities and inherent fallacies of such laws.

A Declining Trend

Around the world, governments are recognizing the inherent problems with BSL and revising their dangerous dog policies. Italy, for example, repealed its breed-specific policies after six years of costly enforcement and ineffectiveness. In June 2009, the Dutch government announced its intent to remove its “pitbull” ban after determining that it did not decrease dog bites or improve safety in the Netherlands.

In the United States, the American Kennel Club (AKC) sees multiple state legislatures and local governments introduce bills each year with breed-specific components. These bills take many forms and do not always simply ban the ownership of certain breeds. Some include a mandatory sterilization of specific breeds, liability insurance requirements, or higher licensing fees. Some automatically designate specific breeds as “dangerous”, thereby subjecting some responsible dog owners to specific laws not applicable to owners of other breeds.



The AKC plays an active role in stopping breed-specific legislation. Since 2005, the AKC has actively opposed more than a dozen state initiatives to enact breed-specific legislation. Only one of these bills became law. In 2012, the AKC actively supported the successful repeal of Ohio's statewide breed-specific laws, which had been in effect for over 20 years.

This resulted in numerous communities throughout Ohio re-examining – and in many cases repealing – their breed-specific policies. The Cincinnati City Council, for example, repealed their long-standing policies by an 8-1 vote in April 2012. Ohio communities are not unique in this trend. Each year, the AKC works with counties and municipalities across the country that are seeking to amend or repeal their breed-specific laws as local governments and animal control recognize the ineffectiveness of these policies in addressing concerns with dangerous dogs.



Policy and Implementation Concerns

There are a number of inherent problems with breed-specific legislation. Banning a specific breed punishes responsible dog owners who have well-trained dogs of that breed, while irresponsible owners who want a “dangerous dog” as a status symbol will simply choose another breed. Public officials are left continuing to add to a list of forbidden breeds. Italy’s list grew to over 90 breeds before the statute was repealed.

Animal control officers must also become dog breed experts in order to determine whether a specific dog is on the list of regulated breeds. In Iowa, for example, a dog owner had to fight for the right to keep her dog after animal control officers determined the mixed-breed dog violated the community’s breed-specific ordinance – even though neither the owner nor their veterinarian immediately identified the dog as being any the banned breeds. Some communities have attempted to define a dangerous dog as any dog that has certain physical characteristics. This forces local



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officials to focus more on a dog's appearance than its behavior – and often results in incorrect identification.

ADVERTISEMENT



Learn more

Breed-specific laws also often lead to increased costs to the community, as many owners abandon their household pets at local shelters because they are no longer permitted to own them, or are unable to comply with the strict regulations imposed on them. In many cases, the owner must choose between relocating to a different town or getting rid of their dog. Many of these dogs end up being housed and/or euthanized at



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SEARCH



SIGN IN



MEN



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Better Alternatives

Strict enforcement of animal control laws (such as leash laws) and guidelines that clearly define dangerous behavior in all breeds are more effective in protecting communities from dangerous animals. Dangerous dog guidelines should establish a fair process by which a dog is deemed “dangerous” or “vicious” based on *stated, measurable actions*, not merely based on breed. These laws should also impose appropriate penalties on irresponsible owners and establish a well-defined method for dealing with dogs proven to be dangerous.



Increased public education efforts also prove effective, as they address the root issue of irresponsible dog ownership. Salt Lake County, Utah, implemented a program in 2009 to train “pit bull” breeds in an attempt to lower the numbers being euthanized in local shelters. This program utilizes the American Kennel Club’s Canine Good Citizen® program to teach owners on how to properly train and socialize their dogs.

(www.animalservices.slco.org)

If a community truly wants to fix the problem of dangerous dogs, then it needs to abandon the idea of breed-specific legislation. Time and time again, communities that have enacted BSL get unenforceable and costly laws, but no solution to the problem.

Addressing the issue of irresponsible ownership is a much more effective method of animal control. The AKC Government Relations Department is available to help communities develop dangerous dog policies that properly protect citizens and responsible dog owners.



- HOME ▶ RESOURCES ▶ PUBLIC RESOURCES
- ▶ WHY BREED-SPECIFIC LEGISLATION IS NOT THE ANSWER

Why Breed-specific Legislation Is not the Answer

Breed-specific legislation (BSL) targets specific breeds of dogs that are wrongly thought to all be dangerous – most frequently "pit bull types" – and places stricter regulations on these dogs or even makes ownership of them illegal. Several cities, towns and states across the United States and Canada have adopted breed-specific measures in an attempt to prevent dog bites in their communities. **However, while BSL may look good on the surface, it is not a reliable or effective solution for dog bite prevention.**

The AVMA is opposed to breed-specific legislation.

Any dog can bite

According to the U.S. Centers for Disease Control (CDC), more than 4.5 million people in the United States are bitten by dogs each year, and more than 800,000 receive medical attention for dog bites, with at least half of them being children. It is no exaggeration to say that dog bites pose a significant health risk to our communities and society.

The issue of dangerous dogs, dog bites and public safety is a complex one. **Any dog can bite, regardless of its breed.** It is the dog's individual history, behavior, general size, number of dogs involved, and the vulnerability of the person bitten that determines the likelihood of biting and whether a dog will cause a serious bite injury. **Breed-specific bans are a simplistic answer to a far more complex social problem, and they have the potential to divert attention and resources from more effective approaches.**

The problem with breed-specific legislation

AVMA's Policy on Dangerous Animal Legislation states: "The AVMA supports dangerous animal legislation by state, county, or municipal governments provided that legislation does not refer to specific breeds or classes of animals. This legislation should be directed at fostering safety and protection of the general public from animals classified as dangerous."

There are several reasons why breed-specific bans and restrictions are not a responsible approach to dog bite prevention:

Breed-specific laws can be difficult to enforce, especially when a dog's breed can't easily be determined or if it is of mixed breed.

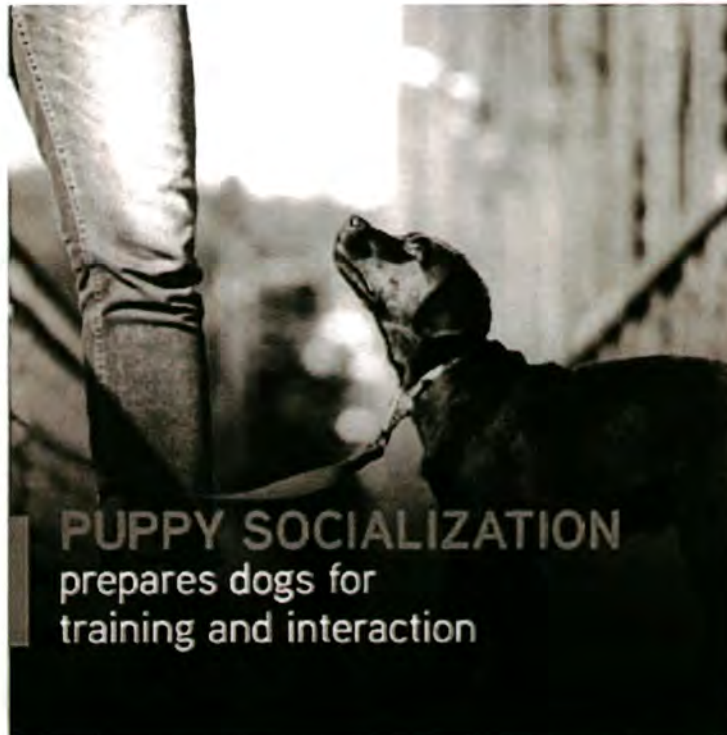
Frequently, breed-specific legislation focuses on dogs with a certain appearance or physical characteristics, instead of an actual breed. "Pit bulls" are the most frequent targets of breed-specific legislation despite being a general type rather than a breed; other breeds also are sometimes banned, including Rottweilers, Dobermans and boxers. However, it is extremely difficult to determine a dog's breed or breed mix simply by looking at it. A study conducted by Maddie's Fund, a national shelter initiative, showed that even people very familiar with dog breeds cannot reliably determine the primary breed of a mutt, and dogs often are incorrectly classified as "pit bulls". Because identification of a dog's breed with certainty is prohibitively difficult, breed-specific laws are inherently vague and very difficult to enforce.

Breed-specific legislation is discriminatory against responsible owners and their dogs.

By generalizing the behaviors of dogs that look a certain way, innocent dogs and pet owners suffer. BSL can lead to the euthanasia of innocent dogs that fit a certain "look," and to responsible pet owners being forced to move or give up dogs that have never bitten or threatened to bite.

Furthermore, dogs that are considered to be of a "dangerous breed" may already be serving the community in positions such as police work, military operations, rescue purposes, and as

military operations, rescue purposes, and as service animals. Contrary to being a liability, these animals are assets to society; however they, too, suffer due to misinformation and breed-based stereotypes.



Breed bans do not address the social issue of irresponsible pet ownership.

Dogs are more likely to become aggressive when they are unsupervised, unneutered, and not socially conditioned to live closely with people or other dogs. Banning a specific breed can give a community a false sense of security, and deemphasize to owners of other breeds the importance of appropriate socialization and training, which is a critical part of responsible pet ownership. In enacting breed-specific legislation, cities and states will spend money trying to enforce ineffective bans and restrictions rather than implementing proven solutions, such as

licensing and leash laws, and responding proactively to owners of any dog that poses a risk to the community.

It is not possible to calculate a bite rate for a breed or to compare rates between breeds because the data reported is often unreliable.

This is because:

1. The breed of a biting dog is often not known or is reported inaccurately.
2. The actual number of bites that occur in a community is not known, especially if they don't result in serious injury.
3. The number of dogs of a particular breed or combination of breeds in a community is not known because it is rare for all dogs in a community to be licensed.
4. Statistics often do not consider multiple incidents caused by a single animal.
5. Breed popularity changes over time, making comparison of breed-specific bite rates unreliable. However a review of the research that attempts to quantify the relation between breed and bite risk finds the connection to be weak or absent, while responsible ownership variables such as socialization, neutering and proper containment of dogs are much more strongly indicated as important risk factors.

A better solution to dog bite prevention

Animal control and legislative approaches to protecting a community from dangerous dogs should not be based on breed, but instead on promoting responsible pet ownership and developing methods to rapidly identify and respond to owners whose dogs present an actual risk.

The AVMA recommends the following strategies for dog bite prevention:

1. Enforcement of generic, non-breed-specific dangerous dog laws, with an emphasis on chronically irresponsible owners
2. Enforcement of animal control ordinances such as leash laws, by trained animal care and control officers
3. Prohibition of dog fighting
4. Encouraging neutering for dogs not intended for breeding
5. School-based and adult education programs that teach pet selection strategies, pet care and responsibility, and bite prevention

AVMA's report *A Community Approach to Dog Bite Prevention* (PDF) highlights tangible steps that veterinarians can take alongside state and local leaders to implement effective dog bite prevention programs in their community.

More Resources

- Summary notes adapted from *A Community Approach to Dog Bite Prevention*
- Literature Review: The Role of Breed in Dog Bite Risk and Prevention
- AVMA podcast on Breed-specific Legislation
- State-by-state summary of breed-specific ordinances
- American Veterinary Society of Animal Behavior (AVSAB) position statement on breed-specific legislation

About Canine Temperament

Because of breed-specific dog legislation and negative publicity associated with many breeds of dogs, temperament testing has assumed an important role for today's dog fancier. The ATTTS Temperament Test provides breeders a means for evaluating temperament and gives pet owners insight into their dog's behavior. It can have an impact on breeding programs and in educating owners about their dog's behavioral strengths and weaknesses as well as providing a positive influence on dog legislation.

What is temperament?

W. Handel, German Police Dog Trainer, in his article, "The Psychological Basis of Temperament Testing," defines temperament as:

"the sum total of all inborn and acquired physical and mental traits and talents which determines, forms and regulates behavior in the environment"

The ATTTS test focuses on and measures different aspects of temperament such as stability, shyness, aggressiveness, and friendliness as well as the dog's instinct for protectiveness towards its handler and/or self-preservation in the face of a threat. The test is designed for the betterment of all breeds of dogs and takes into consideration each breed's inherent tendencies.

The test simulates a casual walk through the park or neighborhood where everyday life situations are encountered. During this walk, the dog experiences visual, auditory and tactile stimuli. Neutral, friendly and threatening situations are encountered, calling into play the dog's ability to distinguish between non-threatening situations and those calling for watchful and protective reactions.

CITY OF OTTUMWA
Staff Summary

**** ACTION ITEM ****

Council Meeting of : Jan 18, 2022

Philip Rath

Prepared By

Administration

Department

Department Head



City Administrator Approval

AGENDA TITLE: Resolution No. 3-2022 - a resolution providing for the financial support of the Area 15 Regional Planning Commission

Public hearing required if this box is checked.

RECOMMENDATION: Pass and adopt Resolution 3-2022

DISCUSSION: In accordance with the 1973 Articles of Agreement with Area 15 Regional Planning Commission the City is responsible for \$0.51 per capita. This equates to a contribution of \$13,019.79 for the period covering July 1, 2022 through June 30, 2023.

Source of Funds: N/A

Budgeted Item:

Budget Amendment Needed:

RESOLUTION NO. 3-2022

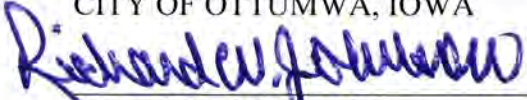
**A RESOLUTION PROVIDING FOR THE FINANCIAL SUPPORT OF THE
AREA 15 REGIONAL PLANNING COMMISSION**

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

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

WHEREAS, the governing body of the City of Ottumwa, Iowa is a part of the Area 15 Regional Planning Commission and has agreed to contribute \$.51 per capita, for a total amount equal to \$13,019.79 to cover financial operating costs of the Area 15 Regional Planning Commission from July 1, 2022 through June 30, 2023.

APPROVED, PASSED, AND ADOPTED this 18th day of January, 2022.

CITY OF OTTUMWA, IOWA

Richard W. Johnson, Mayor

ATTEST:


Chris Reinhard, City Clerk



P.O. Box 1110 • Ottumwa, IA 52501
(P) 641.684.6551 • (F) 641.684.4894
Area15rpc@AREA15RPC.COM
www.area15rpc.com
chris.bowers@AREA15RPC.COM

December 31, 2021

Seasons' Greetings!

As the new year arrives, Area 15 Regional Planning Commission is excited to begin its annual membership drive! As you begin budgeting for **FY2022-2023**, I hope you will continue your membership and support of your regional planning commission. Membership provides you with local professional staff to access programs and services for your community.

The past year has been very successful and busy for your Economic Development District (EDD)/Council of Governments (COG). With a 89% membership rate for FY2021-2022, your support is incredible! RPC staff helped our communities and citizens with planning, housing, and community/economic development projects.

The RPC secured over **\$3.2 million** in grants from July 1, 2020 – June 30, 2021! This represents a return of **\$64** in grant funds for every \$1 of membership dues invested. However, success does not happen without your support. Your annual participation is extremely important for the regional planning commission to provide you with professional planning staff. Our five (5) professional staff have a combined 77 years of experience working for you at Area 15 RPC. They have the knowledge, experience, and connections to help with your community needs.

Thank you to our public officials, economic development professionals, and regional partners who assisted us to pursue these community and economic development opportunities over the past year. I ask that you please consider and return the enclosed resolution for membership to keep your regional planning commission going strong!

If there is anything that we can do for you, please reach out to me at (641) 814-8403 or chris.bowers@area15rpc.com. Remember – we are working for you!

Sincerely,

Chris Bowers
Executive Director

Please return this copy to the RPC

RESOLUTION # 3-2022

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

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

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

WHEREAS, the governing body of the City of **Ottumwa**, Iowa is a part of the Area 15 Regional Planning Commission and has agreed to contribute \$.51 per capita, for a total amount equal to **\$13,019.79** to cover financial operating costs of the Area 15 Regional Planning Commission from July 1, 2022 through June 30, 2023.

AGREED TO THIS 18 DAY OF January 2022.

Richard W. Johnson
Mayor

ATTEST:

Chris Renhard
City Clerk

CITY OF OTTUMWA
Staff Summary

**** ACTION ITEM ****

Council Meeting of : Jan 18, 2022

Philip Rath

Prepared By

Administration

Department

Department Head



City Administrator Approval

AGENDA TITLE: Resolution No. 4-2022 - a resolution providing for the financial support of the Regional Planning Affiliation (RPA 15)

Public hearing required if this box is checked.

RECOMMENDATION: Pass and adopt Resolution 4-2022

DISCUSSION: Regional Planning Affiliation for Region 15 (RPA 15) has been designated to provide transportation planning to its members, which includes the City of Ottumwa. The City is estimated to receive \$514,300 in financial support. In return, the City is requested to contribute a proportional share (\$3,973) of the local match for the planning grant. The local match is 20% or \$18,163.

Source of Funds: N/A

Budgeted Item:

Budget Amendment Needed:

RESOLUTION NO. 4-2022


**A RESOLUTION PROVIDING FOR THE FINANCIAL SUPPORT OF THE
REGIONAL PLANNING AFFILIATION (RPA 15)**

- WHEREAS, the State of Iowa has designated the counties of Jefferson, Keokuk, Mahaska, Van Buren, Wapello along with the cities of Fairfield, Oskaloosa and Ottumwa as the Regional Planning Affiliation for Region 15 (RPA 15); and,
- WHEREAS, RPA 15 Articles of Agreement, signed on December 22, 1994, and amended on January 23, 2014 designate the Area 15 Regional Planning Commission (Area 15 RPC) as the Regional Planning Affiliation for Region 15; and
- WHEREAS, the Iowa Department of Transportation (IDOT) requires each RPA to provide transportation planning to member jurisdictions prior to receiving Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) funding from the Iowa Department of Transportation; and
- WHEREAS, RPA 15 expects to receive and program an estimated \$2,351,000 in federal highway transportation grant funds for FY23 to be used for road improvements in RPA 15, of which Ottumwa's estimated share is \$514,300; and
- WHEREAS, the IDOT requires Area 15 RPC to provide twenty percent (20%) local match toward the annual IDOT planning grant; and the FY23 local match requirement is an estimated \$18,163 and shall be proportionally shared by the member jurisdictions; and
- WHEREAS, the governing body of Ottumwa is a member of RPA 15 and whose apportioned share of FY23 local match equals \$3,973.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA HEREBY: agrees to contribute \$3,973 to the Area 15 Regional Planning Commission to serve as FY23 local match.

APPROVED, PASSED, AND ADOPTED this 18th day of January, 2022.

CITY OF OTTUMWA, IOWA


Richard W. Johnson, Mayor

ATTEST:


Chris Reinhard, City Clerk



P.O. Box 1110 • Ottumwa, IA 52501
(P) 641.684.6551 • (F) 641.684.4894
Matt.naumann@area15rpc.com
www.area15rpc.com

December 30, 2021

City Clerk
City of Ottumwa
105 East Third
Ottumwa, IA 52501

**** COMBINED * STATEMENT ****

Re: Area 15 RPC Membership dues, RPA 15 Local Match

Per capita assessment for membership in, and financial support of the Area 15 Regional Planning Commission (RPC) for the year beginning July 1, 2022 and ending June 30, 2023.

TOTAL DUE: \$13,019.79

IDOT local match assessment for Regional Planning Affiliation for Region 15 (RPA 15) for the year beginning July 1, 2022 and ending June 30, 2023.

TOTAL DUE: \$ 3,973.00

I, the within claimant or claimant's representative, certify that the above claim(s) for which payment is requested is true and correct and that no portion has been previously paid.

Matt M. Naumann
Area XV RPC
Project Coordinator

Please return this copy to the RPC

RESOLUTION # 4-2022

**RESOLUTION PROVIDING FOR THE FINANCIAL SUPPORT OF THE
REGIONAL PLANNING AFFILIATION (RPA 15)**

WHEREAS, the state of Iowa has designated the counties of Jefferson, Keokuk, Mahaska, Van Buren, Wapello along with the cities of Fairfield, Oskaloosa and Ottumwa as the Regional Planning Affiliation for Region 15 (RPA 15), and;

WHEREAS, RPA 15 Articles of Agreement, signed on December 22, 1994, and amended on January 23, 2014 designate the Area 15 Regional Planning Commission (Area 15 RPC) as the Regional Planning Affiliation for Region 15; and

WHEREAS, the Iowa Department of Transportation (IDOT) requires each RPA to provide transportation planning to member jurisdictions prior to receiving Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) funding from the Iowa Department of Transportation; and

WHEREAS, RPA 15 expects to receive and program an estimated **\$2,351,000** in federal highway transportation grant funds for FY23 to be used for road improvements in RPA 15, of which Ottumwa's estimated share is **\$514,300**; and

WHEREAS, the IDOT requires Area 15 RPC to provide twenty percent (20%) local match toward the annual IDOT planning grant; and the FY23 local match requirement is an estimated \$18,163 and shall be proportionally shared by the member jurisdictions, and

WHEREAS, the governing body of **Ottumwa** is a member of RPA 15 and whose apportioned share of FY23 local match equals **\$3,973**

NOW, THEREFORE BE IT RESOLVED that **Ottumwa** has agreed to contribute **\$3,973** to the Area 15 Regional Planning Commission to serve as FY23 local match.

AGREED TO THIS 18 DAY OF January, 2022

Richard W. Johnson
Mayor

ATTEST:

Chris Runkland
City Clerk

CITY OF OTTUMWA
Staff Summary

**** ACTION ITEM ****

Council Meeting of : Jan 18, 2022

Barbara Codjoe

Prepared By

Barbara Codjoe

Department Head

Administration

Department

City Administrator Approval

AGENDA TITLE: Resolution #5-2022 - Approve updates to Personnel Policy

Public hearing required if this box is checked.

RECOMMENDATION: Pass and adopt resolution #5-2022

DISCUSSION: Two changes are proposed.

1) Add Engineering Supervisor to list of Field Supervisors on page 9. The Engineering Supervisor is subject to the same terms of call outs as the employees they supervise regarding classified events, call-backs and mandatory overtime.

2) Removing wording under the Parental Leave section that contradicts current Leave of Absence Policy (removed "two weeks" wording).

Source of Funds: N/A

Budgeted Item:

Budget Amendment Needed:

RESOLUTION NO. 5-2022

RESOLUTION APPROVE UPDATED PERSONNEL POLICIES AND PROCEDURES

WHEREAS, the City of Ottumwa, Iowa had approved a revised Personnel Policies and Procedures manual on June 2, 2020, which incorporated the current practices regarding overtime pay and Parental Leave as part of the document' and;

WHEREAS, staff for the City of Ottumwa has reviewed the current policies regarding overtime pay and Parental Leave and determined the current policy does not meet the short and long term care for employees and operational needs for the employer, and;

WHEREAS, staff has drafted and revised the Personnel Policies and Procedures to meet the needs of both employee and employer and finds that approval of said policies and procedures, as revised, would be in the best interest of the City and the employees of the City, and;

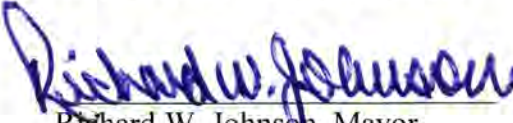
WHEREAS, the City Council of the City of Ottumwa, Iowa desires to approve the new Personnel Policies and Procedures containing reference to overtime pay and Parental Leave in accordance with the Municipal Code of the City of Ottumwa, sections 2-144 and 2-145

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ottumwa, Iowa, that the current Personnel Policies and Procedures approved on June 2, 2020 and any supplements thereafter are hereby repealed and that the attached Personnel Policies and Procedures are hereby adopted in their place with an effective date of January 18, 2022.

BE IT FURTHER RESOLVED, by the Ottumwa City Council of the City of Ottumwa, Iowa, that the Mayor and City Clerk are hereby authorized and directed to execute said resolution.

PASSED, ADOPTED and APPROVED this 18th day of January 2022.

CITY OF OTTUMWA, IOWA


Richard W. Johnson, Mayor

ATTEST:


Christina Reinhard, City Clerk

CITY OF OTTUMWA
Staff Summary

**** ACTION ITEM ****

Council Meeting of : Jan 18, 2022


Philip Rath

Prepared By

Administration

Department

Department Head



City Administrator Approval

AGENDA TITLE: Resolution No. 9-2022 - a resolution to accept the proposed extension from Ahlers and Cooney, PC for the provision of general legal services

Public hearing required if this box is checked.

RECOMMENDATION: Pass and adopt Resolution 9-2022

DISCUSSION:

In 2020 the city moved to contracted legal services following the retirement of the former City Attorney. City staff prepared a Request For Proposals (RFP) and the City Council interviewed three firms, ultimately contracting with Ahlers and Cooney, PC via resolution 230-2020. The relationship is working well and is recommended to continue for the next cycle (2022 - 2023). A copy of the engagement letter is attached for review and approval. As with resolution 230-2020, staff is requesting discretion to utilize other legal firms as necessary based upon potential conflict of interest issues, access, and / or efficiency.

Source of Funds: N/A

Budgeted Item:

Budget Amendment Needed:

RESOLUTION NO. 9-2022

**RESOLUTION ACCEPTING THE ENGAGEMENT AGREEMENT
FROM AHLERS & COONEY, PC
FOR THE PROVISION OF GENERAL LEGAL SERVICES**

WHEREAS, on October 20, 2020 the City of Ottumwa adopted Resolution 230-2020 a “Resolution Accepting the Proposal From Ahlers & Cooney, P.C. for the Provision of General Legal Services”; and

WHEREAS, the initial Engagement Agreement was for the years 2020-2021; and

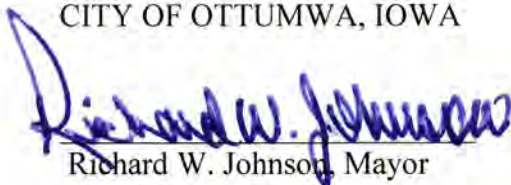
WHEREAS, an updated Engagement Agreement addressing the years 2022-2023 has been prepared by Ahlers & Cooney, PC.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA, that approval of the attached General Legal Services Engagement Agreement for 2022-2023 is granted and that the Mayor and the City Clerk of the city of Ottumwa, Iowa, are hereby authorized and directed to execute said Agreement on behalf of the City.

BE IT FURTHER RESOLVED, that the City Council provides the City Administrator with discretion to utilize alternative law firms as necessary for specialized legal services or as resolution to potential conflicts of interest, and/or increased efficiency in the provision of legal services.

APPROVED, PASSED AND ADOPTED, this 18th day of January, 2022.

CITY OF OTTUMWA, IOWA


Richard W. Johnson, Mayor

ATTEST:



Christina Reinhard, City Clerk



Ahlers & Cooney, P.C.
Attorneys at Law
100 Court Avenue, Suite 600
Des Moines, Iowa 50309-2231
Phone: 515-243-7611
Fax: 515-243-2149
www.ahlerslaw.com
Kristine Stone
515.246.0314
kstone@ahlerslaw.com

January 3, 2022

Mayor and City Council
c/o Philip Rath
City of Ottumwa
105 East Third Street
Ottumwa, IA 52501

Sent via email only

RE: General Legal Services Engagement Agreement 2022-2023

Dear Mayor Johnson & City Council Members:

The purpose of this Engagement Agreement ("Agreement") is to disclose and memorialize the terms and conditions under which Ahlers & Cooney, P.C. (the "Firm") will represent the City of Ottumwa (the "City") in connection with certain general legal services generally described herein. The City Council has appointed Kristine Stone of the Firm to serve as its Primary City Attorney and Maria Brownell as the Assistant City Attorney/City Prosecutor. The parties agree that Kristine Stone will be primarily responsible for serving as City Attorney and Maria Brownell and / or other attorneys of the Firm may assist Ms. Stone, when necessary.

SCOPE OF ENGAGEMENT

Upon request of the Mayor, City Council or City Administrator, the Firm will provide legal direction, advice, counsel, training, consultation, and opinions on all forms of City business including, but not limited to, the following services:

1. Advise and assist in the preparation of ordinances, orders, resolutions and regulations.
2. Prepare and pass on the legality and correctness and form of contracts, performance and other required bonds pursuant to City Code, and other legal instruments and documents.
3. Advise the City Council and all department heads and other administrative officials of the City as to the legality of any proposed action.
4. Be responsible for all prosecutions under the City Code or other ordinances of the City.
5. Represent the City as attorney in all legal proceedings in which the City is a party before any court or any judicial administrative or other body, including legal proceedings in which the City has retained special counsel to assist in the representation of the City.

6. Settle or compromise claims for suits at law or in equity in which the City may be a party, either by judgement entry or otherwise, subject to such procedures as the City Council may establish.
7. Preserve in its office copies of all written opinions given by the office.
8. Perform such other duties as may be required by state law or by the City Council.
9. Have a member of the Firm in attendance at all meetings of the City Council, except when excused. Such attendance may be by phone or other electronic means as the City may approve.
10. Recommend to the City Council when it is advisable to hire special counsel to represent or assist in the representation of the City in legal proceedings or in the preparation of legal documents or performing other legal services required of the office.

FEES

In calendar years 2022-2023 ("Term"), the Firm will charge a 10% discounted rate from the responsible attorney's standard hourly rate for work performed for the "standard city attorney services" enumerated in items 1-10 above. The Firm will charge its standard hourly rates on any particular assignment beyond the scope of the "standard city attorney services" identified herein. Rates are reviewed and may be adjusted in January of each year.

The Firm's hourly fee structure is listed below.

Attorney	2022 standard rate	10% discounted rate
Kristine Stone	\$260 / hour	\$234 / hour
Maria Brownell	\$255 / hour	\$229.50 / hour
Jenna Sabroske	\$220 / hour	\$198 / hour
Olivia Brooks	\$195 / hour	\$175.50 / hour

The Firm agrees to charge a discounted rate of \$175 per hour for travel time and for attendance at City Council meetings and other City Board meetings. We may engage legal assistants to assist with the work that we perform under this engagement. Legal assistants bill at a rate of \$130 per hour.

The scope of this Agreement is limited to those services expressly set forth above. Absent a separate engagement agreement regarding one or more of the following services, our duties under this Agreement do **not** include:

1. Any litigation the Firm determines is beyond the scope of standard city attorney services;
2. Any labor negotiations, employment related hearings, including arbitrations, grievance hearings, fact-finding hearings, and disciplinary hearings;
3. Any eminent domain;

4. Significant land use projects;
5. Telecommunications;
6. Bond counsel and specialized finance services;
7. Regulatory and administrative hearings before other public agencies;
8. Public improvement contract advice, proceedings, contract review and negotiation;
9. Defending any legal challenges to or arising out of a particular public improvement project;
10. Any urban renewal or economic development related legal services;
11. Services related to electrical power supply or transmission services; and
12. Any other legal services not identified herein.

The parties acknowledge the City and the Firm have existing engagement agreements for urban renewal, economic development, labor, and bond (finance) related services, separate from this Agreement. The City Council may limit or expand the scope of this Agreement from time to time, provided that any such proposed modification is agreed to in writing by our Firm.

There may be situations that arise from time to time where unique circumstances or activities may warrant the need to engage other attorneys or law firms in connection with the operations of the City of Ottumwa. To the extent the Firm recommends the City engage one or more additional attorneys or law firms, and the City approves such an engagement (prior approval of the City Council of such engagement being required), said engagement shall be between the City and said attorney or law firm.

BILLING MATTERS

The Firm will invoice the City on a monthly basis. The format for the statements will contain a description of the dates and a detailed description of the tasks performed, the professionals performing the tasks and the amount of time spent on the tasks, a summary of each professional's time and billing rate, total time, the total fees and an itemization of any expenses. The City will not be billed for time for preparation of such statements.

In addition, the Firm will bill the City for all expenses incurred on its behalf, such as deliveries and other related expenses. The Firm will not charge the City for photocopying expenses, except to the extent such expenses are incurred in connection with litigation matters. Payment is due and payable within thirty (30) days of receipt of the invoice.

If, for any reason, the City terminates the engagement governed by this Agreement, we will bill the City for the services rendered as of the date of termination based on the hourly rates of those who provided services. The fee charged by the Firm for this representation will be based in part on the current hourly rate of the person performing the service at the time services are performed. We will also bill you for all expenses we have incurred as outlined above.

ATTORNEY-CLIENT RELATIONSHIP

Upon execution of this Agreement, the City of Ottumwa will be our client and an attorney-client relationship will exist with the Firm with respect to services for which the City

Council or City Administrator requests our assistance. Either party hereto may terminate this engagement for any reason or no reason upon prior written notice.

RECORDS

At the City's request, any documents furnished by the City will be returned promptly upon receipt of payment for outstanding fees and client charges. Original signed copies of all agreements and documents will be provided to the City at the time of execution thereof. Our own files, including lawyer work product, pertaining to the above-referenced engagement will be retained by us. For various reasons, including the minimization of unnecessary storage expenses, we reserve the right to dispose of any documents or other material retained by us after the termination of this engagement; provided, however, prior to disposition of such documents or other material, the Firm will notify the City of such planned disposition, and the City may elect to have such documents or other material delivered to the City.

APPROVAL

Please carefully review the terms and conditions of this Agreement. **If this Agreement accurately reflects the terms of this particular engagement, please obtain approval by the City Council, and execute, date and return to me the enclosed copy of this Agreement. Please retain the original for your file.**

If you have questions regarding any aspect of the above or our representation, please do not hesitate to contact me. As always, we appreciate the opportunity to represent the City of Ottumwa and we look forward to working with you.

Sincerely,

AHLERS & COONEY, P.C.

By *Kristine Stone*

Kristine Stone

Accepted and approved on behalf of the City of Ottumwa*

By: *Richard W. Johnson*
Title: Mayor

Dated: *1/18/22*

*Authorized by Resolution \ Motion *9-2022* approved by the City Council on *January 18*, 2022.

January 3, 2022
Page 5

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CITY OF OTTUMWA
Staff Summary

**** ACTION ITEM ****

Council Meeting of: Jan 18, 2022

Philip Rath

Prepared By

Administration

Department

Department Head



City Administrator Approval

AGENDA TITLE: Resolution No. 12-2022 - a resolution approving matching \$750,000 contribution for the construction of improved tennis campus

Public hearing required if this box is checked.

RECOMMENDATION: Pass and adopt Resolution 12-2022

DISCUSSION:

The status of the tennis courts throughout the city has deteriorated to a point that impacts the flow of the game and raises safety concerns to the point that the school district has limited the amount of matches for the tennis teams. The District had previously approached the City and the Friends of Ottumwa's Parks about the condition of the City's courts. The District was prepared to proceed with the construction of courts on school property; however, have indicated they would be willing to use the funds for the courts toward a collaborative project with the City. The courts and associated amenities are estimated to cost approximately \$2.2M.

Source of Funds:

Budgeted Item:

Budget Amendment Needed:

At the January 4th meeting of the City Council, representatives from the Ottumwa School District and the Friends of Ottumwa Parks presented their vision for twelve post-tension concrete tennis courts and request for funds from the City to construct later this year. The District commented they are prepared to match the City contribution (up to \$750,000) toward the project.

The January 4th proposal is consistent with the 2040 Comprehensive Plan. The City is currently under contract with Design Workshop to develop a parks plan for Greater Ottumwa Park and the surrounding area. This plan will identify the placement of the tennis courts and amenities and is due to the City late summer. The post-tension concrete courts identified by the District and the Friends are a higher constructed material and result in less annual maintenance.

The City has several options for the funding of the request. The primary sources would be Capital Improvement Planning process (typically covered via public borrowing) or American Recovery Plan Act proceeds. Based upon staff recommendations, the tennis courts were identified as the second on the list of initiatives.

RESOLUTION NO. 12-2022

RESOLUTION APPROVING MATCHING \$750,000 CONTRIBUTION FOR THE CONSTRUCTION OF IMPROVED TENNIS CAMPUS

WHEREAS, on August 18, 2020 the City of Ottumwa adopted the 2040 Comprehensive Plan, which included a conceptual plan for improving the Greater Ottumwa Park and surrounding area; and

WHEREAS, the City has contracted with Design Workshop to develop an active plan to move from concept to the reality of a regional sports destination; and

WHEREAS, the city staff and community partners recognize sports tourism as a growing industry driving economic development and financial sustainability across the nation; and

WHEREAS, on January 4, 2022 the city received a presentation regarding the current status and safety concerns of tennis courts throughout the city and a request to work together to improve and construct new and improved tennis facilities; and

WHEREAS, the Ottumwa School District has committed to contribute up to \$750,000 in matching funds toward the construction of twelve post tension concrete courts, restroom and concession facilities, and parking; and

WHEREAS, the Friends of Ottumwa Parks foundation has committed to raise the remaining funds over the City and District contributions for the construction of twelve post tension concrete courts, restroom and concession facilities, and parking; and

WHEREAS, city staff is continually looking for ways to work with our community partners and magnify our resources to complete projects like this which would allow the city to construct the campus for approximately thirty-three cents on the dollar; and

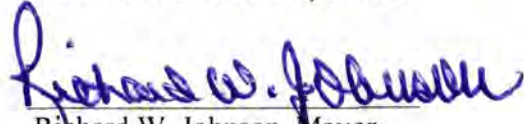
WHEREAS, the City will receive approximately \$3.6M in American Rescue Plan Act (ARPA) money over a two-year period, which is to be utilized to fight the pandemic, maintain vital public services, and / or build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA, that approval is given to provide matching funds up to \$750,000 or 1/3 of total cost for the construction of improved tennis campus, whichever is less, contribution with the funds coming either from the ARPA funding or

Capital Improvement Planning for the construction of tennis facilities as described above and that the Mayor and the City Clerk of the city of Ottumwa, Iowa, are hereby authorized and directed to execute said Agreement on behalf of the City.

APPROVED, PASSED AND ADOPTED, this 18th day of January, 2022.

CITY OF OTTUMWA, IOWA


Richard W. Johnson, Mayor

ATTEST:


Christina Reinhard, City Clerk



CITY OF OTTUMWA
Staff Summary

**** ACTION ITEM ****

Council Meeting of: Jan 18, 2022

Planning & Development
Department

Zach Simonson
Prepared By
Zach Simonson
Department Head



City Administrator Approval

AGENDA TITLE: ORDINANCE NO. 3189-2022: AN ORDINANCE INCREASING THE SIGN ALLOWANCE FOR SCHOOLS LOCATED IN RESIDENTIAL ZONES AND MAKING CLARIFYING CHANGES IN SECTIONS 38-963 AND 38-966 OF THE MUNICIPAL CODE OF THE CITY OF OTTUMWA, WAPELLO COUNTY, IOWA.

Public hearing required if this box is checked.

RECOMMENDATION: PASS THE FIRST READING OF ORDINANCE NO. 3189-2022, WAIVE SECOND AND THIRD CONSIDERATION, PASS AND ADOPT ORDINANCE NO. 3189-2022

DISCUSSION: The Ottumwa Community School District has proposed new signs for all of their school buildings that will help provide additional information to parents and the community. Because many of the schools would be in residential neighborhoods and the proposed signs would all exceed the sign allowance for schools in residential neighborhoods, the District could either seek changes to the conditional use permit for each property or the

Source of Funds:

Budgeted Item: Budget Amendment Needed:

city could look at changing the code.

Especially since the pandemic, but even before that, the nature of a school bulletin board sign has changed. The school bulletin board has become a vital community resource for announcing school delays, directing pick-up and drop-off, sharing activity information with parents, announcing public health information, etc. Increasing the allowable sign area will ensure schools can best share information and maintain attractive signs compatible with the neighborhood.

The ordinance also makes clarifying changes including defining bulletin board signs and indirect illumination.

ORDINANCE NO. 3189-2022

AN ORDINANCE INCREASING THE SIGN ALLOWANCE FOR SCHOOLS LOCATED IN RESIDENTIAL ZONES AND MAKING CLARIFYING CHANGES IN SECTIONS 38-963 AND 38-966 OF THE MUNICIPAL 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. Section 38-963 of the municipal code of the City of Ottumwa is hereby amended by repealing Section 38-963 in its entirety and enacting the following in lieu thereof:

Sec. 38-963. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means a sign which is damaged, in disrepair, or vandalized and not repaired within 60 days of the date of the damaging event.

Animation means the movement or the optical illusion of movement of any part of the sign structure, design, or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity, the automatic changing of all or any part of the facing of a sign, and the movement of a sign set in motion by the atmosphere. Time and temperature devices and banners and flags shall be exempted from this definition.

Attached sign means any sign-attached parallel to any face of a building or to any face of a canopy. Attached sign includes the term "building sign."

Automated teller machine directional sign means a traffic directional sign which is used to direct pedestrian or vehicular traffic on a parcel to the location of an automated teller machine.

Automated teller machine sign means any sign located on or architecturally associated with the exterior face of an automated teller machine.

Awning sign means a sign painted, stamped, perforated, stitched, or otherwise applied on the awning.

Backlighted sign means any sign which is attached to the face of a building, canopy or wall and which is lighted by means of an external source illuminating the building, canopy face or wall containing the sign.

Banner means a fabric sheet of rectangular shape which is attached or suspended at two ends or continuously across the long side. Attachment or suspension may be from buildings and/or poles.

Banner, decorative, means a banner which contains no text.

Banner, public information, means a banner which displays graphics and limited text regarding a special event.

Building frontage means those building elevations which face upon a public street or parking area between such building and said street where access to the building is provided from said frontage. If a building is curved or triangular, the building frontage shall be the shortest distance between the points on the outside extremity of the building elevation measured parallel to the public street or parking area upon which said building fronts.

Building sign means any sign attached parallel to any exterior wall face of a building.

Billboard means any outdoor off-premises sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location, other than where the sign is located.

Bulletin board sign means a sign used to post or display announcements.

Canopy means, with reference to structures, a roof like cover, including an awning that projects from the wall of a building over a door, entrance, or window, or a freestanding or projecting cover above an outdoor service area, such as a gasoline service station. A marquee is not a canopy.

Construction sign means a temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

Directional sign means a sign limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."

Double-faced sign means an outdoor advertising sign where both sign faces are parallel and the faces are not more than 24 inches apart in the case of freestanding signs.

Facade. See Wall sign.

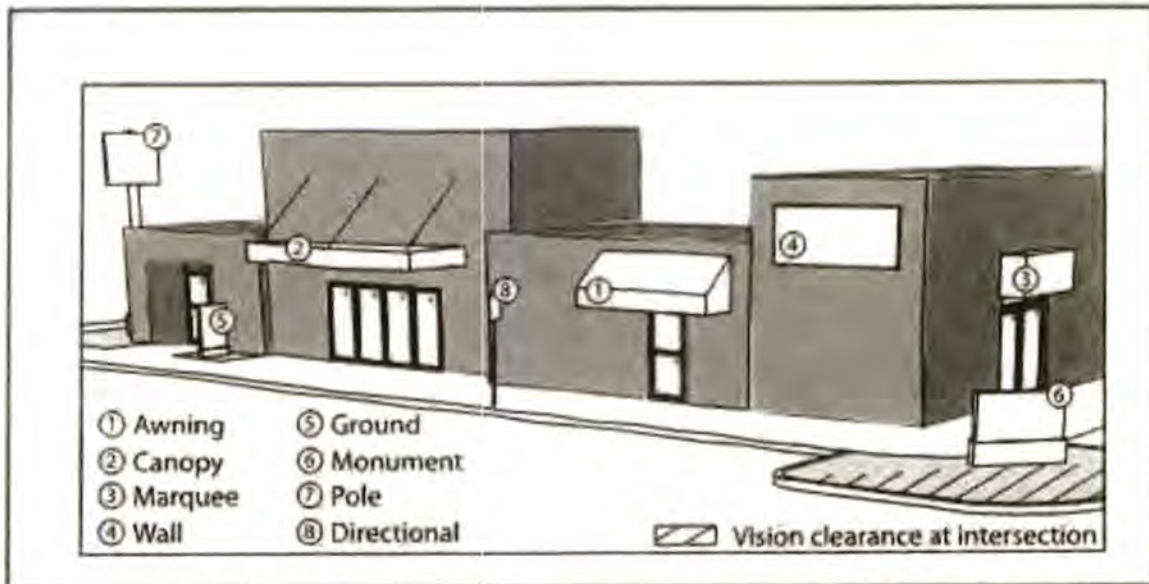
Face means the area or display surface used for the message.

Flashing sign means any sign, which by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.

Freestanding sign means a sign permanently supported by one or more uprights, braces, poles or other similar structural components when utilizing earth, rock, the ground, or any foundation set in the ground as a primary holding base and not attached to or enclosed by any building.

Governmental sign means a sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance, or other governmental regulation.

Ground sign means a detached on-premises sign built on a freestanding frame, mast, or pole with a clearance no greater than three feet.



Height of a sign means the distance from the lowest horizontal surface grade immediately within five feet of the base of the sign to the top of its highest element, including any structural element.

Illuminated sign means a sign illuminated in any manner by an artificial source.

Illuminated sign, direct means a sign with illumination which is arranged so that the light is directed into the eyes of the viewer from the light source.

Illuminated sign, indirect means a sign with illumination arranged so that the light is reflected from the sign to the eyes of the viewer.

Marquee means a permanent roof-like structure extending from part of the wall of a building but not supported by the ground and constructed of a durable material such as metal or glass.

Monument sign means a sign placed upon a foundation, or a slab, or placed upon or attached to an ornamental wall and not supported by uprights, braces, poles, or other similar structural components.

Municipal recognition sign means a sign that welcomes approaching travelers to a community, county, or school district, or display a similar public-spirited message. Municipal recognition signs may include church or service club signs when erected on a common structure.

Nonconforming sign means a sign which had been issued a valid permit at the time it was erected but is not in accord with, or compliance with, the requirements of this article and was made nonconforming by annexation, rezoning, or ordinance amendment.

Off-premises sign means a sign which displays general advertising about products or services available at location other than at the sign site.

On-premises sign means a sign which advertises the principal product sold or activity conducted on the property where the sign is located. They may concern the sale or lease of the property on which the sign is located.

Outdoor advertising sign means any sign painted on or affixed to any structure, or erected as a freestanding sign, which advertises a person, product, or service not located on the same parcel of record as the sign. This definition shall also include such terms as "off-site sign."

Pole sign means an on-premises sign built on a freestanding frame, mast, or pole with a clearance greater than three feet.

Political sign means a temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

Portable, movable, or temporary sign means any sign for which a building permit has not been issued and which is not permanently affixed or erected in accordance with the provisions of the building regulations of the city, or any sign which is intended to be movable or capable of being moved from place to place, whether or not wheels or other special supports are provided.

Private sale or event sign means a temporary sign advertising private sales of personal property such as "house sales," "garage sales," "rummage sales," and the like, or private, not-for-profit events such as picnics, carnivals, bazaars, game nights, art fairs, craft shows, and Christmas tree sales.

Projecting sign means any sign, other than a wall sign, attached to, and projecting more than 12 inches from the wall or face of a building or structure. Arcade/marquee signs are included in this definition.

Public service sign means a sign directing the public to public service institutions such as hospitals, schools, public buildings or facilities, public transportation, neighborhood watch area, historic district, or central business district.

Real estate sign means a sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

Roof sign means a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof, or the deck line of a building with a mansard roof.

Sales, lease, and rent signs means temporary signs which indicate that a premise, building, or vacant lot is currently for sale, lease, or rent.

Sandwich board sign means an advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top, each angular face held at the appropriate distance by a supporting member.

Sign area means the entire face of a sign within a continuous perimeter, enclosing the extreme limits of sign display, but not including the supporting structure. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. The copy of signs composed of individual letters, numerals, or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letter or devices. The calculation for a double-faced sign shall be the area of one face only. Double-faced signs shall be so constructed that the perimeter of both faces coincide and are parallel and not more than 24 inches apart.

Sign, facade. See Wall sign.

Sign, face, means the area or display surface used for the message.

Street frontage means the linear frontage of a parcel of property abutting a public street.

Special event means a promotional event such as, but not limited to, bazaars, street fairs, shows, exhibitions, sporting events, runs, bicycling events, and block parties. This does not include sidewalk sales occurring on private property where merchandise is normally sold indoors, and is transferred from indoors to outdoors for sale.

Temporary sign means a display, informational sign, banner, or other advertising device constructed of cloth, canvas, fabric, wood, plastic, vinyl, or other temporary material, with or without a structural frame, and intended for a limited period of display, including decorative displays for holidays or public demonstrations.

Wall sign means a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, and which does not project more than 12 inches from such building or structure.

Window sign means any poster, cut-out letters, painted text or graphics, or other text or visual presentation affixed to or placed behind a window pane which is placed to be read from the exterior of a building.

SECTION TWO. Section 38-966 of the municipal code of the City of Ottumwa is hereby amended by repealing subsections (a), (b), (c), and (d) of Section 38-966 in their entirety and enacting the following in lieu thereof:

Sec. 38-966. – Specific zone regulations.

(a) Residential zones. The following signage is permitted in R-1, R-2, R-3, R-4, and R-5:

- (1) One temporary freestanding, non-illuminating, double-sided sign of not more than 12 square feet of sign area advertising the sale, lease, or rental of premises or buildings on which sign is located. Said signs, including structural support elements, shall not exceed six feet in height.
- (2) Signs not more than one square foot in area identifying the property, owner, or tenant, prohibiting trespassing or solicitation, and sign of a similar nature.
- (3) Bulletin board signs are permitted, provided such signs or boards do not exceed 24 square feet in sign area and are erected upon the premises of a charitable, religious, or public institution for its own use. Said signs shall be a minimum of 20 feet from the front property line. The sign placement, subject to administrative approval, may be contiguous to the existing building line if the building is closer than the minimum setback.
- (4) Temporary freestanding sign for advertising a subdivision and the sale of land and buildings therein.
- (5) Apartment building with three or more dwelling units and boardinghouses or lodginghouses in any R-3, R-4, R-5, or C-1 district may have one non-illuminated or indirect illuminated sign identifying the multiple-family residential property. The sign area shall not exceed 20 square feet. Said signs shall be a minimum of 20 feet from the

front property line. The sign placement, subject to administrative approval, may be contiguous to the existing building line if the building is closer than the minimum setback.

- (6) Permitted and conditional uses, other than family residential uses, and home occupations, shall be permitted one non-illuminated identification sign per establishment with a sign area not exceeding ten square feet, denoting only the name and address of the premises, and the name of the management.
 - (7) Church and other institution and public buildings shall be permitted one bulletin board sign displaying its name, activities, and services. The sign area of such bulletin boards shall not exceed 24 square feet. The bulletin board shall be located on the same lot as the building, and may be illuminated. The sign placement for a new institution will be subject to the conditional use permit review and approval. Sign placement for existing facilities, subject to administrative approval, will observe a setback of a minimum of 20 feet from the property line or contiguous to the existing building line if the building is closer than the minimum setback.
 - (8) School buildings shall be permitted one bulletin board sign displaying its name and activities. The sign area of such bulletin boards shall not exceed 60 square feet. The bulletin board shall be located on the same lot as the building, and may be illuminated.
 - (9) Subdivisions containing five or more lots shall be permitted one permanent identification sign, with a sign area not exceeding ten square feet, displaying only the name of the subdivision, and may be illuminated. Area of structural supports, decorative uprights, etc., shall not exceed 14 square feet per surface with a maximum of two such supports and/or decorative uprights.
- (b) Signs in C-1 neighborhood commercial zones shall be permitted the following signage:
- (1) All signs permitted in subsection (a) of this section 38-966.
 - (2) The aggregate sign area shall not exceed one-half square foot for each lineal foot of frontage of parcel frontage on a public street or one square foot of sign area for each lineal foot of building frontage. In no event shall any establishment be permitted less than 48 square feet or greater than 200 square feet of aggregate sign area.
 - (3) Off-premises signs are not permitted.
 - (4) All signs shall be a distance of at least 20 feet from the street lot line, except sign shall be permitted within five feet of the property line provided that such signs shall be a minimum of 12 feet above grade level. One freestanding or pole sign referring only to a use or uses conducted on the premises may be erected provided, however, that the following conditions are adhered to:
 - a. Freestanding signs shall not exceed 26 feet in height.
 - b. Such sign shall not have a sign area in excess of 100 square feet on any one side and not more than two sides of said sign shall be used for advertising purposes.
 - c. The bottom of the sign area of such sign shall not be less than 12 feet above the ground surface upon which it is erected, unless said sign is set back at least 20 feet from the street right-of-way line. The zoning administrator may permit the location

- of a ground sign, in lieu of a pole sign, or a pole sign less than 12 feet above the ground surface provided that the size and location of said sign will not obstruct or impair the visibility of pedestrians or motorists.
- d. No part of a pole sign shall project closer than five feet of the right-of-way line.
 - e. Directional signs shall not exceed four square feet in sign area and shall be limited to two per driveway.
 - f. No sign shall project over any street line.
- (5) Signs may be illuminated but may not be flashing signs; provided however, time/weather/message board signs are not prohibited flashing signs.
- (c) Signs in C-2 commercial district zones subject to renewal restrictions shall be permitted the following signage:
- (1) All signs permitted in subsections (a) and (b) of this section 38-966.
 - (2) The total sign area of all signs shall not exceed two square feet for each lineal foot of building frontage, or one square foot for each lineal foot of lot frontage, whichever results in the larger sign area. However, the maximum total sign area of all permitted signs shall not exceed 225 square feet.
 - (3) There shall not be more than one off-premises sign per lot or parcel, and such signs shall not exceed 32 square feet. An off-premises sign shall be counted towards the aggregate sign area permitted under subsection (c)(2) of this section.
 - (4) One freestanding or pole sign referring only to a use or uses conducted on the premises may be erected; provided, however, that the following conditions are adhered to:
 - a. Freestanding signs shall not exceed 26 feet in height.
 - b. Such sign does not have a sign area in excess of 200 square feet and no more than two sides of said sign are used for advertising purposes.
 - c. The bottom of the sign area of such sign is not less than eight feet above the ground surface upon which it is erected, unless said sign is set back at least 20 feet from the street right-of-way line. The zoning administrator may permit the location of a ground sign in lieu of a pole sign, or a pole sign less than 12 feet above ground surface within 20 feet of the street right-of-way line, provided that the size and location of said sign will not obstruct or impair the visibility of pedestrians or motorists.
 - d. No part of a pole sign shall be located on or project over the right-of-way line of any street.
 - e. Sign may be illuminated sign or indirect illumination only.
- (d) Signs in C-3 commercial mixed-use district for uses other than dwelling must meet the following requirements:
- (1) All signs permitted in subsection (a) this section 38-966.
 - (2) Signs for uses other than dwelling (residential) must meet the following requirements:
 - a. Shall be only for the establishment on said lot.
 - b. May be illuminated, but shall not be a flashing sign.

- c. Shall be a minimum of 20 feet from the front lot line, a minimum of 25 feet from the rear lot line, and a minimum of four feet from the side lot line.
- d. The aggregate sign area of the sign shall not exceed a maximum of 120 square feet, and each individual sign face's sign area shall not exceed a maximum of 24 square feet with a maximum height of 20 feet for any sign. The zoning administrator may permit the location of a ground sign, in lieu of a pole sign, up to five feet from the street right-of-way provided that the size and location of said sign will not obstruct or impair the visibility of pedestrians or motorists.

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.

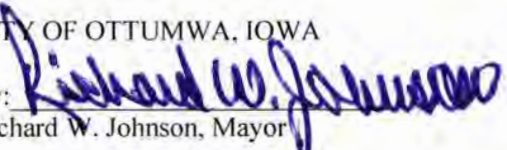
PASSED on its first consideration the 18th day of January, 2022.

PASSED on its second consideration the _____ day of Waived, 2022.

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

APPROVED this 18th day of January, 2022.

CITY OF OTTUMWA, IOWA

By: 
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, City Clerk

01979780-1\10981-1600



CITY OF
OTTUMWA

Citizen Input Request Form

1-18-2022

Council Meeting Date

Name: Shannon Murphy

Address: 1131 Monroe

Item No. to Address: Pitbull ban G-4
(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:

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.



CITY OF
OTTUMWA

Citizen Input Request Form

1/18/2022
Council Meeting Date

Name: Marcia McDaniel

Address: 321 W. Keota St

Item No. to Address: G.4. public hearing re: pitbull ban
(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:

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CITY OF
OTTUMWA

Citizen Input Request Form

1/18/21

Council Meeting Date

Name: Melissa Childs

Address: 5 Woodshire Dr. Ottumwa

Item No. to Address: 64-Breed Ban
(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:

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.



CITY OF
OTTUMWA

Citizen Input Request Form

1.18.2022

Council Meeting Date

Name: John Rambo

Address: 1 Terrace Ct

Item No. to Address: Pit Bull Ban 6-4
(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:

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CITY OF
OTTUMWA

not here

Citizen Input Request Form

1-18-22

Council Meeting Date

Name: Maureena Bodkins

Address: _____

Item No. to Address: 64
(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:

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[CITY OF]
OTTUMWA

Citizen Input Request Form

1/18/2022
Council Meeting Date

Name: Shelby Mincks

Address: 143 Grandview Ave.

Item No. to Address: G.4. open hearing re: P. balls.
(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:

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CITY OF
OTTUMWA

Citizen Input Request Form

1-18-22

Council Meeting Date

Name: Larry

Address: 102 N Ward Ottumwa

Item No. to Address: 64

(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:

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CITY OF
OTTUMWA

Citizen Input Request Form

1.18.2022

Council Meeting Date

Name: KRIS MUNDT

Address: 109 S. CHERRY ST

Item No. to Address: G 4

(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:

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.



CITY OF
OTTUMWA

Citizen Input Request Form

1-18-2022

Council Meeting Date

Name: Alisha Morrow

Address: 7133 120th Ave Trlr 18

Item No. to Address: G4

(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:

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CITY OF
OTTUMWA

Citizen Input Request Form

1-18-2022

Council Meeting Date

Name: Aleigha DeLeon

Address: 801 W 3rd St

Item No. to Address: G4

(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:

Pitbull Ban

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.