



[ CITY OF ]

OTTUMWA

TENATIVE AGENDA  
OTTUMWA CITY COUNCIL

SPECIAL MEETING NO. 3  
Council Chambers, City Hall

January 31, 2023  
5:30 O'Clock P.M.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

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.)

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

1. Bridge City Sanitation; open discussion on current contract; things that are going well; things that need addressed; action plans?
2. ATV/UTV Ordinance Discussion – DRAFT provided by Ahlers & Cooney.

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.

ADJOURNMENT

**\*\*\* 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. \*\*\***



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OTTUMWA

**FAX COVER SHEET**

City of Ottumwa

DATE: 1/27/2023 TIME: 4:00 PM NO. OF PAGES 2  
(Including Cover Sheet)

TO: News Media CO: \_\_\_\_\_

FAX NO: \_\_\_\_\_

FROM: Christina Reinhard

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

MEMO: Tentative Agenda for the Special City Council Work Session/Meeting #3 to be held on 1/31/2023 at 5:30 P.M.

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\*\*\* FAX MULTI TX REPORT \*\*\*  
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JOB NO.	2665	
DEPT. ID	4717	
PGS.	2	
TX INCOMPLETE	-----	
TRANSACTION OK	916416847834	Ottumwa Courier
	916606271885	KTVO
	916416823269	Ottumwa Waterworks
ERROR	916416828482	Tom FM



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DEPT. ID	4717	
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SHEETS	2	
FILE NAME		
TX INCOMPLETE	-----	
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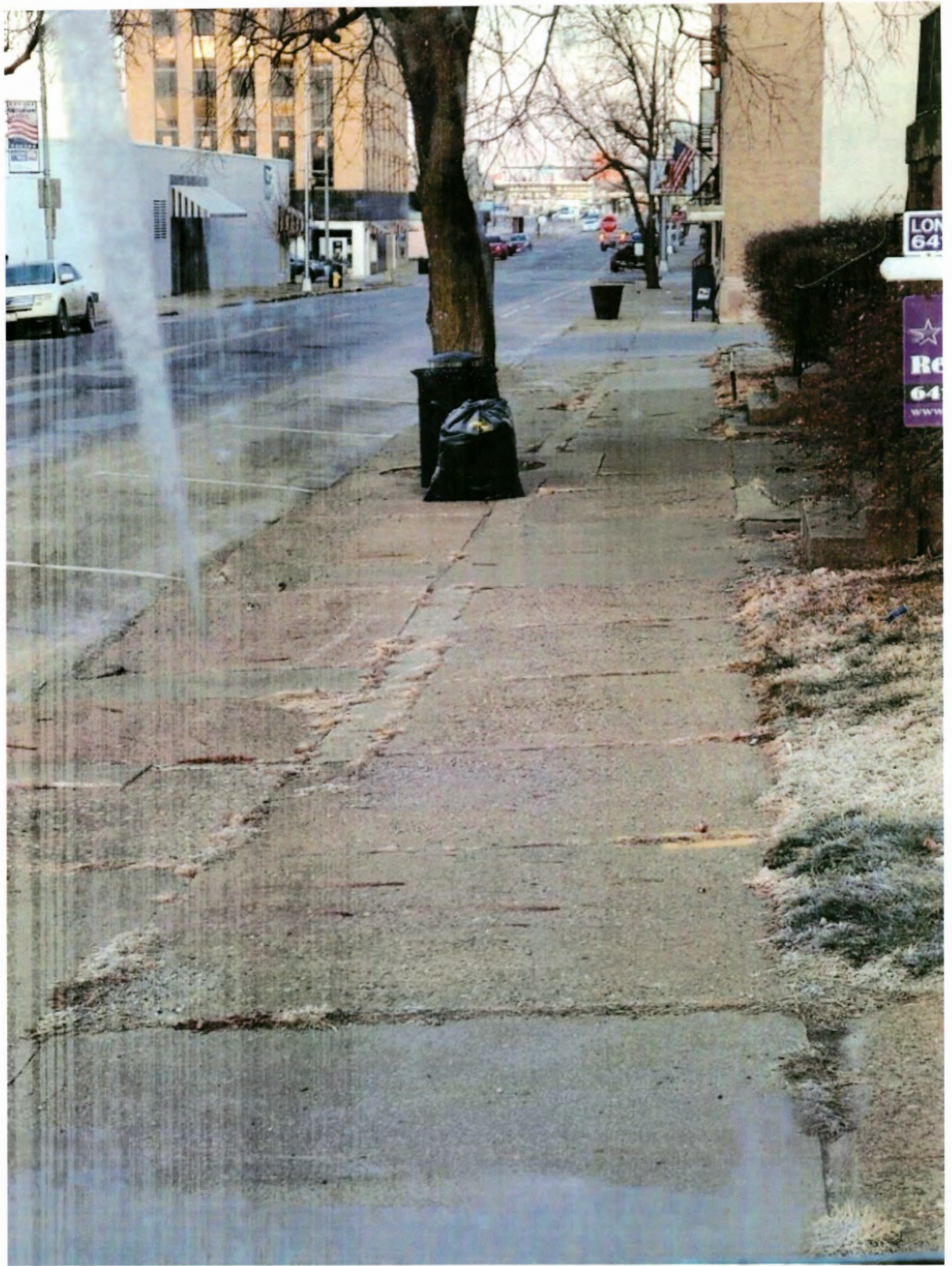


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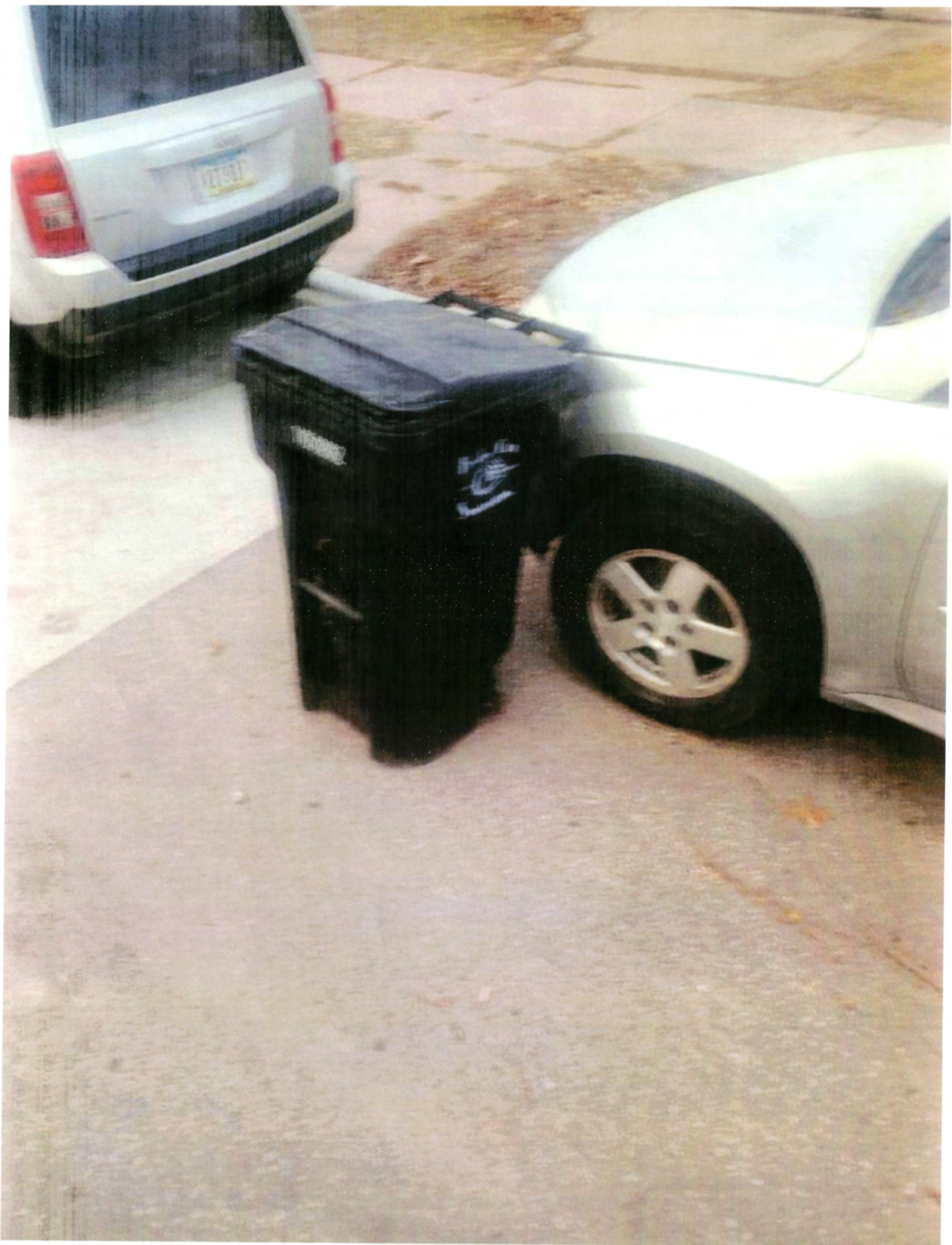


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437 south Willard







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**ORDINANCE NO.**

**AN ORDINANCE ESTABLISHING REGULATIONS APPLICABLE TO THE USE OF UTILITY TERRAIN VEHICLES AND AMENDING CHAPTERS 23 AND 26 OF THE CODE OF ORDINANCES OF THE CITY OF OTTUMWA**

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

**SECTION ONE.** Chapter 23 is hereby amended by adopting Article XV, entitled, "Utility Terrain Vehicles", as follows:

23-516. – Purpose. The purpose of this chapter is to regulate the operation of utility terrain vehicles within the City.

23-517. – Definitions. For purposes of this Chapter, "Utility Terrain Vehicle" or "UTV" is defined to mean a motorized flotation-tire vehicle with not less than four and not more than eight low-pressure tires that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than one thousand eight hundred pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. "UTV" excludes dune buggies, golf carts, go carts, mini trucks, all-terrain vehicles (ATV), snowmobiles, and electric scooters.

This section is intended to be construed in the same manner as the definition provided by Iowa Code section 321I.1(17)(a) (2021), as may be amended from time to time.

**23-518 Location and Manner of Operation**

- (a) No person shall operate a UTV within the City in violation of the provisions of Chapter 321I of the Code of Iowa or rules established by the Natural Resource Commission of the Department of Natural Resources.
- (b) UTVs shall be operated only upon streets which have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council.
- (c) UTVs may be only operated on city streets that are subject to a speed limit of thirty-five (35) mph or less.
- (d) Exceptions. UTVs may be operated on prohibited streets only under the following circumstances:
  - 1. Emergencies. UTVs may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.
  - 2. Snow removal. UTVs may be operated in the city limits for snow removal purposes on private driveways, sidewalks and private parking lots. The operation of the vehicle on city streets is strictly for transportation to and from the site of the snow removal. The vehicle shall be equipped with a functioning blade, or snow



blower, at all times, during operation. The UTV and driver of said vehicle shall meet all state requirements for legal operation of the vehicle.

3. Direct Crossing. UTVs may make a direct crossing of a prohibited street provided:

(a) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;

(b) The UTV is brought to a complete stop before crossing the street;

(c) The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard;

(d) In crossing a divided street, the crossing is made only at an intersection of such street with another street; and

(e) The crossing is made from a street, roadway, or highway on which the UTV is authorized to operate to a street, roadway, or highway on which such vehicle is authorized to operate.

(e) Railroad Right-of-way. UTVs shall not be operated on an operating railroad right-of-way. A UTV may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(f) Trails. UTVs shall not be operated on recreational trails including the Ottumwa Trail System and snowmobile trails.

(g) Parks and Other City Land. UTVs shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City Council.

(h) Sidewalk or Parking. UTVs shall not be operated upon the public sidewalk except for purposes of crossing the same to a public street upon which operation is authorized by this Article.

(i) No person shall operate a UTV in a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.

23-519 Liability.

(a) The owner and operator of a UTV are liable for any injury or damage occasioned by the negligent operation of the UTV. The owner of a UTV shall be liable for any injury or damage only if the owner was the operator of the UTV at the time the injury or damage occurred or if the operator had the owner's consent to operate the UTV at the time the injury or damage occurred.

(b) Whenever a UTV is involved in an accident resulting in injury or death to anyone or property damage amounting to two hundred dollars (\$200.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report within forty-eight (48) hours, in accordance with State law.

23-520. License and liability coverage.

A person operating a UTV on city streets shall have a valid driver's license and operate the vehicle at speeds of thirty-five miles per hour or less. In addition, a person operating a UTV on city streets shall be at least eighteen years of age and have financial liability coverage in effect for the vehicle and carry proof of such financial liability coverage.

23-521. Violations. Violation of any provision of this Ordinance is a simple misdemeanor.

**SECTION TWO.** Section 26-20, subpart (a) is hereby repealed and replaced as follows:

- (a) Except as hereinafter provided, no person shall ride, drive or operate any vehicle in the parks of the city, except on the established roadways. The speed of operation shall be only at a moderate rate of speed and at no time at a rate of speed greater than 15 miles an hour except where otherwise posted. During winter months, ATVs, UTVs, motorcycles and dirt bikes shall only be allowed to operate on designated frozen ponds within the Greater Ottumwa Park when specifically authorized by the parks director. No ATVs, UTVs, motorcycles and dirt bikes shall be allowed to operate on the frozen large pond in the campground which shall be reserved for ice skating and fishing. No other vehicles shall be allowed on any other frozen waterways or ponds within the city limits. Violations of this article shall be deemed a trespass and subject the person to the penalties of a simple misdemeanor as provided for in chapter 1, article III.

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

**SECTION 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 \_\_\_\_\_ day of \_\_\_\_\_, 2023.

PASSED on its second consideration the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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



APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF OTTUMWA, IOWA

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

\_\_\_\_\_ No action taken by Mayor.

\_\_\_\_\_ Vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Richard W. Johnson, Mayor

\_\_\_\_\_ Repassed and adopted over the veto this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_ Veto affirmed this \_\_\_\_\_ day of \_\_\_\_\_, 2023 by failure of vote taken to repass.

\_\_\_\_\_ Veto affirmed no timely vote taken to repass over veto.

ATTEST:

\_\_\_\_\_  
Chris Reinhard, City Clerk



CITY OF  
OTTUMWA

**Citizen Input Request Form**

Jan. 31, 2023

Council Meeting Date

Name: Jeff Dudman

Address: 546 Chester Ave

Item No. to Address: 1, Bridge City Sanitation  
(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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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.