

**\*\*AMENDED AGENDA  
OTTUMWA CITY COUNCIL**

REGULAR MEETING NO. 22  
Council Chambers, City Hall

August 20, 2019  
5:30 O'Clock P.M.

**PLEDGE OF ALLEGIANCE**

- A. ROLL CALL: Council Member Berg, Dalbey, Roe, Stevens, Streeby and Mayor Lazio.
- B. CONSENT AGENDA:
1. Minutes from Regular Meeting No. 21 on August 6, 2019 as presented.
  2. Civil Service Commission Eligibility Lists of August 15, 2019: Clerk (Health), Health Dept. – Building Inspector (Entrance and Promotional), WPCF – Maintenance Tech (Entrance and Promotional), WPCF – Operator.
  3. Resolution No. 178-2019, authorizing the transfer of \$1,500,000 for Phase 8, Division 1 from the Local Option Sales Tax Fund to the Sewer Capital Projects Fund.
  4. Resolution No. 184-2019, approving final payment in the amount of \$2,612.50 to Lifeline Audio Visual Technologies and accepting the work as final and complete for Phase 3 – RFP #4X Beach Sound System Replacement Project.
  5. Beer and/or liquor applications for: The Stockyard Steak & Chophouse, 2465 Northgate; Hy-Vee C-Store No. 2, 2457 North Court; The Owl's Nest LLC, 116 S. Court, temporary outdoor service area 8/31/19; Appanoose Rapids, 332 E. Main, catering service privilege; all applications pending final inspections.
- C. APPROVAL OF AGENDA
- D. REPORTS FROM CITY OFFICERS, BOARD, COMMISSIONS, COMMITTEES:
1. Home Town Rewards – Jefferson Street accent light project – Brad Grefe
  2. Cyber Security – IT Plan and Direction
  3. Riverfront Development meetings held with City Council members.
- 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. Wapello County Foundation Grant applications.  
  
RECOMMENDATION: Approve the grant applications for the Wapello County Foundation.
  2. Naming the Indoor Competition Pool at the Beach Ottumwa.  
  
RECOMMENDATION: Approve the request to name the indoor competition pool at the Beach Ottumwa after Mike McWilliams.
- G. PUBLIC HEARING:
1. This is the time, place and date set for a public hearing to accept written or oral comments from the public on the spending plans for the 2019 Justice Assistance Grant (JAG) Program funds to be obtained from the Bureau of Justice Assistance.

- A. Open the public hearing.
- B. Close the public hearing.
- C. Consider accepting the 2019 JAG grant from the Bureau of Justice Assistance in the amount of \$12,999.

RECOMMENDATION: Approve submission of the grant over the internet and authorize the Mayor to sign any related documents as may be required.

2. This is the time, place and date set for a public hearing on the sale of City owned property located at 526 S. Ward St. in the City of Ottumwa, Wapello County, Iowa.
  - A. Open the public hearing.
  - B. Close the public hearing.
  - C. Resolution No. 179-2019, accepting the offer and approving the sale of Lot One in Hand and Elliot's Subdivision of Lot Three in M. J. Williams Fifth Addition to the City of Ottumwa, Wapello County, Iowa, commonly known as 526 S. Ward Street to Ottumwa Habitat for Humanity for the sum of \$125.

RECOMMENDATION: Pass and adopt Resolution No. 179-2019.

3. This is the time, place and date set for a public hearing on the lease of City owned property located at 1610 West Main Street in the City of Ottumwa, Wapello County, Iowa.
  - A. Open the public hearing.
  - B. Close the public hearing.
  - C. Resolution No. 181-2019, approving the lease of City owned property located at 1610 West Main Street to Randall Jay Fisher for \$1.00.

RECOMMENDATION: Pass and adopt Resolution No. 181-2019.

4. This is the time, place and date set for a public hearing on the plans, specifications, form of contract and estimated cost for the WPCF VLR Gate Replacement Project.
  - A. Open the public hearing.
  - B. Close the public hearing.
  - C. Resolution No. 185-2019, approving the plans, specifications, form of contract and estimated cost for the WPCF VLR Gate Replacement Project.

RECOMMENDATION: Pass and adopt Resolution No. 185-2019.

5. This is the time, place and date set for a public hearing on proposed Ordinance No. 3162-2019, amending the Code of Ordinances by changing the zoning classification on certain property located at 202 East Fourth in the City of Ottumwa, Wapello County, Iowa from C-3 Commercial Mixed Use to C-4 Downtown Mixed Use.
  - A. Open the public hearing.
  - B. Close the public hearing.
  - C. Ordinance No. 3162-2019, amending the Code of Ordinances by changing the zoning classification on certain property located at 202 East Fourth Street in the City of Ottumwa, Wapello County, Iowa from C-3 to C-4.

- RECOMMENDATION: A. Pass the first consideration of Ordinance No. 3162-2019.  
B. Waive the second and third considerations, pass and adopt Ordinance No. 3162-2019.

6. This is the time, place and date set for a public hearing on proposed Ordinance No. 3163-2019, amending the Code of Ordinances by changing the zoning classification on certain property located at 1116 East Pennsylvania Ave in the City of Ottumwa, Wapello County, Iowa to C-3 Commercial Mixed Use.

- A. Open the public hearing.  
B. Close the public hearing.  
C. Ordinance No. 3163-2019, amending the Code of Ordinances by changing the zoning classification on certain property located at 1116 East Pennsylvania Ave. in the City of Ottumwa, Wapello County, Iowa to C-3.

- RECOMMENDATION: A. Pass the first consideration of Ordinance No. 3163-2019.  
B. Waive the second and third considerations, pass and adopt Ordinance No. 3163-2019.

7. This is the time, place and date set for a public hearing on proposed Ordinance No 3164-2019, amending the Code of Ordinances by changing the zoning classification on certain property located at Lot 169 in Wildwood Countryside Addition on Skyline Drive, in the City of Ottumwa, Wapello County, Iowa from R-1 Single Family Residential to R-2 Two-Family Residential.

- A. Open the public hearing.  
B. Close the public hearing.  
C. Ordinance No. 3164-2019, amending the Code of Ordinances by changing the zoning classification on certain property located at Lot 169 in Wildwood Countryside Addition on Skyline Drive, in the City of Ottumwa, Wapello County, Iowa from R-1 to R-2.

- RECOMMENDATION: A. Pass the first consideration of Ordinance No. 3164-2019.  
B. Waive the second and third considerations, pass and adopt Ordinance No. 3164-2019.

#### H. RESOLUTIONS:

1. Resolution No. 186-2019, authorizing the Mayor to execute an Agreement for Iowa DOT Initiated Detour of Primary Highways onto Local Roads for the Madison Ave Detour route.

RECOMMENDATION: Pass and adopt Resolution No. 186-2019.

#### I. ORDINANCES:

#### 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: 8/19/19 TIME: 3:45 PM NO. OF PAGES 5  
(Including Cover Sheet)

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

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

FROM: Christina Reinhard

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

MEMO: Amended Agenda for the Regular City Council Meeting #22 to be held on 8/20/19.

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\*\*\* FAX MULTI TX REPORT \*\*\*  
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JOB NO. 0578  
DEPT. ID 4717  
PGS. 5  
TX INCOMPLETE -----  
TRANSACTION OK 96847834  
916606271885  
ERROR 96828482

Ottumwa Courier  
KTVO  
TOM FM



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\*\*\* TX REPORT \*\*\*  
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JOB NO. 0578  
DEPT. ID 4717  
ST. TIME 08/19 15:37  
SHEETS 5  
FILE NAME  
TX INCOMPLETE -----  
TRANSACTION OK 96847834  
916606271885  
ERROR 96828482

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OTTUMWA CITY COUNCIL MINUTES Item No. B.-1.

REGULAR MEETING NO. 21  
Room 108, City Hall

August 6, 2019  
4:30 O’Clock P.M.

The meeting convened at 4:30 P.M.

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

Berg moved, seconded by Dalbey to enter into closed session in accordance with Iowa Code Section 20.17(3) (“Negotiating session, strategy meetings of public employers, mediation, and the deliberative process of arbitrators shall be exempt from the provisions of chapter 21.”) for the purpose of discussing union negotiations. All ayes.

The meeting entered closed session at 4:33 P.M.

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Berg moved, seconded by Streeby to recess the meeting and reconvene in Council Chambers. All ayes.

The meeting recessed at 5:17 P.M.

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REGULAR MEETING NO. 21  
Council Chambers, City Hall

August 6, 2019  
5:30 O’Clock P.M.

The meeting reconvened at 5:30 PM

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

Streeby moved, seconded by Dalbey to approve the following consent agenda items: Mins. from Reg. Mtg. No. 20 on July 16, 2019 as presented; Acknowledgement of June financial report and pymt. of bills as submitted by the Finance Dept.; Proclamation of American Wind Week, August 11-17, 2019; Canvasser/Solicitor application for Knights of Columbus for the Annual Tootsie Roll Drive at various businesses on August 23-25, 2019; Civil Service Commission Eligibility Lists of July 29, 2019: Engineering Assistant II – Promotional, Engineering Design Tech – Entrance and Promotional, Engineering Design Tech II – Entrance and Promotional; Approve the MOU between the City of Ottumwa and Wapello County for the 2019 JAG Grant; Setting August 20, 2019 as the date of a public hearing on the proposed spending plans for Justice Assistance Grant (JAG) Program funds in the amount of \$12,999; Authorizing reimbursement of expenses in the amount of \$39,138 incurred by the City as qualified urban renewal expenditures eligible for reimbursement from the West Gate TIF as per Iowa Code Section 403.19, in support for the Downtown Maint. Prog. for the fiscal yr. ending June 30, 2021; Pass and approve the grant application agt. for \$3,000 between the Ottumwa Legacy Foundation and the City of Ottumwa to fund a portion of the Healthy Neighbors program; Res. No. 170-2019, setting August 20, 2019 as the date of a Public Hearing on the disposition of City owned property located at 526 S. Ward St.; Res. No. 171-2019, setting August 20, 2019 as the date of a Public Hearing on the lease of City owned FEMA property located at 1610 W. Main St. to Randall Jay Fisher; Res. No. 172-2019, approving the purchase of a new 2019 Champion Bus from Master’s Transportation for \$130,879 for the Ottumwa Transit Dept.; Res. No. 174-2019, Approving the contract, bond, and cert. of insurance for the Beach Renov. Ph. 4, Slide Structure Repainting Proj.; Res. No. 176-2019, Authorizing the Mayor to execute a



Precon. Agt. with IA DOT for bridge replacement on Iowa 149 at West Park Blvd, 1.4 miles north of US 34; Res. No. 177-2019, Approve purchase of a Case Compact Tracked Loader with Cold Planer attachment in the amount of \$74,510 from Greiner Implement for the PW Dept.; Beer and/or liquor applications for: Elks-Ottumwa Lodge #347, 413 S. Iowa Ave., Ottumwa Golf and Social Club, with outdoor service area, 304 E. Golf Ave., Wal-Mart Supercenter #1285, 1940 Venture Dr., Owl's Nest LLC, 116 S. Court, temp. outdoor service area on 8/31/19; all applications pending final inspections. All ayes.

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

Mayor Lazio introduced Angie Griffiths to discuss the Adult Softball Program. Requesting financial assistance from the City for maintenance expenses. Currently there are no doors on the restrooms; concession stand needs renovated; dugouts are falling apart; red dirt is needed for the fields. The City leases the fields to the Adult Softball league for \$10/yr. and \$500/yr. for electrical costs. The lease states all maintenance is the responsibility of the lessee. Refer to staff to see if any assistance can be offered.

Dir. of Hlth. Insp. & Planning Flanagan announced that the West Gate URA Amend. No. 8 that was set for a PH tonight will take place at a later date.

City Admin. Morris stated the BUILD Grant will be updated and presented in the future.

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

City Engineer Dohlman presented the energy usage review at Bridge View Center.

Dalbey moved, seconded by Stevens to approve the purchase of new flight chains for the Primary Clarifier Tank No. 2 for WPCF for the quoted price of \$9,838.40 from Brentwood Industries of Reading, PA. All ayes.

Streeby moved, seconded by Berg to approve payment of \$13,912.05 to DC Concrete & Construction, LLC for emergency sewer repair on the Madison Sanitary Force Main. All ayes.

Dalbey moved, seconded by Streeby that Res. No. 167-2019, setting and confirming fines for violations of various city ordinances for the City of Ottumwa, IA, be passed and adopted. City Attorney Keith reported these fines needed updated as a result of the passage of the Fireworks Ord. No. 3144-2018. The fine for illegal use of fireworks within City limits is \$250. All ayes.

Streeby moved, seconded by Berg that Res. No. 169-2019, fixing an amount for abating a nuisance against certain lots in the City of Ottumwa, IA, for a total amount of \$9,303.78, be passed and adopted. Dir. of Hlth. Insp. & Planning Flanagan reported three nuisance clean ups and one demolition are included in this resolution. All ayes.

Dalbey moved, seconded by Berg that Res. No. 173-2019, awarding the contract for the Airport Apron Improv. Proj. to Manatts, Inc., of Brooklyn, IA in the amount of \$278,441.25, be passed and adopted. Airport Supvr. Cobler reported this project will replace apron area already existing from the original Naval base in 1945. Two bids were received July 30, 2019 and Kirkham Michael recommends awarding proj. to low bidder, Manatts, Inc. All ayes.

Streeby moved, seconded by Dalbey that Res. No. 175-2019, accepting the work as final and complete for the Beach Ph. 4, RFP 5X Walk In Freezer Replacement Proj., be passed and adopted. Parks Dir. Rathje reported Winger has completed the work according to the plans and specifications and this will authorize final pymt. and release all retainage in the amount of \$820.99. Total project cost \$16,419.83. All ayes.

Dalbey moved, seconded by Berg that Res. No. 180-2019, setting the time and place for the receipt of Proposals and Development Agt. for the renovation of 307 E. Main St. and setting a public hearing on the intent to dispose of real property located at 307 E. Main St. in the City of Ottumwa, Wapello County, IA, be passed and adopted. City Attorney Keith reported proposals/development agt. will be received Sept. 9, 2019 and the public hearing is set for Sept. 17, 2019. The City acquired this abandoned commercial property through the Iowa Code Chp. 657A process on July 18, 2019. All ayes.

Berg moved, seconded by Streeby to pass the first consideration of Ordinance No. 3159-2019, amending Chp. 27, entitled Plumbing Code, by deleting Section 27-2 and enacting a Substitute Section 27-2 of the Municipal Code of the City of Ottumwa, IA. City Attorney Keith reported the Iowa State Plumbing Code is currently being changed to the 2018 Uniform Plumbing Code which is what the City originally adopted (2015 Uniform Plumbing Code). This will allow the City to be in compliance with the State Code without making amendments to our Ordinances periodically. All ayes.

Dalbey moved, seconded by Stevens to waive the second and third considerations, pass and adopt Ordinance No. 3159-2019. All ayes.

Streeby moved, seconded by Dalbey to pass the first consideration of Ordinance No. 3160-2019, amending Chp. 19, entitled Heating, Venting and Air Conditioning Code, by deleting Section 19-2 and enacting a Substitute Section 19-2 of the Municipal Code of the City of Ottumwa, IA. City Attorney Keith reported State Law requires cities to adopt its Mechanical Code regarding Heating, Venting and Air Conditioning (HVAC) as set out in Iowa Code Chp. 105. The original adoption of the 2015 International Mechanical Code is currently being changed to the 2018 International Mechanical Code. This will allow the City to be in compliance with the State Code without making amendments to our Ordinances periodically. All ayes.

Streeby moved, seconded by Stevens to waive the second and third consideration, pass and adopt Ordinance No. 3160-2019. All ayes.

Dalbey moved, seconded by Streeby to pass the first consideration of Ordinance No. 3161-2019, amending Chp. 38, Zoning Code, by deleting Sections 38-887(f)(4) and 38-887(g)(3) and Enacting Substitute Sections 38-887(f)(4) and 38-887(g)(3) of the Municipal Code of the City of Ottumwa, IA. City Attorney Keith reported a scrivener's error was located in the City's Zoning Code as it refers to the Ordinance related to residential fences and electric fences. This Ordinance corrects the reference number in the City's Zoning Code. All ayes.

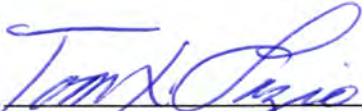
Streeby moved, seconded by Berg to waive the second and third consideration, pass and adopt Ordinance No. 3161-2019. All ayes.

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

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

Adjournment was at 6:08 P.M.

CITY OF OTTUMWA, IOWA

  
\_\_\_\_\_  
Tom X. Lazio, Mayor

ATTEST:



  
\_\_\_\_\_  
Christina Reinhard, City Clerk

**OTTUMWA CIVIL SERVICE COMMISSION**

**CLERK – Entrance Eligibility List**

1. Stephanie Dudman
2. Ashley Williams
3. Jessica Thomas

Certified August 15, 2019

**OTTUMWA CIVIL SERVICE COMMISSION**

Larry Jarvis, Chairman  
Ed Wilson  
Ann Youngman

# **OTTUMWA CIVIL SERVICE COMMISSION**

## **Health Dept. – Building Inspector – Entrance Eligibility List**

1. Mike Grooms

Certified August 15, 2019

OTTUMWA CIVIL SERVICE COMMISSION

Larry Jarvis, Chairman  
Ed Wilson  
Ann Youngman

# **OTTUMWA CIVIL SERVICE COMMISSION**

## **Health Dept. – Building Inspector – Promotional Eligibility List**

1. Rick Hornback
2. Aaron Short

Certified August 15, 2019

**OTTUMWA CIVIL SERVICE COMMISSION**

Larry Jarvis, Chairman  
Ed Wilson  
Ann Youngman

# **OTTUMWA CIVIL SERVICE COMMISSION**

## **WPCF – Maintenance Tech Entrance Eligibility List**

1. Jacob Glosser
2. John Hanks

Certified August 15, 2019

**OTTUMWA CIVIL SERVICE COMMISSION**

Larry Jarvis, Chairman  
Ed Wilson  
Ann Youngman

# **OTTUMWA CIVIL SERVICE COMMISSION**

## **WPCF – Maintenance Tech Promotional Eligibility List**

1. Michael Ashlock
2. Greg Cantrell
3. Aaron Short

Certified August 15, 2019

OTTUMWA CIVIL SERVICE COMMISSION

Larry Jarvis, Chairman  
Ed Wilson  
Ann Youngman



# **OTTUMWA CIVIL SERVICE COMMISSION**

## **WPCF - Operator– Entrance Eligibility List**

1. Troy Fadiga
2. Nathaniel Williams
3. John Hanks
4. Roland-James Davis

Certified August 15, 2019

OTTUMWA CIVIL SERVICE COMMISSION

Larry Jarvis, Chairman  
Ed Wilson  
Ann Youngman

Item No. B.-3.

FILED

City of Ottumwa

2019 AUG -1 AM 7:56

Staff Summary

Council Meeting of: August 20, 2019

Item No. CITY OF OTTUMWA, IA

Robert Jay

Prepared By

  
Dept. Head

Finance Department  
Department

  
City Administrator

Agenda Title: Resolution No. 178-2019 Authorizing the transfer of \$1,500,000 for Phase 8, Division 1 from the Local Option Sales Tax Fund to the Sewer Capital Projects Fund.

.....  
Purpose: Transfer of funds to assist in an approved sewer separation project.

Recommendation: Pass and Adopt Resolution No. 178-2019

Discussion: The transfer of funds is required to assist in the design costs for Phase 8, Division 1. This transfer reduces the amount of future bonding for this project by paying part of the construction costs with local funds.

Source of Funds LOST

Budgeted Item No

Budget Amendment Needed Yes

**RESOLUTION NO. 178-2019**

RESOLUTION AUTHORIZING THE TRANSFER OF \$1,500,000 FOR PHASE 8, DIVISION 1 FROM THE LOCAL OPTION SALES TAX FUND TO THE SEWER CAPITAL PROJECTS FUND.

WHEREAS, The City Finance Department, effective April 13, 2019 is required by Iowa Code Chapter 545 to have all transfers between funds approved by resolution, and

WHEREAS, The City has the Phase 8 Division 1 Sewer Separation Project in the design phase and

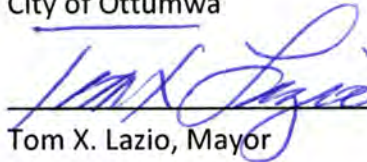
WHEREAS, The City will be using LOST funds to reduce the amount of future bonding for the project and

WHEREAS, There are funds set aside in the LOST fund for the Phase 8, Division 1 Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA: That the City Finance Director is authorized to make the required transfers.

PASSED AND APPROVED THIS 20th DAY OF AUGUST 2019.

City of Ottumwa



Tom X. Lazio, Mayor

ATTEST:



Christina Reinhard, City Clerk

(Seal)



CITY OF OTTUMWA  
JOURNAL VOUCHER

J.V. No. \_\_\_\_\_

DATE 8-21-19

POST PERIOD 8 2019

<u>DIST. NO.</u>	<u>ACCOUNT NUMBER</u>	<u>DEBIT AMOUNT</u>	<u>CREDIT AMOUNT</u>
<u>1</u>	<u>315-1110</u>	<u>1,500,000.00</u>	
<u>2</u>	<u>315-000-4830</u>		<u>1,500,000.00</u>
<u>3</u>	<u>121-9-910-6910</u>	<u>1,500,000.00</u>	
<u>4</u>	<u>121-1110</u>		<u>1,500,000.00</u>

DESCRIPTION: Transfer funds.  
(25 spaces maximum)

COMMENT: Transfer funds for Sewer Project Phase 8

PREPARED BY: [Signature]

APPROVED BY: \_\_\_\_\_

FILE

CITY OF OTTUMWA

Staff Summary 2019 AUG 15 AM 11:29

**\*\* ACTION ITEM \*\***

CITY OF OTTUMWA

Council Meeting of: August 20, 2019

Alicia Bankson

Prepared By

*Gene Rathje*  
Department Head

Parks  
Department

*[Signature]*  
City Administrator Approval

AGENDA TITLE: Resolution #184-2019. Approving final payment and accepting the work as complete for the Phase 3 - RFP #4X Beach Sound Replacement System 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 #184-2019.

DISCUSSION: This project consisted of the complete removal of existing sound equipment and installation of new wiring and sound equipment for the lobby, offices, outdoor and indoor pool areas. This was the third bid procedure followed with the contract awarded to Lifeline Audio Video Technologies in Platteville, Wisconsin in the amount of \$52,250.00. Originally scheduled for a September 2019 completion, the contractor's schedule changed allowing this installation to occur earlier.

The contractor has completed the above referenced work according to the plans and specifications. No change orders are noted. This will authorize payment and release all retainages.

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

Contract A:	Concrete Repairs	\$148,968.97	
Contract B:	Office Remodeling	\$81,189.25	(Complete)
Contract C:	Masonry Repairs	\$36,081.00	(Complete)
Contract D:	Electrical Repairs	\$59,066.46	(Complete)

RFP 1X - Shade Structure Repair	\$ 8,179.62 (Complete)
RFP 2X - LED Lighting Replacement	\$ 9,954.00 (Complete)
REF 3X - Electronic Entrance Sign	\$ 84,545.00 (Complete)
RFP 4X - Sound Equipment Installation	\$ 52,250.00 (Complete)

Source of Funds: Bond Proceeds

Budgeted Item: Yes Budget Amendment Needed: No

<b>RFP 5X - Lagoon Landscaping</b>	<b>\$ 13,271.00 (Complete)</b>
<b>RFP 6X - Otter Slide</b>	<b><u>\$ 11,650.00 (Complete)</u></b>
<b>Phase 3 RFP Contract Amounts</b>	<b>\$179,849.62</b>
<b>Contracts A-D</b>	<b>\$325,305.68</b>
<b>Total Phase 3 Costs</b>	<b>\$505,155.30</b>
<b>Funding: Phase 3 \$ Available from Bond Proceeds:</b>	<b>\$700,000.00</b>
<b>    Wapello County Foundation Grant</b>	<b>\$ 25,000.00</b>

**Source of Funds: Bond Proceeds**

**Budgeted Item: Yes      Budget Amendment Needed: No**

RESOLUTION #184-2019

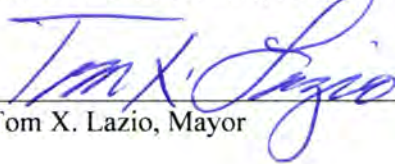
A RESOLUTION APPROVING FINAL PAYMENT AND ACCEPTING THE WORK AS  
FINAL AND COMPLETE FOR THE PHASE 3 – RFP #4X BEACH SOUND  
REPLACEMENT SYSTEM PROJECT

WHEREAS, The City Council of the City of Ottumwa, Iowa entered into a contract on April 16, 2019 with Lifeline Audio Video Technologies, of Platteville, Wisconsin for the above referenced project.



NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA THAT: The Phase 3 - RFP #4X Beach Sound Replacement System Project is hereby accepted as complete and authorization to make final payment to Lifeline Audio Video Technologies, of Platteville, Wisconsin in the amount of \$2,612.50 is hereby approved.

APPROVED, PASSED, AND ADOPTED, this 20<sup>th</sup> day of August, 2019.

CITY OF OTTUMWA, IOWA

  
\_\_\_\_\_  
Tom X. Lazio, Mayor

ATTEST:

  
  
\_\_\_\_\_  
Christina Reinhard, City Clerk

SECTION 630  
PAY ESTIMATE

CITY OF OTTUMWA

APPLICATION FOR PAYMENT

TO OWNER: City of Ottumwa PROJECT: NAME BEACH PHASE 3, RFP 4X SOUND EQUIPMENT PAY REQUEST NO. 3 (FINAL)

FROM CONTRACTOR: LIFELINE AUDIO

PAY PERIOD: AUGUST 9, 2019

CONTRACTOR'S APPLICATION FOR PAYMENT

Application for payment is made as follows:

1. Original Contract Sum	\$ <u>52,250</u>
2. Net change by Change Orders	\$ <u>—</u>
3. Contract Sum to Date (Line 1 ± Line 2)	\$ <u>52,250</u>
4. Total Completed and Stored to Date	\$ <u>52,250</u>
5. Retainage: 5% of Completed work	\$ <del>2,612.50</del> <sup>0<sup>00</sup></sup>
6. Total Earned Less Retainage Amount	\$ <u>49,637.50</u> <sup>52,250<sup>00</sup></sup>
7. Less Previous Payments	\$ <u>49,637.50</u>
8. Current Payment Due	\$ <u>2,612.50</u>

The undersigned Contractor certifies that to the best of their knowledge, the Work covered by this Application has been completed in accordance with the Contract Documents, that the Contractor has paid for all Work which previous Applications for Payment were issued and payments received from the Owner, and that current payment (Line 8) is now due.

CONTRACTOR: Lifeline Audio Video Tech.

DATE: 8/13/19

BY: [Signature]

TITLE: President

ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the contract documents, based on on-site observations and the information contained in this application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge the Work has progressed as indicated, the quality of the Work is in accordance with the contract Documents, and the Contract entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED: \$ 2,612<sup>50</sup>

ENGINEER: [Signature]

DATE: 14 AUG 2019





**Lifeline Audio Video Technologies**  
**41 Means Drive Suite A**  
**Platteville, WI 53818**

**Invoice**

**Phone # (800) 236-4327**

**Fax # (608) 348-7918**

<b>Bill To</b>
Beach Ottumwa 101 Church St Ottumwa, IA 52501

<b>Ship To</b>
Beach Ottumwa 101 Church St Ottumwa, IA 52501

Invoice Date: 7/24/2019 P.O. Number: Rep SW Invoice #: 62891

Qty	Item	Description
1	Contracting Hardware	Lift Rental
1	Contracting Installation	Design/Engineering, Drawings, Programming, Rack Layout and Building, Professional Installation, Terminations, Training, Support, Meetings, etc.
3	Contracting Hotel-Per Diem	Contracting: Hotel-Per Diem/per day
0.5	Project Management	Project Management

Terms: Net 30 Days

Past Due Accounts Are Subject To A 1.5% Service Charge Per Month (18% annual).

Payments made via credit card will be assessed a 3% processing fee for payments over \$1,000.

**Subtotal** \$14,567.00

**Sales Tax (5.0%)** \$0.00

**Payments/Credits** -\$13,838.65

**Amount Due** \$728.35



**Lifeline Audio Video Technologies**  
**41 Means Drive Suite A**  
**Platteville, WI 53818**

**Invoice**

**Phone # (800) 236-4327 Fax # (608) 348-7918**

<b>Bill To</b>
Beach Ottumwa 101 Church St Ottumwa, IA 52501

<b>Ship To</b>
Beach Ottumwa 101 Church St Ottumwa, IA 52501

Invoice Date: 7/2/2019 P.O. Number: Rep SW Invoice #: 62828

Qty	Item	Description
2	R2-474Z	Community, R2-474Z, Three-way, Dual 12-inch, High Output Horn-loaded, 40-70 x 40
3	TRC400	Community, TRC400, 400-Watt Transformer, 4 Ohms, Transformer for 70V, 100V and 140V lines;400W @ 4 ohms, 200W @ 8 ohms, taps for full, 1/2, and 1/4 power
2	PM-MOUNT-6UP	Allen Products, PM-MOUNT-6UP, Speaker Pole Mount for 6" Diameter and Up
2	PM-Safety-6down	Allen Products, PM-Safety-6down, Safety Anchor for PM series pole mounts
2	PM-BAND-90	Allen Products, PM-BAND-90, Band Kit for 20"-28" Diameter Poles, 2 x Straps, 2 x Fasteners
1	R.5HPT	Community R.5HPT Three-way, horn loaded, high-output full-range system 48 lbs. 85 Hz - 16 kHz, 60°H x 40°V LF 1 x 12", MF 1 x 2", HF 1 x 1" 200W RMS, 500W PGM, 6 ohm- 70V taps @ 200w, 100w, 50, 25w Standard light grey finish
1	PM-MOUNT-6UP	Allen Products, PM-MOUNT-6UP, Speaker Pole Mount for 6" Diameter and Up
1	PM-Safety-6down	Allen Products, PM-Safety-6down, Safety Anchor for PM series pole mounts
1	PM-BAND-90	Allen Products, PM-BAND-90, Band Kit for 20"-28" Diameter Poles, 2 x Straps, 2 x Fasteners
1	R.35-3896	Community, R.35-3896, Three-way, 8-inch Triaxial System; 80 Hz - 16 kHz, 90° H x 60° V; 400W RMS, 800W PGM, 8 ohm: Standard color light grey
1	PMB-1RR	Community Sound PMB-1RR Pole mount bracket kit for mounting a single R.25. R.5, loudspeaker. Vertical downtilt to 90 degrees. The bolt-together assembly attaches to a pole 6 inches or greater in diameter by using clamps and 3/4-inch stainless steel banding. Clamps and assembly hardware are included in the kit. Banding must be purchased separately, two bands per mounting kit (PMB-BAND or BAND100FT).

Terms: Net 30 Days

**Subtotal**

**Sales Tax (5.0%)**

**Payments/Credits**

**Amount Due**



**Lifeline Audio Video Technologies**  
**41 Means Drive Suite A**  
**Platteville, WI 53818**

**Invoice**

**Phone # (800) 236-4327 Fax # (608) 348-7918**

<b>Bill To</b>
Beach Ottumwa 101 Church St Ottumwa, IA 52501

<b>Ship To</b>
Beach Ottumwa 101 Church St Ottumwa, IA 52501

Invoice Date: 7/2/2019 P.O. Number: Rep SW Invoice #: 62828

Qty	Item	Description
1	PMB-BAND	Community Sound PMB-BAND Pole Mount Bracket Banding, 92 Inches Stainless steel banding for use with PMB-1RR pole mount bracket kits. Each PMB-BAND is 3/4-inches wide and 92 inches long. For poles between 6-inches and 10.75-inches in diameter, use one (1) PMB-BAND for each PMB-1RR/2RR. Divide in half or trim to length at installation. For poles between 10.75-inches and 25.25-inches in diameter, use two (2) PMB-BAND for each PMB-1RR/2RR. Trim to length at installation.
1	R.35COAX	Community R.35COAX Two-way, Coaxial, 70 Hz - 16 kHz, 90° conical; LF 1 x 10", HF 1 x 1.25" exit; 8 ohms- Requires NL4 connector- GREY 200W RMS.: Standard color Grey
1	R-VTY35	Community, R-VTY35, Vari-Tilt Yoke for R.35 Enclosures (Grey)
1	R.15COAX	Community Two-way, Coaxial, 90 Hz - 16 kHz, 100° conical, LF 1 x 1.25" exit; 150W RMS, 8 ohm-Standard color GREY
1	R-VTY15	Vari-Tilt Yoke for R.15 Enclosures (Grey)
		<b>Indoor Pool Areas</b>
4	DP6-W	Community, DP6-W, 6.5" pendant loudspeaker in white
4	Contracting Hardware	Custom beam mounting, strut, clamps, hardware
2	R.35COAX	Community R.35COAX Two-way, Coaxial, 70 Hz - 16 kHz, 90° conical; LF 1 x 10", HF 1 x 1.25" exit; 8 ohms- Requires NL4 connector- 200W RMS: Color WHITE
2	Contracting Hardware	Custom beam mounting, strut, clamps, hardware
1	DS8-W	Community, DS8-W, 8" surface mount full range loudspeaker in WHITE
8	D5	Community, D5, Two-way, 5-inch Ceiling Loudspeaker in white
1	25LVC-DW	Lowell, 25LVC-DW, Attenuator-25W, 70V/25V, 1-gang Decora, White
1	50LVC-DW	Lowell, 50LVC-DW, 50 watt 70 volt volume control AV Control Equipment

Terms: Net 30 Days

**Subtotal**

**Sales Tax (5.0%)**

**Payments/Credits**

**Amount Due**



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**41 Means Drive Suite A**  
**Platteville, WI 53818**

**Invoice**

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<b>Bill To</b>
Beach Ottumwa 101 Church St Ottumwa, IA 52501

<b>Ship To</b>
Beach Ottumwa 101 Church St Ottumwa, IA 52501

Invoice Date: 7/2/2019 P.O. Number: Rep SW Invoice #: 62828

Qty	Item	Description
1	CN-2400S	FURMAN CN-2400S 1 RU 20 AMP REMOTE SMART SEQUENCER W/SMP & AUTO RESET, 10FT CORD
2	CN-20MP	Furman - CN-20MP - 20A remote duplex (over/under voltage projection) smart sequencing, 10ft cord
1	RS-1 key switch	Furman RS-1 key switch
1	Contracting Hardware	EB-3
2	SM48S-LC	Shure, SM48S-LC, Cardioid Dynamic, On-Off Switch
3	RA2 20' Lo-Z	Conquest Sound, 20' Microphone Cable
2	DS-7E	Atlas, DS-7E, 8-13" Desk Mic Stands
1	LTIGLBLOX	Rapco - LTIGLBLOX - LTIGLBLOX is a consumer to pro interface. It converts input from consumer grade equipment (laptop computers, MP3 players, CD players) to a mic level balanced output.
1	TesiraFORTÉ AI	Biamp, TesiraFORTÉ AI, TesiraFORTÉ DSP fixed I/O server with 12 analog inputs, 8 analog outputs, and 8 channels configurable USB audio
1	TEC-1i CTRL	Biamp Tesira Tec-1i PoE Ethernet Control in-wall mount
1	EB-5 Blank 5-sp	Middle Atlantic blank 5 space rack panel
2	CXD4.3	QSC, CXD4.3, 2500W Amplifier using FAST Technology. 4 channels. 625 watts/ch at 8 ohms, 625 watts/ch at 4 ohms, 625 watts/ch at 2 ohms
1	PD-915R-PL	Portable Sound Rack Middle Atlantic, PD-915R-PL, 9 OUTLET, SINGLE 15 AMP CIRCUIT, SURGE/SPIKE PROTECTED RACKMOUNT POWER DISTRIBUTION W/9' CORD, BLACK POWDERCOAT FINISH
1	BLX24R/SM58	Shure BLX24R/SM58 UHF 1/2 rack wireless with remote mount 1/4 wave antenna system, single and dual rack kit included, SM-58 handheld transmitter, AA batteries
1	BLX14R/SM35	Shure BLX14R/SM35 Wireless BLX14 Rack Mount Wireless System with a SM35 Performance Headset Condenser Mic

Terms: Net 30 Days

**Subtotal**

**Sales Tax (5.0%)**

**Payments/Credits**

**Amount Due**



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**41 Means Drive Suite A**  
**Platteville, WI 53818**

**Invoice**

**Phone # (800) 236-4327 Fax # (608) 348-7918**

<b>Bill To</b>
Beach Ottumwa 101 Church St Ottumwa, IA 52501

<b>Ship To</b>
Beach Ottumwa 101 Church St Ottumwa, IA 52501

Invoice Date: 7/2/2019 P.O. Number: Rep SW Invoice #: 62828

Qty	Item	Description
1	Contracting Hardware	Whirlwind Mix 7
1	EB-1	EB-1 Single Gang Blank Rack Plate
1	UD-2	Middle Atlantic UD-2 economy series 2-space (3.5" deep rack drawer-no lock
2	RA2 20' Lo-Z	Conquest Sound, 20' Microphone Cable
1	SM48S-LC	Shure, SM48S-LC, Cardioid Dynamic, On-Off Switch
1	210/9	K & M, black, high quality microphone stand
1	G-PRO-6U-19	Gator, G-Pro-6U-19, Pro-Series Molded Mil-Grade PE Rack Case; 6U, 19" Deep
2.7	AQ227	Cable West Penn Aquaseal waterproof direct burial 2 conductor stranded 12AWG-1000 feet
0.65	Contracting Hardware	West Penn Aquaseal AQ225
0.34	Contracting Hardware	West Penn 25225B plenum speaker cable
0.82	Contracting Hardware	West Penn AQC292
1	Contracting Hardware	West Penn 25292B plenum mic cable
1	Cable/Connector	Pro Co WP Parts
1	Freight-Contr	Product/cable/freight
		Installation
0.5	Project Management	Project Management
1	Contracting Hardware	Bond
		Equipment Rack
1	ERK 3525-LRD	Middle Atlantic, ERK 3525-LRD, 35SP/25D STANDALONE RACK
1	LVFD-35	Middle Atlantic LVFD-35 Vented Front Door. 64% Open area. Fits ERK 35 space floor rack.

Terms: Net 30 Days

**Subtotal**

**Sales Tax (5.0%)**

**Payments/Credits**

**Amount Due**



**Lifeline Audio Video Technologies**  
**41 Means Drive Suite A**  
**Platteville, WI 53818**

**Invoice**

**Phone # (800) 236-4327 Fax # (608) 348-7918**

<b>Bill To</b>
Beach Ottumwa 101 Church St Ottumwa, IA 52501

<b>Ship To</b>
Beach Ottumwa 101 Church St Ottumwa, IA 52501

Invoice Date: 7/2/2019 P.O. Number: Rep SW Invoice #: 62828

Qty	Item	Description
1	5WLR	Middle Atlantic, 5WLR, Set of 4 locking casters
1	U2V	Middle Atlantic, U2V, 2 Rack space vented rack shelf
1	TD-3	Middle Atlantic, TD-3, Rack Drawer, 3u
6	EB2 Blank 2-sp	Middle Atlantic 2-space blank rack panel
3	EB-1	EB-1 Single Gang Blank Rack Plate

Terms: Net 30 Days

Past Due Accounts Are Subject To A 1.5% Service Charge Per Month (18% annual).

Payments made via credit card will be assessed a 3% processing fee for payments over \$1,000.

<b>Subtotal</b>	\$37,683.00
<b>Sales Tax (5.0%)</b>	\$0.00
<b>Payments/Credits</b>	-\$35,798.85
<b>Amount Due</b>	\$1,884.15

08/20/19

# Alliant Hometown Rewards Program Final Project



*Accent Light Replacement for  
the Jefferson Street Viaduct*



## Hometown Rewards in Ottumwa

- Alliant Energy's *Hometown Rewards* program has incented Iowa communities for cutting back on energy use.
- Alliant has partnered with Ottumwa to set energy-savings goals and find ways to meet them over a two-year period.
- Ottumwa's *Hometown Rewards* Committee was formed in November 2017 and our program will end in April 2020.
- The program was discontinued in 2019, making Ottumwa the last community to participate in the program.
- Since we met the goals for energy reduction, Alliant Energy will help fund an energy-efficiency project for the community.
- **Ottumwa's "reward" will be just over \$50,000.**



Ottumwa's Proposed Project:  
Replacing accent lighting for the  
Jefferson Street Viaduct.



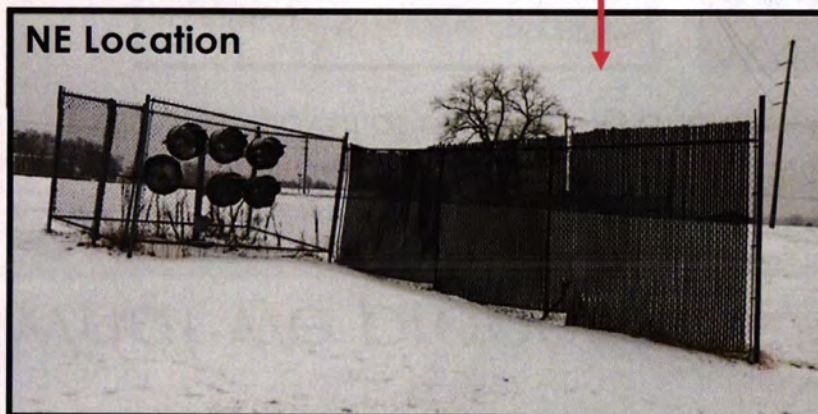
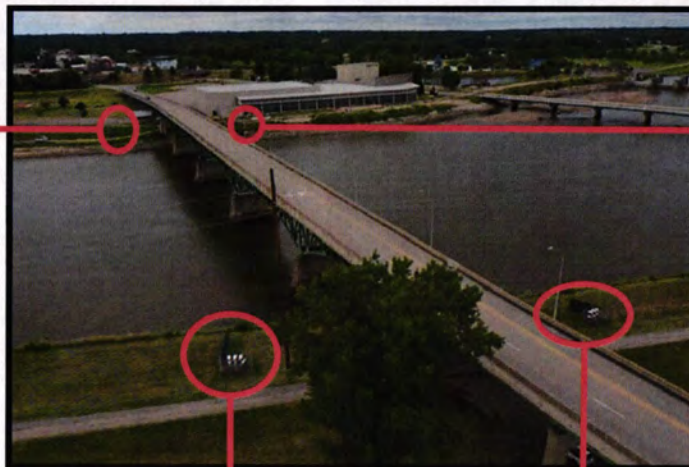
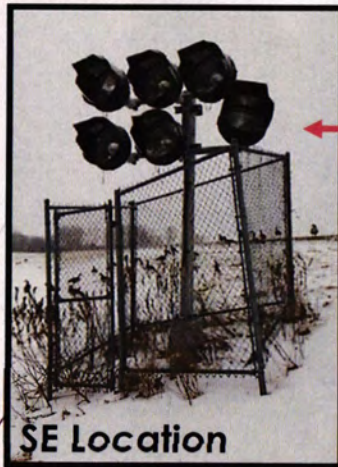
## What we have.

- Four arrays of 6 blue-tinted metal halide light fixtures, installed in 2001.\*
  - *\*Note that one fixture is broken and has been removed.*
- One array sits on each quadrant of the bridge spanning the river.
- Each fixture draws 1,000W (currently 23,000W total).



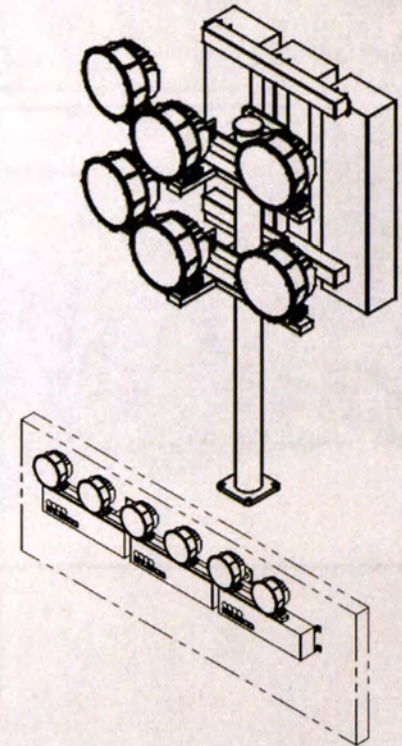
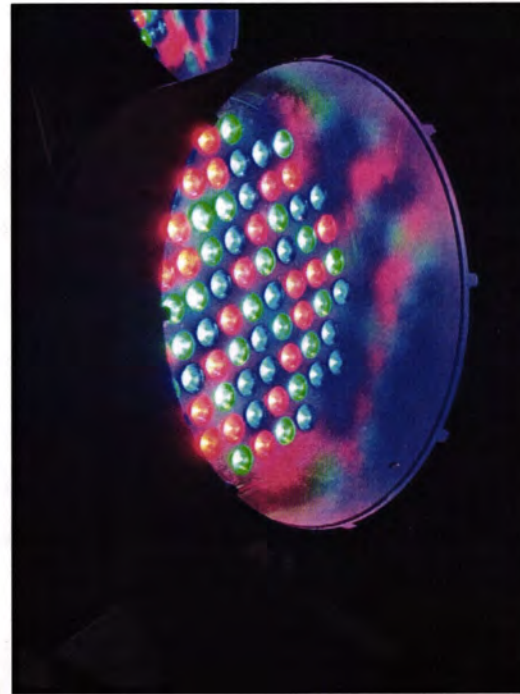
Typical Fixture

What we have.



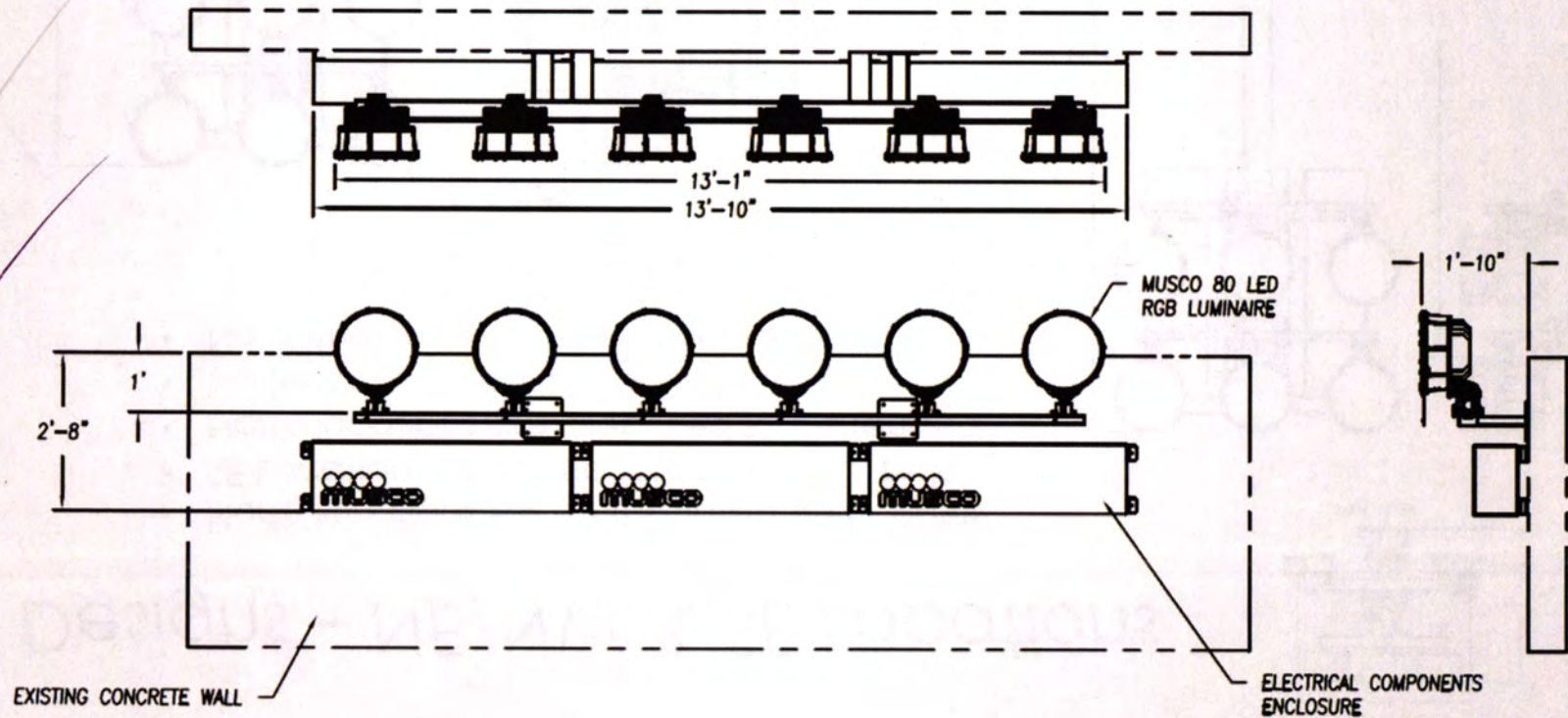
## What we propose.

- Full removal of existing arrays, replacement with new RGB LED.
- Each fixture draws 400W max. (9,600W max. total).
- Removal of old fencing and replacement with new, where necessary.



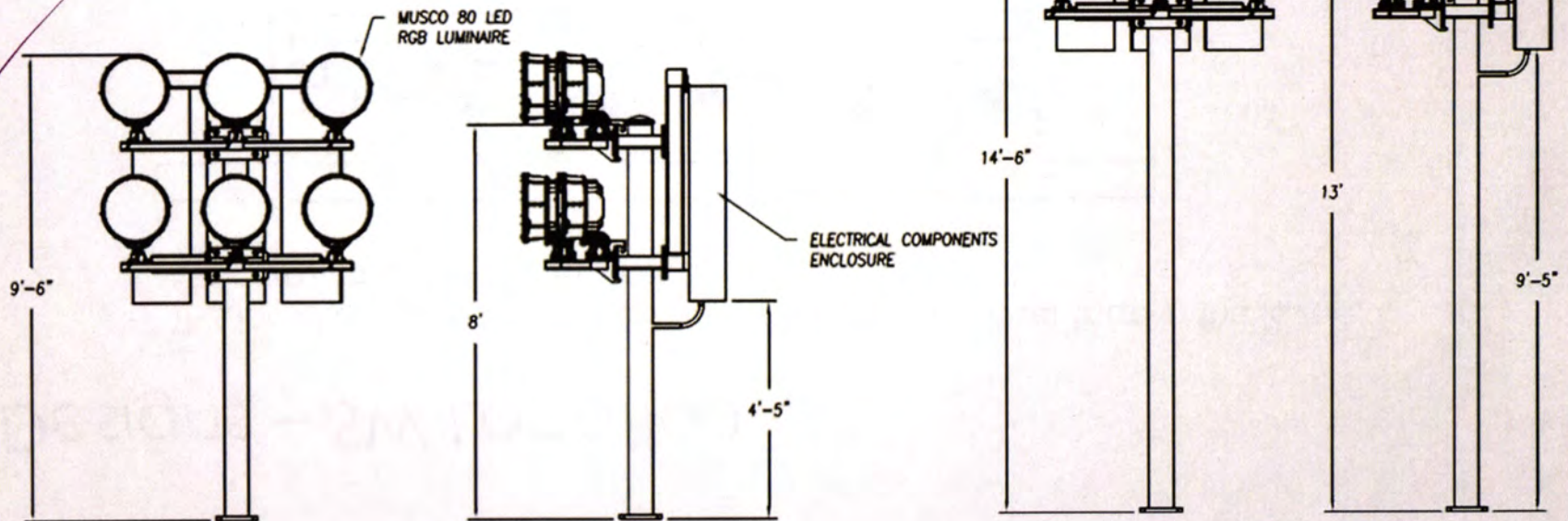
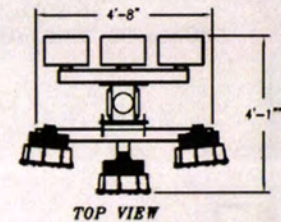
## Designs – SW Location

- This location will be mounted on the flood wall rather than in the levee.
- Fencing/cage will protect arrays.



## Designs – NE/NW & SE Locations

- North locations will be mounted on 8' poles.
- SE Location will be mounted on a 13' pole.
- North locations are proposed to be fenced.
- No fencing proposed for SE Location
- No anti-glare fencing is needed for LED.

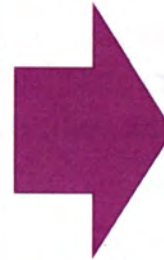


## Comparison.

- LED setup is AT LEAST 60% more efficient than existing MH.
  - *Should save the city at least \$3,000/year in electricity alone!*
- Existing lights are blue only; the RGB LEDs can change to nearly any color.



23 MH lights



4 LEDs

vs.

*Note that the full LED set-up will include 24 LED lights.*



## Project Financing & Ownership

- The cost of purchasing the lights, including installation and a 10-year warranty is \$78,000.
- We are requesting quotes for fencing and have a small amount budgeted for signage in our grant requests.
- Our *Hometown Rewards* program reward will cover slightly over \$50,000.
- Main Street Ottumwa (MSO) Volunteers are finalizing one grant application for \$25,000. MSO Volunteers have other sources identified to request the remainder and anticipate full project funding by the end of the year.
- If the City Council approves, MSO will enter into a purchase agreement with Musco Lighting to buy and install the lights, tentatively in April 2020.
- After installation, MSO will “gift” the lights to the City and the City will own/maintain them [and hold the warranty] as they do now.



FILE

2019 AUG 14 AM 10:11

**CITY OF OTTUMWA  
Staff Summary**

CITY OF  
OTTUMWA

**\*\* ACTION ITEM \*\***

Council Meeting of: Aug 20, 2019

Park & Recreation  
Department

Gene Rathje

Prepared By

Gene Rathje

Department Head

  
\_\_\_\_\_  
City Administrator Approval

AGENDA TITLE: **Wapello County Foundation Grant Applications 2019**

\*\*\*\*\*

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

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

**RECOMMENDATION:**

**Approve the grant applications for the Wapello County Foundation.**

**DISCUSSION:**

**Grant applications for the Wapello County Foundation must be submitted by August 31. The Ottumwa Parks Advisory Board approved the following grant applications at their meeting on August 13, 2019:**

- 1. Outdoor basketball court for Ottumwa Park**
- 2. Dog Park agility training equipment.**
- 3. Financial assistance for adult softball improvements.**

**Source of Funds: Grants**

**Budgeted Item:**  **Budget Amendment Needed: No**

**CITY OF OTTUMWA**  
**Staff Summary**

FILE  
2019 AUG 14 AM 10:11

**\*\* ACTION ITEM \*\***

CITY OF  
OTTUMWA

Council Meeting of : Aug 20, 2019

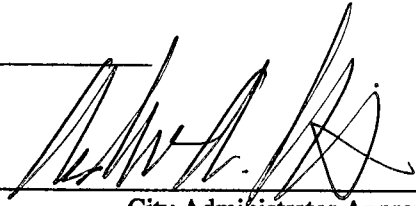
Park & Recreation  
Department

Gene Rathje

Prepared By

Gene Rathje

Department Head

  
\_\_\_\_\_  
City Administrator Approval

**AGENDA TITLE: Naming of the Indoor Competition Pool at the Beach Ottumwa after Mike McWilliams.**

\*\*\*\*\*

\*\*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 recommendation.

**DISCUSSION:**

A letter is attached that requests naming the indoor competition pool at the Beach Ottumwa after Mike McWilliams. This request was approved by the Ottumwa Parks Advisory Board on August 13, 2019.

**Source of Funds:**

**Budgeted Item:**

**Budget Amendment Needed: No**

July 12, 2019

Honorable Tom Lazio  
Mayor, City of Ottumwa  
103 E. Third St.  
Ottumwa, IA 52501

mayor@ci.ottumwa.ia.us

Dear Mayor Lazio,

We write, on behalf of a much larger contingent, to ask that the competitive swimming pool at Beach Ottumwa be named in honor of Coach Mike McWilliams.

Mike McWilliam's legacy as an educator, swim coach, and inspiration is well-known and heartfelt to several generations of Ottumwans. A 1959 OHS graduate, at age 19 he became an assistant coach for the Ottumwa Country Club swim team. Beginning in 1965, and continuing for four decades, he coached boys and (during some years) girls swimming teams at OHS, where he also taught History. During summers he coached Ottumwa's age-group swimming clubs. He piloted five state top six high school teams and guided two state champions, multiple state runners-up and numerous all-American swimmers. He worked tirelessly and often selflessly to earn academic and swimming scholarships for his students and swimmers.

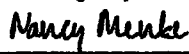
In February 2020, he will be inducted into the Iowa High School Swim Coaches Association Hall of Fame. It is only fitting that his home community of Ottumwa honor him as well.

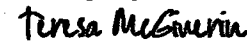
With his characteristic wit and irreverence, for over 40 years Coach McWilliams taught toddlers to dogpaddle, all-American athletes to break records, and the rest of us to be the best version of ourselves we could be. He is an Ottumwan treasure. No one has done more for swimming in Ottumwa.


We would cherish the opportunity to honor him by dedicating the "Coach McWilliams Pool" at the first OHS home swimming meet in the Fall of 2019.

Respectfully,


DocuSigned by:  
  
882B483BAF8D444...  
Bruce McGiverin


DocuSigned by:  
  
888C4F3D341648B...  
Nancy Menke

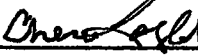
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7D889958895E8408...  
Teresa McGiverin

DocuSigned by:  
  
62085562DF3848D...  
Craig Bauerle

DocuSigned by:  
  
88C0DF0382D848C...  
CURTIS T ZIMMERMAN

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0CAE38A8BDC842B...  
MICHAEL GRIFFIN

DocuSigned by:  
  
832BCE8A207148F...  
James Lawson

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0D9A7381A3084FE...  
Cherie Langland

FILED

2019 AUG 13 PM 1:15

CITY OF OTTUMWA, IA

**CITY OF OTTUMWA**  
**Staff Summary**

**\*\* ACTION ITEM \*\***

Council Meeting of: Aug 20, 2019


**Police**

Department

  
\_\_\_\_\_  
City Administrator Approval

**Mary Lou Donaldson**

Prepared By

  
Department Head

AGENDA TITLE: Public hearing to accept written or oral comments from the public on the spending plans for the 2019 Justice Assistance Grant (JAG) Program.

\*\*\*\*\*



\*\*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 written or oral comments, then close the public hearing.

DISCUSSION:

The public hearing is a step in the process of accepting funds from the 2019 Justice Assistance Grant (JAG) Program. The JAG Grant does not require a local match. The Department's proposed use of the funds is for the purchase of equipment to include a Polaris Range XP 1000 EPS NorthStar Edition Utility Vehicle. Federal requirements state the funds can only be used to supplement the Department's budget, not supplant it.

The amount of funds we receive from the JAG Grant is based on the number of violent crimes we report to the Federal government. As in

Source of Funds: N/A

Budgeted Item:  Budget Amendment Needed:

previous years, the Wapello County Sheriff's Department is considered a disparate agency within the JAG Program. They are considered a disparate agency because they do not qualify for a direct award; yet the county is responsible for providing criminal justice services such as incarceration for the municipality.

Because the Sheriff's Department is considered a disparate agency, the Bureau of Justice Assistance requires that we discuss with the Sheriff the sharing of our JAG Grant funds. After reviewing the grant with Sheriff Phillips, it was agreed that the County would receive 15% of the grant funds (\$1,950.00), the Police Department would receive 85% (\$11,049.00), and the Police Department would administer the grant.

The Ottumwa Public Safety Advisory Board met on August 12, 2019, reviewed the plan, and recommends the JAG Grant funds be utilized in the manner outlined in the spending plan.

# PROOF OF PUBLICATION

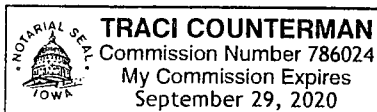
STATE OF IOWA  
WAPELLO COUNTY

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 therein, and that the advertisement

Jag Program

City of Ottumwa

published in said newspaper for 1 consecutive weeks to wit: 8/9/19 hereto attached was  
before me, and in my presence, by the said 9th day of August, 2019



Notary Public

In and for Wapello County

Printer's fee \$9.40

## COPY OF ADVERTISEMENT

Notice of Public Hearing Notice is hereby given that the City Council of the City of Ottumwa will hold a public hearing on August 20, 2019 at 5:30 P.M. in City Hall in the City of Ottumwa, Iowa on proposed spending plans for the 2019 Justice Assistance Grant (JAG) Program funds to be obtained from the Bureau of Justice Assistance. All written public comments may be submitted to the City Clerk's Office, City Hall by 4:30 pm on August 20, 2019. All persons interested in the proposed spending plans are invited to be present at the above time, place and date to present their arguments for or against.  
FOR THE CITY OF OTTUMWA:  
Christina Reinhard, City Clerk

FILED

2019 AUG 13 PM 1:15

**CITY OF OTTUMWA**

**Staff Summary**

CITY OF  
OTTUMWA

**\*\* ACTION ITEM \*\***

Council Meeting of : Aug 20, 2019

Mary Lou Donaldson

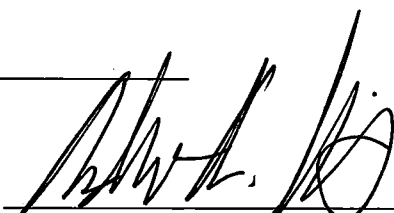
Prepared By



Department Head

Police

Department



City Administrator Approval

AGENDA TITLE: Consider accepting the 2019 Justice Assistance Grant (JAG) from the Bureau of Justice Assistance in the amount of \$12,999.00.

\*\*\*\*\*



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



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

RECOMMENDATION: To approve the submission of the grant over the Internet and authorize the Mayor, City Attorney, and Chief of Police to sign any related documents as may be required.

DISCUSSION:

The 2019 Justice Assistance Grant (JAG) does not require a local match. The Department's proposed use of the funds is for the purchase of equipment to include a Polaris Ranger XP 1000 EPS NorthStar Edition Utility Vehicle. Federal requirements state the funds can only be used to supplement the Department's budget, not supplant it.

The amount of funds we receive from the JAG Grant is based on the number of violent crimes we report to the Federal government. As in

Source of Funds: N/A

Budgeted Item:

Budget Amendment Needed:

previous years, the Wapello County Sheriff's Department is considered a disparate agency within the JAG Program. They are considered a disparate agency because they do not qualify for a direct award; yet the county is responsible for providing criminal justice services such as incarceration for the municipality.

Because the Sheriff's Department is considered a disparate agency, the Bureau of Justice Assistance requires that we discuss with the Sheriff the sharing of our JAG Grant funds. After reviewing the grant with Sheriff Phillips, it was agreed that the County would receive 15% of the grant funds (\$1,950.00), the Police Department would receive 85% (\$11,049.00), and the Police Department would administer the grant.

The Ottumwa Public Safety Advisory Board met on August 12, 2019, reviewed the plan, and recommends the JAG Grant funds be utilized in the manner outlined in the spending plan.

Staff recommends approving the submission of the grant over the Internet and authorizing the Mayor, City Attorney, and Chief of Police to sign any related documents as may be required.



<b>APPLICATION FOR FEDERAL ASSISTANCE</b>	<b>2. DATE SUBMITTED</b>	<b>Applicant Identifier</b>
<b>1. TYPE OF SUBMISSION</b> Application Non-Construction	<b>3. DATE RECEIVED BY STATE</b>	<b>State Application Identifier</b>
	<b>4. DATE RECEIVED BY FEDERAL AGENCY</b>	<b>Federal Identifier</b>
<b>5. APPLICANT INFORMATION</b>		
<b>Legal Name</b> City of Ottumwa	<b>Organizational Unit</b> Ottumwa Police Department	
<b>Address</b> 105 East Third Street Ottumwa, Iowa 52501-2505	<b>Name and telephone number of the person to be contacted on matters involving this application</b>  McAndrew, Tom (641) 683-0636	
<b>6. EMPLOYER IDENTIFICATION NUMBER (EIN)</b> 42-6005094	<b>7. TYPE OF APPLICANT</b> Municipal	
<b>8. TYPE OF APPLICATION</b> New	<b>9. NAME OF FEDERAL AGENCY</b> Bureau of Justice Assistance	
<b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE</b>  NUMBER: 16.738 CFDA Edward Byrne Memorial Justice Assistance Grant TITLE: Program	<b>11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT</b>  2019 JAG Grant	
<b>12. AREAS AFFECTED BY PROJECT</b> Within the city limits of Ottumwa, Iowa and within the borders of Wapello County.		
<b>13. PROPOSED PROJECT</b> Start Date: October 01, 2018 End Date: September 30, 2020		<b>14. CONGRESSIONAL DISTRICTS OF</b>  a. Applicant b. Project IA02
<b>15. ESTIMATED FUNDING</b>		<b>16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b>  Program has not been selected by state for review
Federal	\$12,999	
Applicant	\$0	
State	\$0	
Local	\$0	
Other	\$0	

Program Income	\$0	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?  N
TOTAL	\$12,999	
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS REQUIRED.		

Close Window

**Ottumwa Police Department  
Ottumwa, Iowa  
Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
FY 2019 Local Solicitation  
*GMS Application Number: 2019-H3664-IA-DJ***

**Project Identifiers - Attachment**

Applicant's Name: City of Ottumwa  
Title of Project: 2019 JAG Grant  
Top 4 Project Identifiers: Equipment – Community Policing, Officer Safety, Policing, Vehicles-  
Other.

**Ottumwa Police Department**  
**Ottumwa, Iowa**  
**2019 Justice Assistance Grant Program**  
**GMS Application Number: 2019-H3664-IA-DJ**

**Program Narrative – Attachment**

The Wapello County (Iowa) Sheriff's Department is considered a disparate agency by the Bureau of Justice Assistance. Therefore, the City of Ottumwa negotiated with the Sheriff's Department a mutually agreeable settlement to share funding received from the Justice Assistance Grant Program. The settlement provides for the following: the Wapello County Sheriff's Department would receive 15% of the grant funds (\$1,950.00), the Ottumwa Police Department would receive 85% (\$11,049.00), and the Ottumwa Police Department would administer the grant. This is the same settlement both entities have always agreed to when sharing funds from the former Local Law Enforcement Block Grant Program and past Justice Assistance Grants.

The Ottumwa Police Department and the Wapello County Sheriff's Department's strategy for the FY 2019 JAG funds is to identify and prioritize needed equipment; identify and select vendors; and then purchase the equipment.

The Ottumwa Police Department will act as the applicant, fiscal agent, and will gather the information needed to complete all required reports, including performance measures.

The Wapello County Sheriff's Department will be using its funds under the purpose area of "Law Enforcement Programs". The Sheriff's Department will use funds to purchase equipment for law enforcement use, to include:

*10 Mustang Universal Swift Water Rescue Vests (\$1,950.00)* – The Sheriff's Department would like to purchase ten (10) swift water rescue vests for law enforcement use. The Sheriff's Department patrols Wapello County which includes the Des Moines River. This river is a large tributary that flows through the whole county making the Sheriff's Department responsible for swift water rescues. These high buoyancy, USCG approved rescue vests will provide safety for officers during swift water rescues as well as improved operational performance both in and out of the water.

The Ottumwa Police Department will also be using its funds under the purpose area of "Law Enforcement Programs". The Police Department will use funds to purchase a utility vehicle for law enforcement use, to include:

*One Polaris Ranger XP 1000 EPS NorthStar Edition UTV (\$11,049.00)* – The Police Department would use the utility vehicle for off-road search and rescue along with patrol functions in areas inaccessible to motor vehicles. The utility vehicle would be clearly

marked as a Police Patrol vehicle and would be fully equipped with emergency equipment such as LED emergency lights, siren, radio, and a public address system.

The City of Ottumwa maintains seventeen parks that total over 680 acres of various terrain. Primary responsibility for enforcing local and state laws in each of the parks falls upon the Police Department. A utility vehicle would help the department effectively patrol park areas that otherwise would be inaccessible to police cars. Several large community events are held in City parks or on other public property. Because of the location of the events and the size of the crowds, traditional patrol techniques using police cars are not practical. A utility vehicle would help officers patrol these events and respond to requests for assistance.

Additionally, the City has over seven miles of levee system developed to help prevent flooding of the Des Moines River. Much of the levee system has become part of a growing network of walking, running, and biking trails within the City that are utilized by citizens daily. Although motor vehicles are prohibited from operating on the levees, the Police Department must still periodically investigate various types of illegal activities on them, such as trespassing, intoxicated subjects, assault, and vandalism. With a utility vehicle, officers would be able to patrol the levee and trail system as well as respond to complaints of illegal activity.

Further, the Department's Drug Task Force frequently searches for marijuana fields and methamphetamine labs in and around the Ottumwa area. These types of searches have traditionally been done on foot covering a large area and are time consuming. Utilizing a utility vehicle for these activities would help officers search more efficiently and safely.

Without funding from the Justice Assistance Grant Program, neither agency would be able to purchase the needed equipment listed above. Both agencies anticipate utilizing the funds within the first 18 months of the grant program.

**Ottumwa Police Department  
Ottumwa, Iowa  
2019 Justice Assistance Grant Program  
GMS Application Number: 2019-H3664-IA-DJ**

**Proposed Spending Plan of Grant Funds**

10 Mustang Universal Swift Water Rescue Vests	(County)	-	1,950.00
Polaris Ranger XP 1000 EPS NorthStart Edition UTV	(City)	-	11,049.00
<hr/>			
<b>Total Expenditures</b>		-	<b>\$12,999.00</b>

<u>Ottumwa Police Department</u> 85%		<u>Wapello County Sheriff's Department</u> 15%	
Federal Funds:	\$12,999	Federal Funds:	\$12,999
x _____	.85	x _____	.15
Total Amount:	\$11,049	Total Amount:	\$ 1,950

# Budget Detail - Year 1

Does this budget contain conference costs which is defined broadly to include meetings, retreats, seminars, symposia, and training activities? - Y/N  
 (DOJ Financial Guide, Section 3.10)

**A. Personnel**

Name <i>List each name, if known.</i>	Position <i>List each position, if known.</i>	Computation <i>Show annual salary rate &amp; amount of time devoted to the project for each name/position.</i>						
		<b>Salary</b>	<b>Rate</b>	<b>Time Worked</b> <i>(# of hours, days, months, years)</i>	<b>Percentage of Time</b>	<b>Total Cost</b>	<b>Non-Federal Contribution</b>	<b>Federal Request</b>
						\$0		\$0
<b>Total(s)</b>						<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Narrative**

Purpose Area #4

<b>B. Fringe Benefits</b>					
<b>Name</b>	<b>Computation</b>				
<i>List each grant-supported position receiving fringe benefits.</i>	<i>Show the basis for computation.</i>				
	<b>Base</b>	<b>Rate</b>	<b>Total Cost</b>	<b>Non-Federal Contribution</b>	<b>Federal Request</b>
			\$0		\$0
<b>Total(s)</b>			<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Narrative</b>					



Purpose Area #4

<b>C. Travel</b>										
<b>Purpose of Travel</b>	<b>Location</b>	<b>Type of Expense</b>	<b>Basis</b>	<b>Computation</b>						
<i>Indicate the purpose of each trip or type of trip (training, advisory group meeting)</i>	<i>Indicate the travel destination.</i>	<i>Lodging, Meals, Etc.</i>	<i>Per day, mile, trip, Etc.</i>	<i>Compute the cost of each type of expense X the number of people traveling.</i>						
				<b>Cost</b>	<b>Quantity</b>	<b># of Staff</b>	<b># of Trips</b>	<b>Total Cost</b>	<b>Non-Federal Contribution</b>	<b>Federal Request</b>
			N/A					\$0		\$0
<b>Total(s)</b>								<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Narrative</b>										

Purpose Area #4

<b>D. Equipment</b>					
<b>Item</b>	<b>Computation</b>				
<i>List and describe each item of equipment that will be purchased</i>	<i>Compute the cost (e.g., the number of each item to be purchased X the cost per item)</i>				
	<b># of Items</b>	<b>Unit Cost</b>	<b>Total Cost</b>	<b>Non-Federal Contribution</b>	<b>Federal Request</b>
Polaris Ranger XP 1000 EPS NorthStar Edition Utility Vehicle	1	\$11,049.00	\$11,049		\$11,049
			<b>Total(s)</b>	<b>\$11,049</b>	<b>\$0</b>
<b>Narrative</b>					
<p>The Police Department would use the utility vehicle for off-road search and rescue along with patrol functions in areas inaccessible to motor vehicles. The utility vehicle would be clearly marked as a Police Patrol vehicle and would be fully equipped with emergency equipment such as LED emergency lights, siren, radio, and a public address system. The City of Ottumwa maintains seventeen parks that total over 680 acres of various terrain. Primary responsibility for enforcing local and state laws in each of the parks falls upon the Police Department. A utility vehicle would help the department effectively patrol park areas that otherwise would be inaccessible to police cars. Several large community events are held in City parks or on other public property. Because of the location of the events and the size of the crowds, traditional patrol techniques using police cars are not practical. A utility vehicle would help officers patrol these events and respond to requests for assistance. Additionally, the City has over seven miles of levee system developed to help prevent flooding of the Des Moines River. Much of the levee system has become part of a growing network of walking, running, and biking trails within the City that are utilized by citizens daily. Although motor vehicles are prohibited from operating on the levees, the Police Department must still periodically investigate various types of illegal activities on them, such as trespassing, intoxicated subjects, assault, and vandalism. With a utility vehicle, officers would be able to patrol the levee and trail system as well as respond to complaints of illegal activity. Further, the Department's Drug Task Force frequently searches for marijuana fields and methamphetamine labs in and around the Ottumwa area. These types of searches have traditionally been done on foot covering a large area and are time consuming. Utilizing a utility vehicle for these activities would help officers search more efficiently and safely.</p>					

Purpose Area #4

<b>E. Supplies</b>						
<b>Supply Items</b> <i>Provide a list of the types of items to be purchased with grant funds.</i>		<b>Computation</b> <i>Describe the item and the compute the costs. Computation: The number of each item to be purchased X the cost per item.</i>				
		<b># of Items</b>	<b>Unit Cost</b>	<b>Total Cost</b>	<b>Non-Federal Contribution</b>	<b>Federal Request</b>
				\$0		\$0
<b>Total(s)</b>				<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Narrative</b>						

Purpose Area #4

<b>F. Construction</b>						
<b>Purpose</b> <i>Provide the purpose of the construction</i>	<b>Description of Work</b> <i>Describe the construction project(s)</i>	<b>Computation</b> <i>Compute the costs (e.g., the number of each item to be purchased X the cost per item)</i>				
		<b># of Items</b>	<b>Cost</b>	<b>Total Cost</b>	<b>Non-Federal Contribution</b>	<b>Federal Request</b>
				\$0		\$0
				<b>Total(s)</b>	<b>\$0</b>	<b>\$0</b>
<b>Narrative</b>						

Purpose Area #4

<b>G. Subawards (Subgrants)</b>									
<b>Description</b> <i>Provide a description of the activities to be carried out by subrecipients.</i>		<b>Purpose</b> <i>Describe the purpose of the subaward (subgrant)</i>		<b>Consultant?</b> <i>Is the subaward for a consultant? If yes, use the section below to explain associated travel expenses included in the cost.</i>					
				<b>Total Cost</b>	<b>Non-Federal Contribution</b>	<b>Federal Request</b>			
Wapello County Sheriff's Department will receive \$1,950.00 to purchase law enforcement equipment.		Wapello County Sheriff's Department is a disparate agency. Per agreement, it will receive \$1,950.00 to purchase law enforcement equipment.		No	\$1,950	\$1,950			
				<b>Total(s)</b>	<b>\$1,950</b>	<b>\$0</b>	<b>\$1,950</b>		
<b>Consultant Travel (if necessary)</b>									
<b>Purpose of Travel</b> <i>Indicate the purpose of each trip or type of trip (training, advisory group meeting)</i>	<b>Location</b> <i>Indicate the travel destination.</i>	<b>Type of Expense</b> <i>Hotel, airfare, per diem</i>	<b>Computation</b> <i>Compute the cost of each type of expense X the number of people traveling.</i>						
			<b>Cost</b>	<b>Duration or Distance</b>	<b># of Staff</b>	<b>Total Cost</b>	<b>Non-Federal Contribution</b>	<b>Federal Request</b>	
						\$0		\$0	
						<b>Total</b>	\$0	\$0	\$0
<b>Narrative</b>									
<p>(Subaward) The Wapello County Sheriff's Department would like to purchase ten (10) swift water rescue vests for law enforcement use. The Sheriff's Department patrols Wapello County which includes the Des Moines River. This river is a large tributary that flows through the whole county making the Sheriff's Department responsible for swift water rescues. These high buoyancy, USCG approved rescue vests will provide safety for officers during swift water rescues as well as improved operational performance both in and out of the water.</p>									

Purpose Area #4

<b>H. Procurement Contracts</b>					
<b>Description</b> <i>Provide a description of the products or services to be procured by contract and an estimate of the costs. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source procurements in excess of the Simplified Acquisition Threshold (currently \$150,000).</i>		<b>Purpose</b> <i>Describe the purpose of the contract</i>	<b>Consultant?</b> <i>is the subaward for a consultant? If yes, use the section below to explain associated travel expenses included in the cost.</i>		
			<b>Total Cost</b>	<b>Non-Federal Contribution</b>	<b>Federal Request</b>
					\$0
			<b>Total(s)</b>	<b>\$0</b>	<b>\$0</b>
<b>Consultant Travel (if necessary)</b>					
<b>Purpose of Travel</b> <i>Indicate the purpose of each trip or type of trip (training, advisory group meeting)</i>	<b>Location</b> <i>Indicate the travel destination.</i>	<b>Type of Expense</b> <i>Hotel, airfare, per diem</i>	<b>Computation</b> <i>Compute the cost of each type of expense X the number of people traveling.</i>		
			<b>Cost</b>	<b>Duration or Distance</b>	<b># of Staff</b>
			<b>Total Cost</b>	<b>Non-Federal Contribution</b>	<b>Federal Request</b>
			\$0		\$0
			<b>Total</b>	<b>\$0</b>	<b>\$0</b>
<b>Narrative</b>					

Purpose Area #4

<b>I. Other Costs</b>							
<b>Description</b> <i>List and describe items that will be paid with grants funds (e.g. rent, reproduction, telephone, janitorial, or security services, and investigative or confidential funds).</i>	<b>Computation</b> <i>Show the basis for computation</i>						
	<b>Quantity</b>	<b>Basis</b>	<b>Cost</b>	<b>Length of Time</b>	<b>Total Cost</b>	<b>Non-Federal Contribution</b>	<b>Federal Request</b>
					\$0		\$0
<b>Total(s)</b>					<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Narrative</b>							





Purpose Area #4

<b>J. Indirect Costs</b>						
<b>Description</b> <i>Describe what the approved rate is and how it is applied.</i>		<b>Computation</b> <i>Compute the Indirect costs for those portions of the program which allow such costs.</i>				
		<b>Base</b>	<b>Indirect Cost Rate</b>	<b>Total Cost</b>	<b>Non-Federal Contribution</b>	<b>Federal Request</b>
				\$0		\$0
<b>Total(s)</b>				<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Narrative</b>						

**Ottumwa Police Department  
2019 Justice Assistance Grant Program**

**Ottumwa Public Safety Advisory Board**

Monday  
August 12, 2019  
1:30 PM

**Attendees**

Jim Jackson  
Sandi Tiegs  
Larry Jackson  
Shirley Slonaker  
John Swarney  
Mary Lou Donaldson  
Chief Tom McAndrew

**Meeting**

Prior to the obligation of funds received under the JAG Grant, recipients of a direct award from the Bureau of Justice Assistance may establish or designate an advisory board to review and make a non-binding recommendation to the Ottumwa City Council whether to approve or reject the proposed spending plan and, thereby, approving or denying the grant application. Ottumwa already has an Ottumwa Public Safety Advisory Board that reviews public safety issues and this Board will be used for the review of the grant application and proposed spending plan.

The Board's role is to review the proposed allocation of funds and make non-binding recommendations to the Ottumwa City Council.

The advisory board reviewed the spending plan and recommended the JAG grant funds be utilized in the manner outlined in the spending plan.

Chief Tom McAndrew



**Background**

Recipients' financial management systems and internal controls must meet certain requirements, including those set out in the "Part 200 Uniform Requirements" (2.C.F.R. Part 2800).

Including at a minimum, the financial management system of each OJP award recipient must provide for the following:

- (1) Identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the CFDA title and number, Federal award identification number and year, and the name of the Federal agency.
- (2) Accurate, current, and complete disclosure of the financial results of each Federal award or program.
- (3) Records that identify adequately the source and application of funds for Federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income, and interest, and be supported by source documentation.
- (4) Effective control over, and accountability for, all funds, property, and other assets. The recipient must adequately safeguard all assets and assure that they are used solely for authorized purposes.
- (5) Comparison of expenditures with budget amounts for each Federal award.
- (6) Written procedures to document the receipt and disbursement of Federal funds including procedures to minimize the time elapsing between the transfer of funds from the United States Treasury and the disbursement by the OJP recipient.
- (7) Written procedures for determining the allowability of costs in accordance with both the terms and conditions of the Federal award and the cost principles to apply to the Federal award.
- (8) Other important requirements related to retention requirements for records, use of open and machine readable formats in records, and certain Federal rights of access to award-related records and recipient personnel.

**1. Name of Organization and Address:**

Organization Name:   
 Street1:   
 Street2:   
 City:   
 State:   
 Zip Code:

**2. Authorized Representative's Name and Title:**

Prefix:  First Name:  Middle Name:   
 Last Name:  Suffix:   
 Title:

3. Phone:  4. Fax:

5. Email:

6. Year Established: <input type="text" value="1851"/>	7. Employer Identification Number (EIN): <input type="text" value="426005094"/>	8. DUNS Number: <input type="text" value="73490542"/>
---	--	--

9. a) Is the applicant entity a nonprofit organization (including a nonprofit institution of higher education) as described in 26 U.S.C. 501(c)(3) and exempt from taxation under 26 U.S.C. 501(a)?  Yes  No

If "No" skip to Question 10.

If "Yes", complete Questions 9. b) and 9. c).



**AUDIT INFORMATION**

9. b) Does the applicant nonprofit organization maintain offshore accounts for the purpose of avoiding paying the tax described in 26 U.S.C. 511(a)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
9. c) With respect to the most recent year in which the applicant nonprofit organization was required to file a tax return, does the applicant nonprofit organization believe (or assert) that it satisfies the requirements of 26 C.F.R. 53.4958-6 (which relate to the reasonableness of compensation of certain individuals)?  If "Yes", refer to "Additional Attachments" under "What An Application Should Include" in the OJP solicitation (or application guidance) under which the applicant is submitting its application. If the solicitation/guidance describes the "Disclosure of Process related to Executive Compensation," the applicant nonprofit organization must provide – as an attachment to its application – a disclosure that satisfies the minimum requirements as described by OJP.	<input type="checkbox"/> Yes <input type="checkbox"/> No

For purposes of this questionnaire, an "audit" is conducted by an independent, external auditor using generally accepted auditing standards (GAAS) or Generally Governmental Auditing Standards (GAGAS), and results in an audit report with an opinion.

10. Has the applicant entity undergone any of the following types of audit(s)(Please check all that apply):

"Single Audit" under OMB A-133 or Subpart F of 2 C.F.R. Part 200

Financial Statement Audit

Defense Contract Agency Audit (DCAA)

Other Audit & Agency (list type of audit):  
[REDACTED]

None (if none, skip to question 13)

11. Most Recent Audit Report Issued:  Within the last 12 months  Within the last 2 years  Over 2 years ago  N/A

Name of Audit Agency/Firm: Anderson Larkin & Co.

**AUDITOR'S OPINION**

12. On the most recent audit, what was the auditor's opinion?

Unqualified Opinion  Qualified Opinion  Disclaimer, Going Concern or Adverse Opinions  N/A: No audits as described above

Enter the number of findings (if none, enter "0"): 0

Enter the dollar amount of questioned costs (if none, enter "\$0"): \$ 0

Were material weaknesses noted in the report or opinion?  Yes  No

13. Which of the following best describes the applicant entity's accounting system:

Manual  Automated  Combination of manual and automated

14. Does the applicant entity's accounting system have the capability to identify the receipt and expenditure of award funds separately for each Federal award?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
15. Does the applicant entity's accounting system have the capability to record expenditures for each Federal award by the budget cost categories shown in the approved budget?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure
16. Does the applicant entity's accounting system have the capability to record cost sharing ("match") separately for each Federal award, and maintain documentation to support recorded match or cost share?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure



<p>17. Does the applicant entity's accounting system have the capability to accurately track employees actual time spent performing work for each federal award, and to accurately allocate charges for employee salaries and wages for each federal award, and maintain records to support the actual time spent and specific allocation of charges associated with each applicant employee?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p>
<p>18. Does the applicant entity's accounting system include budgetary controls to preclude the applicant entity from incurring obligations or costs that exceed the amount of funds available under a federal award (the total amount of the award, as well as the amount available in each budget cost category)?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p>
<p>19. Is applicant entity familiar with the "cost principles" that apply to recent and future federal awards, including the general and specific principles set out in 2 C.F.R Part 200?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p>
<p><b>PROPERTY STANDARDS AND PROCUREMENT STANDARDS</b></p>	
<p>20. Does the applicant entity's property management system(s) maintain the following information on property purchased with federal award funds (1) a description of the property; (2) an identification number; (3) the source of funding for the property, including the award number; (4) who holds title; (5) acquisition date; (6) acquisition cost; (7) federal share of the acquisition cost; (8) location and condition of the property; (9) ultimate disposition information?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p>
<p>21. Does the applicant entity maintain written policies and procedures for procurement transactions that – (1) are designed to avoid unnecessary or duplicative purchases; (2) provide for analysis of lease versus purchase alternatives; (3) set out a process for soliciting goods and services, and (4) include standards of conduct that address conflicts of interest?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p>
<p>22. a) Are the applicant entity's procurement policies and procedures designed to ensure that procurements are conducted in a manner that provides full and open competition to the extent practicable, and to avoid practices that restrict competition?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p>
<p>22. b) Do the applicant entity's procurement policies and procedures require documentation of the history of a procurement, including the rationale for the method of procurement, selection of contract type, selection or rejection of contractors, and basis for the contract price?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p>
<p>23. Does the applicant entity have written policies and procedures designed to prevent the applicant entity from entering into a procurement contract under a federal award with any entity or individual that is suspended or debarred from such contracts, including provisions for checking the "Excluded Parties List" system (<a href="http://www.sam.gov">www.sam.gov</a>) for suspended or debarred sub-grantees and contractors, prior to award?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p>
<p><b>TRAVEL POLICY</b></p>	
<p>24. Does the applicant entity:</p> <p>(a) maintain a standard travel policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(b) adhere to the Federal Travel Regulation (FTR)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p><b>SUBRECIPIENT MANAGEMENT AND MONITORING</b></p>	
<p>25. Does the applicant entity have written policies, procedures, and/or guidance designed to ensure that any subawards made by the applicant entity under a federal award – (1) clearly document applicable federal requirements, (2) are appropriately monitored by the applicant, and (3) comply with the requirements in 2 CFR Part 200 (see 2 CFR 200.331)?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure</p> <p><input type="checkbox"/> N/A - Applicant does not make subawards under any OJP awards</p>



<p>26. Is the applicant entity aware of the differences between subawards under federal awards and procurement contracts under federal awards, including the different roles and responsibilities associated with each?</p>	<p><input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No   <input type="checkbox"/> Not Sure <input type="checkbox"/> N/A - Applicant does not make subawards under any OJP awards</p>
<p>27. Does the applicant entity have written policies and procedures designed to prevent the applicant entity from making a subaward under a federal award to any entity or individual is suspended or debarred from such subawards?</p>	<p><input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No   <input type="checkbox"/> Not Sure <input type="checkbox"/> N/A - Applicant does not make subawards under any OJP awards</p>

**DESIGNATION AS 'HIGH-RISK' BY OTHER FEDERAL AGENCIES**

<p>28. Is the applicant entity designated "high risk" by a federal grant-making agency outside of DOJ? (High risk includes any status under which a federal awarding agency provides additional oversight due to the applicant's past performance, or other programmatic or financial concerns with the applicant.)</p> <p>If "Yes", provide the following:</p> <p>(a) Name(s) of the federal awarding agency: [REDACTED]</p> <p>(b) Date(s) the agency notified the applicant entity of the "high risk" designation: [REDACTED]</p> <p>(c) Contact information for the "high risk" point of contact at the federal agency: Name: [REDACTED] Phone: [REDACTED] Email: [REDACTED]</p> <p>(d) Reason for "high risk" status, as set out by the federal agency: [REDACTED]</p>	<p><input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No   <input type="checkbox"/> Not Sure</p>
---	--

**CERTIFICATION ON BEHALF OF THE APPLICANT ENTITY**

(Must be made by the chief executive, executive director, chief financial officer, designated authorized representative ("AOR"), or other official with the requisite knowledge and authority)

On behalf of the applicant entity, I certify to the U.S. Department of Justice that the information provided above is complete and correct to the best of my knowledge. I have the requisite authority and information to make this certification on behalf of the applicant entity.

Name:  Date:

Title:  Executive Director    Chief Financial Officer    Chairman  
 Other:

Phone:

## DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

(See reverse for public burden disclosure.)

Approved by OMB

0348-0046

<b>1. Type of Federal Action:</b> <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	<b>2. Status of Federal Action:</b> <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	<b>3. Report Type:</b> <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change <b>For Material Change Only:</b> year _____ quarter _____ date of last report _____
<b>4. Name and Address of Reporting Entity:</b> <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known:  _____  Congressional District, if known: _____	<b>5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:</b>    Congressional District, if known: _____	
<b>6. Federal Department/Agency:</b>  _____	<b>7. Federal Program Name/Description:</b>  CFDA Number, if applicable: _____	
<b>8. Federal Action Number, if known:</b>  _____	<b>9. Award Amount, if known:</b> \$ _____	
<b>10. a. Name and Address of Lobbying Registrant</b> (if individual, last name, first name, MI): N/A	<b>b. Individuals Performing Services</b> (including address if different from No. 10a) (last name, first name, MI): N/A	
<b>11.</b> Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: <u>Tom McAndrew</u> Print Name: <u>Tom McAndrew</u> Title: <u>Chief of Police</u> Telephone No.: <u>(641) 683-0636</u> Date: <u>7/30/2019</u>	
<b>Federal Use Only:</b>	Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)	

**U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS**

**Edward Byrne Justice Assistance Grant Program FY 2019 Local Solicitation**

**Certifications and Assurances by the Chief Executive of the Applicant Government**

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2019 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (e.g., city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.



Signature of Chief Executive of the Applicant Unit of  
Local Government

Tom X. Lazio

Printed Name of Chief Executive

City of Ottumwa

Name of Applicant Unit of Local Government

08/23/2019

Date of Certification

Mayor

Title of Chief Executive



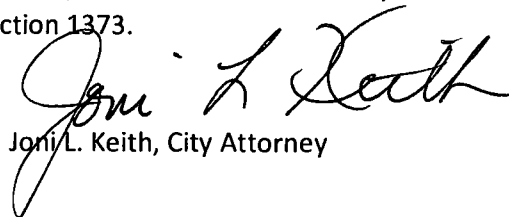


CITY OF OTTUMWA RESPONSE TO APPENDIX C

The City of Ottumwa, Iowa complies with all State and Federal Law relating to communications with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE).

In particular, the City is complying with Iowa Code Chapter 27A (formerly Chapter 825) which prohibits the City from adopting or enforcing any policy or action which prohibits or discourages the enforcement of immigration laws. To conform to Iowa Code Chapter 27A, the City adopted written policies regarding the enforcement of immigration laws that are consistent with Iowa law as well as Federal law. Iowa Code Chapter 27A complies with Federal Section 1373.

Attached to this response is a copy of Iowa Code Chapter 27A as well as the City's written policies that are consistent with Chapter 27A and Federal Section 1373.



Joni L. Keith, City Attorney

# Ottumwa Police Department

Subject <b>IMMIGRATION ENFORCEMENT</b>				Policy No. <b>L-13</b>
Type GENERAL ORDER	Issued 1/1/19	Revised	Reference	Total Pages 2

*Senate File 481, “An Act relating to the Enforcement of Immigration Laws and Providing Penalties and Remedies, Including the Denial of State Funds”, was passed by the Iowa legislature in 2018 (codified at Chapter 825, Iowa Code). It requires that law enforcement agencies adopt written policies that are consistent with SF 481. This Policy will set forth Department practices in writing and provide additional detail as required by SF 481.*

**Policy:**

The primary function of the Department is to protect public safety for the benefit of all persons who reside in and visit the community. The enforcement of immigration law is a function of the federal government that currently resides with Immigration and Customs Enforcement (ICE) of the Department of Homeland Security (DHS). If a federal immigration officer requests assistance or cooperation from the Department in connection with immigration enforcement, the Department shall conduct all immigration enforcement activities in a manner consistent with this policy, the Constitutions of the United States and the State of Iowa, and local, state and federal laws.

The need for community trust and cooperation is an essential component of effective policing and public safety. In furtherance of this principle, victims and witnesses of crime shall not be the focus of immigration inquiries and should be encouraged to cooperate in the reporting and investigation of crime. Officers should be aware that the enforcement of state and federal laws related to immigration is a complex effort requiring the cooperation of multiple agencies and the consideration of multiple facts and circumstances. Absent an emergency, the determination of whether a request for enforcement assistance from a federal immigration officer is reasonable or necessary shall be made by a Division Commander. The operational needs of the agency and the overall safety of the community necessarily take priority when deciding how best to use limited department resources. Supervisors and commanders may direct law enforcement resources as the needs of the agency, or particular situations dictate, based upon existing circumstances.

**Definitions:**

**Immigration Detainer Request:** An immigration detainer request is a written federal government request to the Department to maintain temporary custody of a person, including DHS form I-247 or similar/successor form, that is accompanied by one of the following forms (or similar or successor form) signed by an authorized United States immigration and customs enforcement officer: a) DHS form I-200 (Warrant for Arrest of Alien); or b) DHS form I-205 (Warrant of Removal/Deportation). A request that is not accompanied by one of these forms is not an “immigration detainer request.”

**Immigration Law:** Any law of this state or a federal law relating to aliens, immigrants, or immigration, including but not limited to the federal Immigration and Nationality Act.

**Public Offense:** A public offense is that which is prohibited by statute and is punishable by fine or imprisonment. For the purpose of this policy “public offense” excludes traffic violations.

Lawful Detention: The detention of a person for the investigation of a “public offense” as defined above. Lawful detention excludes a detention if the sole reason for the detention is that a person is a victim of or witness to a public offense or is reporting a public offense.

Procedures:

- A. Each officer and employee of the Department must fully comply with all federal and state laws, including Iowa Senate File 481 (Chapter 825 of the Iowa Code), and is prohibited from preventing another officer or employee from complying with said laws. If a conflict between laws is identified or an interpretation of a law is required the Department will consult with the City Attorney to determine the appropriate course of action.
- B. Officers that have custody of a person subject to an immigration detainer request issued by United States immigration and customs enforcement shall fully comply with any instructions made in the detainer request and in any other legal document provided by the federal agency.
  1. Any question as to whether a request is an “immigration detainer request” or a legal document, or how to proceed in response to the request shall be referred to a Division Commander. If the Division Commander cannot resolve the question the Department shall consult with the City Attorney to determine the appropriate course of action.
  2. Note: there is a federal consular notification requirement upon the arrest or detention of foreign nationals (persons who are not U.S. citizens without regard to whether they are legally in the United States). This federal requirement stipulates that all foreign nationals must be offered the opportunity to communicate with their consular officer (e.g. consular in embassy) and for some countries there is a mandatory requirement that the consular officer be notified by law enforcement.
- C. If the Department receives a request for assistance or cooperation from a federal immigration officer, the Department will provide such assistance or cooperation when it is reasonable or necessary.
  1. Absent an emergency, if a request for assistance or cooperation is received the on-duty supervisor shall be alerted and will determine what is “reasonable or necessary”. In making that determination the supervisor shall consider the particular circumstances presented, including the operational needs of the department and the overall safety of the community.
- D. Officers shall not consider race, skin color, language spoken, or national origin when assisting in the enforcement of immigration laws except to the extent permitted by the Constitution of the United States and the Constitution of the State of Iowa.
- E. No officer or employee of the Ottumwa Police Department shall ask for or collect any information from a victim of or witness to an alleged public offense, or from a person reporting an alleged public offense, including the victim’s witness’s or person’s national origin, that is not pertinent to the investigation of the alleged public offense. Officers should presume that when investigating an incident or handling a call for service that all persons are assumed to be witnesses (at most) until identified as a victim or there is probable cause to be classified a suspect.

**Reuben A. Neff**

Elizabeth K. Lee  
Carly Schomaker  
Steviee Grove  
Heidi Weiland  
Mark Ballard



219 N. Court  
Ottumwa, Iowa 52501-2518  
Phone: (641) 683-0030  
Fax: (641) 683-0039

## Wapello County Attorney

July 31, 2019

### Appendix C

1. Iowa, as a state, imposes requirements, through Iowa Code Chapter 27A, on our jurisdiction requiring that our law enforcement and county government employees fully cooperate with DHS and ICE.
2. Our jurisdiction is subject to state law that binds our county and city. Specifically, Iowa Code Chapter 27A binds our jurisdiction.
3. Iowa Code Chapter 27A, through Iowa Code § 27A.4 specifically prohibits any restriction that would prohibit or discourage the enforcement of immigration laws in our jurisdiction. Any enforcement officers, corrections officers, county attorneys, city attorney, or other official employed by a local government entity in our jurisdiction must cooperate and communicate with ICE or DHS officials with regards to actions designed to enforce federal immigration laws. A failure to do so will result, under Iowa Code § 27A.9, in the denial of state funds to our local government entities.

## CHAPTER 27A

## ENFORCEMENT OF IMMIGRATION LAWS

Chapter applies to the release of a person from custody in this state on or after July 1, 2018; 2018 Acts, ch 1089, §12

27A.1	Definitions.	27A.7	Victim of or witness to a crime
27A.2	Law enforcement agency duties — immigration detainer requests.		— limitation on collection of information.
27A.3	Completion of sentence in federal custody.	27A.8	Complaints — notification — civil action.
27A.4	Restriction on enforcement of immigration law prohibited.	27A.9	Denial of state funds.
27A.5	Written policies.	27A.10	Reinstatement of eligibility to receive state funds.
27A.6	Discrimination prohibited.	27A.11	Attorney general database.

**27A.1 Definitions.**

1. “*Immigration detainer request*” means a written federal government request to a local entity to maintain temporary custody of an alien, including a United States department of homeland security form I-247 or a similar or successor form. “*Immigration detainer request*” includes only written federal government requests that are accompanied by any of the following properly completed forms or similar or successor forms, if such forms or similar or successor forms are signed by an authorized United States immigration and customs enforcement officer:

- a. United States department of homeland security form I-200.
- b. United States department of homeland security form I-205.

2. “*Immigration law*” means a law of this state or a federal law relating to aliens, immigrants, or immigration, including but not limited to the federal Immigration and Nationality Act, 8 U.S.C. §1101 et seq.

3. “*Lawful detention*” means the detention of a person by a local entity for the investigation of a public offense. “*Lawful detention*” excludes a detention if the sole reason for the detention is that a person is a victim of or witness to a public offense or is reporting a public offense.

4. “*Local entity*” means the governing body of a city or county. “*Local entity*” includes an officer or employee of a local entity or a division, department, or other body that is part of a local entity, including but not limited to a sheriff, police department, city attorney, or county attorney.

5. “*Policy*” includes a formal, written rule, policy, procedure, regulation, order, ordinance, motion, resolution, or amendment and an informal, unwritten policy.

6. “*Public offense*” excludes a moving traffic violation under chapter 321.

2018 Acts, ch 1089, §1, 12

Section applies to the release of a person from custody in this state on or after July 1, 2018; 2018 Acts, ch 1089, §12

NEW section

**27A.2 Law enforcement agency duties — immigration detainer requests.**

A law enforcement agency in this state that has custody of a person subject to an immigration detainer request issued by United States immigration and customs enforcement shall fully comply with any instruction made in the detainer request and in any other legal document provided by a federal agency.

2018 Acts, ch 1089, §2, 12

Section applies to the release of a person from custody in this state on or after July 1, 2018; 2018 Acts, ch 1089, §12

NEW section

**27A.3 Completion of sentence in federal custody.**

1. The court, in a criminal proceeding in this state in which the sentence requires a defendant who is the subject of an immigration detainer request to be confined in a correctional facility, shall issue an order at the time of sentencing requiring the correctional facility in which the defendant is to be confined and all appropriate government officers to require the defendant to be transferred to serve in federal custody the final portion of the

defendant's sentence, not to exceed a period of seven days, if a facility or officer determines that the change in the place of confinement will facilitate the seamless transfer of the defendant into federal custody. The court in a criminal proceeding in this state shall retain jurisdiction to issue such an order at a later date if the court receives notice from a federal agency that a defendant was the subject of an immigration detainer request at the time of sentencing. The court shall issue such an order as soon as practicable after receiving such notice.

2. In the absence of an order issued under this section, a facility or officer acting under exigent circumstances may perform such a transfer after making a determination that the change in the place of confinement will facilitate the seamless transfer of the defendant into federal custody.

3. A defendant shall be transferred pursuant to this section only if appropriate officers of the federal government consent to the transfer of a defendant into federal custody under the circumstances described in this section.

2018 Acts, ch 1089, §3, 12

Section applies to the release of a person from custody in this state on or after July 1, 2018; 2018 Acts, ch 1089, §12  
NEW section

**27A.4 Restriction on enforcement of immigration law prohibited.**

1. A local entity shall not adopt or enforce a policy or take any other action under which the local entity prohibits or discourages the enforcement of immigration laws.

2. A local entity shall not prohibit or discourage a person who is a law enforcement officer, corrections officer, county attorney, city attorney, or other official who is employed by or otherwise under the direction or control of the local entity from doing any of the following:

a. Inquiring about the immigration status of a person under a lawful detention or under arrest.

b. Doing any of the following with respect to information relating to the immigration status, lawful or unlawful, of any person under a lawful detention or under arrest, including information regarding the person's place of birth:

(1) Sending the information to or requesting or receiving the information from United States citizenship and immigration services, United States immigration and customs enforcement, or another relevant federal agency.

(2) Maintaining the information.

(3) Exchanging the information with another local entity or a federal or state governmental entity.

c. Assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance.

d. Permitting a federal immigration officer to enter and conduct enforcement activities at a jail or other detention facility to enforce a federal immigration law.

2018 Acts, ch 1089, §4, 12

Section applies to the release of a person from custody in this state on or after July 1, 2018; 2018 Acts, ch 1089, §12  
NEW section

**27A.5 Written policies.**

No later than January 1, 2019, each state or local law enforcement agency subject to this chapter shall do all of the following:

1. Formalize in writing any unwritten, informal policies relating to the enforcement of immigration laws.

2. Update the agency's policies to be consistent with this chapter, to require each officer or other employee of the law enforcement agency to fully comply with this chapter, and to prohibit an officer or other employee of the law enforcement agency from preventing law enforcement agency personnel from fully complying with this chapter.

2018 Acts, ch 1089, §5, 12

Section applies to the release of a person from custody in this state on or after July 1, 2018; 2018 Acts, ch 1089, §12  
NEW section

**27A.6 Discrimination prohibited.**

A local entity or a person employed by or otherwise under the direction or control of a local entity shall not consider race, skin color, language spoken, or national origin while enforcing immigration laws except to the extent permitted by the Constitution of the United States or the Constitution of the State of Iowa.

2018 Acts, ch 1089, §6, 12

Section applies to the release of a person from custody in this state on or after July 1, 2018; 2018 Acts, ch 1089, §12  
NEW section

**27A.7 Victim of or witness to a crime — limitation on collection of information.**

A local entity or a person employed by or otherwise under the direction or control of a local entity shall not ask for or collect any information from a victim of or witness to an alleged public offense or from a person reporting an alleged public offense, including the victim's, witness's, or person's national origin, that is not pertinent to the investigation of the alleged public offense.

2018 Acts, ch 1089, §7, 12

Section applies to the release of a person from custody in this state on or after July 1, 2018; 2018 Acts, ch 1089, §12  
NEW section

**27A.8 Complaints — notification — civil action.**

1. Any person, including a federal agency, may file a complaint with the attorney general alleging that a local entity has violated or is violating this chapter if the person offers evidence to support such an allegation. The person shall include with the complaint any evidence the person has in support of the complaint.

2. A local entity for which the attorney general has received a complaint pursuant to this section shall comply with any document requests, including a request for supporting documents, from the attorney general relating to the complaint.

3. A complaint filed pursuant to subsection 1 shall not be valid unless the attorney general determines that a violation of this chapter by a local entity was intentional.

4. If the attorney general determines that a complaint filed pursuant to this section against a local entity is valid, the attorney general, not later than ten days after the date of such a determination, shall provide written notification to the local entity by certified mail, with return receipt requested, stating all of the following:

a. A complaint pursuant to this section has been filed and the grounds for the complaint.

b. The attorney general has determined that the complaint is valid.

c. The attorney general is authorized to file a civil action in district court pursuant to subsection 6 to enjoin a violation of this chapter no later than forty days after the date on which the notification is received if the local entity does not come into compliance with the requirements of this chapter.

d. The local entity and any entity that is under the jurisdiction of the local entity will be denied state funds pursuant to section 27A.9 for the state fiscal year following the year in which a final judicial determination in a civil action brought under this section is made.

5. No later than thirty days after the date on which a local entity receives written notification under subsection 4, the local entity shall provide the attorney general with all of the following:

a. Copies of all of the local entity's written policies relating to immigration enforcement actions.

b. A copy of each immigration detainer request received by the local entity from a federal agency.

c. A copy of each response sent by the local entity to an immigration detainer request described by paragraph "b".

d. A description of all actions the local entity has taken or will take to correct any violations of this chapter.

e. If applicable, any evidence that would refute the allegations made in the complaint.

6. No later than forty days after the date on which the notification pursuant to subsection

4 is received, the attorney general shall file a civil action in district court to enjoin any ongoing violation of this chapter by a local entity.

2018 Acts, ch 1089, §8, 12

Referred to in §27A.9, 27A.10

Section applies to the release of a person from custody in this state on or after July 1, 2018; 2018 Acts, ch 1089, §12

NEW section

**27A.9 Denial of state funds.**

1. Notwithstanding any other provision of law to the contrary, a local entity, including any entity under the jurisdiction of the local entity, shall be ineligible to receive any state funds if the local entity intentionally violates this chapter.

2. State funds shall be denied to a local entity pursuant to subsection 1 by all state agencies for each state fiscal year that begins after the date on which a final judicial determination that the local entity has intentionally violated this chapter is made in a civil action brought pursuant to section 27A.8, subsection 6. State funds shall continue to be denied until eligibility to receive state funds is reinstated under section 27A.10. However, any state funds for the provision of wearable body protective gear used for law enforcement purposes shall not be denied under this section.

3. The department of management shall adopt rules pursuant to chapter 17A to implement this section and section 27A.10 uniformly across state agencies from which state funds are distributed to local entities.

2018 Acts, ch 1089, §9, 12

Referred to in §27A.8, 27A.11

Section applies to the release of a person from custody in this state on or after July 1, 2018; 2018 Acts, ch 1089, §12

NEW section

**27A.10 Reinstatement of eligibility to receive state funds.**

1. Except as provided by subsection 5, no earlier than ninety days after the date of a final judicial determination that a local entity has intentionally violated the provisions of this chapter, the local entity may petition the district court that heard the civil action brought pursuant to section 27A.8, subsection 6, to seek a declaratory judgment that the local entity is in full compliance with this chapter.

2. A local entity that petitions the court as described by subsection 1 shall comply with any document requests, including a request for supporting documents, from the attorney general relating to the action.

3. If the court issues a declaratory judgment declaring that the local entity is in full compliance with this chapter, the local entity's eligibility to receive state funds is reinstated beginning on the first day of the month following the date on which the declaratory judgment is issued.

4. A local entity shall not petition the court as described in subsection 1 more than twice in one twelve-month period.

5. A local entity may petition the court as described in subsection 1 before the date provided in subsection 1 if the person who was the director or other chief officer of the local entity at the time of the violation of this chapter is subsequently removed from or otherwise leaves office.

6. A party shall not be entitled to recover any attorney fees in a civil action described by subsection 1.

2018 Acts, ch 1089, §10, 12

Referred to in §27A.9

Section applies to the release of a person from custody in this state on or after July 1, 2018; 2018 Acts, ch 1089, §12

NEW section

**27A.11 Attorney general database.**

The attorney general shall develop and maintain a searchable database listing each local entity for which a final judicial determination described in section 27A.9, subsection 2, has been made. The attorney general shall post the database on the attorney general's internet site.

2018 Acts, ch 1089, §11, 12

Section applies to the release of a person from custody in this state on or after July 1, 2018; 2018 Acts, ch 1089, §12

NEW section



**NOTE: You must click on the "Accept" button at the bottom of the page before closing this window**

## **U.S. DEPARTMENT OF JUSTICE**

### **CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the U.S. Department of Justice ("Department") determines to award the covered transaction, grant, or cooperative agreement.

#### **1. LOBBYING**

As required by 31 U.S.C. § 1352, as implemented by 28 C.F.R. Part 69, the Applicant certifies and assures (to the extent applicable) the following:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
- (b) If the Applicant's request for Federal funds is in excess of \$100,000, and any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal grant or cooperative agreement, the Applicant shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities" in accordance with its (and any DOJ awarding agency's) instructions; and
- (c) The Applicant shall require that the language of this certification be included in the award documents for all subgrants and procurement contracts (and their subcontracts) funded with Federal award funds and shall ensure that any certifications or lobbying disclosures required of recipients of such subgrants and procurement contracts (or their subcontractors) are made and filed in accordance with 31 U.S.C. § 1352.

#### **2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

A. Pursuant to Department regulations on nonprocurement debarment and suspension implemented at 28 C.F.R. Part 2867, and to other related requirements, the Applicant certifies, with respect to prospective participants in a primary tier "covered transaction", as defined at 28 C.F.R. § 2867.20(a), that neither it nor any of its principals--

- (a) is presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) has within a three-year period preceding this application been convicted of a felony criminal violation under any Federal law, or been convicted or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, tribal, or local) transaction or private agreement or transaction;
- (c) is presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, tribal, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and/or
- (d) has within a three-year period preceding this application had one or more public transactions (Federal, State, tribal, or local) terminated for cause or default.

B. Where the Applicant is unable to certify to any of the statements in this certification, it shall attach an

explanation to this application. Where the Applicant or any of its principals was convicted, within a three-year period preceding this application, of a felony criminal violation under any Federal law, the Applicant also must disclose such felony criminal conviction in writing to the Department (for OJP Applicants, to OJP at [Ojpcompliancereporting@usdoj.gov](mailto:Ojpcompliancereporting@usdoj.gov); for OVW Applicants, to OVW at [OVW.GFMD@usdoj.gov](mailto:OVW.GFMD@usdoj.gov); or for COPS Applicants, to COPS at [AskCOPSRC@usdoj.gov](mailto:AskCOPSRC@usdoj.gov)), unless such disclosure has already been made.

### 3. FEDERAL TAXES

A. If the Applicant is a corporation, it certifies either that (1) the corporation has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, or (2) the corporation has provided written notice of such an unpaid tax liability (or liabilities) to the Department (for OJP Applicants, to OJP at [Ojpcompliancereporting@usdoj.gov](mailto:Ojpcompliancereporting@usdoj.gov); for OVW Applicants, to OVW at [OVW.GFMD@usdoj.gov](mailto:OVW.GFMD@usdoj.gov); or for COPS Applicants, to COPS at [AskCOPSRC@usdoj.gov](mailto:AskCOPSRC@usdoj.gov)).

B. Where the Applicant is unable to certify to any of the statements in this certification, it shall attach an explanation to this application.

### 4. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, as implemented at 28 C.F.R. Part 83, Subpart F, for grantees, as defined at 28 C.F.R. §§ 83.620 and 83.650:

A. The Applicant certifies and assures that it will, or will continue to, provide a drug-free workplace by--

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in its workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about--

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the award be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the award, the employee will--

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of the employee's conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the Department, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title of any such convicted employee to the Department, as follows:

For COPS award recipients - COPS Office, 145 N Street, NE, Washington, DC, 20530;

For OJP and OVW award recipients - U.S. Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 7th Street, N.W., Washington, D.C. 20531.

Notice shall include the identification number(s) of each affected award;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2),

with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency; and

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

#### **5. COORDINATION REQUIRED UNDER PUBLIC SAFETY AND COMMUNITY POLICING PROGRAMS**

As required by the Public Safety Partnership and Community Policing Act of 1994, at 34 U.S.C. § 10382(c)(5), if this application is for a COPS award, the Applicant certifies that there has been appropriate coordination with all agencies that may be affected by its award. Affected agencies may include, among others, Offices of the United States Attorneys; State, local, or tribal prosecutors; or correctional agencies.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the Applicant to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that the Department's awards, including certifications provided in connection with such awards, are subject to review by the Department, including by its Office of the Inspector General.

Accept

**NOTE: You must click on the "Accept" button at the bottom of the page before closing this window**



OMB APPROVAL  
NUMBER 1121-0140

EXPIRES 05/31/2019

**U.S. DEPARTMENT OF JUSTICE**

**CERTIFIED STANDARD ASSURANCES**

On behalf of the Applicant, and in support of this application for a grant or cooperative agreement, I certify under penalty of perjury to the U.S. Department of Justice ("Department"), that all of the following are true and correct:

(1) I have the authority to make the following representations on behalf of myself and the Applicant. I understand that these representations will be relied upon as material in any Department decision to make an award to the Applicant based on its application.

(2) I certify that the Applicant has the legal authority to apply for the federal assistance sought by the application, and that it has the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project costs) to plan, manage, and complete the project described in the application properly.

(3) I assure that, throughout the period of performance for the award (if any) made by the Department based on the application--

- a. the Applicant will comply with all award requirements and all federal statutes and regulations applicable to the award;
- b. the Applicant will require all subrecipients to comply with all applicable award requirements and all applicable federal statutes and regulations; and
- c. the Applicant will maintain safeguards to address and prevent any organizational conflict of interest, and also to prohibit employees from using their positions in any manner that poses, or appears to pose, a personal or financial conflict of interest.

(4) The Applicant understands that the federal statutes and regulations applicable to the award (if any) made by the Department based on the application specifically include statutes and regulations pertaining to civil rights and nondiscrimination, and, in addition--

- a. the Applicant understands that the applicable statutes pertaining to civil rights will include section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); section 901 of the Education Amendments of 1972 (20 U.S.C. § 1681); and section 303 of the Age Discrimination Act of 1975 (42 U.S.C. § 6102);
- b. the Applicant understands that the applicable statutes pertaining to nondiscrimination may include section 809(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. § 10228(c)); section 1407(e) of the Victims of Crime Act of 1984 (34 U.S.C. § 20110(e)); section 299A(b) of the Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)); and that the grant condition set out at section 40002(b)(13) of the Violence Against Women Act (34 U.S.C. § 12291(b)(13)), which will apply to all awards made by the Office on Violence Against Women, also may apply to an award made otherwise;
- c. the Applicant understands that it must require any subrecipient to comply with all such applicable statutes (and associated regulations); and
- d. on behalf of the Applicant, I make the specific assurances set out in 28 C.F.R. §§ 42.105 and 42.204.

(5) The Applicant also understands that (in addition to any applicable program-specific regulations and to applicable federal regulations that pertain to civil rights and nondiscrimination) the federal regulations applicable to the award (if any) made by the Department based on the application may include, but are not limited to, 2 C.F.R. Part 2800 (the DOJ "Part 200 Uniform Requirements") and 28 C.F.R. Parts 22

(confidentiality - research and statistical information), 23 (criminal intelligence systems), 38 (regarding faith-based or religious organizations participating in federal financial assistance programs), and 46 (human subjects protection).

(6) I assure that the Applicant will assist the Department as necessary (and will require subrecipients and contractors to assist as necessary) with the Department's compliance with section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108), the Archeological and Historical Preservation Act of 1974 (54 U.S.C. §§ 312501-312508), and the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4335), and 28 C.F.R. Parts 61 (NEPA) and 63 (floodplains and wetlands).

(7) I assure that the Applicant will give the Department and the Government Accountability Office, through any authorized representative, access to, and opportunity to examine, all paper or electronic records related to the award (if any) made by the Department based on the application.

(8) I assure that, if the Applicant is a governmental entity, with respect to the award (if any) made by the Department based on the application—

- a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
- b. it will comply with requirements of 5 U.S.C. §§ 1501-1508 and 7324-7328, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

(9) If the Applicant applies for and receives an award from the Office of Community Oriented Policing Services (COPS Office), I assure that as required by 34 U.S.C. § 10382(c)(11), it will, to the extent practicable and consistent with applicable law—including, but not limited to, the Indian Self-Determination and Education Assistance Act—seek, recruit, and hire qualified members of racial and ethnic minority groups and qualified women in order to further effective law enforcement by increasing their ranks within the sworn positions, as provided under 34 U.S.C. § 10382(c)(11).

(10) If the Applicant applies for and receives a DOJ award under the STOP School Violence Act program, I assure as required by 34 U.S.C. § 10552(a)(3), that it will maintain and report such data, records, and information (programmatic and financial) as DOJ may reasonably require.

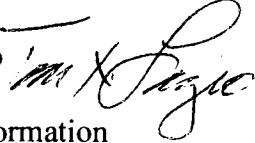
I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the Applicant to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that the Department's awards, including certifications provided in connection with such awards, are subject to review by the Department, including by its Office of the Inspector General.

Accept



**Ottumwa Police Department**

330 West Second Street  
Ottumwa, Iowa 52501  
Telephone 641-683-0661  
Fax 641-683-4584

DATE: July 31, 2019  
TO: 2019 Justice Assistance Grant Program File  
FROM: Mayor Tom X. Lazio   
RE: Program Contact Information

Chief Tom McAndrew has been designated as the contact person for the 2019 Justice Assistance Grant Program. Lt. Mickey Hucks has designated as the alternate contact person for the 2019 Justice Assistance Grant Program. As such, Chief McAndrew and Lt. Hucks have been formally delegated the authority to provide all requested information on behalf of the City of Ottumwa to the Bureau of Justice Assistance and the Justice Assistance Grant Program representatives.

**Ottumwa Police Department**  
**Ottumwa, Iowa**  
**2019 Justice Assistance Grant Program**  
**GMS Application Number: 2019-H3664-IA-DJ**

**Applicant Disclosure of Pending Applications**

The City of Ottumwa / Ottumwa Police Department does not have pending applications submitted within the last 12 months for federally funded assistance that include requests for funding to support the same project being proposed under this solicitation and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation.



Chief Tom McAndrew

The Wapello County Sheriff's Department (subrecipient/disparate agency) does not have pending applications submitted within the last 12 months for federally funded assistance that include requests for funding to support the same project being proposed under this solicitation and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation.



Sheriff Don Phillips

**THE STATE OF IOWA  
COUNTY OF WAPELLO**

**INTERLOCAL AGREEMENT**

**BETWEEN THE CITY OF OTTUMWA, IOWA, AND COUNTY OF WAPELLO, IOWA**

**2019 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD**

This Agreement is made and entered into this 16 Day of August, 2019, by and between The COUNTY of Wapello, Iowa, acting by and through its governing body, the Wapello County, Iowa Board of Supervisors, hereinafter referred to as COUNTY, and the CITY of Ottumwa, acting by and through its governing body, the City Council of the City of Ottumwa, Iowa, hereinafter referred to as CITY, both of Wapello County, State of Iowa, and

**WHEREAS**, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party, and

**WHEREAS**, each governing body finds that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this Agreement, and

**WHEREAS**, the CITY and COUNTY agree that the CITY will be the financial administrator of the JAG program, which includes a grant award to the CITY of \$12,999.00, and to the COUNTY of \$0, and

**WHEREAS**, the CITY and COUNTY agree to share the CITY's award wherein the CITY will receive 85% of the funds (\$11,049.00) and the COUNTY will receive 15% of the funds (\$1,950.00), and

**WHEREAS**, the CITY and COUNTY believe it to be in their best interests to allocate the JAG funds for the purpose area of "Law Enforcement Programs", and specifically the purchase of law enforcement equipment.

**NOW, THEREFORE, the COUNTY and CITY agree as follows:**

**Section 1.**

CITY agrees to act as financial administrator of said JAG award and the CITY and COUNTY agree to share the funds as previously setout.

**Section 2.**

Once JAG authorized and awarded, all funds are to be expended by the proscribed time allotment of the current fiscal year of acceptance, and the following one year, for a total of two grant period years or as may be directed by grant rules and regulations.

**Section 3.**

CITY and COUNTY agree to all conditions set forth in the JAG award, including but not limited to: JAG purpose areas, prohibited uses, financial and programmatic reporting, etc.



**Section 4:**

Nothing in the performance of this Agreement shall impose any liability for claims against the CITY or the COUNTY other than claims for which liability may be imposed by the Tort Claims Act.

**Section 5.**

Each party to this Agreement will be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

**Section 6.**

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

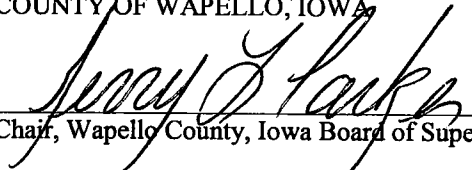
**Section 7.**

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

CITY OF OTTUMWA, IOWA

  
\_\_\_\_\_  
Mayor

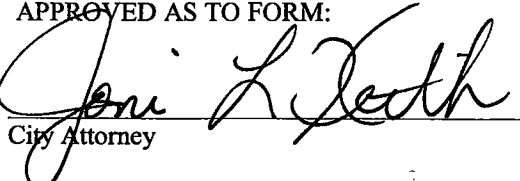
COUNTY OF WAPELLO, IOWA

  
\_\_\_\_\_  
Chair, Wapello County, Iowa Board of Supervisors

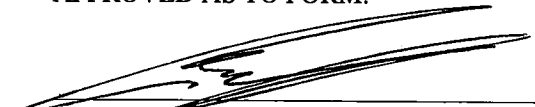
ATTEST:

  
\_\_\_\_\_  
City Clerk

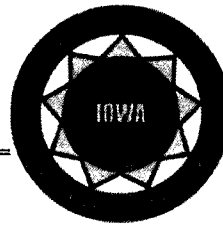
APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

APPROVED AS TO FORM:

  
\_\_\_\_\_  
County Attorney

**Kim Reynolds**  
Governor  
**Adam Gregg**  
Lt. Governor



**Department of Public Safety**

**Stephan K. Bayens**  
Commissioner

August 19, 2019

Dennis Wiggins  
Governor's Office of Drug Control Policy  
215 East 7<sup>th</sup> Street, 5<sup>th</sup> Floor  
Des Moines, IA 50319

Dear Mr. Wiggins:

Please accept this letter as verification that the following agencies submitted crime data to the Iowa Department of Public Safety's incident-based Uniform Crime Reporting (UCR) program for calendar year 2018:

- Black Hawk County Sheriff's Office
- Waterloo Police Department
- Clinton County Sheriff's Office
- Clinton Police Department
- Des Moines County Sheriff's Office
- Burlington City Police Department
- Dubuque County Sheriff's Office
- Dubuque Police Department
- Johnson County Sheriff's Office
- Iowa City Police Department
- Lee County Sheriff's Office
- Keokuk Police Department
- Linn County Sheriff's Office
- Cedar Rapids Police Department
- Marshall County Sheriff's Office
- Marshalltown Police Department
- Muscatine County Sheriff's Office
- Muscatine Police Department
- Polk County Sheriff's Office
- Des Moines Police Department
- Pottawattamie County Sheriff's Office
- Council Bluffs Police Department
- Scott County Sheriff's Office
- Davenport Police Department
- Story County Sheriff's Office
- Ames Police Department
- Wapello County Sheriff's Office
- Ottumwa Police Department

ADMINISTRATIVE SERVICES DIVISION • 215 EAST 7<sup>TH</sup> STREET • DES MOINES, IOWA 50319-0040 • 515-725-6230

**Integrity, Fairness, Respect, Honesty, Courage, Compassion, Service**

- Warren County Sheriff's Office
- Indianola Police Department
- Webster County Sheriff's Office
- Fort Dodge Police Department
- Woodbury County Sheriff's Office
- Sioux City Police Department
- Ankeny Police Department

If you have questions, please contact me at (515) 725-6251 or via email at [loynacha@dps.state.ia.us](mailto:loynacha@dps.state.ia.us).

Sincerely,

A handwritten signature in black ink that reads "Tracy Loynachan". The signature is written in a cursive style with a large, looping initial "T".

Tracy Loynachan, UCR Program Manager  
Iowa Department of Public Safety  
Program Services Bureau

FILE

**CITY OF OTTUMWA**  
**Staff Summary**

2019 AUG -8 AM 8:43

**\*\* ACTION ITEM \*\***

Council Meeting of: Aug 20, 2019

**Jody Gates**

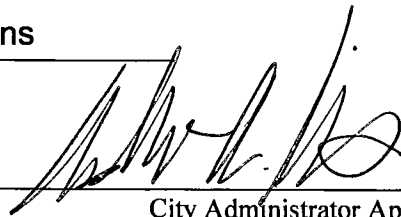
Prepared By

**Kevin C Flanagan** *KCF*

Department Head

**Health & Inspections**

Department



City Administrator Approval

AGENDA TITLE: Resolution No. 179 - 2019, a Resolution accepting the offer and approving the sale of Lot One in Hand and Elliot's Subdivision of Lot Three in M. J. Williams Fifth Addition to the City of Ottumwa, Wapello County, Iowa, to Ottumwa Habitat for Humanity for the sum of \$125.00 .

\*\*\*\*\*



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



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

RECOMMENDATION: Pass and adopt Resolution No. 179 - 2019.

DISCUSSION:

Ottumwa Habitat for Humanity offered the City \$125.00 for a vacant lot located at 526 S. Ward Street. The buyer intends to construct a new home on the property. The property will be transferred by quit claim deed and the buyer will pay the cost of publishing the public hearing notice and the recording fees.

Source of Funds:

Budgeted Item:

Budget Amendment Needed:

RESOLUTION No. 179 - 2019

A RESOLUTION ACCEPTING THE OFFER AND APPROVING THE SALE OF CITY OWNED PROPERTY DESCRIBED AS LOT ONE IN HAND AND ELLIOT'S SUBDIVISION OF LOT THREE IN M.J. WILLIAMS FIFTH ADDITION TO THE CITY OF OTTUMWA, WAPELLO COUNTY, IOWA TO OTTUMWA HABITAT FOR HUMANITY FOR THE SUM OF \$125.00

WHEREAS, the City of Ottumwa, is the present title holder to the property legally described as Lot One in Hand and Elliot's Subdivision of Lot Three in M.J. Williams Fifth Addition to the City of Ottumwa, Wapello County, Iowa, also known as 526 S. Ward Street; and

WHEREAS, pursuant to Resolution No. 170 - 2019 approved, passed and adopted August 6, 2019 by the City Council authorized and directed the City Clerk to publish notice regarding the sale of said property to Ottumwa Habitat for Humanity for an offered price of \$125.00; and

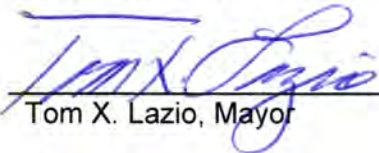
WHEREAS, the buyers intend to construct a new home on the property; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA, that the offer received from Ottumwa Habitat for Humanity in the amount of \$125.00 for the purpose of constructing a new home, be and it is hereby accepted and the sale of said property is approved and the Mayor and City Clerk are hereby authorized to sign the appropriate deed on behalf of the city conveying said property.

PASSED AND ADOPTED this 20<sup>th</sup> day of August 2019.

City of Ottumwa, Iowa

  
\_\_\_\_\_  
Tom X. Lazio, Mayor

ATTEST:

  
\_\_\_\_\_  
Christina Reinhard, City Clerk

FILED

2019 AUG -8 AM 8:43

**CITY OF OTTUMWA**  
**Staff Summary**

CITY OF  
OTTUMWA

**\*\* ACTION ITEM \*\***

Council Meeting of: Aug 20, 2019

**Jody Gates**

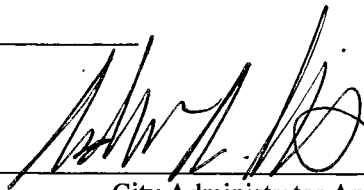
Prepared By

**Kevin C Flanagan**

Department Head

**Health & Inspections**

Department



City Administrator Approval

AGENDA TITLE: Resolution No. 181 - 2019, a resolution approving the lease of City owned property located at 1610 West Main Street to Randall Jay Fisher

\*\*\*\*\*



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



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

RECOMMENDATION: Pass and adopt Resolution No. 181 - 2019

DISCUSSION:

Mr. Fisher submitted a request to lease a City owned FEMA lot at 1610 West Main Street in order to use it as yard space. This resolution approves the lease. As part of the lease requirements Mr. Fisher may not construct anything on the lot, may only use the property consistent with its zoning classification and must maintain insurance on the property.

Source of Funds:

Budgeted Item:

Budget Amendment Needed:

RESOLUTION NO. 181 – 2019

A RESOLUTION APPROVING THE LEASE OF CITY OWNED PROPERTY LOCATED AT 1610 WEST MAIN STREET TO RANDALL JAY FISHER

WHEREAS, the City of Ottumwa is the present title holder of property legally described as Lot 19 in A L Graves Addition to the City of Ottumwa, Wapello County, Iowa, also known as 1610 West Main Street; and

WHEREAS, the City acquired the property from FEMA after the Flood of 93; and

WHEREAS, property acquired from FEMA may be leased for a period of up to 50 years for \$1.00; and

WHEREAS, Randall Jay Fisher wishes to lease City property legally described as, commonly known as 1610 West Main Street; and

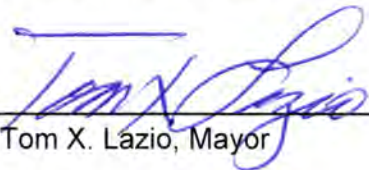
WHEREAS, Mr. Fisher owns the property at 1614 West Main Street, next to the vacant lot, and wishes to use the lot as extra yard.

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

The attached lease for Randall Jay Fisher is hereby approved and the Mayor and City Clerk are hereby authorized to execute said lease agreements providing a copy of the certificate of insurance is provided to the City, naming the City as an additional insured.

Pass and adopted this 20<sup>th</sup> day of August 2019.

CITY OF OTTUMWA, IOWA

  
\_\_\_\_\_  
Tom X. Lazio, Mayor

ATTEST:

  
\_\_\_\_\_  
Christina Reinhard, City Clerk

Christina Reinhard, City Clerk

Preparer Information: Kevin C. Flanagan, Director of Health, Inspections, Planning and Solid Waste ,105 E. Third, Room 204, Ottumwa, Iowa 52501 641-683-0694

RETURN  
DOCUMENT  
TO: Kevin C. Flanagan  
City of Ottumwa  
105 E. Third – Room 204  
Ottumwa, IA 52501

ACCOUNT NO. West End City Owned Property Lease  
TAXPAYER NAME Randall Jay Fisher  
ADDRESS 1614 W. Main Street, Ottumwa, IA 52501  
LEASE TERM August 20, 2019 – August 20, 2069  
PAYMENT AMOUNT \$1.00  
DOCUMENT TITLE 1610 West Main Street Flood Lot – Restricted  
GRANTOR'S NAME City of Ottumwa, Iowa  
GRANTEE'S NAME Randall Jay Fisher  
LEGAL DESCRIPTION Lot 19 in A L Graves Addition to the City of Ottumwa, Wapello County, Iowa, also known as 1610 West Main Street

LEASE – BUSINESS PROPERTY  
SHORT FORM

This agreement, made and entered into this 20<sup>th</sup> day of August 2019, by and between the CITY OF OTTUMWA, IOWA, A MUNICIPAL CORPORATION (“Landlord”), whose address, for the purpose of this lease is: 105 East Third Street, Ottumwa, Iowa 52501 and Randall Jay Fisher, whose address for the purpose of this lease is 1614 West Main Street, Ottumwa, Iowa 52501.

The parties agree as follows:



1. PREMISES AND TERM.

Landlord leases to Tenant the following real estate, situated in Wapello County, Iowa:

Address: 1610 West Main Street, Ottumwa, Iowa 52501

Legal Description: Lot 19 in A L Graves Addition to the City of Ottumwa, Wapello County, Iowa

Together with all improvements thereon, and all rights, easements and appurtenances thereto belonging, for a term beginning on the 20<sup>th</sup> day of August 2019 and ending on the 20<sup>th</sup> day of August 2069 upon the condition that the Tenant performs as provided in this lease.

2. RENT.

Tenant agrees to pay Landlord as rent \$1.00 during the term of this lease. All sums shall be paid at the address of Landlord or at such other place as Landlord may designate in writing.

3. POSSESSION.

Tenant shall be entitled to possession on the first day of the lease term and shall yield possession to Landlord at the termination of this lease. Should Landlord be unable to give possession on said date, said Tenants only damages shall be a pro-rata abatement of the rent.

4. USE.

Tenant shall use and maintain the premises as open space with no structures of any kind and as to the restrictions as follows:

This conveyance is expressly subject to rights outstanding in third parties for existing easements for public roads and highways, utilities, railroads, pipelines and easements of record.

- a. The property is required to remain under the City of Ottumwa ownership according to the federal FEMA guidelines. The property cannot be sold under any circumstances.
- b. This conveyance of the real estate herein described is for the use of the Grantee and this conveyance is made upon and subject to the express conditions, restricts and restrictive covenants that:

1. The lease can be transferred to the new property owner if the attached lease property is sold or otherwise transferred before the fifty year time period has expired.
  2. A chain link fence can be erected on the property as it does not prohibit water from flowing through.
  3. No additional FEMA funds can be spent on the property.
  4. The described real estate shall remain in public ownership.
  5. The described real estate shall only be used for the purposes consistent with sound land management and use, as that term is defined in Title 44 Code of Federal Regulations, Section 206, as it now appears or may hereafter be amended.
  6. The described real estate shall only be used for open space purposes. There shall not be erected on the described real estate any structures or other improvements, unless such structures are open on all sides and are functionally related to open space use.
  7. The described real estate shall not be eligible for any future disaster assistance for any purpose from any Federal Agency.
  8. Any breach or threatened breach of the above conditions may be enjoined upon application by the United States of America.
  9. The above conditions, restrictions and restrictive covenants, along with the right to enforce the same, are deemed to be covenants running with the land in perpetuity and are binding on the successors and assigns of the Grantee herein and all subsequent Grantees and Owners of the described real estate.
5. CARE AND MAINTENANCE.
- a. Tenant takes the premises as is, except as herein provided.
  - b. No construction of any type shall be placed on the property. Land shall remain as open space.
  - c. A chain link fence can be installed as it will allow water to run through.
  - d. Except when the same area occasioned by the misuse or negligence of Tenant, its agents, employees or invitees. Landlord shall not be liable for failure to make any repairs or replacements.
  - e. Tenant shall maintain the premises in a reasonable safe, serviceable, clean and presentable condition, and except for the repairs, replacements and improvements

to the premises, including all changes, alterations or additions ordered by any lawfully constituted government authority directly related to the Tenant's use of the premises.

Unless otherwise provide, Tenant agrees to remove all snow and ice and other obstructions from the sidewalk on or abutting the premises. Failure to maintain the property in accordance with City Code or for other and just cause is a default herein.

6. UTILITIES AND SERVICES.

Tenant shall pay for all utilities and services, which may be used on the premises. For this lease no utilities and services are allowed to be connected or installed on the premises.

7. SURRENDER.

Upon the termination to this lease, Tenant will surrender the premises to Landlord in good and clean condition, except for ordinary wear and tear or damage without fault or liability of Tenant. Continued possession beyond the term of this lease and the acceptance of the rent by Landlord shall constitute a month-to-month extension of this lease.

8. ASSIGNMENT AND SUBLETTING.

No assignment or subletting, either voluntary or by operation of law shall be effective without the prior written consent of Landlord, which consent shall not unreasonably be withheld.

9. PROPERTY INSURANCE.

Tenant will not do or omit the doing of any act, which would invalidate any insurance or increase the insurance rates in force on the premises. To the extent of all insurance collectible for damage to property, and to the extent permitted by their respective policies of fire and extended overage insurance, each party hereby waives rights of subrogation against the other, regardless of fault.

10. INDEMNITY AND LIABILITY INSURANCE.

Except for any negligence of Landlord, Tenant will protect, defend and indemnify Landlord from and against any and all loss, costs, damage and expenses occasioned by, or arising out of any accident or other occurrence causing or inflicting injury or damage to any person or property, happening or done in, upon or about the premises, or due directly or indirectly to the tenancy use or occupancy thereof, or any part thereof by Tenant or any person claiming through or under Tenant. Tenant will procure and maintain liability insurance in amounts not less than \$300,000 per occurrence which names the Landlord as an additional insured.

11. DAMAGES.

In the event of damage to the premises, so that Tenant is unable to use the premises, this lease may be terminated at the option of either party. Such termination shall be effected by notice of one party to the other within twenty (20) calendar days after such notice; and both parties shall thereafter be released from all future obligations hereunder.

12. MECHANIC'S LIENS.

Neither Tenant, nor anyone claiming by through or under Tenant, shall have the right to file any mechanic's lien against the premises. Tenant shall give notice in advance to all contractors and subcontractors who may furnish, or agree to furnish, any material, service or labor for any improvements on the premises.

13. TERMINATION UPON DEFAULT OF TENANT.

Upon default in abandonment of the premises, or upon any other default by Tenant of the terms of this lease, this lease may, at the option of Landlord, and without prejudice to any other rights or remedies afforded Landlord by law, be cancelled and forfeited; PROVIDED, HOWEVER, before any such cancellation and forfeiture, Landlord shall give Tenant notice specifying the default, or defaults and stating that this Lease will be cancelled and forfeited ten (10) calendar days after notice, unless such default or defaults are remedied within such period.

14. SIGNS.

Landlord, during the last 90 calendar days of this lease shall have the right to maintain on the premises a "For Lease" sign. Tenant will permit prospective tenants to enter and examine the premises.

15. NOTICES AND DEMANDS.

All notices shall be given to the parties hereto at the addresses designated unless either party notifies the other, in writing, of a different address. Without prejudice to any other method of notifying a party in writing or making a demand or other communication, such notice shall be considered given under the terms of this lease when it is deposited in the U.S. Mail, registered or certified, properly addressed, return receipt requested and postage prepaid.

16. PROVISIONS BINDING.

Each and every covenant and agreement herein contained shall extend to and be binding upon the respective successors, heirs, administrators, executors and assigns of the parties hereto.

17. ADDITIONAL PROVISIONS.

- a. This lease shall be transferred with the Lessee's adjacent property.
- b. Failure to maintain the property in accordance with City Code shall give rise to liquidated damages in the amount of \$100.00, payable on demand, along with not limiting other remedies, including default of this agreement.

TENANT:

---

Randall Jay Fisher

State of Iowa, County of Wapello } ss:

On the \_\_\_\_ day of August 2019, before me the undersigned, a Notary Public, in and for said State, personally appeared Randall Jay Fisher, to me known to be the identical person named in and executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

\_\_\_\_\_, Notary Public in and for the State of Iowa.

CITY OF OTTUMWA, IOWA

\_\_\_\_\_  
Tom X. Lazio, Mayor

ATTEST:

\_\_\_\_\_  
Christina Reinhard, City Clerk

State of Iowa, Wapello County, Iowa } ss:

On this \_\_\_\_ day of August 2015 before me, Notary Public for the State of Iowa, personally appeared Tom X. Lazio and Christina Reinhard, City Clerk, to me personally known, and who being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Ottumwa, Iowa; that the seal fixed to the foregoing instrument is the corporate seal of the Corporation and that Tom X. Lazio and Christina Reinhard acknowledge the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the Corporation by it voluntary executed.

\_\_\_\_\_, Notary Public in and for the State of Iowa.

# PROOF OF PUBLICATION

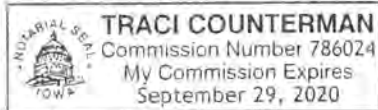
STATE OF IOWA  
WAPELLO COUNTY

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

1610 W Main

City of Ottumwa

published in said newspaper for 1 consecutive weeks to-wit: 8/9/19 hereto attached was  
Subscribed and sworn to before me, and in my presence, by the said 9th day of August, 2019



Notary Public

In and for Wapello County

Printer's fee \$11.28

## COPY OF ADVERTISEMENT

NOTICE OF PUBLIC HEARING  
TO WHOM IT MAY CONCERN:  
Notice is hereby given that the City Council of the City of Ottumwa, Iowa, will hold a public hearing Tuesday, August 20, 2019 at 5:30 P.M. in City Hall in the City of Ottumwa, Iowa on its intent to lease, for a period of 50 years for the sum of \$1.00, real property legally described as Lot 19 in A L Graves Addition to the City of Ottumwa, Wapello County, Iowa, also known as 1610 West Main Street to Randall Jay Fisher. All persons interested in the intent to lease said property are invited to be present at the above time and place on the date mentioned to present their objections to, or arguments for the intent to dispose of said property. FOR THE CITY OF OTTUMWA: Christina Reinhard, City Clerk

PH- Lease FEMA Prop-  
1610 W Main  
to Randall Fisher

FILE

CITY OF OTTUMWA

2019 AUG 15 AM 11:29

Staff Summary

**\*\* ACTION ITEM \*\***

Council Meeting of: August 20, 2019

Phillip Burgmeier

Prepared By

Public Works - WPCF

Department

*Darryl Seals*  
Department Head

*[Signature]*  
City Administrator Approval

AGENDA TITLE: Resolution #185-2019. Approving the Plans, Specifications, Form of Contract and Estimated Cost for the WPCF – VLR Gate Replacement Project.

\*\*\*\*\*

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

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

RECOMMENDATION: Pass and adopt Resolution #185-2019.

DISCUSSION:

This project consists of replacing 6 gates in the Vertical Loop Reactor at the WPCF. The gates are used to route flow through or around the four cells in the VLR. The existing gates leak and are badly corroded.

Bids will be received and opened by the City of Ottumwa on September 11, 2019. The bid report and bid award recommendation will be presented at the City Council meeting on September 17, 2019. Construction on this project is expected to commence on or about November 2019 and shall be substantially complete on or before December 2019.

Engineer's Opinion of Cost: \$25,000

Source of Funds: Sewer Fund

Budgeted Item: Yes

Budget Amendment Needed: No



RESOLUTION #185-2019

A RESOLUTION APPROVING THE PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATED COST FOR THE WPCF – VLR GATE INSTALLATION 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 20<sup>th</sup> day of August, 2019

CITY OF OTTUMWA, IOWA

  
\_\_\_\_\_  
Tom X. Lazio, Mayor

ATTEST:

  
\_\_\_\_\_  
Christina Reinhard, City Clerk



8/16/19

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 "VLR Gate Replacement Project, Ottumwa, Iowa" at 5:30 o'clock p.m. on August 20, 2019, in the Council Chambers, City Hall, Ottumwa, Iowa. At said hearing any interested person may appear and file objections thereto or to the cost of the improvements. At the hearing, the City will receive and consider any objections made by any interested party, to the Plans and Specifications, proposed form of Contract, and the estimate of cost for the project. The work to be done is as follows: Furnish all labor, materials and equipment to construct the following: Remove and replace six slide gates in the Vertical Loop Reactor at the Water Pollution Control Facility. All work and materials are to be in strict compliance with the Plans and Specifications prepared by the City of Ottumwa Engineering Department which together with the proposed form of contract and estimate of cost have heretofore been approved by the City and are now on file for public examination in the office of the Clerk, and are by this reference made a part hereof as though fully set out and incorporated herein. CITY OF OTTUMWA, IOWA BY: Tom X. Lazio, Mayor ATTEST: Christina Reinhard, City Clerk

FILE

CITY OF OTTUMWA

Staff Summary

2019 AUG 16 PM 4:30

**\*\* ACTION ITEM \*\***

Council Meeting of : Aug 20, 2019

Kevin C. Flanagan

Prepared By

Kevin C. Flanagan

Department Head

Planning & Development

Department



City Administrator Approval

AGENDA TITLE: ORDINANCE NO. 3162-2019, An ordinance amending the Code of Ordinances by changing the zoning classification on property located at 202 East Fourth Street from C-3 commercial Mixed-Use District to C-4 Downtown Mixed-Use District

\*\*\*\*\*



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

RECOMMENDATION: A. Pass the first consideration of Ordinance No. 3162-2019

B. Waive the second and third considerations of Ordinance No. 3162-2019

C. Pass and adopt Ordinance No. 3162-2019

DISCUSSION:

The owner wishes to rezone this building from a C-3 to a C-4 in order to avoid the parking requirements that all commercial zones, save for the C-4 central/downtown business district), have as a portion of their regulatory requirements. The Third St. parking lot would be used for any required parking for the occupants of this structure post re-development.

The structure will likely be re-developed as multi-family housing, with approximately six

Source of Funds:

Budgeted Item:

Budget Amendment Needed:

units being the case. The developer is still reviewing options, however, and so mixed-use could be the direction this developer heads in ultimately, parking still remaining the overarching impediment to proper and good use. This rezoning was unanimously approved by all members present on the Planning Commission.

## ORDINANCE NO. 3162-2019

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (MUNICIPAL CODE OF THE CITY OF OTTUMWA, IOWA) BY CHANGING THE ZONING CLASSIFICATION ON CERTAIN PROPERTY LOCATED AT 202 EAST FOURTH STREET FROM C-3 TO C-4 IN THE CITY OF OTTUMWA, WAPELLO COUNTY, IOWA

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

### SECTION 1

Zoning Ordinance #3105 - 2015 of the City of Ottumwa, Iowa, as amended and as set forth in Chapter 38 of the Municipal Code, City of Ottumwa, Iowa be and the same is hereby amended and changed to conform with this ordinance and the following described property, to wit:

A certain part of Lot No. One Hundred and Sixty-three (163) in Block No. Fifteen(15) at the original plat of the said City of Ottumwa, more fully described as follows, to-wit: Beginning sixteen (16) feet Southeast (S.E.) from the Northwest (N.W.) corner of the said Lot 163; running thence Southeast (S.E.) along Fourth Street a distance of sixteen (16) feet; thence Southwesterly parallel to the Northwest line of said Lot 163 a distance of ninety-nine (99) feet; thence Northwesterly a distance of sixteen (16) feet; and thence Northeasterly a distance of ninety-nine (99) feet to the point of beginning;

And

The south west Ninety-nine (99) feet of the following described land to wit: Sixteen (16) feet off of the Northwest side of lot one hundred extending from Fourth Street along North West side of said lot to alley in rear thereof all in the City of Ottumwa;

And

Sixteen (16) feet off the northwest side of lot number one hundred and sixty three (163) in block number fifteen (15) in said City of Ottumwa, Iowa, being a strip of ground 16 feet wide extending from Fourth Street along the north west side of said lot to the alley in the rear thereof;

And

One half of lots one hundred sixty one (161) one hundred sixty two (162) in Block Fifteen, both in the City of Ottumwa, Iowa more particularly described as follows commencing at the northwest corner of Lot 161 thence on the line of Market Street in a South Westerly direction Ninety-nine thence in an easterly direction on a line parallel with Fourth Street to the East Line of Lot 162 thence Northeasterly on a line parallel with Market Street to the line of South Street then westerly on said line of Fourth Street to place of beginning.

### SECTION 2

The official zoning map of the City of Ottumwa, Iowa duly designated as such, and on file in the office of the City Clerk and the Wapello County Recorder, is hereby amended and changed to conform to this ordinance and the City Clerk, pursuant to Section 38-111 of the Zoning Ordinance #3088 - 2015, as amended, is hereby directed to record a certified copy of this said ordinance with the Wapello County Recorder and attach a certified copy of this said ordinance to the official zoning map.

SECTION 3

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 4

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

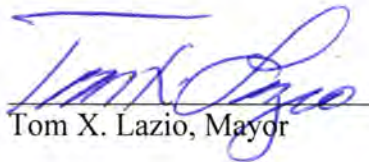
Passed on its first consideration on the 20 day of August, 2019.

Passed on its second consideration on the \_\_\_ day of \_\_\_\_\_, 2019.

Requirement of consideration and vote at two prior council meetings suspended on the \_\_\_ day of \_\_\_\_\_, 2019.

Final passage and adoption on the 20 day of August, 2019.

CITY OF OTTUMWA, IOWA

  
Tom X. Lazio, Mayor

No action taken by Mayor.

Vetoed this \_\_\_ day of \_\_\_\_\_, 2019.

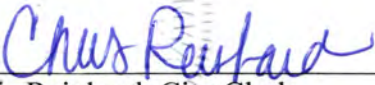
\_\_\_\_\_  
Tom X. Lazio, Mayor

Repassed and adopted over the veto this \_\_\_ day of \_\_\_\_\_, 2019.

Veto affirmed this \_\_\_ day of \_\_\_\_\_, 2019 by failure of vote taken to repass.

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

ATTEST:



Chris Reinhard

Chris Reinhard, City Clerk

FILED

2019 AUG 14 PM 4:30

CITY OF OTTUMWA

**CITY OF OTTUMWA**  
**Staff Summary**

**\*\* ACTION ITEM \*\***

Council Meeting of: Aug 20, 2019

Kevin C. Flanagan

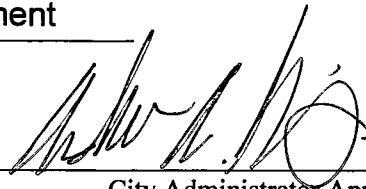
Prepared By

Kevin C. Flanagan

Department Head

Planning & Development

Department



City Administrator Approval

AGENDA TITLE: ORDINANCE NO. 3163-2019, An ordinance amending the Code of Ordinances by changing the zoning classification on property located at 1116 East Pennsylvania to C-3 Commercial Mixed-Use District

\*\*\*\*\*



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

RECOMMENDATION: A. Pass the first consideration of Ordinance No. 3163-2019

B. Waive the second and third considerations of Ordinance No. 3163-2019

C. Pass and adopt Ordinance No. 3163-2019

DISCUSSION: The City has moved to rezone this property as a result of discovering an error in our original adoption of our new zoning map in 2015. Apparently, this property was not included within the City's corporate boundaries upon the adoption of our new zoning map in 2015, although it had been within the corporate boundaries prior and was zoned to the equivalent of what is now considered a C-3, Commercial Mixed-Use District. We are now correcting this

Source of Funds:

Budgeted Item:

Budget Amendment Needed:



error with a rezoning process and action. This rezoning was approved unanimously by the Planning Commission members present.

## ORDINANCE NO. 3163-2019

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (MUNICIPAL CODE OF THE CITY OF OTTUMWA, IOWA) BY CHANGING THE ZONING CLASSIFICATION ON CERTAIN PROPERTY LOCATED AT 1116 EAST PENNSYLVANIA AVENUE FROM R-1 TO C-3 IN THE CITY OF OTTUMWA, WAPELLO COUNTY, IOWA.

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

### SECTION 1

Zoning Ordinance #3105 - 2015 of the City of Ottumwa, Iowa, as amended and as set forth in Chapter 38 of the Municipal Code, City of Ottumwa, Iowa be and the same is hereby amended and changed to conform with this ordinance and the following described property, to wit:

A part of Lot Eight (8) in W.H. Hammond's Subdivision of the South Half of the Northwest Quarter of Section Twenty (20), Township Seventy-two (72) North, Range Thirteen (13) West of the 5<sup>th</sup> P.M. in Wapello County, Iowa, described as follows: Beginning at the Northwest corner of the East Half of Lot 8 in W.H. Hammond's Subdivision; thence West along the North line of said Lot, 156.42 feet; thence South to the South line of said Lot 8 in said Addition; thence East along the South line of said Lot 8, 156.42 feet to the Southwest corner of the East Half of Lot Eight (8); thence North to the place of beginning;

And

A part of Lot Seven (7) in W.H. Hammond's Subdivision of the South Half of The Northwest Quarter (S  $\frac{1}{2}$  NW  $\frac{1}{4}$ ) of Section Twenty (20), Township Seventy-two (72) North, Range Thirteen (13) West of the 5<sup>th</sup> P.M. in Wapello County, Iowa, described as follows, to-wit: Beginning at the Northwest corner of the East Half (E  $\frac{1}{2}$ ) of Lot Seven (7) thence West along the North side of said Lot 156.42 feet; thence South to the South line of Lot Seven (7) in said Addition; thence East along the South line of said Lot Seven (7), 156.42 feet to the Southwest Corner of the East Half (E  $\frac{1}{2}$ ) of said Lot Seven (7); thence North to the place of beginning.

### SECTION 2

The official zoning map of the City of Ottumwa, Iowa duly designated as such, and on file in the office of the City Clerk and the Wapello County Recorder, is hereby amended and changed to conform to this ordinance and the City Clerk, pursuant to Section 38-111 of the Zoning Ordinance #3088 - 2015, as amended, is hereby directed to record a certified copy of this said ordinance with the Wapello County Recorder and attach a certified copy of this said ordinance to the official zoning map.

SECTION 3

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 4

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

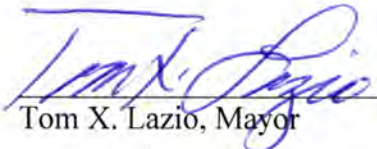
Passed on its first consideration on the 20 day of August, 2019.

Passed on its second consideration on the \_\_\_ day of \_\_\_\_\_, 2019.

Requirement of consideration and vote at two prior council meetings suspended on the \_\_\_ day of \_\_\_\_\_, 2019.

Final passage and adoption on the 20 day of August, 2019.

CITY OF OTTUMWA, IOWA

  
Tom X. Lazio, Mayor

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

\_\_\_ Vetoed this \_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Tom X. Lazio, Mayor

\_\_\_ Repassed and adopted over the veto this \_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_ Veto affirmed this \_\_\_ day of \_\_\_\_\_, 2019 by failure of vote taken to repass.

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

ATTEST:



*Chris Reinhard*

Chris Reinhard, City Clerk

FILED

2019 AUG 14 PM 4:30

CITY OF OTTUMWA

**CITY OF OTTUMWA  
Staff Summary**

**\*\* ACTION ITEM \*\***

Council Meeting of: Aug 20, 2019

Kevin C. Flanagan

Prepared By

Kevin C. Flanagan

Department Head

Planning & Development

Department

City Administrator Approval

AGENDA TITLE: ORDINANCE NO. 3164-2019 An ordinance amending the Code of Ordinances by changing the zoning classification on property located at Lot #169 Wildwood Countryside on Skyline Drive from R-1 Single-Family Residential District to R-2 Two-Family Residential District

\*\*\*\*\*



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

RECOMMENDATION: A. Pass the first consideration of Ordinance No. 3164-2019

B. Waive the second and third considerations of Ordinance No. 3164-2019

C. Pass and adopt Ordinance No. 3164-2019

DISCUSSION: The owner wishes to rezone this building in order to construct a duplex as in-fill development. This density level will rest well with other , higher density developments in the area and will be compatible with the single-family residences also throughout the vicinity. There were no written or oral objections to this rezoning. This rezoning was approved unanimously by all members of the Planning Commission present.

Source of Funds:

Budgeted Item:

Budget Amendment Needed:

**ORDINANCE NO. 3164-2019**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (MUNICIPAL CODE OF THE CITY OF OTTUMWA, IOWA) BY CHANGING THE ZONING CLASSIFICATION ON CERTAIN PROPERTY LOCATED AT LOT #169 WILDWOOD COUNTRYSIDE ON SKYLINE DRIVE FROM R-1 TO R-2 IN THE CITY OF OTTUMWA, WAPELLO COUNTY, IOWA

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

SECTION 1

Zoning Ordinance #3105 - 2015 of the City of Ottumwa, Iowa, as amended and as set forth in Chapter 38 of the Municipal Code, City of Ottumwa, Iowa be and the same is hereby amended and changed to conform with this ordinance and the following described property, to wit:

Lot 169 in Wildwood Addition to the City of Ottumwa, Wapello County.

SECTION 2

The official zoning map of the City of Ottumwa, Iowa duly designated as such, and on file in the office of the City Clerk and the Wapello County Recorder, is hereby amended and changed to conform to this ordinance and the City Clerk, pursuant to Section 38-111 of the Zoning Ordinance #3088 - 2015, as amended, is hereby directed to record a certified copy of this said ordinance with the Wapello County Recorder and attach a certified copy of this said ordinance to the official zoning map.

SECTION 3

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 4

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

Passed on its first consideration on the 20 day of August, 2019.

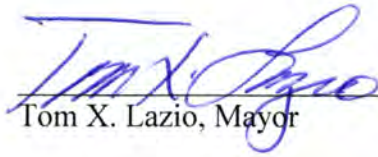
Passed on its second consideration on the \_\_\_ day of \_\_\_\_\_, 2019.

Requirement of consideration and vote at two prior council meetings suspended

on the \_\_\_\_ day of \_\_\_\_\_, 2019.

Final passage and adoption on the 20 day of August, 2019.

CITY OF OTTUMWA, IOWA

  
Tom X. Lazio, Mayor

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

\_\_\_ Vetoed this \_\_\_\_ day of \_\_\_\_\_, 2019.


\_\_\_\_\_  
Tom X. Lazio, Mayor

\_\_\_ Repassed and adopted over the veto this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_ Veto affirmed this \_\_\_\_ day of \_\_\_\_\_, 2019 by failure of vote taken to repass.

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

ATTEST:

  
Chris Reinhard, City Clerk

FILED

CITY OF OTTUMWA

2019 AUG 15 AM 11:29  
Staff Summary

**\*\* ACTION ITEM \*\***

Council Meeting of: August 20, 2019

Alicia Bankson

Prepared By

*Darryl Seal*  
Department Head

Engineering  
Department

*[Signature]*  
City Administrator Approval

AGENDA TITLE: Resolution #186-2019. Authorizing the Mayor to execute an Agreement for DOT-Initiated Detour of Primary Highways onto Local Roads.

\*\*\*\*\*

\*\*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 #186-2019.

DISCUSSION: The Iowa Department of Transportation will be temporarily closing US Highway 63 from the US 34 West Junction (roundabout) to River Road/J-12 for the purpose of full width reconstruction and maintenance. The Agreement authorizes IDOT to provide a detour for US Highway 63 onto Madison Avenue from the Ottumwa City Corporation Limits to Vine Street (1.25 miles), Northeasterly on Vine St. to the westbound on ramp of Hwy 34 (0.30 miles).

There are two basic methods used by IDOT to calculate compensation for the use of local road systems under the gas tax methods. The first formula uses both car and truck AADT counts and length of detour. The second method uses truck counts only and then after project completion a representative from both the State and City evaluates the condition and the State contracts and makes the repairs. Staff recommend this method based on past experience.

Source of Funds:

Budgeted Item:

Budget Amendment Needed:



RESOLUTION #186-2019

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE IDOT AGREEMENT FOR  
DOT-INITIATED DETOUR OF PRIMARY HIGHWAYS ONTO LOCAL ROADS

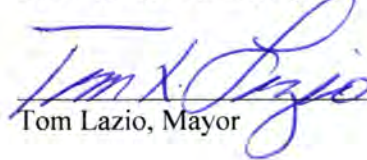
WHEREAS, The Agreement authorizes IDOT to temporarily close US Highway 63 from the US 34 Junction (Roundabout) to River Road/J-12 and provide a detour from US Highway 63 onto Madison Avenue to Vine Street to westbound ramp of Hwy 34; and

WHEREAS, This resolution will authorize the Mayor to sign the Agreement for DOT-Initiated Detour.


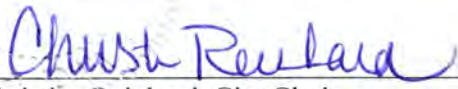
NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA THAT: The Mayor is authorized to sign the Agreement for DOT-Initiated Detour from US Highway 63 onto Madison Avenue to Vine Street to westbound ramp of Hwy 34.

APPROVED, PASSED, AND ADOPTED, this 20<sup>th</sup> day of August 2019.

CITY OF OTTUMWA, IOWA

  
Tom Lazio, Mayor

ATTEST:

  
  
Christina Reinhard, City Clerk



**AGREEMENT FOR DOT-INITIATED DETOUR OF PRIMARY HIGHWAYS ONTO LOCAL ROADS**

This Agreement is entered into by and between the Iowa Department of Transportation, hereinafter known as the Department; and the City of Ottumwa hereinafter known as the Local Public Agency (LPA).

WHEREAS, the Department has determined the necessity to temporarily close primary highway U.S. 63 from U.S. 34 West Jct (roundabout) to River Road/ J-12. for the purpose of construction, reconstruction, maintenance, natural disasters, or other emergencies; and

WHEREAS, it is necessary to provide a detour for the primary highway closure period; and

WHEREAS, the LPA agrees to permit the use of its roads as a detour, more particularly described as follows:

On Madison Ave- From the Ottumwa City Corporation Limits to Vine St. (1.25 miles), Northeasterly on Vine St. to the westbound on ramp of Hwy. 34 (0.30 miles)

; and

WHEREAS, Authorized representatives of both the Department and the LPA shall jointly execute and sign a written report concerning the condition of the proposed detour, after jointly inspecting said road, the subject of the proposed detour; said report to be in sufficient detail as to reasonably reflect the condition of the roadway base, surface, shoulders and bridges; and

WHEREAS, the Department will review, and inspect when necessary, the bridges on the detour route and determine the maximum vehicle weight (up to 156,000 pounds) that can be safely carried on these bridges and submit this information to the LPA for its review. The LPA may choose to restrict detour traffic to only vehicles of legal weight or size. If the LPA allows oversize or overweight loads, it shall notify the Department in writing. The Department shall approve the routing of overweight vehicles on the detour route, up to the limits specified by the LPA; and

WHEREAS, the Department agrees to perform the following pre-detour maintenance, if any: pavement widening, patching, pavement marking's. ; and

WHEREAS, the Department agrees to maintain the detour and provide all traffic control devices required by the Manual of Uniform Traffic Control Devices (MUTCD), as adopted by the Department pursuant to 761 IAC 130, including the marking of no-passing zones during the period the local agency road(s) and structure(s) are being utilized as a primary road detour; and

WHEREAS, Prior to revocation of the detour, the Department shall restore the local agency road to as nearly as possible as good condition as it was prior to its designation as a temporary primary road, or adequately compensate the local agency for excessive traffic upon the local agency road during the period it was used as a temporary primary road, in accordance with Section 313.28 or Section 313.29 of the Iowa Code and Iowa DOT Policy 600.05; and

WHEREAS, The detour period is estimated to begin 4-1-20 and end 11-27-20 ; and  
(date) (date)

WHEREAS, the parties agree to the following additional provisions, if any:

NOW, THEREFORE, BE IT AGREED that the described road be used as a detour under stipulations outlined above.

IN WITNESS WHEREOF, The parties hereto have caused this agreement to be executed by proper officers thereunto duly authorized as of the dates below indicated.

District Engineer (or designee) \_\_\_\_\_ Date \_\_\_\_\_  
Iowa Department of Transportation

Tom X. Lazio 8-20-19  
City representative Date

Tom X. Lazio Mayor  
Printed name and title of city representative

County representative \_\_\_\_\_ Date \_\_\_\_\_

Printed name and title of county representative \_\_\_\_\_



### DETOUR REVOCATION INFORMATION SHEET

Project Number: \_\_\_\_\_

Voucher Number: \_\_\_\_\_

County/City: \_\_\_\_\_

Cost Center: \_\_\_\_\_

Staff Action Number: \_\_\_\_\_

Road or Street Section: \_\_\_\_\_

From: \_\_\_\_\_

To: \_\_\_\_\_

Length in Miles: \_\_\_\_\_

Surface Type: \_\_\_\_\_

Year Built: \_\_\_\_\_

Dates Section Used As Detour: \_\_\_\_\_ To: \_\_\_\_\_

**Compensation Values:**

A. (PPM 600.05, Appendix A) Gas Tax Income (cars) \$ \_\_\_\_\_

B. (PPM 600.05, Appendix A) Gas Tax Income (trucks) \$ \_\_\_\_\_

C. (PPM 600.05, Appendix B) Repairable Damage \$ \_\_\_\_\_

Total Compensation Offered  A + B

\$ \_\_\_\_\_  B + C

**Remarks:**

**County/City Concurrence**

\_\_\_\_\_  
Signature of Authorized County/City Representative

\_\_\_\_\_  
Signature of Iowa District Engineer or Designer

Date: \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_ Title: \_\_\_\_\_

*(Complete one form for each jurisdiction involved.)*

Revised: 06-15-2016

**Detour Compensation Calculations**  
 In Accordance with Iowa DOT Policy No. 600.05, Appendix A (Gas Tax Method)

Project Number: NHSX-063-2(155)-3H-90

Date Prepared: March/18/2019

Local Agency: City of Ottumwa

Prepared By: Brad Lauderman

**Calculation of Detoured Primary Highway Traffic Volume**

Based on Iowa DOT Traffic Book data for the year: 2016

Description of Primary Highway Sections Detoured (route number, beginning and ending points)	Section Length (miles)	Cars AADT	Trucks AADT	Weighted Cars AADT	Weighted Trucks AADT
U.S. Hwy. 63, From River Rd./J-12 north to the south end of the Hwy. 34 West Jct. (roundabout)	1.520	6064	636	6064	636
				0	0
				0	0
				0	0
				0	0
				0	0
				0	0
				0	0
				0	0
				0	0
<b>Totals =</b>	<b>1.520</b>	<b>6064</b>	<b>636</b>	<b>6064</b>	<b>636</b>

**Detour Description and Input**

**Route of Detour** (county route or street names; beginning and ending points, approx. length of each segment):

From South City Corp. Limits- north along Madison Ave. to Vine St. (1.25 miles), Northeasterly on Vine St. to westbound on Ramp of Hwy. 34 (0.30 miles)

Length of Detour (miles) = 1.55  
 Duration of Detour (days) = 240

**Calculation of Detour Compensation**

Average fuel efficiency for Cars (mpg) =	25
Average fuel efficiency for Trucks (mpg) =	15
Combined Gas Tax Factor for Cars (\$/gal) =	1.8
Combined Gas Tax Factor for Trucks (\$/gal) =	1.8
Gas Tax Income from Cars =	\$ 11,000.00
Gas Tax Income from Trucks =	\$ 2,336.50
<b>Total Detour Compensation (Gas Tax Method) =</b>	<b>\$ 13,336.50</b>

Services Agencies Social

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## Office of Systems Planning

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Route	Primary Route Section Description	Rural/Municipal	Section length (miles)	Annual Average Daily Traffic	Motorcycles	Cars, Vans and Pickups	Total Trucks and Buses	Vehicle Classification Distribution of Annual Average Daily Traffic							Average Daily Vehicle Miles		
								Single Unit			Combination				Trucks and Buses	Trucks and Buses	
								Buses	2 Axle	3 Axle	4 or more Axles	4 or less Axles	5 Axle	6 or more Axles			Multiple Trailer
<b>2016</b>																	
<b>6390 WAPELLO COUNTY</b>																	
63	INTERSECTION CO RD H47	R	2.793	5900	26	6307	587	31	160	34	4	31	278	12	17	16479	1684
63	JUNCTION 65TH STREET	R	1.808	5900	26	5307	587	31	160	34	4	31	278	12	17	10887	1025
63	JUNCTION CO RD J12 & RIVER ROAD	R	0.943	5800	26	5009	587	31	160	34	4	31	278	12	17	5281	535
63	SOUTH LIMITS OF OTTUMWA	R	0.739	6700	30	6034	636	41	208	44	5	31	278	12	17	4951	470
63	NORTH LIMITS OF OTTUMWA	M	0.050	6500	29	5880	611	39	200	42	5	30	267	11	16	325	31
<b>63 INTERSECTION RABBIT RUN AT</b>																	
63	SOUTH LIMITS OF OTTUMWA	R	0.333	6700	30	6034	636	41	208	44	5	31	278	12	17	2231	212
63	WEST JUNCTION US 34	M	0.400	9700	43	8831	825	52	287	56	7	41	365	16	22	3880	330
<b>63 US 34 WEST INTERCHANGE TO</b>																	
63	100TH STREET INTERCHANGE	R	0.884	7900	31	6200	1659	80	307	65	8	113	1012	43	62	6884	1475
63	EAST-NORTH WEST-NORTH RAMP	R	0.243	340	2	323	15	2	9	2	0	0	2	0	0	0	0
63	SOUTH-EAST SOUTH-WEST RAMP	R	0.316	980	5	932	24	3	13	3	0	0	4	0	0	0	0
63	EAST-SOUTH WEST-SOUTH RAMP	R	0.280	1070	5	1044	21	2	11	2	0	0	4	0	0	0	0
63	NORTH-EAST NORTH-WEST RAMP	R	0.275	480	2	459	19	2	11	2	0	0	2	0	0	0	0
63	DAHLONEGA ROAD INTERCHANGE	R	1.722	6700	25	6016	1659	80	304	64	7	112	1007	43	62	11537	2867
63	EAST-NORTH WEST-NORTH RAMP	R	0.237	140	1	134	5	0	2	0	0	0	2	0	0	0	0
63	SOUTH-EAST SOUTH-WEST RAMP	R	0.292	620	3	609	8	1	3	1	0	0	2	0	0	0	0
63	EAST-SOUTH WEST-SOUTH RAMP	R	0.271	690	3	676	10	1	6	1	0	0	2	0	0	0	0
63	NORTH-EAST NORTH-WEST RAMP	R	0.272	240	1	234	5	0	2	0	0	0	2	0	0	0	0
63	IA 149 INTERCHANGE	R	3.982	5800	20	4130	1650	58	298	63	7	112	1007	43	62	23086	6670
63		R	0.333	430	2	366	72	2	13	3	0	5	44	2	3	0	0



**Iowa Department of Transportation**  
**Policies and Procedures Manual**

Title		Policy No.
<b>Temporary Closure of Primary Highways and Establishment and Revocation of Detours</b>		<b>600.05</b>
Responsible Office		Related Policies and Procedures
Statewide Operations Bureau		500.05, 610.03, 610.17
Effective/Revision Dates	Approval(s)	
4-1-81/ 2-27-06	Kevin M. Mahoney	

**Authority:** Director of the Highway Division in accordance with Iowa Code sections 306.41, 313.28 and 313.29.

**Contents:** This policy establishes the procedures for temporarily closing a primary highway due to construction, reconstruction, maintenance or natural disasters and other emergencies; for designating, implementing and removing a detour over a primary route or over a secondary road or city street; and for determining the restoration and compensation due the county or city for the use of its road or street as a temporary primary road detour.

**Affected Offices:** District Offices; Offices of Bridges and Structures, Local Systems, Maintenance, Transportation Data, and Traffic and Safety.

**Who to Contact for Policy Questions:** District Offices; Offices of Local Systems or Traffic and Safety.

**Definitions:** None.

**Forms:**

- 810012 - Agreement for Use of Local Agency Roads as Detours
- \*810042 - Detour Revocation Information Sheet

**Policy and Procedure:**

**I. General**

- A. The Department, as provided in Iowa Code section 306.41, may temporarily close sections of a primary highway when reasonably necessary due to construction, reconstruction, maintenance, or natural disaster. A route closed for over 48 hours must have a designated detour route.
- B. Iowa Code sections 313.28 and 313.29 authorize the Department to use secondary roads and city streets as temporary primary road detours.
  1. Secondary roads and city streets must be maintained as primary roads during their use as temporary primary road detours.
  2. After such use, the Department must either restore the secondary roads and city streets to as good a condition as existed prior to their use as detours, or determine and reimburse such amount as will adequately compensate the counties and cities for the added detour traffic.
- C. The decision to close a primary route due to construction, reconstruction or maintenance is made during project development. A tentative detour route is selected at that time. Action to temporarily close the primary route and to establish, implement, and revoke the

detour depends on whether the detour is entirely on primary routes (see **Section II.** of this policy) or involves sections of secondary roads or city streets (see **Section III.** of this policy).

- D. Natural disasters or other emergencies may necessitate the closing of a primary highway with little or no warning. Reasons for closure include but are not limited to physical blockage of the traveled way or damage to a structure that renders it unsafe for vehicles. See **Section IV.** of this policy.

## **II. Detour Routes on Primary Highways**

### **Implementation of Detour**

A. The district office shall:

1. Evaluate potential detour routes and, at least 60 days prior to the date of the project letting, obtain Staff Action approval in accordance with Policy No. 300.02 to authorize temporary closure of the primary highway and establishment of the detour route. The Staff Action shall include:
  - a. A description of the proposed route, the out-of-distance travel for vehicles, provisions for special signing at primary intersections in the general vicinity of the project, and the estimated dates that the detour will be implemented and removed.
  - b. If applicable, the reasons for selecting an all-primary detour route when secondary and/or city routes are available that obviously offer shorter out-of-distance travel.
  - c. A statement that upon completion of the work and removal of detour signing, the detour designation is automatically revoked.
2. Provide traffic control devices (signing, pavement markings, etc.) for the detour in accordance with the Manual on Uniform Traffic Control Devices. Order all special signs needed.
3. Enter the closure and detour information into the Condition Acquisition and Reporting System (CARS/511). Entry into CARS/511 will generate notification to the Offices of Motor Carrier Services and Motor Vehicle Enforcement.
4. Issue a news release(s) notifying the public of the detour.
5. Periodically review the detour to assure satisfactory operation.

### **Removal of Detour**

B. When the need for the detour has ceased, the district office shall:

1. Remove the traffic controls that were placed to direct traffic over the detour route.
2. Enter information terminating the closure and detour into the Condition Acquisition and Reporting System (CARS/511). Entry into CARS/511 will generate notification to the Offices of Motor Carrier Services and Motor Vehicle Enforcement.

3. Issue a news release(s) notifying the public of termination of the detour.

### **III. Detour Routes on Secondary Roads and City Streets**

#### **Implementation of Detour**

##### **A. The district office shall:**

1. At least 60 days prior to project letting, obtain an agreement with each affected county or city for the use of its non-primary road or street as a temporary primary road detour.
  - a. Form 810012 shall be used for this purpose. However, this form is not needed for a detour route over a city street if the detour has been designated and the maintenance responsibility has been agreed upon as a part of the preconstruction agreement between the Department and the city (see Policy No. 500.05).
  - b. The structural composition of the non-primary segments of the detour shall be documented at this time.
2. In accordance with Policy No. 300.02, obtain Staff Action approval to authorize temporary closure of the primary highway and establishment of the detour route. The Staff Action shall include the following statement: Upon completion of the work and removal of detour signing, the local roads designated as a primary road detour shall revert to county or city jurisdiction responsibility.

**Note:** Another Staff Action will be prepared following removal of the detour and negotiations with affected counties and cities to authorize compensation to them for the added detour traffic. See **Section III.D.5.**
3. Arrange for a pre-use inspection of each non-primary detour segment with the appropriate county engineer or city representative, and document the visual condition of the route.

##### **B. The district office shall:**

1. Unless otherwise provided for by the agreement, provide traffic control devices (signing, pavement markings, etc.) for the detour in accordance with the Manual on Uniform Traffic Control Devices, order all special signs needed, and maintain the non-primary segments of the detour.
2. Enter the closure and detour information into the Condition Acquisition and Reporting System (CARS/511). Entry into CARS/511 will generate notification to the Offices of Motor Carrier Services and Motor Vehicle Enforcement.
3. Issue a news release(s) notifying the public of the detour.
4. Periodically review the detour to assure satisfactory operation.



### **Removal of Detour**

C. The district office shall:

1. Unless otherwise provided for by agreement, remove the traffic controls that were placed to direct traffic over the detour route once the need for the detour has ceased.

Warning and regulatory signing and other appurtenances placed on a secondary road or city street during its use as a temporary primary road detour shall generally be left in place unless other arrangements have been agreed to with the governing agency.

2. Enter information terminating the closure and detour into the Condition Acquisition and Reporting System (CARS/511). Entry into CARS/511 will generate notification to the Offices of Motor Carrier Services and Motor Vehicle Enforcement.
3. Issue a news release(s) notifying the public of termination of the detour.
4. As soon as practical, arrange for a post-use inspection of each non-primary detour segment with the appropriate county engineer or city representative for the purpose of agreeing to the extent of repairs needed to restore the secondary road or city street, as nearly as possible, to as good a condition as it was prior to its designation as a temporary primary road detour.

### **Compensation**

D. The district office shall:

1. Using the gas tax method set out in **Appendix A**, calculate the amount of compensation due each affected county and city for the added detour traffic.
2. Within 30 days after the post-use inspection, offer each affected county and city a settlement amount based on the gas tax method, inform them of the alternate method described in **Appendix B**, and ask them to respond within 60 days, either accepting the gas tax method offer or requesting use of the alternate method.
3. If a county or city requests the alternate method, ask it to provide as soon as possible but no later than 6 months from the date of its response, documentation of the damage caused by the primary traffic on the detour and the estimated cost to repair it. Then review the damage documentation and estimated cost provided by the county or city for reasonableness.
4. Once negotiations are complete and an agreement is reached with a county or city, complete Form 810042. This form is used to summarize the detour history, document the compensation offered, and indicate acceptance of the offered compensation by the local jurisdiction.
5. In accordance with Policy No. 300.02, obtain Staff Action approval to authorize compensation to the local jurisdiction.

#### **IV. Closing Primary Highways Due to Natural Disasters or Other Emergencies**

- A. The highway maintenance supervisor will normally be the Departmental representative that must make an immediate assessment of the situation and provide for the safe control of traffic.
  - 1. The assistance of law enforcement authorities is normally available, and the supervisor should coordinate efforts with them.
  - 2. If there is any doubt as to the safety of a structure, traffic shall not be permitted to use it until the damage is evaluated by the district office or the Office of Bridges and Structures.
  - 3. When a facility, such as a primary road extension, is subject to concurrent jurisdiction, the assessment of the emergency shall be made in consultation with the city or other agency having concurrent jurisdiction.
- B. If a highway closing is of a short duration, for only a few hours, traffic may be directed over the best available route with flag persons.
- C. If a highway closing will be of a longer duration, or if a structure is damaged and there is any doubt as to its safety, the highway maintenance supervisor shall contact the district office as soon as possible.
- D. The district office shall assess the situation and initiate action to provide for the safe control of traffic for the expected duration of the closure.
- E. If primary highway traffic is directed over secondary roads or city streets, the district office shall notify the appropriate local authorities as soon as practical.
- F. If the duration of the highway closure warrants, the district office shall initiate action in accord with **Section II.** or **Section III.** of this policy and enter the closure and detour information into the Condition Acquisition and Reporting System (CARS/511).

See also, Policy No. 610.17, *Traffic Control on Interstate Highways during Emergencies*, and Maintenance IM 1.257, *Emergency Notifications Between Field and Central Offices*.

## Appendix A Gas Tax Method

The gas tax method is based on Iowa Highway Research Board IHRB Project TR-470, titled "Development of a Method to Determine Pavement Damage Due to Detours." The gas tax method compensates a county or city for the use of its non-primary road or street as a temporary primary road detour. It is based on gas tax income earned by the detoured traffic during the detour. This method has no direct relationship to damage. The compensation under the gas tax method is calculated as follows:

$$\text{Gas Tax Method Compensation} = \text{Gas\_Tax\_Income\_Cars} + \text{Gas\_Tax\_Income\_Trucks}$$

This formula uses two components to account for car traffic and truck traffic separately. The two components are calculated as follows:

$$\text{Gas\_Tax\_Income\_Cars} = \left( \frac{\text{AADT\_Cars} \times \text{Length} \times \text{Duration}}{\text{MPG\_Cars}} \right) \times \text{Combined\_Tax\_Factor\_Cars}$$

$$\text{Gas\_Tax\_Income\_Trucks} = \left( \frac{\text{AADT\_Trucks} \times \text{Length} \times \text{Duration}}{\text{MPG\_Trucks}} \right) \times \text{Combined\_Tax\_Factor\_Trucks}$$

Where:

*AADT\_Cars* = the weighted Average Annual Daily Traffic (AADT) volume along the primary highway sections that are detoured, as shown in the latest edition of the Iowa DOT Traffic Book\* under the column headed "Passenger Cars, Vans and Pickups" plus the column headed "Motorcycles."

*AADT\_Trucks* = the weighted Average Annual Daily Traffic (AADT) volume along the primary highway sections that are detoured, as shown in the latest edition of the Iowa DOT Traffic Book\* under the column headed "Total Trucks and Buses."

- \* If an adjustment is needed due to a special circumstance, such as a seasonal adjustment to compensate for tourist traffic in a recreational area, the district office may request an adjustment from the Office of Transportation Data.

*Length* = the length, rounded to the nearest tenth of a mile, of the detour along the secondary road or city street.

*Duration* = the number of days the detour was in effect.

*MPG\_Cars* = the average fuel efficiency, rounded to the nearest miles per gallon, as shown in the latest edition of the Federal Highway Administration (FHWA) publication titled Highway Statistics, in Section V titled Roadway Extent, Characteristics and Performance, subsection titled Highway Use and Performance, Table VM-1, row titled "Average miles traveled per gallon of fuel consumed," under the column headed "Passenger Cars and Other 2-Axle 4-Tire Vehicles."

*MPG\_Trucks* = the average fuel efficiency, rounded to the nearest miles per gallon, as shown in the same table and row described under *MPG\_Cars* above, under the column headed "Single-Unit 2-Axle 6-Tire or More and Combination Trucks."

Policy No. 600.05

*Combined\_Tax\_Factor\_Cars* = the sum of the State and Federal components of the gasoline tax, rounded to the nearest cent per gallon, that are assumed to be available for highway construction and maintenance projects on the primary road system. The State and Federal components of the gasoline tax are calculated as follows:

$$State\_Gas\_Tax\_Component = (State\_Gas\_Tax) \times (Percent\_RUTF) \times (Percent\_PRF)$$

Where:

*State\_Gas\_Tax* = the State tax rate on gasoline, per Code of Iowa subsection 452A.3(1);

*Percent\_RUTF* = the percentage of the Road Use Tax Fund (RUTF) allocated to the Primary Road Fund, per Code of Iowa section 312.2; and

*Percent\_PRF* = the percentage of the Primary Road Fund (PRF) that is used for highway construction and maintenance projects. This percentage is approximated by adding the total amount programmed for the Highway Improvement Program and the total programmed amount for maintenance projects and dividing this sum by the estimated total Primary Road Fund receipts. These figures are based on estimates as shown in the current Iowa Transportation Improvement Program.

$$Federal\_Gas\_Tax\_Component = (Federal\_Gas\_Tax) \times (Percent\_FA\_Primary)$$

Where:

*Federal\_Gas\_Tax* = the portion of the Federal gasoline tax that goes toward the Highway Trust Fund, Highway Account, as shown in the latest edition of the FHWA publication titled Highway Statistics, in Section I titled Motor Fuel, subsection titled Rates and Revenues, Table FE-21B titled Federal Highway User Fees; and

*Percent\_FA\_Primary* = the percentage of all Federal-Aid highway funds apportioned to Iowa for use on non-Interstate primary roads. This percentage is approximated by adding the Federal funds apportioned to the National Highway System (NHS) program and the portion of Surface Transportation Program (STP) funds used on primary highways and dividing this sum by the total amount of Federal-aid highway funds apportioned to Iowa. These figures are based on estimates for the current Federal fiscal year.

*Combined\_Tax\_Factor\_Trucks* = the sum of the State and Federal components of the diesel tax, rounded to the nearest cent per gallon, that are assumed to be available for highway construction and maintenance projects on the primary road system. The State and Federal components of the diesel tax are calculated as follows:

$$State\_Diesel\_Tax\_Component = (State\_Diesel\_Tax) \times (Percent\_RUTF) \times (Percent\_PRF)$$

Where:

*State\_Diesel\_Tax* = the State tax rate on diesel, per Code of Iowa subsection 452A.3(3); and

*Percent\_RUTF* and *Percent\_PRF* are as defined above.

$$\text{Federal\_Diesel\_Tax\_Component} = (\text{Federal\_Diesel\_Tax}) \times (\text{Percent\_FA\_Primary})$$

Where:

*Federal\_Diesel\_Tax* = the portion of the Federal diesel tax that goes toward the Highway Trust Fund, Highway Account, as shown in the latest edition of the FHWA publication titled Highway Statistics, in Section I titled Motor Fuel, subsection titled Rates and Revenues, Table FE-21B titled Federal Highway User Fees; and

*Percent\_FA\_Primary* is as defined above.

**Note:** The Office of Local Systems has provided a Microsoft Excel spreadsheet for calculating the detour compensation using the gas tax method. This spreadsheet will be updated on January 1 of each year, based on the most current data available. The spreadsheet will also be updated during the year if legislation affects the combined tax factors. The spreadsheet is available at: W:\Highway\Local Systems\PPM\600.05 Detour Policy\ PPM 600\_05 Gas Tax Method Calculation.xls.

#### **Example #1:**

##### Detour Information:

Detour length = 2.6 miles on County road

Detour Duration = 234 days

Primary Traffic = ADT = 4,390

Cars, Vans, Pickups, Motorcycles = 3,940

Trucks, Buses = 450

##### Gas Tax Calculations:

$$\text{Combined\_Tax\_Factor\_Cars} = (0.2070 \times 0.475 \times 0.50) + (0.1544 \times 0.27) = 0.09$$

$$\text{Combined\_Tax\_Factor\_Trucks} = (0.2250 \times 0.475 \times 0.50) + (0.2144 \times 0.27) = 0.11$$

$$\text{Gas\_Tax\_Income\_Cars} = \frac{3,940 \times 2.6 \times 234}{20} \times 0.09 = \$10,787$$

$$\text{Gas\_Tax\_Income\_Trucks} = \frac{450 \times 2.6 \times 234}{7} \times 0.11 = \$4,302$$

$$\text{Gas Tax Method Compensation} = \$10,787 + \$4,302 = \underline{\underline{\$15,089}}$$

## **Appendix B Alternate Method**

Upon completion of the detour, the county or city may request compensation based on the alternate method. The alternate method requires the county or city to provide detailed documentation of the damage that occurred on the secondary road or city street due to the detoured primary highway traffic. Using that documentation, the county or city must prepare a cost estimate to repair the damage in order to restore the detour route to its pre-detour condition. The district office shall review the damage and estimated cost for reasonableness.

Once agreement is reached, the district office shall provide compensation to the county or city based on the estimated cost to repair the road or street to its pre-detour condition, plus the calculated value determined from the *Gas\_Tax\_Income\_Trucks* component of the gas tax method formula, as described in **Appendix A**.

### **Example #2:**

Under Example #1, the county chooses the alternate method since there was an area of considerable damage. The county provided documentation for the repairable damage and estimated the cost to fix it as \$31,878. The district agreed with the damage and estimated cost. The alternative payment would be calculated as:

$$\begin{aligned}\text{Alternate Method Compensation} &= \textit{Gas\_Tax\_Income\_Trucks} + \text{repairable damage estimates} \\ &= \$4,302 + \$31,878 \\ &= \underline{\$36,180}\end{aligned}$$