TENTATIVE AGENDA OTTUMWA CITY COUNCIL

SPECIAL MEETING NO. 19 Council Chambers, City Hall June 9, 2020 5:30 O'Clock P.M.

In order to protect the health and safety of our citizens and staff and mitigate the spread of COVID-19, we are following the Proclamation of a State Public Health Disaster Emergency issued at 12:00 P.M. on Tuesday, March 17, 2020, which has been extended through June 25, 2020. Effective 12:01 a.m. on June 1, 2020, and continuing until 11:59 p.m. on June 17, 2020: mass gatherings or events of more than 10 people in attendance may be held but only if the gathering complies with all other relevant provisions in the Proclamation with the following requirements: limit the number of participants present in any indoor venue by 50% of its normal operating capacity and ensure at least six feet of physical distance between each group or individual attending alone are followed. The City Admin. will continue to evaluate the impact of COVID-19 on our community and will follow the guidelines and requirements of Wapello County EMA, the IDPH, and the CDC. The City will continue to record and broadcast meetings of the City Council on the YouTube channel so they are accessible to the public.

During Public Hearings, individuals can call <u>641-683-4581</u> to address the Council. During the meeting, Staff will reserve a minimum of <u>4</u> minutes for each Public Hearing Item to allow time for individuals to call in for questions/concerns.

PLEDGE OF ALLEGIANCE

ROLL CALL: Council Member Meyers, Berg, Dalbey, Roe, Stevens and Mayor Lazio.

APPROVAL OF AGENDA

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

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.)

ACTION ITEMS:

1. Release of City of Ottumwa Comprehensive Plan May 2020 Draft for Public Review and Comment.

RECOMMENDATION: Approve release of Comprehensive Plan May 2020 Draft.

2. Resolution No. 137-2020, a resolution of commitment to apply for designation under the Iowa Great Places program and the opportunity for associated grant funding.

RECOMMENDATION: Pass and adopt Resolution No. 137-2020.

3. Resolution No. 138-2020, setting June 16, 2020, at 5:30 P.M. as a date of a public hearing on the proposed amendment of the FY20 City Budget.

RECOMMENDATION: Pass and adopt Resolution No. 138-2020.

 Ordinance No. 3174-2020, amending Chapter 31, Section 14 of the Municipal Code of the City of Ottumwa, Iowa regarding Section 31-14 entitled "Fees and Charges, Costs" in its entirety and enacting a new Section 31-14 in lieu thereof.

RECOMMENDATION: Pass the second consideration of Ordinance No. 3174-2020.

PUBLIC FORUM:

The Mayor will request comments from the public on topics of city business or operations other than those listed on this agenda. Comments shall not be personalized and limited to three minutes or less. Comments not directly applicable to operations, inappropriate, or an improper utilization of meeting time, as determined by the Mayor, will be ruled out of order. When called upon by the Mayor, step to the microphone; give your name, address and topic on which to address the Council. The Council is not likely to take any action on your comments due to requirements of the Open Meetings Law. Pertinent questions, comments or suggestions may be referred to the appropriate department, city administrator or legal counsel for response, if relevant.

ADJOURNMENT:

*** It is the goal of the City of Ottumwa that all City Council public meetings are accessible to people with disabilities. If you need assistance in participating in City Council meetings due to a disability as defined under the ADA, please call the City Clerk's Office at (641) 683-0621 at least one (1) business day prior to the scheduled meeting to request an accommodation. ***



FAX COVER SHEET

City of Ottumwa

DATE:	6/4/2020	TIME:	4:00 PM	NO. OF PAGES 3
				(Including Cover Sheet)

ТО:	News Media	CO:	
FAX NO:			

FROM: Christina Reinhard

FAX NO: <u>641-683-0613</u> PHONE NO: <u>641-683-0620</u>

MEMO: <u>Tentative Agenda for the Special City Council Meeting #19 to be held on 6/9/2020</u> **Please Note – Effective June 1, 2020, mass gatherings or events of more than 10 people in attendance may be held but only if the gathering complies with all other relevant provisions set forth in the State Public Health Disaster Emergency. We must limit the number of participants present within the indoor venue by 50% of normal capacity and ensure at least six feet of physical distance between each group or individual attending the event are followed.

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ERROR	96847834	Ottumwa Courier	
	916416828482	Tom FM	



FAX COVER SHEET

City of Ottumwa

(Including Cover Sheet)

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TO: _____News Media CO: _____

FAX NO:_____

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FAX COVER SHEET

City of Ottumwa

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TO: ____ News Media CO:_____

FAX NO:_____

FROM: Christina Reinhard

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

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Item No. 1.

CITY OF OTTUMWA Staff Summary

** ACTION ITEM **

Council Meeting of : Jun 9, 2020

Planning & Development

Department

Kevin C. Flanagan Prepared By Kevin C. Flanagan

Department Head

City Administrator Approval

AGENDA TITLE: Release of City of Ottumwa Comprehensive Plan May 2020 Draft for Public Review and Comment

Public hearing required if this box is checked.

RECOMMENDATION: Approve Release of Comprehensive Plan May 2020 Draft

DISCUSSION: This Council action will release our final draft of the new Comprehensive Plan to the public for review and comment. The Comprehensive Plan will likely undergo some measure of additional modification and change resulting from this input and from recommendations resulting from our CPAC and Planning Commission meetings.

Budget Amendment Needed:

Our planned final schedule is as follows:

- June 9th: Release Final Draft
- June 25th: Public Open House @ BVC from 4:00PM-8:00PM
- July 6th: Planning Commission Comp Plan work session
- August 3rd: Planning Commission Comp Plan Public Hearing and Recommendation to Council
- August 4th: Council Sets time and date for public hearing on Comp Plan (for August 18th)
- August 18th: Council holds public hearing/adopts Comprehensive Plan and Future Land Use Map

We will be announcing a public meeting for the June 25th public open house in order that all Council Members may attend at any point between the hours of 4:00PM and 8:00PM and engage with the members of our community who attend throughout the evening's event.

Item No. 2.

CITY OF OTTUMWA Staff Summary ** <u>ACTION ITEM</u> **

FILE

Council Meeting of : _____ Jun 9, 2020

Administration

Department

Department Head

Prepared By

Philip Rath

City Administrator Approval

AGENDA TITLE: Resolution No. 137-2020, a resolution of Commitment to Apply for designation under the Iowa Great Places program and the opportunity for associated grant funding

Public hearing required if this box is checked.

RECOMMENDATION: Pass and adopt Resolution No. 137-2020

DISCUSSION: This resolution authorizes Main Street Ottumwa to submit an application through the Iowa Great Places program on behalf of the City of Ottumwa. This goal of the program is "to recognize communities that take action to enhance their local places while staying true to the qualities that makes them unique."

If designated, the City have "the opportunity to apply for grant funding to support vertical infrastructure expenses...dedicated to developing cultural assets in the community, and the opportunity to apply for endorsement resulting in additional consideration from partner state agency programs for projects that develop assets" in the areas of Arts & Culture, Diversity,

Budgeted Item:

Budget Amendment Needed:

Architecture, Entrepreneurial Incentive for Business Development, Historic Fabric, Housing Options, Natural Environment, and other Amenities.

It is estimated communities would be notified of the designation status by July 31. Selected communities would be able to submit funding pre-applications in September. Upon designation communities are "expected to be active members in the Iowa Great Places network." At a minimum this will require the City to participate in two qualifying events within a five-year period as well as agreeing to participation in the Iowa Great Places mentoring program.

City representatives, Main Street, and Greater Ottumwa CVB are working on the development of the application. There is no cost to apply for designation. There is a minimal cost "time relative" for the designation and on-going participation as indicated above. If awarded designation, the City would be eligible for program related grant funding. These are typically a 50/50 match. The City has a variety of partners able to assist with matching funds for future grant applications should the City receive the Iowa Great Places designation and future grant awards.

RESOLUTION NO. 137-2020

RESOLUTION INDICATING COMMITMENT TO APPLY FOR DESIGNATION UNDER THE IOWA GREAT PLACES PROGRAM AND THE OPPORTUNITY FOR ASSOCIATED GRANT FUNDING

WHEREAS, the City of Ottumwa, Iowa wishes to be recognized as an Iowa Great Places community to take advantage of the programs benefits as well as potential grant funding opportunities; and

WHEREAS, the City of Ottumwa, Iowa desires to enhance its diversity, historic fabric, arts and culture, and natural environment; and

WHEREAS, city representatives, Main Street, and Greater Ottumwa CVB in coordination are willing and able to complete and submit an application on behalf of the City of Ottumwa, Iowa for the stated designation; and

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

That Main Street and Greater Ottumwa CVB in coordination with city representatives is authorized to submit an application for designation as an Iowa Great Places community on behalf of the City of Ottumwa; and

That the City Administrator or their designee are hereby authorized and directed to participate and meet the program designation requirements.

That the Mayor and City Clerk are hereby authorized and directed to execute said resolution.

APPROVED, PASSED AND ADOPTED, this 9th day of June, 2020.

CITY OF OTTUMWA, IOWA

Tom X. Lazio, Ma

ATTEST:

Christina Reinhard, City Clerk

Item No. 3.

Ottumwa Staff Summary J

Council Meeting of: June 9, 2020

Item No.

138-2020

Kala Mulder Prepared By Dept. Head

Finance Department Department

City Administrator

Agenda Title: Set June 16, 2020 at 5:30 p.m. for the Public Hearing on the FY20 Amendment of the Current City Budget.

Purpose: The City Council must hold a public hearing on the amended city budget prior to adoption and certification to the County Auditor.

Recommendation: Set the public hearing for the 2019/2020 amended City Budget for June 16, 2020 at 5:30p.m.

Discussion: Iowa law requires the City Council to hold a public hearing on the proposed amended City Budget prior to its adoption and certification to the County Auditor.

RESOLUTION NO. 138-2020

A RESOLUTION SETTING A PUBLIC HEARING ON THE INTENT TO AMEND THE ANNUAL BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2020.

WHEREAS, pursuant to notice published as required by law, this Council will hold a public meeting and hearing with its intent to amend the fiscal year 2020 budget.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OTTUMWA, IOWA: That the 16th day of June 2020 at 5:30PM in the City Council Chamber located at the 105 East Third Street in the City of Ottumwa, Iowa, be and the same is hereby fixed as the time, date and place for a public hearing regarding the annual budget for the fiscal year ending June 30, 2020. The City Clerk is authorized and directed to publish notice of said public hearing as provided by law.

PASSED AND APPROVED THIS 9th DAY OF JUNE 2020.

City of Ottumwa

mx. om X. Lazio, Mayor

ATTEST:

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Christina Reinhard, City Clerk

(Seal)

Item No. 4.

City of Ottumwa Staff Summary 40

Council Meeting of: June 9, 2020

3174-2020 Item No

3:23

Kala Mulder Prepared By

Finance & Public Works Department

Department Head

dministrator

Agenda Title: Ordinance Number 3174-2020, amend Chapter 31, Section 14 of the Municipal Code of the City of Ottumwa, Iowa relative to sewer fees and charges.

Purpose: REPEALING SECTION 31-14 ENTITLED "FEES AND CHARGES, COSTS" IN ITS ENTIRETY AND ENACTING A NEW SECTION 31-14.

Recommendation: Pass the second consideration of the ordinance.

Discussion: The new rates will become effective July 1, 2020 and will be used to fund operations of the plant, debt service and capital projects.

ORDINANCE NO. 3174-2020

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF OTTUMWA, IOWA BY REPEALING SECTION 31-14 ENTITLED "FEES AND CHARGES, COSTS" IN ITS ENTIRETY AND ENACTING A NEW SECTION 31-14 IN LIEU THEREOF:

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

Section 1. The Code of Ordinances (Municipal Code) of the City of Ottumwa, Iowa is hereby amended by repealing Section 31-14 in its entirety and enacting the following in lieu thereof:

Section 31-14. Fees and charges, costs.

(a) (1) The user charge system shall generate adequate annual revenues to pay costs of annual operating and maintenance including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works which the City may by Ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this section.

(2) That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in subsection (b), shall be deposited in a separate non-lapsing fund known as the operation, maintenance, and replacement fund and will be kept in two primary accounts as follows:

a. An account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works (operation and maintenance account).

b. An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (replacement account). Deposits in the replacement account shall be made at least annually from the operation, maintenance and replacement revenue in the amount of \$500,000.00 annually.

(3) Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance

and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year in which the monies were borrowed.

(b) (1) Each user shall pay for the services provided by the City based on the users portion of the treatment works as determined by water meter(s) acceptable to the City.

(2) For residential, industrial and commercial contributors, user charges shall be based on water used during the current month. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collections system, the user charge for the contributor maybe based on a wastewater meter(s) or separate water meter(s) installed and maintained by the contributor's expense, and in a matter acceptable to the city.

(3) Effective July 1, 2020, the base charge per month shall be \$15.65 per user. In addition, each contributor shall pay a user charge rate for operation, maintenance, debt service and replacement of \$5.15/100 cubic feet (CF).

Effective July 1, 2021, the base charge per month shall be \$16.90 per user. In addition, each contributor shall pay a user charge rate for operation, maintenance, debt service and replacement of \$5.55/100 cubic feet (CF).

Effective July 1, 2022, the base charge per month shall be \$18.25 per user. In addition, each contributor shall pay a user charge rate for operation, maintenance, debt service and replacement of \$6.00/100 cubic feet (CF).

Effective July 1, 2020, the commodity charge for American Bottling Company will be \$6.45 per 100 cubic feet (CF).

Effective July 1, 2021, the commodity charge for American Bottling Company will be \$6.95 per 100 cubic feet (CF).

Effective July 1, 2022, the commodity charge for American Bottling Company will be \$7.50 per 100 cubic feet (CF).

(4) Effective January 1, 2012 for those contributors who contribute wastewater, the strength of which is greater than normal domestic wastewater, as defined in Chapter 31, Sewers and Sewage Disposal, Section 31-2, general sewer use requirements, 300 mg/l BOD and 300 mg/l TSS, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance including replacement will be for the following effective dates:

Effective July 1, 2020, \$0.319 per pound BOD and \$0.354 per pound TSS. Effective July 1, 2021, \$0.345 per pound BOD and \$0.382 per pound TSS Effective July 1, 2022, \$0.373 per pound BOD and \$0.413 per pound TSS a. In the event the city's National Pollutant Discharge Elimination System (NPDES) permit for the water pollution control facility is modified to include more stringent standards which result in increased costs the city staff reserves the right to modify and adjust the surcharge for operation and maintenance including replacement to cover the increase in costs. City staff includes the City Administrator, Director of Finance, Public Works Director, Engineering Department, Wastewater Superintendent or others as directed by city council.

(5) Any user who discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's treatment works, or any user who discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each user shall be as determined by the responsible plant operating personnel and approved by the Public Works Director and the Director of Finance.

(6) The user charge rates established in this article apply to all users within the city limits of the City's treatment works. Each contributor whose property or sources of wastewater lies outside of the city limits shall pay to the city, through its collection agent, the sewer charge, at his office at the time payment for city water is made. If city water is not used, the contributor shall pay the City Clerk monthly for statements received from the Finance Department. The rates for contributors outside the City limits shall be 25 percent higher than the rate contributors within the City pay on commodity charge only. City reserves the right to negotiate through written contract with commercial users to adjust base charge and commodity charge as needed.

(7) Private water supplies. The rates sent forth above shall apply in all cases where privately produced water supplies are discharged into the sanitary sewer system. It shall be the duty of every person responsible for the production of such private water supply to report forthwith to the Superintendent of the Wastewater Treatment Plant and to cooperate with the Superintendent to the Wastewater Treatment Plan in the determination of the quantity and character of the waste originating from each such respective private water supply. The Superintendent shall designate, in such special cases, any necessary means of measurements of such private water supply and resulting wastewater flow shall be installed by and at the expense of, the contributor upon written order of the Superintendent of the Wastewater Treatment Plant.

For residential customers with no method to monitor wastewater flow, the Finance Department will bill them for the average residential consumption as provided by Ottumwa Water and Hydro, which at the date of this subparagraph (December 20, 2011) is five units (500 cubic feet) of water. However, if there is any evidence of abuse of this non-metered charge, the Superintendent may reasonably request a wastewater flow meter to be installed. Said meter shall be installed by said residential customer.

(8) Sewer hookup charge. If the property to be connected to a public sewer has not been assessed for any part of the cost of construction of the public sewer, or has been assessed as an unimproved lot, the owner shall pay a special connection charge to the City for the use of the public sewers before the permit is issued. The amount of the fee shall be an equitable portion of the cost of the public sewers in relation to the benefits received by the property, based upon service area or lot dimensions, and shall be determined by the City Engineer or Public Works Director, subject to approval, modification, or revocation by the City Council at its next regular meeting. For lots not specifically assessed, the hookup fee shall be \$500 for non-residential property and \$250 for residential property.

(9) Other fees and charges. Significant industrial users will pay an application fee and an annual renewal fee as set by City resolution. Fees for laboratory tests and waste hauler dumping will also be set by City resolution.

(c) (1) All users shall be billed monthly. All sewer users shall be subject to the same rules of delinquency and suspension of service as provided in the rules of the Board of Water Works Trustees, with reference to water service. In addition to such rules of delinquency and suspension of service, the City shall have a lien upon the property served by such sanitary utility for all delinquent rate or service charges in accordance I.C. A. 384.84. The City Clerk shall certify to the County Treasurer, for taxation purposes and the establishing of such property lien, all delinquent charges, rates or service payments. For the purpose of such certification and for no other purpose, service charges shall be considered delinquent when the same are shown and appear unpaid for a period of six months following their due date on the books carrying rate of service charges.

Where the contributor is an operator of a private water supply, failure to pay service charges shall be subject to similar rules as to delinquency and suspension of service, property lien, certification of delinquency and definition of delinquency as set out in this section.

(2) Cost of collecting, accounting for sewer charges. The actual costs of collection and accounting for all sewer rentals or charges, including reasonable compensation to the collection agent, the maintenance of all books and records, the employment of all help, the cost of all books, records, materials and supplies, the obtaining and maintaining of all office and storage space and all other costs and expenses reasonably necessary in connection therewith or incidental thereto shall be a part of the cost of operating the Wastewater Treatment Works. Such cost shall be paid from the operation and maintenance account to the collection agent upon his certificates certifying to the amount thereof.

(3) Central collection and sampling of concentrated sewage. Any contributor of wastewater sewage shall, upon the request of the Public Works Director, provide a central collection point from his plant or property or a satisfactory opening in the lateral sewer before the wastewater reaches the sewer main where representative samples of wastewater may be taken by the Superintendent or his agent for analysis. The Superintendent of the Wastewater Treatment Plant, when he deems it necessary shall take representative samples of wastewater for analysis. The average of the samples taken during a billing period shall establish the basis for the surcharge. The Superintendent shall certify to the collection agent the names of contributors whose wastewater service charge is subject to the surcharge and the period to which the surcharge applies.

(4) Collecting of sewer service charges in conjunction with water rentals. Ottumwa Water & Hydro shall bill all contributors for the sums of money that are due the City for sewer service under the terms of this section and shall collect all such charges at the same time, place and in conjunction with the water rentals.

(5) Compensation of Ottumwa Water & Hydro for collecting. For services as collection agent, the Waterworks shall receive reasonable compensation as agreed upon by the Board of the Waterworks Trustees and the City Council. Ottumwa Water and Hydro to provide monthly summary including: total users including residential, commercial, industrial usage, revenue received and accounts uncollected.

(6) Ottumwa Water & Hydro to give bond. For the faithful performance of required duties pertaining to the collection of wastewater funds, the Ottumwa Water & Hydro shall give a fidelity bond sufficiently covering each employee or officer charged with the collection of the sewer rental.

(7) The City will review the user charge system annually and based upon City Staff calculations revise by ordinance user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

a. The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance including replacement of the treatment works.

b. The user charge system shall take precedence over any terms or condition of agreements which are inconsistent with the requirements of Paragraph 587 IAC 92.10(2) "b" and 40 CFR 35.2140 dated February 17, 1984.

Section 2. All Ordinances or parts of Ordinances or provisions in the Code of Ordinances (Municipal Code) of the City of Ottumwa, Iowa in conflict herewith are repealed.

Section 3. This Ordinance shall be effective July 1, 2020 upon their passage, adoption, and approved by the City Council and publication as required by law.

Section 4. When these ordinances are in effect, it shall automatically supplement, amend, and become part of the Code of Ordinances (Municipal Code) of the City of Ottumwa, Iowa without further resolution of the City Council.

Passed on its first consideration on the <u>2nd</u> day of <u>June</u>, 2020. Passed on its second consideration on the <u>9th</u> day of <u>June</u>, 2020. Final passage and adoption the <u>day of</u>, 2020.

CITY OF OTTUMWA, IOWA

By:

Tom X. Lazio, Mayor

No action taken by Mayor Vetoed this _____ day of _____, 2020.

By:

Tom X. Lazio, Mayor

 Repassed and adopted over the veto the _____ day of _____, 2020.

 Veto affirmed this _____ day of _____, 2020 by failure of vote taken to repass.

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

ATTEST:

Christina Reinhard, City Clerk