

TENTATIVE AGENDA
OTTUMWA BOARD OF HEALTH

MEETING NO. 1
Council Chambers, City Hall

June 20, 2023
5:30 O'clock P.M.

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

Approval of Minutes 1. Approve the minutes from Meeting No. 10 on December 6, 2022 as presented.

RECOMMENDATION: Approve the minutes.

Condemnation Hearing 2. This is the time, place and date set to consider condemnation of the structures on the property located at 530 W. Woodland in the City of Ottumwa, Wapello County, Iowa.

530 W. Woodland

- A. Open hearing for comments.
- B. Close the public hearing.
- C. Condemn the structures located at 530 W. Woodland, order prompt demolition, removal and leveling of the lot and direct all costs attendant to such actions, including administrative costs, to be assessed against the property and/or collected from the owner or owners thereof.

RECOMMENDATION: Approve the condemnation of the structures located at 530 W. Woodland.

Adjourn 3. Adjournment.



[CITY OF]
O T T U M W A

FAX COVER SHEET

City of Ottumwa

DATE: 6/16/2023 TIME: 10:40 AM NO. OF PAGES 2
(Including Cover Sheet)

TO: News Media CO: _____

FAX NO: _____

FROM: Christina Reinhard

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

MEMO: Tentative Agenda for the Board of Health Meeting #1 to be held on 6/20/2023 at 5:30 P.M.

*** FAX MULTI TX REPORT ***

JOB NO.	3259	
DEPT. ID	4717	
PGS.	2	
TX INCOMPLETE	-----	
TRANSACTION OK	916416847834	Ottumwa Courier
	916606271885	KTVO
	916416823269	Ottumwa Waterworks
ERROR	916416828482	Tom FM



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MEMO: Tentative Agenda for the Board of Health Meeting #1 to be held on 6/20/2023 at 5:30 P.M.

*** TX REPORT ***

JOB NO.	3259	
DEPT. ID	4717	
ST. TIME	06/16 10:42	
SHEETS	2	
FILE NAME		
TX INCOMPLETE	-----	
TRANSACTION OK	916416847834	Ottumwa Courier
	916606271885	KTVO
	916416823269	Ottumwa Waterworks
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FROM: Christina Reinhard

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

MEMO: Tentative Agenda for the Board of Health Meeting #1 to be held on 6/20/2023 at 5:30 P.M.

OTTUMWA BOARD OF HEALTH MINUTES

MEETING NO. 10
Council Chambers, City Hall

December 6, 2022
5:30 O'clock P.M.

The meeting convened at 5:30 P.M.

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

- Approval of Minutes 1. Galloway moved, seconded by McAntire to approve mins. from Mtg. No. 9 on Nov. 15, 2022 as presented. All ayes.
- 1056 Tuttle 2. This was the time, place and date set to consider condemnation of the structures located at 1056 Tuttle in the City of Ottumwa, Wapello County, IA. Zoning & Housing Coordinator Rusch reported the structure was placarded Oct. 26, 2021 due to dilapidation. Owners of property have been in communication with staff and have no interest in making repairs to the structure. Roe moved, seconded by Galloway to close the public hearing. All ayes.
- Roe moved, seconded by McAntire to condemn the structures located at 1056 Tuttle, order prompt demolition, removal and leveling of the lot and direct all costs attendant to such actions, including admin. costs, to be assessed against the property and/or collected from the owner or owners thereof. All ayes.
- 1054 Tuttle 3. This was the time, place and date set to consider condemnation of the structures located at 1054 Tuttle in the City of Ottumwa, Wapello County, IA. Rusch reported the structure was placarded Oct. 26, 2021 due to living conditions, bad foundation and dilapidation. Owners of property have been in communication with staff and have no interest in making repairs to the structure. Pope moved, seconded by McAntire to close the public hearing. All ayes.
- McAntire moved, seconded by Roe to condemn the structures located at 1054 Tuttle, order prompt demolition, removal and leveling of the lot and direct all costs attendant to such actions, including admin. costs, to be assessed against the property and/or collected from the owner or owners thereof. All ayes.
- 530 W. Fourth 4. This was the time, place and date set to consider condemnation of the structures located at 530 W. Fourth in the City of Ottumwa, Wapello County, IA. Rusch reported the structure was placarded Oct. 26, 2021 due to bad living conditions and safety concerns. There have been multiple nuisance complaints and the city has had several mowing abatements on this property. No progress has been made and the structure continues to deteriorate. There is no current repair plan. Jenny Ochoa stated she is the realtor for this property and have buyers interested in purchasing but are requesting a six month extension on getting the repairs completed. Jacqueline Victoria, daughter of property owner, stated due to money issues they have not been able to make any repairs to the property. My dad has

been a drug addict and was the only person in the household that was working; my brother and I have been working and trying to save money for the repairs. If we could have an extension, we can get the larger deficiencies repaired and plan to sell it. Jenny again stated she has multiple interested buyers for the property and could have a buyer under contract within two weeks to start on repairs. Rusch reminded council that selling the property doesn't remedy the extensive deficiency list. Council discussed; the property owner has received correspondence for over one yr., but is now requesting an extension; why does the owner wait this long to try and remedy? Pablo Zavala is also a realtor that has had interested buyers for this property. He stated, both the son and daughter recently came to my office for assistance in this situation. They did not know what to do. Both Jenny and I have been in contact with Jake trying to help the family. Did we know that the owner did not speak English? Jake stated whenever they met for inspections, either the daughter or son would also be there to translate. Galloway stated we need to create a policy for this situation and send correspondences in different languages if we know they do not speak English. Mr. Zavala asked to give them two weeks, until the next city council mtg. and they will have a set plan for the repairs. Pope stated she would rather see someone else pay for the repairs and not the city pay for demolition. Hull moved, seconded by McAntire to close the public hearing. All ayes.

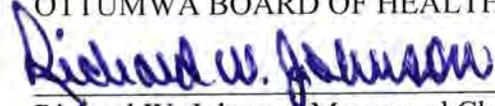
McAntire moved, seconded by Roe to condemn the structures located at 530 W. Fourth, order prompt demolition, removal and leveling of the lot and direct all costs attendant to such actions, including admin. costs, to be assessed against the property and/or collected from the owner or owners thereof. Vote taken Ayes: Hull, Roe, McAntire. Nays: Pope, Galloway. Motion carried 3-2.

Adjourn 5. There being no further business, Roe moved, seconded by McAntire that the mtg. adjourn. All ayes.

Adjournment was at 6:03 P.M.

ATTEST:


Christina Reinhard, CMC, City Clerk

OTTUMWA BOARD OF HEALTH

Richard W. Johnson, Mayor and Chairman

CITY OF OTTUMWA

Staff Summary

**** ACTION ITEM ****

Council Meeting of: June 20, 2023

Jake Rusch

Prepared By

Building and Code Enforcement

Department

Zach Simonson

Department Head

City Administrator Approval

AGENDA TITLE: This is the time, place and date to consider condemnation of the structure(s) on the property described as 530 W Woodland.

****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: Open public hearing
Receive comments
Close public hearing
Condemn the structure(s) at 530 W Woodland order prompt demolition, removal and leveling of the lot and direct all costs attendant to such actions, including administrative costs, to be assessed against the property and/or collected from the owner or owners thereof.

DISCUSSION: The structure located at 530 W WOODLAND was placarded September 9, 2022. The property was placarded due to a house fire. The house has been open to the elements during the duration of the file . No progress has been made and the house continues to deteriorate. The city has had several complaints about the structure and the grass at the property. There is no current repair plan or permission. Condemnation notice was served by certified mail and posting notice on the property and in the Ottumwa Courier.



[CITY OF]

OTTUMWA

**NOTICE OF DWELLING OR BUILDING
DETERMINED TO BE UNFIT FOR HUMAN HABITATION
AND AN ORDER TO CORRECT**

September 8, 2022

Christopher John Showalter / Felica Marie Thomas
530 W Woodland
Ottumwa, IA 52501

91 7199 9991 7035 6855 5448

Cc: Dewees-McCoy Properties, LLC
14175 135th St
Ottumwa, IA 52501

To Whom It May Concern:

An inspection was made on **September 7, 2022**, of the property located at **530 W Woodland**, in the City of Ottumwa, Wapello County, Iowa, which is legally described as follows:

HAMILTON CHAMBERS & CO ADD LOT 54 (530 W WOODLAND)

and which the records of the Wapello County Iowa Recorders' Office reveal ownership to be in your name, or that you have a property interest in.

It is in the opinion of the Housing Code Inspector of the City of Ottumwa, Iowa, under authority of Section 364.17 of the Code of Iowa, and Section 20-3 (K), of the Ottumwa Municipal Code, that said building(s) located on said property is (are) in a condition or in effect dangerous and detrimental to life and health and unfit for human habitation. Therefore, you are hereby given notice of said condition and ordered to correct the situation by doing the following before **October 10, 2022**, to wit:

DEFICIENCY LIST ATTACHED

Repair plan required. In the event that the repairs or demolition cannot be completed within thirty days, a repair plan must be submitted for approval prior to **October 10, 2022**.

City of Ottumwa
105 East Third Street, Ottumwa, Iowa 52501
Telephone 641-683-0650 Fax 641-683-0609

9/8/22

Provide a timetable for repair that is separated into thirty (30) day periods (30 days, 60 days, 90 days, etc.) outlining what repairs are to be completed during each period. There should be a maximum allowance of six (6) months for all repairs to be completed. There is a ninety (90) day maximum time limit for demolition. **All wiring, plumbing, furnace – AC repair/replacement, etc. require permits, possibly by licensed contractors.** Contact this office, for permit requirements.

No one is to be in this placarded property without the express written permission from the Director. Violation of this standard will result in legal action being taken, including arrest and prosecution.

A copy of this notice and order was this date posted in a conspicuous place in the above said building(s), along with a placard stating said structure(s) is not to be occupied until released by the Inspector.

Failure to make the above said corrections before **12:00 o'clock Noon on October 10, 2022** may result in the declaration by the undersigned pursuant to Section 364.17 of the Code of Iowa, and Section 20-3 (0), of the Ottumwa Municipal Code that said building(s), is (are) a public nuisance.

You may appeal this order by filing a written appeal with the Inspection Board of Review, Municipal Building, Ottumwa, Iowa, within **(15) days** after you have received this notice and order. If you have any questions pertaining to this matter contact me by coming to Room 203 at City Hall or by calling 641-683-0650.

Per City Policy #26, you may remove this property from the mandatory trash service and billing for as long as the property remains placarded. Contact Zach Simonson at 641-683-0694 for this service.

Signed and dated at Ottumwa Municipal Building, Ottumwa, Iowa, **September 8, 2022.**

Respectfully,

Jeremy Lipe
Building Inspector
Building & Code Enforcement :: City of Ottumwa
641-683-0650

CERTIFIED #91 7199 9991 7035 6855 5448

City of Ottumwa
105 East Third Street, Ottumwa, Iowa 52501
Telephone 641-683-0650 Fax 641-683-0609

9/8/22



[CITY OF]

OTTUMWA

Date of Placard Inspection: September 7, 2022
DEFICIENCY LIST-530 W Woodland

Exterior/Yard

- 1. Repair all water and fire damage to meet current codes.**
- 2. Repair or replace damaged or missing windows. 304.13**
- 3. Repair or replace damaged or missing storm windows and screen unless windows are weather resistant material. 304.13 20-7-15**
- 4. Repair or replace all damaged trim, soffit and fascia. 304.6**
- 5. Repair or replace all damaged siding. 304.6**
- 6. Repair damaged / worn roof by removing old shingles, structure and other materials needed and replacing with approved roofing materials to be of weather tight condition.**
- 7. Keep the property secure from unauthorized persons. 20-3-L**
- 8. Remove all prohibited outdoor storage per City code section 24-3-12**
- 9. Repair / license or remove any junk motor vehicles per City code section 24½-2**
- 10. Keep the grass kept below 10" 24-3-10**

Interior

- 1. Repair all water and fire damage to meet current codes.**
- 2. Repair and replace damaged and missing drywall, mudding joints, sanding smooth and painting. Providing an uninterrupted, cleanable wall and ceiling covering. 305.3**
- 3. Provide an uninterrupted, cleanable floor covering via floor sealant, vinyl, tile, or carpet. 305.3**
- 4. Level uneven, sagging and humped floors. 305.3**
- 5. Have licensed electrician bring electrical system to current electrical code, including hardwired smoke alarms. 604.3**
- 6. Have licensed plumber bring plumbing system to current code and make any changes to plumbing system. 504.1**
- 7. Have licensed HVAC technician bring HVAC system to current code and make any changes to the HVAC system. 603.1 607.1**

9/8/22



CITY OF
OTTUMWA

May 17, 2023

Christopher John Showalter
530 W Woodland
Ottumwa, IA 52501

Cc: Dewees-McCoy Properties, LLC
14175 135th St
Ottumwa, IA 52501

Cc: Felica Marie Thomas
530 W Woodland
Ottumwa, IA 52501

To whom it may concern:

A complaint inspection was made of the property located at **530 W Woodland, Ottumwa, IA**. It has been noted that you are maintaining a public nuisance by allowing the following to exist: **grass and weeds (including dense growth of all weeds, vines, brush or other vegetation) are over the 10" allowed in the City of Ottumwa pursuant to Municipal Ordinance No. 24-3(10). Ordinance No. 24-3(10) states that:**

All weeds, grass, vines, and brush growing on lots and parcels of ground within the corporate limits of the city, 10 inches or more in height, except crops are considered a nuisance. A 20-foot mowed buffer is required between crops and adjacent streets, alleys, public rights-of-way and lots. Wooded lots shall provide a mowed buffer between public right-of-ways and private property. This provision will become effective April 1, 2015.

You are hereby notified to abate the grass and weeds violation before **May 24, 2023 or the property will be mowed by the City's mowing contractor and costs will be assessed to the property taxes** in accordance with Chapter 24 of the City of Ottumwa Municipal Code.

If the nuisance is not abated, **a citation in the amount of \$250.00 plus \$95.00 court costs may be issued.** Notification by publication in a daily newspaper of general circulation has been made. **This is the only notice you will receive for the 2023 mowing season for this property and all other properties you own in the City of Ottumwa.** If a complaint is received about any property you own, the property will be mowed by the City's mowing contractor and the costs will be assessed to the property taxes.

If you have any questions concerning this notice, please contact this office by calling (641) 683-0650 or by coming to room 203, City Hall. Your cooperation in this matter will be greatly appreciated.

Respectfully,

Jeremy Lipe
Building Inspector
Building & Code Enforcement :: City of Ottumwa
641.683.0650

City of Ottumwa
105 East Third Street, Ottumwa, Iowa 52501
Telephone 641-683-0610 Fax 641-683-0609



[CITY OF]
O T T U M W A

NOTICE TO ABATE

May 17, 2023

DeWees-McCoy Properties, LLC
14175 135th Street
Ottumwa, Iowa 52501
Deed Holder

Christopher John Showalter
530 W Woodland
Ottumwa, Iowa 52501
Contract Buyer

Felicia Marie Thomas
530 W Woodland
Ottumwa, Iowa 52501
Contract Buyer

South Ottumwa Savings Bank
320 Church Street
Ottumwa, Iowa 52501
Mortgagee

State of Iowa
Iowa Attorney General
1305 E. Walnut
Des Moines, Iowa 50319
Lienholder

John Webber
129 W Fourth Street
P.O. Box 250
Ottumwa, Iowa 52501
Attorney and Registered Agent for Deed Holder

SENT VIA CERTIFIED MAIL

To Whom it May Concern,

An inspection was made on September 7, 2022, of the placarded property located at **530 W Woodland, Ottumwa, Iowa** of which you are the registered owner(s) or in which you have a property interest.

Abandoning a property without being connected to all or one of the following utility services: electrical, gas or water, failure to maintain the property and failure to keep the property secure from unauthorized persons constitutes a public nuisance.

The following abatement is needed to meet the minimum standards set forth in Ordinance 3127-2017, an ordinance establishing the minimum standards governing the condition and maintenance of dwellings, etc.:

Abatement needed:

City of Ottumwa
105 East Third Street, Ottumwa, Iowa 52501
Telephone 641-683-0618 Fax 641-683-0609

- 1) Repair Structure to the standard of the Housing Code as Identified in the Deficiency list or,
- 2) Demolish the Structure(s) and level to the contours of the surrounding earth.

We are hereby requesting your cooperation in abating this nuisance within the time allotted. Failure to do so will result in further legal action to be taken against you and the property. This action will include a condemnation referral to the Board of Health.

In the event that this order has not been complied with, a public hearing for condemnation will be held by the Ottumwa Board of Health on the 20th day of June , 2023 at 5:30 P. M. in the Council Chambers in City Hall, 105 East Third Street, Ottumwa, IA.

At such hearing the Board of Health may condemn the structure and order prompt demolition, removal, and leveling of such property and direct that all costs attendant to such action, including administrative costs, be assessed against the property or collected from the owner or owners thereof.

If you wish to contest this action, you may do so by filing a written statement with the City Clerk to the Board of Health **within five (5) days** of the receipt of this letter.

If you have any questions in regard to this matter, you may contact this office by calling 641-683-0650 or by coming to room 203 at City Hall.

Sincerely,

Jake Rusch
Zoning and Housing Coordinator
City of Ottumwa
641.683.0650

CONDEMNATION NOTICE VIA CERTIFIED AND REGULAR MAIL

TO: DeWees-McCoy Properties LLC, Christopher John Showalter, Felicia Marie Thomas, South Ottumwa Savings Bank, State of Iowa, John Webster

You are hereby notified that the structures located at **530 W Woodland**, Ottumwa, IA has been determined to be a public nuisance, and that the nuisance must be abated by demolition within thirty (30) days of this notice and the lot cleaned and leveled. You are further notified that the legal description of the above property is as follows:

HAMILTON CHAMBERS & CO ADD LOT 54 (530 W WOODLAND

You are further notified that if the nuisance is not abated within 30 days of the date of this notice, a public hearing for condemnation of the structure(s) located on the premises described above will be held by the Ottumwa Board of Health on **June 20th, 2023 at 5:30 p.m.** in the Council Chambers of City Hall, 105 East Third Street, Ottumwa, Iowa. If you wish to contest this action, you must do so by filing a written statement with the City Clerk, 105 East Third Street, Ottumwa, IA 52501 within five (5) days of the publication of this notice.

TAKE NOTICE AND GOVERN YOURSELF ACCORDINGLY!

DATED May 17, 2023

Jake Rusch
Zoning and Housing Coordinator
City of Ottumwa, Iowa

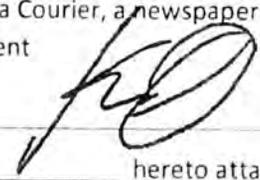
PROOF OF PUBLICATION

STATE OF IOWA
WAPELLO COUNTY

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

Condemnation Notice

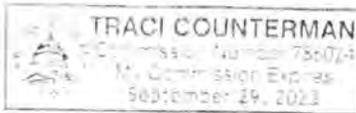
City of Ottumwa



hereto attached

was published in said newspaper for 1 consecutive week's to-wit: 5/20/23

Subscribed and sworn to before me, and in my presence, by the said 20th day of May, 2023



Traci Counterman

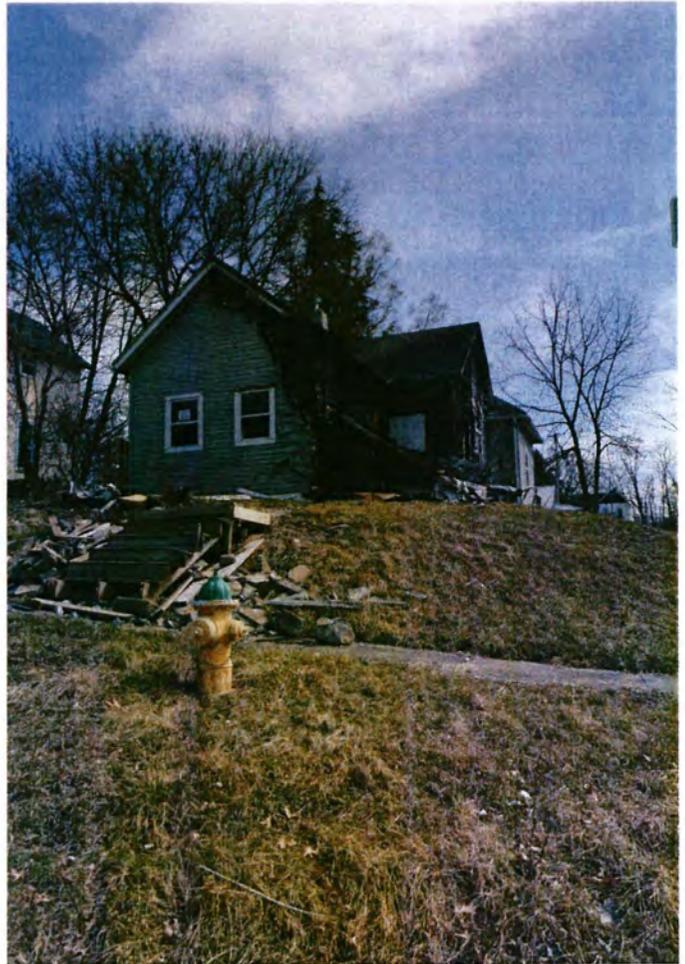
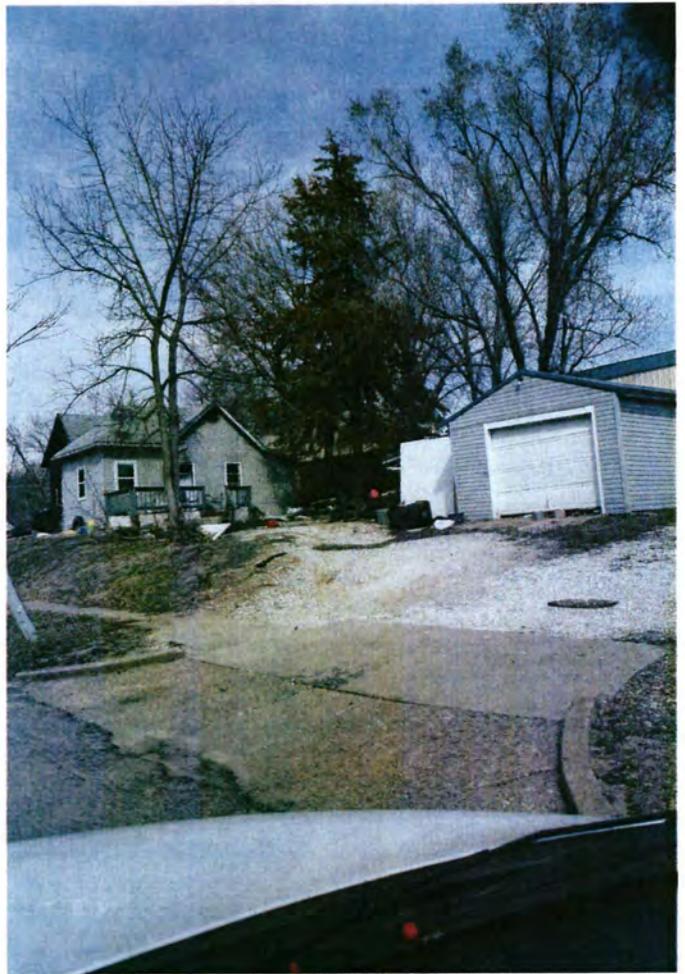
Notary Public
Iowa & Wapello County

Publication fee: \$24.95

COPY OF ADVERTISEMENT

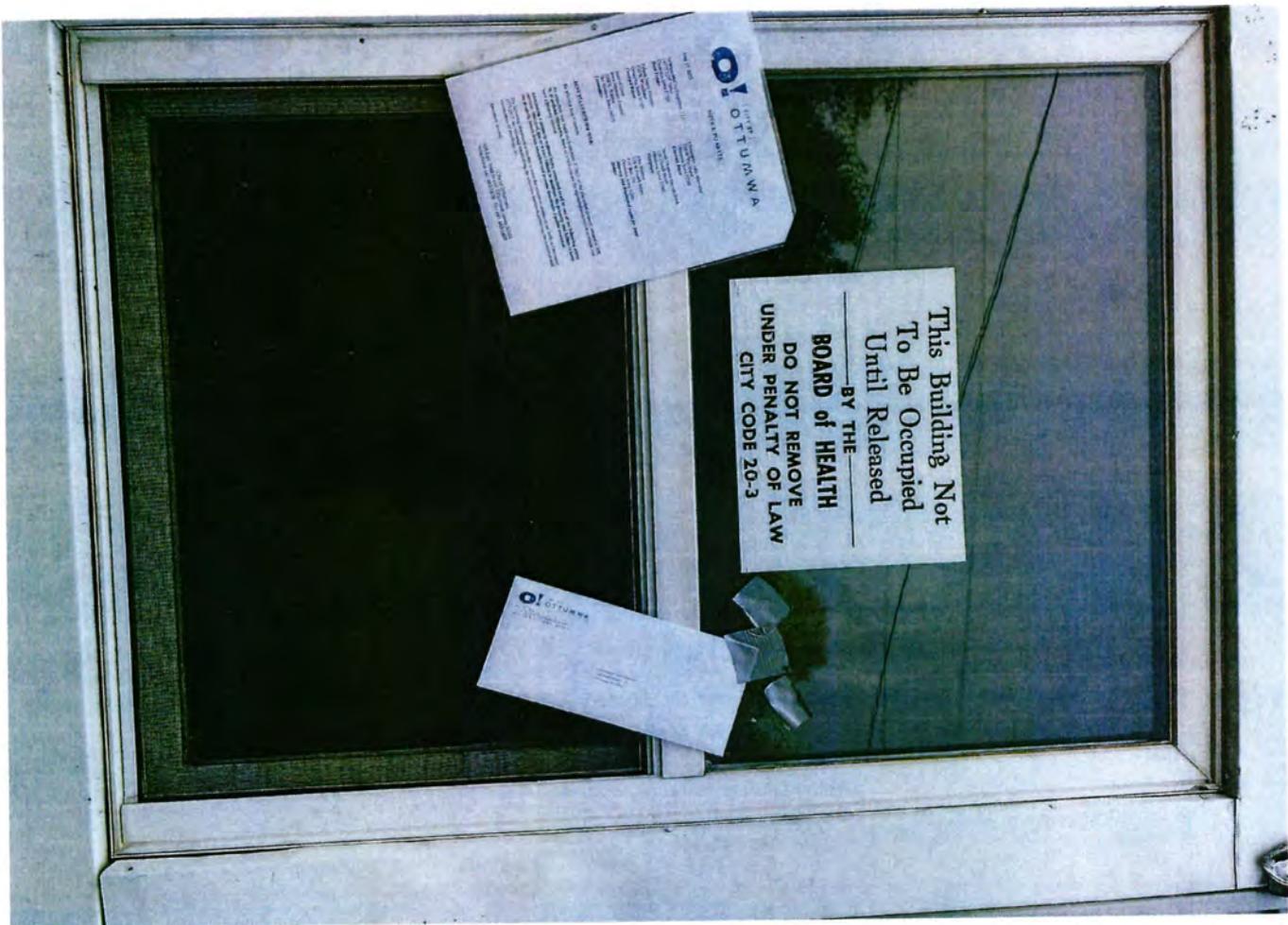
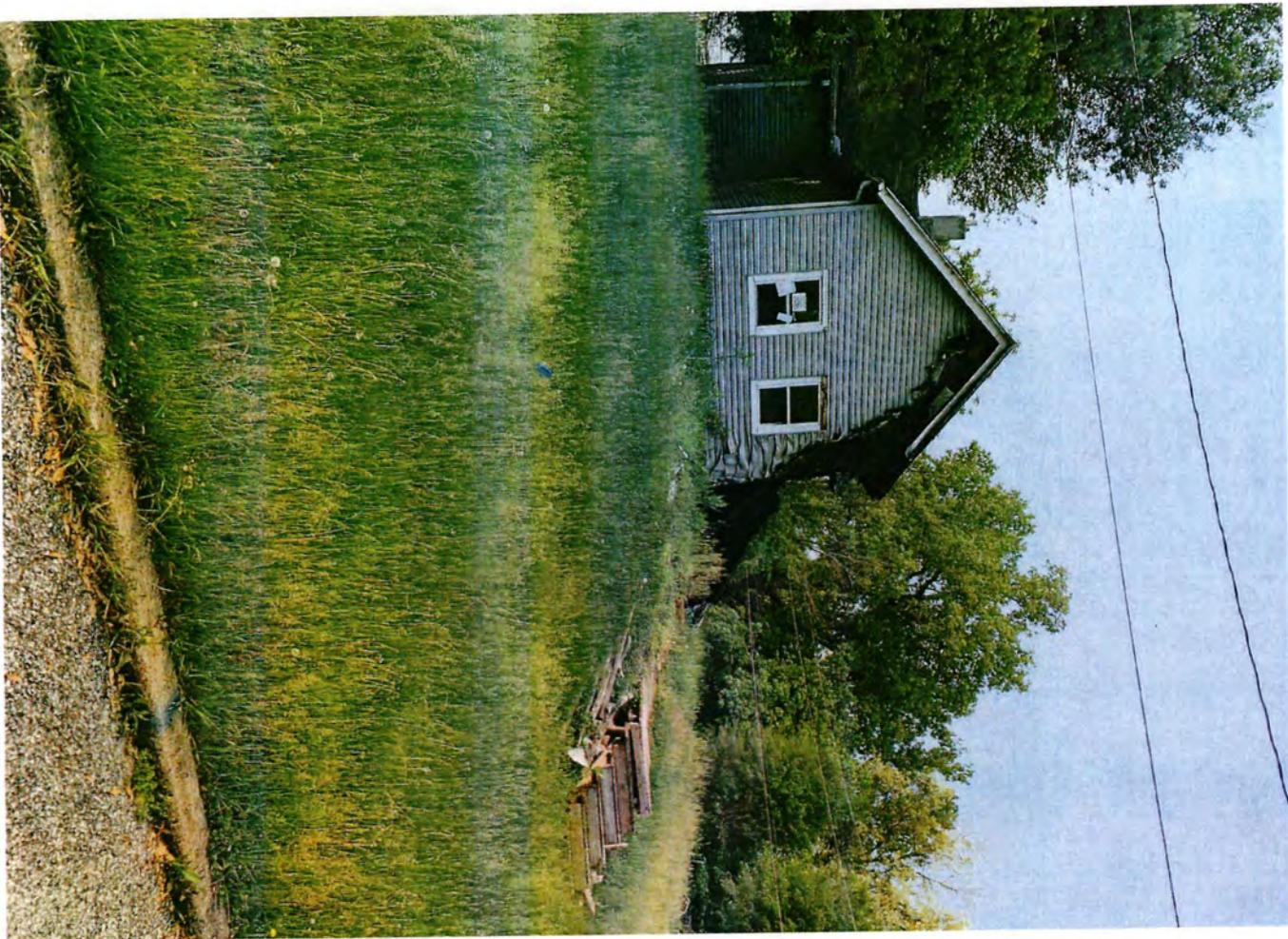
CONDEMNATION NOTICE VIA CERTIFIED AND REGULAR MAIL TO:

DeWees-McCoy Properties LLC, Christopher John Showalter, Felicia Marie Thomas, South Ottumwa Savings Bank, State of Iowa, John Webster You are hereby notified that the structures located at **530 W Woodland**, Ottumwa, IA has been determined to be a public nuisance, and that the nuisance must be abated by demolition within thirty (30) days of this notice and the lot cleaned and leveled. You are further notified that the legal description of the above property is as follows: **HAMILTON CHAMBERS & CO ADD LOT 54 (530 W WOODLAND** You are further notified that if the nuisance is not abated within 30 days of the date of this notice, a public hearing for condemnation of the structure(s) located on the premises described above will be held by the Ottumwa Board of Health on **June 20th, 2023 at 5:30 p.m.** in the Council Chambers of City Hall, 105 East Third Street, Ottumwa, Iowa. If you wish to contest this action, you must do so by filing a written statement with the City Clerk, 105 East Third Street, Ottumwa, IA 52501 within five (5) days of the publication of this notice. **TAKE NOTICE AND GOVERN YOURSELF ACCORDINGLY! DATED May 17, 2023** Jake Rusch Zoning and Housing Coordinator City of Ottumwa, Iowa



530 W Woodland

3/30/23



5/18/22

5/18/22



530 w Woodland

5/24/23