



TENTATIVE AGENDA
OTTUMWA BOARD OF HEALTH

MEETING NO. 2
Bridge View Center, 102 Church St.

March 4, 2025
5:30 O'clock P.M.

ROLL CALL: Council Member Caviness, Galloway, McAntire, Reid, Hoffman, Mayor Johnson.

Approval of Minutes 1. Approve the minutes from Meeting No. 1 on February 4, 2025 as presented.

RECOMMENDATION: Approve the minutes.

Condemnation Hearing 953 Tuttle 2. This is the time, place and date set to consider condemnation of the structures on the property located at 953 Tuttle in the City of Ottumwa, Wapello County, Iowa.

A. Open the hearing for comments.

B. Close the public hearing.

C. Enter Agreement to divert condemnation of 953 Tuttle to provide for the owner to complete their own demolition, to be completed by April 30, 2025.

RECOMMENDATION: Approve the Diversion Agreement between the City of Ottumwa and the property owner(s) of 953 Tuttle.

Adjourn 3. Adjournment.



[CITY OF]
O T T U M W A

FAX COVER SHEET

City of Ottumwa

DATE: 2/28/2025 TIME: 9:40 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 #02 to be held on 3/4/2025 at 5:30 P.M. at the Bridge View Center, 102 Church Street.

OTTUMWA BOARD OF HEALTH MINUTES

MEETING NO. 1
Bridge View Center, 102 Church St.

February 4, 2025
5:30 O'clock P.M.

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

Present were Council Member Hoffman, Caviness, Galloway, McAntire, Reid and Mayor Johnson.

Approval of Minutes 1. Hoffman moved, seconded by Galloway to approve mins. from Mtg. No. 6 on Nov. 19, 2024 as presented. All ayes.

220 W. Fifth 2. This was the time, place and date set to consider condemnation of the structures located at 220 W. Fifth in the City of Ottumwa, Wapello County, IA. Comm. Dev. Dir. Simonson reported property was placarded Jan. 30, 2024 due to poor living conditions, lack of utilities and dilapidation. He further reported, the owner has demolished the structures and there is no need to condemn this property. Staff recommends to not approve this condemnation. Caviness moved, seconded by Reid to close public hearing. All ayes.

McAntire moved, seconded by Caviness to condemn the structures located at 220 W. Fifth, 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. Motion failed 0-5.

Adjourn 3. There being no further business, Hoffman moved, seconded by Galloway that the mtg. adjourn. All ayes.

Adjournment was at 5:33 P.M.

OTTUMWA BOARD OF HEALTH

ATTEST:

Richard W. Johnson, Mayor & Chair

Christina Reinhard, CMC, City Clerk

received
2-27-25 4pm

CITY OF OTTUMWA

Staff Summary

**** ACTION ITEM ****

Council Meeting of: March 4, 2025

Zach Simonson

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 953 Tuttle.

****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
Enter agreement to divert condemnation of 953 Tuttle to provide for the owner to complete their own demolition.

DISCUSSION: The property at 953 Tuttle was placarded on August 3, 2023 because the foundation was failing structurally. The owner of the placarded property has indicated a willingness to complete the condemnation himself rather than proceed to condemnation. Ahlers-Cooney has prepared the attached Acknowledgement of Public Nuisance and Agreement to Abate. The terms of the agreement provide for the owner to acknowledge that the property is a public nuisance and requires abatement. It provides for the owner to demolish the property by April 30, 2025. The owners would also acknowledge that continuing to use the garage without a main building is a violation of the Zoning Code.



ACKNOWLEDGEMENT OF PUBLIC NUISANCE AND AGREEMENT TO ABATE

The undersigned parties hereby acknowledge and agree as follows:

David Loerzel and Tammy Loerzel, as joint tenants with full rights of survivorship and not as tenants in common (the "Owners"), hold title to real property located at 953 Tuttle, Ottumwa, Iowa (the "Property").

Located upon the Property is a residential structure and an accessory garage structure.

The Property's residential structure was placarded by the Ottumwa Health Department on or about August 3, 2023, and deemed unfit for human habitation, in accordance with City Code, as a result of an inspection of the property revealing various deficiencies.

Following the City of Ottumwa placarding the Property's residential structure, the Owners did not bring the Property's residential structure into compliance with City Code such that the placard could be released.

Pursuant to City of Ottumwa Code of Ordinances ("City Code") section 20-4(k), on January 21, 2025 the City of Ottumwa assessed the Property's residential structure, because of its condition, constitutes a public nuisance threatening the health and safety of the public and initiated the condemnation process provided for by City Code.

The Owners acknowledge and agree the Property's residential structure is a public nuisance threatening the health and safety of the public and requiring removal.

In lieu of the City of Ottumwa condemning the Property, pursuant to City Code section 20-4(k), demolishing the residential structure, and assessing its costs to the Property, the Owners hereby agree to complete such abatement of the public nuisance on their own accord and at their own expense by no later than **April 30, 2025**. Specifically, the Owners shall complete demolition of the residential structure, removal of the residential structure and all debris, and leveling of the ground upon which the residential structure sits all in accordance with the applicable provisions of City Code by no later than April 30, 2025.

Further, Owners acknowledge and agree that following the demolition and removal of the Property's residential structure, the Property's garage structure will cease being a permitted accessory structure, pursuant to City Code section 38-876. Therefore, Owners shall cease any and all use of the Property's garage structure immediately following demolition and removal of the Property's residential structure, but no later than August 31, 2025, and continuing until such a time as a primary use structure may be reconstructed on the Property, in accordance with City Code.

Owners acknowledge and agree that continued use of the Property's garage structure in violation of this agreement and City Code shall result in enforcement action by the City of Ottumwa, Iowa, including any and all legal remedies available.

If the Owners fail to satisfy their agreed upon obligations herein to abate the public nuisance resulting from the Property's residential structure, the parties acknowledge and agree that the City may proceed to exercise its lawful condemnation authority pursuant to City Code section 20-4(k) to demolish and remove the Property's residential structure and assess its costs to the Property.

Nothing in this agreement shall be construed as a waiver of the City's legal rights or remedies.

ACKNOWLEDGED AND AGREED AS TO FORM AND CONTENT:

David Loerzel, Owner

Tammy Loerzel, Owner

STATE OF IOWA)
)
COUNTY OF WAPELLO)

Subscribed and sworn to before me this ____ day of _____, 2025.

Notary Public

Zach Simonson,
City of Ottumwa Community Development Director

STATE OF IOWA)
)
COUNTY OF WAPELLO)

Subscribed and sworn to before me this ____ day of _____, 2025.

Notary Public



[CITY OF]
OTTUMWA

NOTICE TO ABATE

January 21 2025

91 7199 9991 7035 6855 8296

David M. Loerzel
429 S Willard Street
Ottumwa, Iowa 52501

Deed Holder

91 7199 9991 7035 6855 8302

Tammy Loerzel
429 S Willard Street
Ottumwa, Iowa 52501

Deed Holder

91 7199 9991 7035 6855 8319

Wapello County Treasurer
c/o County Auditor
101 W. 4th Street
Ottumwa, Iowa 52501

Tax Lien Holder

91 7199 9991 7035 6855 8326

Farmers and Traders Savings Bank
P.O. Box 8
Doud, Iowa 52551

Original Mortgage Holder

91 7199 9991 7035 6855 8333

Libertyville Savings Bank
P.O. Box 744
2000 W. Jefferson
Fairfield, IA 52556

Successor in Interest Mortgage Holder

SENT VIA CERTIFIED MAIL

To Whom It May Concern:

An inspection was initially made on August 3, 2023, and subsequently made on December 18, 2023, June 13, 2024, and August 5, 2024, among others, of the placarded property located at **953 Tuttle, 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 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 4th day of March, 2025 at 5:30 P.M. at the Bridge View Center, 102 Church Street, Ottumwa, Iowa.

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 regarding this matter, you may contact this office by calling 641-683-0650 or coming in person to the Building & Code Enforcement Department's temporary office at the Train Depot, 210 W. Main Street, Rm. 02, Ottumwa, Iowa.

Sincerely,

Jake Rusch
Zoning and Housing Coordinator
City of Ottumwa
641.683.0650



953 Tuttle

8/3/23



12/15/22

CONDEMNATION NOTICE VIA CERTIFIED AND REGULAR MAIL

TO: David M. Loerzel; Tammy Loerzel; Wapello County Treasurer; Farmers and Traders Savings Bank;
Libertyville Savings Bank

You are hereby notified that the structures located at **953 Tuttle**, 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:

HARDING PARK ADD LOT 51 BLK 4 (953 TUTTLE)

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 **March 4, 2025 at 5:30 p.m.** at the Bridge View Center, 102 Church 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 January 21, 2025

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 that 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

953 TUTTLE
CITY OF OTTUMWA

hereto attached was published in said newspaper for one consecutive weeks to-wit:

01/23/2025

Subscribed and sworn to before me, and in my presence, by the said 28th day of January, 2025



Traci Counterman

Notary Public

In and for Wapello County

Printer's Fee: \$ 30.14

COPY C

CONDEMNATION NOTICE VIA CERTIFIED AND REGULAR MAIL

TO:
David M. Loerzel; Tammy Loerzel;
Wapello County Treasurer; Farmers and Traders Savings Bank; Libertyville Savings Bank

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TAKE NOTICE AND GOVERN YOURSELF ACCORDINGLY!

DATED January 21, 2025
Jake Rusch
Zoning and Housing Coordinator
City of Ottumwa, Iowa