



AGENDA OF THE SPECIAL SESSION OF THE
COUNCIL OF THE CITY OF WASHINGTON, IOWA
TO BE HELD AT WASHINGTON FREE PUBLIC LIBRARY
NICOLA STOUFER MEETING ROOM
115 W. WASHINGTON STREET
AT 6:00 P.M., TUESDAY, APRIL 25, 2017

Call to Order

Pledge of Allegiance

Roll Call

Agenda for the Special Session to be held at 6:00 P.M., Tuesday, April 25, 2017 to be approved as proposed or amended.

PRESENTATION FROM THE PUBLIC - Please limit comments to 3 Minutes.

NEW BUSINESS

Discussion and Consideration of Wellness Park Committee.

Discussion and Consideration of Chapter 55 – Animal Control & Protection.

CONSIDERATION OF HEARINGS, ORDINANCES & RESOLUTIONS

Discussion and Consideration of Second Reading of an Ordinance – Stop Signs at S. 11 Ave. & E. Madison Street.

Discussion and Consideration of Second Reading of an Ordinance – Park & Recreation Board.

Discussion and Consideration of a Resolution Authorizing Levy, Assessment, and Collection of Costs to the Washington County Treasurer.

Discussion and Consideration of a Resolution Authorizing Interfund Transfers.

DEPARTMENTAL REPORT

Police
City Administrator

City Attorney

MAYOR & COUNCILPERSONS

Sandra Johnson, Mayor

Brendan DeLong

Steve Gault

Kerry Janecek

Jaron Rosien

Kathy Salazar

Mille Youngquist

ADJOURMENT

Illa Earnest, City Clerk

*Brent Hinson, City Administrator
Sandra Johnson, Mayor
Illa Earnest, City Clerk
Kevin Olson, City Attorney*



*215 East Washington Street
Washington, Iowa 52353
(319) 653-6584 Phone
(319) 653-5273 Fax*

Memorandum

April 20, 2017

To: Mayor & City Council
Cc: Illa Earnest, City Clerk

From: Brent Hinson
City Administrator

Re: Wellness Park Project

As approved in the CIP and FY18 Budget, it is now time to get moving forward on the Wellness Park project. If we want to set things up for 2018 construction, there are many things that will need to happen in 2017. As such, there are a number of initial decisions for the Council to consider:

- 1) Appointment of Committee: see the attached resolution. Nick Pacha has worked hard to get a strong committee identified to work on this project.
- 2) Selection of Engineer: Nick and I are currently serving on a committee developing a countywide trails plan, and we are in the process of selecting an engineering firm to develop this plan. We received seven proposals, from essentially all the firms in the area that specialize in trails and recreation, and will be conducting interviews of the top 3-4 firms in the next couple of weeks. I propose that, in the interest of time and efficiency, the Council authorize Nick and I to solicit a proposal for Council consideration from the firm selected in this process.
- 3) Review of Project Schedule: As I alluded to above, there are many things to get done in 2017 to move things forward on this project, which has been around, conceptually at least, since 2006. This project schedule could be affected by the possibility of jointly applying for grants with the YMCA, among other factors.

The Council established a City budget of \$1.2 million for this project. While it is likely we will need various grants, in-kind donations, etc. to make this project budget work, it is exciting to be moving forward.

RESOLUTION NO. _____

**A RESOLUTION CREATING A WELLNESS PARK
PROJECT COMMITTEE AND CONFIRMING APPOINTMENTS**

WHEREAS, the City Council wishes to move forward with formal planning and design for a Wellness Park, to be located on City-owned land in the northwest part of Washington; and

WHEREAS, the Council wishes to engage a committee to assist in this process.

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

Section 1. The City Council approves the creation of a Wellness Park Project Committee to guide the process of facility planning, design and construction, subject to City Council approval as necessary.

Section 2. The City Council accepts the recommended appointments of Nick Pacha, Trent Stout, Eric Turner, Mark Kendall, Nathan Miller, Deran DeLong, Alissa Levy, Chad McCleary and Kyle Wellington to the Committee.

Section 3. The City Council hereby empowers the Park Board to designate up to two current or incoming board members as a member of the Committee, without further action from the Council.

PASSED AND APPROVED this 25th day of April, 2017.

Sandra Johnson, Mayor

ATTEST:

Illa Earnest, City Clerk

Washington Wellness Park Project Preliminary Schedule
As of 4/21/17

<u>Date</u>	<u>Action</u>	<u>Complete</u>
April 25, 2017	<ul style="list-style-type: none"> • Council establishes Wellness Park Project Committee • Council provides direction on utilizing countywide trails plan engineer for Wellness Park design 	
Week of May 1	<ul style="list-style-type: none"> • Committee begins meeting with initial topics including: <ul style="list-style-type: none"> ○ General project discussion ○ Determination of other comparable facilities to visit ○ Discussion of grant/in-kind donation opportunities 	
May	<ul style="list-style-type: none"> • Conclusion of countywide trails plan RFP process, hiring of engineer and solicitation of engineering proposal for Wellness Park • Council consideration of engineering proposal and finalization of contract with engineer • Committee site visits to similar facilities in comparable communities • Committee/City discussions with neighboring property owners • Committee applications for grants and logistical work on in-kind donations (continue as needed throughout process) 	
June	<ul style="list-style-type: none"> • Committee continues site visits to similar facilities in comparable communities • Committee begins working with engineer on conceptual design and cost estimation 	
July	<ul style="list-style-type: none"> • Committee continues working with engineer on conceptual design and cost estimation • Committee presentation to Council on conceptual designs/ project parameters 	
August	<ul style="list-style-type: none"> • Engineer finalizes conceptual designs and preliminary cost estimates • Committee review and revision of conceptual designs • Committee presentation to Council on conceptual designs 	
September/ October	<ul style="list-style-type: none"> • Public charette/presentations, presentations to service clubs, other community involvement activity 	
November	<ul style="list-style-type: none"> • Committee/Council consideration of any design/concept changes based on public feedback • Council authorizes engineer to proceed with final design 	
December 2017/ January 2018	<ul style="list-style-type: none"> • Engineer works on final design 	
February	<ul style="list-style-type: none"> • Initiate bond proceedings, subject to advice from financial 	

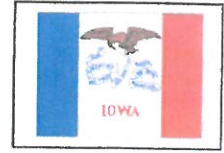
Washington Wellness Park Project Preliminary Schedule

As of 4/21/17

	<p>adviser</p> <ul style="list-style-type: none">• Committee review of final design	
March	<ul style="list-style-type: none">• Engineer prepares detailed plans, specifications and final cost estimates• Presentation to City Council• Council approves contract procedure	
April	<ul style="list-style-type: none">• Bid out project, receive and consider bids	
May/June	<ul style="list-style-type: none">• Construction begins	
June 2019	<ul style="list-style-type: none">• Construction completed	



**Washington Police Department
215 E. Washington
Washington, IA 52353**



Chief of Police Greg Goodman
Investigator/Lt. Shawn Ellingson
Lieutenant Ron See
Lieutenant Lyle Hansen

phone: 319-653-2256
Tip: 800-847-7492
Fax: 319-653-2317

4/21/2017

TO: City Council and Mayor
FROM: Chief Greg Goodman
RE: Change Animal Ordinance chapter 55 City Code

All,

With discussion that the council had and issues we were finding with portions of the animal code we have made revisions as follows:

1. Section 55.01 – Vicious Animal has been amended
2. Section 55.10 – Animals at Large Prohibited has been amended
3. Section 55.16 – Seizure, Impoundment, and Disposition of Vicious Dogs, Illegal Animals, and Dangerous Animals has been amended. This code has been streamlined for an easier process for Vicious and Dangerous animals and declaring them such.
4. Section 55.02 – Animal Neglect or Cruelty has been amended. The section of the code that has been amended is on the tethering of a dog for no more than 5 hours in a 24 hour period. This is unenforceable in its current form so I took information from The National Humane Society and placed it in this code section. The section now is enforceable and reduces when a dog can be tethered outside. It is a known and proven fact that it is not good for an animal to be tethered outside and in fact can cause a dog to become vicious.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg L. Goodman".

Greg L. Goodman
Chief of Police
Washington, IA. 52353

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.13 Quarantine
55.02 Animal Neglect or Cruelty	55.14 Disposal Of Infected Or Toxic Animal
55.03 Minimum Confinement Area	55.15 Confinement Of Female Dogs Or Cats In Heat
55.04 Abandonment of Cats & Dogs	55.16 Seizure, Impoundment And Disposition Of Vicious Dogs, Illegal Animals And Dangerous Animals
55.05 Livestock Neglect	55.17 Keeping Of Illegal Animals Prohibited
55.06 Livestock	55.18 Dangerous or Illegal Animals Exceptions
55.07 Damage or Injury	55.19 Immediate Seizure Or Destruction Of Animals
55.08 Annoyance or Disturbance	55.20 Permanent Removal From City
55.09 owner's Duty	55.21 Animal Waste
55.10 Dogs and Cats At Large Prohibited	55.22 Pet Awards Prohibited
55.11 Impounding and Disposition	55.23 Liability For Damages
55.12 Rabies Control	55.24 Trapping of Animals

55.01 DEFINITIONS. The following terms are defined for use in this chapter:

1. "Adequate shelter" means that each of the following exists:
 - A. Shelter from Sunlight. When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all animals kept outdoors to protect themselves from the direct rays of the sun.
 - B. Shelter from Rain or Snow. All animals kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.
 - c. Shelter From Cold Weather. Shelter shall be provided for all animals kept outdoors when the atmospheric temperature falls below fifty (50) degrees Fahrenheit. Sufficient clean bedding material or other means of protection from the weather shall be provided when the ambient temperature falls below that temperature to which the species is acclimated.
 - D. Drainage. A suitable method shall be provided to rapidly eliminate excess water from the living area of the animal.

2. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.
3. "Allow" or "Permit" means to allow to be done or occur; to tolerate; to agree to; or to provide opportunity for.
4. "Animal" means any living creature not human.
5. "At Large" means off the premises of the animal's owner and not under the control of a competent person, whether by use of a leash or electronic device; restrained within a motor vehicle; or housed in a veterinary hospital or kennel.
6. "Business" means any enterprise relating to any of the following:
 - A. The sale or offer for sale of goods or services.
 - B. A recruitment for employment or membership in an organization.
 - C. A solicitation to make an investment.
 - D. An amusement or entertainment activity.
7. "Cat" means any member of the feline species.
8. "Confinement Area" means the outdoor portion of an owner's property occupied by and available to an animal.
9. "Dangerous Animal" means:
 - A. Any animal which is not naturally tame or gentle, which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon or causing disease among human beings or domestic animals and having known tendencies to do so;
 - B. Any animal declared to be dangerous by the Council; and
 - C. Any animal defined by this ordinance as an "illegal animal".
10. "Dog" means any member of the canine species.

11. "Fair" means any of the following:
 - A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the Code of Iowa or any fair event conducted by a fair under the provisions of Chapter 174 of the Code of Iowa.
 - B. An exhibition of agricultural or manufactured products.
 - c. An event for operation of amusement rides or devices or concession booths.
12. "Game" means a "game of chance" or "game of skill" as defined in §99B.1 of the Code of Iowa.
13. "Illegal Animal" means:
 - A. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition; and which is capable of killing, inflicting serious injury upon or causing disease among human beings or domestic animals and having known tendencies as a species to do so;
 - B. Any animal declared to be illegal by the City Council;
 - c. Any non-domesticated member of the order of carnivore which as an adult exceeds the weight of 20 pounds;
 - D. Any of the following animals, which shall be deemed to be illegal animals, per se:
 - (1) Lions, tigers, jaguars, leopards, cougars, lynx and bobcats;
 - (2) Wolves, coyotes and foxes;
 - (3) Badgers, wolverines, weasels, and skunk and mink;
 - (4) Raccoons;
 - (5) Bears;
 - (6) Monkeys and chimpanzees;
 - (7) Bats;
 - (8) Alligators and crocodiles and caimans;
 - (9) Scorpions;
 - (10) Snakes and reptiles which are venomous;

- 1
- (10) Snakes that are constrictors over six feet in length;
 - (11) Gila monsters;
 - (12) Opossums;
 - (13) All apes, baboons and macaques;
 - (14) Piranhas;
 - (15) Any crossbreed of such animals which have similar characteristics to the animals specified above.

4. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas, emus; farm deer as defined in §170.1 of the Code of Iowa; or poultry.

15. "Live Trap" means a box style trap designed for catching an animal alive and uninjured.

~~16. "Offending Animal" means a "vicious dog", "illegal animal" or a "dangerous animal" as defined hererin.~~

~~17-16.~~ "Owner" means any person owning, keeping, sheltering or harboring an animal (or allowing the keeping, sheltering or harboring of an animal on the premises of said person.

~~18-17.~~ "Pet" means a living dog, cat or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko or iguana.

~~19-18.~~ "Vicious Animal. An animal is deemed to be vicious when it shall have attacked or bitten any person or ~~licensed~~ animal without provocation or when the ~~propensity~~ propensity to attack or bite any person or ~~licensed~~ animal exists and such propensity is known to the owner, or should have been reasonably known to the owner. ~~DOS~~ means:

~~A. Any dog which has attacked a human being or domestic animal one or more times, without provocation;~~

~~B. Any dog with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals;~~

~~C. Any dog that snaps, bites or manifests a disposition to snap or bite;~~

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~~D. Any dog that has been trained for dog fighting, animal fighting or animal baiting or is owned or kept for such purposes;~~

(Code of Iowa, Sec. 351.2)

(Ord. 921 - 2012 Supp.)

~~55.02—ANIMAL NEGLECT OR CRUELTY. No person who impounds or confines, in any place, any domestic animal or fowl or dog or cat shall fail to supply such animal during confinement with a sufficient quantity of food and water, or shall fail to provide the dog or cat with adequate shelter, or shall torture, torment, mutilate, beat, or kill such animal by any means which causes unjustified pain, distress or suffering. It is unlawful to chain, tether or otherwise attach a dog to a stationary object for more than five hours during any 24-hour period. (Code of Iowa, Sec. 717B.3)~~

Any enclosure used as a primary means of confinement for a dog must meet the definition of proper enclosure as stated in this code. It shall be unlawful for a responsible party to tether a dog while outdoors, except when ALL of the following conditions are met. This section shall not apply to the transportation of dogs:

- 1) The dog is in visual range of the responsible party, and the responsible party is located outside with the dog.
- 2) The tether is connected to the dog by a buckle-type collar or body harness made of nylon or leather, not less than one inch in width.
- 3) The tether has the following properties: it is at least five times the length of the dogs body, as measured from the tip of the nose to the base of the tail; it terminates at both ends with a swivel; it does not weigh more than twice of the dogs weight; and it is free of tangles.
- 4) The dog is tethered in such a manner as to prevent injury, strangulation, or entanglement.
- 5) The dog is not outside during a period of extreme weather, including without limitation extreme heat or near-freezing temperatures, thunderstorms, or tornadoes or other types of strong storms, including ice and snow.
- 6) The dog has access to water, shelter, and dry ground.
- 7) The dog is at least 6 months of age. Puppies shall not be tethered.
- 8) The dog is not sick or injured.
- 9) Pulley, running line, or trolley systems are at least 15 feet in length and are less than 7 feet above the ground.

Violation of this section can result in the confiscation of the animal and/or the issuance of a criminal or municipal infraction citation. ~~d-a fine.~~

~~55.03~~55.02 MINIMUM CONFINEMENT AREA. It shall be unlawful for an owner to fail to provide a confinement area of less than the following:

1. For one dog under 50 pounds: 6 feet by 10 feet (60 square feet)
2. For one dog over 50 pounds or two dogs under 50 pounds: 8 feet by 10 feet (80 square feet)
3. For two dogs over 50 pounds each or three dogs under 50 pounds: 8 feet by 12 feet (96 square feet)
4. For three dogs over 50 pounds each or four dogs under 50 pounds: 10 feet by 14 feet (140 square feet)
5. Four dogs over 50 pounds each: 12 feet by 16 feet (192 square feet)
6. For five or more dogs, a minimum of 48 square feet per dog.
7. In any case in which an owner has a mix of dogs weighing below and above 50 pounds, the greater confinement space requirement as listed above shall be required.

55.04 ABANDONMENT OF CATS AND DOGS. A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.

(Code of Iowa, Sec. 717B.7)

55.05 LIVESTOCK NEGLECT. It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means which causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

(Code of Iowa, Sec. 717.2)

55.06 LIVESTOCK. It is unlawful for a person to keep livestock within the City except by written consent of the Council or except in compliance with the City's zoning regulations.

55.07 DAMAGE OR INJURY. It is unlawful for any owner to allow or permit an animal to attack persons or domestic animals, to destroy property, to cause personal injury or to place persons in danger of attack or injury.

55.08 ANNOYANCE OR DISTURBANCE. It is unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, or otherwise; or, by running after or chasing persons, bicycles, automobiles or other vehicles.

55.9 OWNERS DUTY. It is the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to suffering from rabies.

(Code of Iowa, Sec. 351.38)

55.10 ~~ANIMALS DOGS AND CATS~~ AT LARGE PROHIBITED. It is unlawful for any owner or person assigned control over any animal lawfully allowed in the City to allow said animal to run at large as defined in Section 55.01(5) of this Ordinance. Any animal found to be at large shall be presumed to be so as the result of lack of sufficient supervision by the animal's owner. Proof that said animal was at large shall constitute in evidence a prima facie presumption in any proceeding charging an owner with a violation of this section. ~~It is unlawful for any owner or person assigned control of said animal to allow a dog or cat to run at large, as defined in Section 55.01(5) of the Washington Municipal Code of Ordinances, within the corporate limits of the City. Any dog found at large shall be presumed to be so as a result of lack of sufficient supervision by its owner. Proof that said dog was at large shall constitute in evidence a prima facie presumption in any proceeding charging an owner with a violation of this section.~~

55.11 IMPOUNDING AND DISPOSITION.

1. Any ~~animal dog or cat found~~ animal at large in violation of this chapter shall be seized and impounded.

2. The owner of such animal ~~dog or cat~~ shall be notified that the animal ~~dog or cat~~ has been impounded. Such owner may repossess such animal ~~dog or cat~~ upon payment to the Clerk of the sum of twenty-five dollars (\$25.00) as an impounding fee for the first offense; fifty (\$50.00) as an impounding fee for the second offense for the same owner or home residence within the same calendar year; and one hundred dollars (\$100.00) as an impounding fee for the third and each successive offense thereafter for the same owner or home residence within the same calendar year.
3. Impounded animals ~~dogs or cats~~ may be recovered by the owner upon proper identification and by compliance with the provisions of this Chapter.
4. When an animal has been apprehended and impounded, written notice shall be given in not less than two (2) days to the owner, if known. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated animal, by having it immediately vaccinated. If the owner does not redeem the animal within seven (7) days of the date of notice, or if the owner cannot be located with seven days, the animal may be humanely destroyed or otherwise disposed of in accordance with the law.

- 55.12 RABIES CONTROL. All dogs and cats six (6) months or more of age shall be immunized against rabies and a current rabies vaccination tag, furnished by a licensed veterinarian, shall be attached to the animals collar or harness. Dogs or cats not immunized or without a current rabies vaccination tag may be seized and impounded as provided in Section 55.12 of this chapter.
- 55.13 QUARANTINE. The owner of any [animal](#) ~~dog or cat~~ which is suspected of having rabies, or which shall have bitten any person, shall upon demand by the Police Chief, produce and surrender up such [animal](#) ~~dog or cat~~ to be held in quarantine for observation for that period necessary to detect the existence or nonexistence of rabies. [An animal](#) ~~A dog or cat~~ with proof of current rabies vaccination may be quarantined at the owner's home or another suitable location as determined by the Police Chief. [An animal](#) ~~dog or cat~~ without proof of current rabies vaccination must be quarantined under the care of a licensed veterinarian or as otherwise determined by the Police Chief for a minimum of ten (10) days. The cost of caring for a quarantined [animal](#) ~~dog or cat~~ shall be paid by the owner.
- 55.14 DISPOSAL OF INFECTED OR TOXIC ANIMAL. If, upon examination by a licensed veterinarian, any animal shall prove infected with rabies or otherwise toxic, such dog or cat shall be disposed of and it shall be the duty of said veterinarian to notify the City Health Officer or any positive rabies case found, without delay.
- 55.15 CONFINEMENT OF FEMALE DOGS OR CATS IN HEAT. The owner any female dog or cat in heat shall confine said female dog or cat in a building, or otherwise keep the same in such manner so that said female dog or cat cannot come into contact with another animal except for planned breeding.
- 55.16 SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS DOGS, ILLEGAL ANIMALS AND DANGEROUS ANIMALS.
1. It is unlawful for any person to keep, maintain harbor or have in his or her possession any dangerous or illegal animal within the City, except as outlined in Section 55.17. Any illegal or dangerous animal shall be impounded using any reasonable method.
 2. It is unlawful for any person to keep, maintain or harbor a vicious animal within the City.

3. If any animal is accused of being vicious under subsection 2 above, whether the animal is at-large or restrained on private property, the Police Chief or his or her designee may cause the impounding of said animal. Within five (5) days following notice of such impoundment, the City Administrator or his or her designee shall schedule a hearing thereon, giving the animal's owner at least five (5) days advance notice of said hearing. Pending the hearing, said animal shall be impounded in the municipal shelter or pound.

4. The hearing shall be to determine the following:

a. Whether or not the animal is vicious;

b. Whether or not the owner has failed to reasonably restrain the animal;
and

c. Whether or not it is in the public interest to humanely destroy said animal.

The hearing before the City Administrator or his or her designee shall be conducted in accordance with rules promulgated therefor.~~1.~~

5. If pursuant to subsection 4, a determination is made that the animal is Vicious, that the owner has failed to reasonably restrain said animal and that it is in the best interest of the public to destroy said animal, then the animal shall be humanely destroyed within five (5) days of the issuance of the City Administrator's written ruling. The owner of said animal may appeal said decision to the City Council within five (5) days of the filing of the City Administrator's ruling, and after hearing in front of the City Council and decision thereby, the owner may appeal the decision of the City Council to a court of competent jurisdiction within five (5) days of the City Council's written ruling.

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6. Any animal found at-large and behaving in an unusual, dangerous, unresponsive or aggressive manner may be promptly destroyed by a police officer.

~~The Police Chief, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a vicious dog, illegal animal, or dangerous animal as defined herein, may initiate proceedings to declare said animal an "offending animal." If the owner contest said designation, a hearing on the matter shall be conducted by the City Council. The person owning, keeping, sheltering or harboring the offending animal in question shall be given not less than 72 hours' written notice of the time and place of said hearing. Said notice shall set forth the description of the offending animal in question and the basis for the allegation of viciousness. The notice shall be served upon any adult residing at~~

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~~the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.~~

- ~~2. If, after hearing, the City Council determines an animal is an offending animal held in violation of this chapter as set out in the notice of hearing, the Council shall order the person owning, sheltering or harboring or keeping the animal to confine the animal as required by this chapter, or remove it from the City or have it destroyed. The order shall immediately be served upon the person against whom it is issued in the same manner as the notice of hearing. If the order is not complied with within three days of its issuance, the Police Chief is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the person against whom the order of the City Council was issued has not appealed such order, or has not complied with the order, the Police Chief shall cause the animal to be destroyed. Before being returned to the owner, an unaltered dog shall be surgically spayed or neutered, unless the dog has been duly registered for breeding purposes. (Ord. 1009-2013 supp)~~
- ~~3. Failure to comply with an order of the City Council if not appealed is a misdemeanor.~~

~~4. Any animal which is alleged to be an offending animal and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner, if the dog is determined to be vicious or the animal is found to be an offending animal. If the dog is not determined to be vicious or the animal is found not to be offending, all costs shall be paid by the City except cost attributable to initial confinement prior to notice or costs of any required quarantine which shall nonetheless be paid by the owner.~~

55.17 KEEPING OF DANGEROUS OR ILLEGAL ANIMALS PROHIBITED. No person shall keep, shelter, or harbor any dangerous or illegal animal as a pet, or act as a temporary custodian for such animal, or keep, shelter or harbor such animal for any other purpose or in any other capacity with the City except as provided in Section 55.18 of this chapter.

55.18 DANGEROUS OR ILLEGAL ANIMAL EXCEPTIONS. The prohibition contained in Section 55.17 of this chapter shall not apply to the keeping of dangerous or illegal animals in the following circumstances:

1. The keeping of dangerous or illegal animals in a public zoo, bona fide educational or medical institution, humane society or museum where they are kept as live specimens for the public to view or for the purpose of instruction, research or study.
2. The keeping of dangerous or illegal animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show.
3. The keeping of dangerous or illegal animals in a bona fide, licensed veterinary hospital for treatment.
4. The keeping of dangerous or illegal animals by a wildlife rescue organization with appropriate permit from the Iowa Department of Natural Resources.
5. Any dangerous or illegal animals under the jurisdiction of and in the possession of the Iowa Department of Natural Resources, pursuant to Chapters 481A and 481 B of the Code of Iowa.
6. The keeping of snakes and reptiles that are venomous and the keeping of snakes that are constrictors six feet in length and over, by any individual 18

years of age or older who (a) has received a degree or bachelor or science, based upon courses of instruction which include courses in herpetology, from an accredited college level institution, or (b) has successfully completed a course of instruction taught under the auspices of a zoo on the proper handling, care and keeping of such animals, or (c) has completed a course of instruction of at least 20 hours' duration at an accredited educational institution on the care, handling and keeping of reptiles, before the effective date of the ordinance codified by this chapter. Such person shall also apply for and receive from the Clerk a permit to keep such animals, and such application shall be on a form approved by the Council.

55.19 IMMEDIATE SEIZURE OR DESTRUCTION OF ANIMALS. Any animal found at large which is a dangerous or illegal animal as defined by this Chapter may be immediately seized anywhere within the City, in which case the Police Chief is authorized to destroy it immediately pursuant to Chapter 351 of the Code of Iowa. Any dog which is believed to be vicious and is not properly confined may be treated as a dangerous animal, and be immediately seized anywhere with the City.

55.20 PERMANENT REMOVAL FROM CITY. Any animal required by any provision of this chapter to be removed, voluntarily or otherwise, from the City, shall be so removed by its owner or the person harboring or having control of such animal to a location approved by the Police Chief. Said owner or person in control shall provide the Police Chief a notarized statement designating the place to which the animal has been removed. An animal not removed as required, or an animal which has been removed and which is again found illegally within the City shall be destroyed.

55.21 ANIMAL WASTE. It is unlawful for any person who owns, houses, leads, walks, or otherwise maintains control of any animal or pet which defecates anywhere within the City limits to fail to immediately remove the feces produced by said animal or pet to a garbage or waste receptacle after first placing said feces in a plastic or other impermeable bag and sealing said bag by tying it securely or using a "twist tie," tape or similar device to prevent the odors from escaping from said bag into the atmosphere. All structures, yards, kennels, or pens wherein any dog, cat, pet or other animal is contained must be kept clean and free from odors caused by animal waste and/or feces.

55.22 PETS AWARDS PROHIBITED.

1. Prohibition. It is unlawful for any person to award an animal or advertise that an animal may be awarded as any of the following:
 - A. A prize for participating in a game.
 - B. A prize for participating in a fair event.
 - C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
 - D. An inducement or condition for executing a contract which includes provisions unrelated to the ownership, care or disposition of the pet.
2. Exceptions. This section does not apply to any of the following:
 - A. A pet shop licensed pursuant to §162.5 of the Code of Iowa if the award of an animal is provided in connection with the sale of an animal on the premises of the pet shop.
 - B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Isaac Walton League of America; or organizations associated with the outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen's Federation.

55.23 LIABILITY FOR DAMAGES. The owner of an animal shall be liable to an injured party for all damages done by the animal, when the animal is caught in the action of worrying, maiming or killing a domestic animal, or the animal is attacking or attempting to bite a person, except when the party damaged is doing an unlawful act, directly contributing to the injury. This section does not apply to damage done by an animal affected with hydrophobia unless the owner of the animal had reasonable grounds to know that the animal was afflicted with hydrophobia and by reasonable effort might have prevented the injury.

55.24 TRAPPING OF ANIMALS. Only box style live traps shall be allowed within the city limits.

(Ord. 995-2012 supp)

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF WASHINGTON, IOWA, BY AMENDING CHAPTER 65.02 "SPECIAL STOPS REQUIRED"- CEDAR DRIVE AND SOUTH 11TH AVENUE

BE IT ORDAINED by the City Council that the Code of Ordinances of the City of Washington, Iowa be amended as follows:

SECTION 1. **Delete Phrase.** Section 65.02, "Special Stops Required", Paragraph 12 is hereby repealed.

SECTION 2. **Add Phrase.** Section 65.02, "Special Stops Required", New Paragraph 12 "Cedar Drive and South 11th Avenue (northbound stop)."

SECTION 3. **Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. **Effective Date.** This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed and approved this _____ day of _____, 2017.

Sandra Johnson, Mayor

Attest:

Illa Earnest, City Clerk

Approved on First Reading: _____ April 18, 2017 _____

Approved on Second Reading: _____

Approved on Third & Final Reading: _____

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, 2017.

City Clerk

ORDINANCE NO. _____

**AN ORDINANCE CREATING A NEW CHAPTER 23-
PARK AND RECREATION BOARD IN THE CODE OF
ORDINANCES OF THE CITY OF WASHINGTON**

BE IT ENACTED by the City Council of the City of Washington, Washington County, Iowa:

SECTION 1. Purpose: The purpose of this ordinance is to create an appointed board named the Park and Recreation Board, which will replace the elected Board of Park Commissioners.

SECTION 2. A new Chapter 23 of the Code is created as follows:

23.01 BOARD CREATED. There is hereby established a Park and Recreation Board for the oversight of City-owned parks, recreational activities and other duties and functions as listed in Section 23.05.

23.02 BOARD ORGANIZATION. The Mayor, with the approval of the Council, shall appoint five (5) citizens of legal age to four (4) year terms. The Mayor and Council are to see that terms of no more than three (3) members expire in any single year, and are empowered to take action to ensure proper staggering of terms. At the first regular meeting following January 1 of each year, the Board shall elect one of its members as Chairperson and one as Secretary.

23.03 COMPENSATION. Members of the board shall serve without compensation, except for their actual expenses, which shall be subject to the approval of the Council.

23.04 ANNUAL REPORT. The Board shall provide orally or in written form an annual report of its activities to the City Council.

23.05 DUTIES. The Board shall have the following duties, functions and powers:

A. To act in an advisory capacity to the Council in all matters pertaining to public recreation, and as such, shall develop plans for the maintenance and improvement of parks and recreational programs.

B. To exert advisory authority over the activities of personnel dedicated to parks and recreation, in cooperation with the City Administrator.

C. To develop a proposed budget for review by the City Council, in coordination with the processes followed by all departments of the City, and to responsibly manage and monitor the adopted budget.

D. To oversee the administration of all monetary gifts given to the City for park purposes.

E. To establish rules and guidelines for the use of public parks and facilities under its authority, with the approval of the City Council, and to advise the Council on any proposed ordinances for the regulation and operation of public parks.

F. To maintain all median strips in the same manner as public parks.

G. To advise the Council in matters of land acquisition and land development for public parks.

H. To set forth procedural guidelines for its operation.

SECTION 3. The original appointment of the members of the Board shall be two members (2) for two (2) years, and three members (3) for four (4) years, from July 1 following the year of such appointment or until their successor is appointed to serve for the term of four (4) years.

SECTION 4. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. This Ordinance shall be in effect July 1, 2017 at 12:00 a.m. following its final passage, approval and publication as provided by law.

Passed and approved this _____ day of _____, 2017.

Sandra Johnson, Mayor

Attest:

Illa Earnest, City Clerk

Approved on First Reading: _____ April 18, 2017 _____

Approved on Second Reading: _____

Approved on Third & Final Reading: _____

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, 2017.

City Clerk

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING LEVY,
ASSESSMENT, AND COLLECTION OF COSTS TO
THE WASHINGTON COUNTY TREASURER.

WHEREAS, the City of Washington, Iowa is empowered to levy, assess, and collect costs of delinquent water service accounts to the property owner and,

WHEREAS, water service charges remain unpaid and delinquent for the following listed property owner:

The property of Keith Moen and Catherine Mayberry located at 615 E. 2nd Street for the amount of \$285.22 Legal description (04 04 NE Wash) Parcel number (11-17-409-003).

The property of Kristy M. Ryza at 1303 E 3rd Street for the amount of \$468.33. Legal description (05 05 SMOUSES 2ND ADD LOT 4 & E 35 FT) Parcel number (11-16-304-002)

and,

WHEREAS, due notice was given to the above property owners that said amount would be assessed to the property if payment was not made or an appeal was not made,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WASHINGTON, IOWA that the City Clerk be instructed to certify the above delinquent payment to be assessed against said property as listed above and that the City Clerk certify a copy of this resolution to the Washington County Treasurer.

Passed and Approved this 25th day of April, 2017.

Sandra Johnson, Mayor

Attest:

Illa Earnest, City Clerk

*Brent Hinson, City Administrator
Sandra Johnson, Mayor
Illa Earnest, City Clerk
Kevin Olson, City Attorney*



*215 East Washington Street
Washington, Iowa 52353
(319) 653-6584 Phone
(319) 653-5273 Fax*

Memorandum

April 20, 2017

To: Mayor & City Council
Cc: Illa Earnest, City Clerk

From: Brent Hinson
City Administrator

Re: Library Trust/Gift Resolution

The resolution the Council passed on April 18 had the transfers going to 670 (Sanitation) instead of 570 (Library Gift). Sorry for this error.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING INTERFUND TRANSFERS

WHEREAS, the Washington Free Public Library has heretofore kept the majority of its gifts and bequests in Fund 910 "Library Trust"; and

WHEREAS, it has been determined by a detailed analysis that none of the gifts and bequests received had donor stipulations placed on them prohibiting the expenditure of principal; and

WHEREAS, the Library Board has requested that the fund balance in Fund 910, \$218,959.19 be moved to Fund 570 "Library Gift" for future expenditures as approved by the Board; and

WHEREAS, in order to properly reconcile the Library's records with the City's records, it is necessary to transfer an additional \$52.14 from Fund 001 "General Fund" to Fund 670 "Library Gift"; and

WHEREAS, unless explicitly stated in the gift or bequest, all future gift and bequests to the Library will be deposited in Fund 570.

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

Section 1. The City Council hereby directs that \$218,959.19, or the total fund balance with interest as of the date of transfer, whichever is more, be transferred from Fund 910 "Library Trust" to Fund 570 "Library Gift".

Section 2. The City Council hereby directs that \$52.14 be transferred from Fund 001 "General Fund" to Fund 570 "Library Gift" to fully reconcile the Library's records with the City's.

Section 3. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed, to the extent of such conflict.

PASSED AND APPROVED this 25th day of April, 2017.

Sandra Johnson, Mayor

ATTEST:

Illa Earnest, City Clerk