

Council Minutes 04-07-2010

The Council of the City of Washington, Iowa met in Regular Session in the Former Washington Public Library Building (120 E. Main Street) at 6:00 P.M., Wednesday, April 7, 2010. Mayor Sandra Johnson in the Chair. On roll call: Present: Stark, Roth, Zieglowsky, Wilson-Johnson. Absent: Hagie, Shepherd.

Motion by Stark, seconded by Wilson-Johnson, that the agenda for the Regular Session to be held at 6:00 P.M., Wednesday, April 7, 2010 be approved as proposed. Motion carried unanimously.

Motion by Roth, seconded by Wilson-Johnson, that the consent agenda be approved. Motion carried unanimously.

Consent Agenda:

1. Minutes 03-17-10
2. American Waterjet Cutting, Chlorine Generator Plates, \$5,647.36
3. Fox Engineering, Wastewater Treatment Facility Project, \$59,360.00
4. Goodwin Law Office, Professional Services, \$3,847.27
5. Iowa Bridge & Culvert, New Library Project, Pay App. #5. \$14,705.05
6. Carl A. Nelson & Co., New Library Project, Pay App. #18, \$15,698.00

Motion by Roth, seconded by Stark, that the claims as presented be approved for payment. Motion carried unanimously.

Mayor Johnson announced that now is the time for the public hearing for the Fiscal Year 2010-2011 Budget. No written or oral objections were received. Motion by Stark, seconded by Roth, to close the public hearing. Roll call on said motion as follows: Ayes: Stark, Roth, Zieglowsky, Wilson-Johnson. Motion carried unanimously.

Motion by Stark, seconded by Wilson-Johnson, to adopt the Fiscal Year 2010-2011 Budget. Roll call on said motion as follows: Ayes: Stark, Roth, Zieglowsky, Wilson-Johnson. Motion carried unanimously. **(Resolution No. 2010-9)**

Mayor Johnson announced that now is the time for the "Final Reading of An Ordinance Amending the Code of the City of Washington, Iowa Chapter 50.13 and Adding Chapter 51 Entitled "Junk & Junk Vehicles".

After discussion with Ron Greiner, motion by Roth, seconded by Stark, to table the proposed ordinance. Roll call on said motion as follows: Ayes: Stark, Roth, Zieglowsky, Wilson-Johnson. Motion carried unanimously

Mayor Johnson announced that now is the time for the first reading of an Ordinance Amending the Municipal Code of the City of Washington, Iowa Chapter 66 by Changing the Title to "Traffic Restrictions" and Adding Paragraph 66.04 "No Through Truck Zones".

Motion by Stark, seconded by Wilson-Johnson, to pass the proposed ordinance to the second reading. Roll call on said motion as follows: Ayes: Stark, Roth, Zieglowsky, Wilson-Johnson. Motion carried unanimously

Motion by Zieglowsky, seconded by Wilson-Johnson, to approve the Iowa DOT Speed Study recommendations for speed changes on E. Washington Street and direct staff to prepare an

ordinance reflecting the changes. Vote on said motion: Ayes: Roth, Zieglowsky, Wilson-Johnson. Nays: Stark. Motion carried.

Motion by Zieglowsky, seconded by Stark, to adopt the Resolution Setting Date of May 19, 2010 for the Public Hearing to Consider a Proposed Public Improvement Project to Construct a Wastewater Treatment Plant and a Gravity Sewer. Roll call on said motion as follows: Ayes: Stark, Roth, Zieglowsky, Wilson-Johnson. Motion carried unanimously. **(Resolution No. 2010-10)**

Motion by Roth, seconded by Wilson-Johnson, to adopt the Resolution Approving "The Green Toads" Application to the Washington County Riverboat Foundation. Roll call on said motion as follows: Ayes: Stark, Roth, Zieglowsky, Wilson-Johnson. Motion carried unanimously. **(Resolution No. 2010-11)**

Motion by Roth, seconded by Zieglowsky, to approve the sale of two wastewater treatment plant trucks for scrape. Motion carried unanimously.

There were no closed sessions.

The cable committee will meet at 4:00 P.M., Wednesday, April 14, 2010 at 120 E. Main Street.

Motion by Stark, seconded by Zieglowsky, that the Regular Session held at 6:00 P.M., Wednesday, April 7, 2010 be adjourned. Motion carried unanimously.

Illa Earnest, City Clerk



City of Washington
215 East Washington Street
Washington, IA 52401

March 31, 2010
Invoice No: 23
Project No: 05208-B

Attn: Patrick Finney

Re: Washington Library-Phase Two

For professional services rendered for the period December 19, 2009 to March 19, 2010
for the referenced project.

Daniel J. Thies, AIA

Steven K. Knierim, AIA

Bradd A. Brown, AIA

Terry L. Gebard, AIA

David J. Sorg, AIA

Professional Services

Description	Contract Amount	% Work To Date	Amount Billed	Previous Billed	This Inv Billed
SCHEMATIC DESIGN	39,633.10	100.00%	39,633.10	39,633.10	0.00
DESIGN DEVELOPMENT	104,278.80	100.00%	104,278.80	104,278.80	0.00
CONSTRUCTION DOCS	175,827.10	100.00%	175,827.10	175,827.10	0.00
BIDDING/NEGOTIATIONS	21,636.20	100.00%	21,636.20	21,636.20	0.00
CONSTRUCT ADMIN	108,598.80	99.00%	107,512.81	106,426.82	1,085.99
	449,974.00		448,888.01	447,802.02	1,085.99

Total Professional Fee **\$1,085.99**

Reimbursable Expenses

OPN Printing	230.79
UPS	16.41
Total Reimbursable Expenses	\$247.20

Invoice Total **\$1,333.19**

Remit To:

OPN Architects, Inc.
200 Fifth Ave. SE, Ste. 201
Cedar Rapids, IA 52401
Phone (319) 363 6018
Fax (319) 363 7349

www.opnarchitects.com

insight + passion

OVER \$5000 BILL

DATE: April 13, 2010
TO: City Council
FROM: Chad McCleary
RE: Transfer Pump #2 Repair

The transfer pumps were in need of servicing and repairs, as they have not had any in several years. Northway Well and Pump did the repairs to TP #2 and the final bill came out to be \$5009.40. I was told initially, that it would not be over \$5,000 however, I should have known better with Northway and will undoubtedly use Cahoy Well and Pump for work on TR #1. Please, approve payment to Northway Well and Pump for the aforementioned amount.

Sincerely,

Chad McCleary



NORTHWAY WELL AND PUMP COMPANY

4895 - 8th Avenue, Marion, Iowa 52302

Phone: 319/377-6339

WATTS 1-800-747-6339

IN ACCOUNT WITH

•City Water Works
PO Box 516
Washington, Iowa 52353-0516

DATE OF INVOICE

3-31-10
CUSTOMER ORDER NO.

JOB NUMBER

High Service Pump #2

TERMS:

Due Upon Receipt

QUANTITY	DESCRIPTION	EXTENSION	AMOUNT
	Field Labor:		
	Two men and service truck to pull vertical turbine pump for repairs. Return and install repaired pump.		
	2-16-10 6½ hours	155.00	1,007.50
	2-26-10 6½ hours	155.00	1,007.50
	Material:		
1	1" x 19¼" stainless steel lineshaft		175.00
4	1" stainless steel lineshaft couplings	59.00	236.00
2	Rubber lineshaft bearing inserts	35.00	70.00
2	8" x 36" column pipe	290.45	580.90
1	8" x 18" column pipe		219.90
1	Bronze stuffing box bushing		109.00
18	18" of 5/16" packing		57.75
1	Shop labor 18 hours	75.00	1,350.00
1	Incoming freight charge		179.85
8	3/4" bolts 3" long		16.00
	Total		\$ 5,009.40

12699

PLEASE REMIT TO ADDRESS ABOVE

WE DO NOT SEND STATEMENTS ON CURRENT ACCOUNTS - PLEASE PAY BY INVOICE

Thank You

APPLICATION FOR CERTIFICATE FOR PAYMENT

Page One of 2 Pages

TO(OWNER):
City of Washington
215 E. Washington Street
Washington, IA 52353

PROJECT:
Washington Bandstand Improv.
Washington, IA

APPLICATION NO. 7
PERIOD TO: 3/31/2010
PROJECT NOS:

Distribution to:
☒ OWNER
☒ ARCHITECT
CONTRACTOR
CONSTRUCTION MANAGER

FROM(CONTRACTOR):
First Construction Group, Inc.
3729 West Avenue
Burlington, IA 52601

VIA(Construction Manager):

VIA(Architect)

CONTRACT DATE:

CONTRACT FOR: ALL WORK

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.

Continuation Sheet, IAI Document G703, is attached.

1. ORIGINAL CONTRACT SUM	\$275,737.00
2. Net Change by Change Orders	\$15,290.00
3. CONTRACT SUM TO DATE	\$291,027.00
4. TOTAL COMPLETED & STORED TO DATE (COLUMN G ON G702)	\$232,597.00
5. RETAINAGE:	
a. 5 % of Completed Work	\$11,629.85
b. 5 % of Stored Material	
6. TOTAL EARNED LESS RETAINAGE	\$220,967.15
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$190,608.00
8. CURRENT PAYMENT DUE	\$30,359.15
9. BALANCE TO FINISH, INCLUDING RETAINAGE	\$70,059.85

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	16,656.00	-1,366.00
Total approved this month	0.00	0.00
TOTALS	16,656.00	-1,366.00
NET CHANGES by Change Order	15,290.00	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, Information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR:

By:

Date

State of:

County of:

Subscribed and sworn to before

me this

31st

day of

March, 2010

Notary Public:

My Commission expires:

8-31-11

CERTIFICATE FOR PAYMENT

In accordance with the Contract Document, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED

(Attached explanation if amount certified differs from the amount applied for. Initial all figures on this application and on the Continuation Sheet that changed to conform to the amount certified)

CONSTRUCTION MANAGER:

By:

Date:

ARCHITECT:

By:

Date

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of Payment are without prejudice to the rights of the Owner or Contractor under this Contract.

CHAPTER 51

JUNK & JUNK VEHICLES

51.01 Definitions

51.02 Junk and Junk Vehicles - Storage

51.03 Operable Vehicles

51.04 Notice to Abate Nuisance

51.05 Notice to Abate - Contents

51.06 Failure to Comply

51.07 Administrative Fee for Abatement

51.08 Collection of Abatement Costs

51.09 Release of Impounded Vehicles - Procedure

51.10 Surrender/Release of Title

51.01 DEFINITIONS. For use in this chapter the following terms are defined:

1. "All-weather surface" means an asphalt, Portland cement concrete, turf block, brick pavers or gravel surface of sufficient thickness to adequately support a motor vehicle.
2. "Building" means a structure for the shelter or enclosure of persons, animals, or chattel.
3. "Inoperable condition" means a vehicle that (1) has a missing or defective part that is necessary for normal operation, or (2) is on blocks, jacks or other supports, or (3) does not have a current license for operation on a public roadway.
4. "Junk" means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or rear yard is not considered junk.
5. "Junk vehicle" means any vehicle, trailer or semitrailer, whether currently licensed or not, which because of any one of the following characteristics constitutes a threat to the public health, welfare, and/or safety:
 - (a) Any vehicle, trailer, or semi trailer which is rendered inoperable, or may not be lawfully operated on a public street or highway, because of a missing or broken windshield or window glass, fender, door, bumper, hood, steering wheel, driver's seat, trunk, fuel tank, wheel, engine, drive shaft, differential, battery, generator or alternator or other component part of an electrical system, or any component or structural part;
 - (b) Any vehicle, trailer or semi trailer which has become the habitat of rats, mice, snakes or any other vermin or insects;

(c) Any vehicle, trailer or semi trailer which contains stored gasoline or other fuel, paper, cardboard, wood or other combustible materials, garbage, refuse, solid waste, debris, etc.;

(d) Any vehicle, trailer or semi trailer used for storage purposes or harborage, cage or dwelling for animals of any kind;

(e) Any other vehicle, trailer or semi trailer which because of its defective or obsolete condition in any other way constitutes a threat to the public health or safety of the citizens of Washington, Iowa;

(f) Any inoperable vehicle which contains gasoline or any flammable fuel.

(Ord. 882 - Jan. 2005 Supp.)

6. "Lot" means a parcel of land whose area, in addition to the parts thereof occupied by a building or accessory structure, is sufficient to provide front, side and rear yards as specified in the zoning regulations.

7. "Motor vehicle" means a vehicle which is self-propelled and not operated upon rails.

(Code of Iowa, Sec. 321.42(a))

8. "Nuisance" means whatever is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property so as to interfere essentially with the comfortable enjoyment of life or property.

(Code of Iowa, Sec. 657.1)

9. "Outside" means to be not within an enclosed storage facility or structure and to be visible from other property, including public right-of-way.

10. "Residential area" means an area which is either classified as a residential district for zoning purposes or is regularly used by its occupants as a permanent place of abode or dwelling, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities.

11. "Restoration" means to bring back to a former condition.

12. "Undeveloped area" means a parcel of land which has no buildings or structures and which is not a park, playground, athletic field, parking area, or place used for vehicular traffic.

13. "Vital component parts" means those parts and elements of a motor vehicle that are essential to the mechanical functioning of the vehicle on a public roadway in a lawful manner, including but not limited to the motor drive train and wheels.

14. "Yard, front" means an open space extending the full width of the lot between the building and the front lot line, unoccupied and unobstructed from the ground upward, except as otherwise specified in the zoning regulations.

15. "Yard, rear" means an open space extending a full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as otherwise specified in zoning regulations.

16. "Yard, side" means an open space extending from the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward, except as otherwise specified in the zoning regulations.

51.02 JUNK AND JUNK VEHICLES - STORAGE. No junk shall be stored outside on public or private property. No junk vehicles shall be parked or stored outside in a residential area for a period of more than seven (7) calendar days. In addition, no junk vehicles shall be parked outside on display for sale, lease, or other commercial purpose, by itself or with other motor vehicles for sale, lease or other commercial purpose in any area or district of the City. The provisions of this section do not apply to any junk or a junk vehicle stored within:

1. Structure. A garage or other enclosed structure; or
2. Salvage Yard. An auto salvage yard or junkyard lawfully operated within the City.
3. Automotive Towing/Repair Business: Persons engaged in the business of towing motor vehicles, temporary storage of motor vehicles, general motor vehicle repair, and motor vehicle body repair that are lawfully operated within the City. These businesses must be located within a commercial, or industrial zoned area within the City. Furthermore, these businesses must be in full compliance with all other ordinances of the City and the laws of the State of Iowa.
4. Permit: A permit may be obtained from the City for the purpose of restoring an automobile only. This permit will be valid for one (1) year from date of issue. Permits may be obtained from City Hall at a cost of \$25.00. Permit holders must store the vehicle on an all weather surface, or in an inconspicuous place on their property. If the vehicle is stored outside, it must be covered with a secured non-transparent covering that covers the entire vehicle.

51.03 OPERABLE VEHICLES. The outside parking or storage of operable motor vehicles, or materials, supplies and equipment related thereto except as herein provided is deemed to be a public nuisance because it (a) obstructs views on streets and private property, (b) creates cluttered and otherwise unsightly areas, (c) prevents full use of residential streets for residential parking, (d) decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood, (e) endangers the safety of children at play, (f) harbors rats, insects and other undesirable pests, and (g) otherwise adversely affects property values and neighborhood patterns. Such items may be parked

or stored outside only if placed in a rear yard area, or in a front yard or side yard if such vehicle is parked or stored on a temporary basis, not to exceed twenty-four (24) consecutive hours, or if the vehicle is parked or stored on an all-weather surfaced area.

51.04 NOTICE TO ABATE NUISANCE. Whenever a junk nuisance, or a junk vehicle nuisance exists upon any property, a City official may serve notice upon the owner, owner's agent, or occupant of the property to abate the nuisance within seven (7) calendar days or within a stated longer period if the City official determines it necessary to avoid undue hardship. Such notice shall be made by one of the following methods: personal contact by phone or in person, posting the notice in a conspicuous place upon the premises where the nuisance exists, U.S. certified mail, or regular U.S. mail service.

51.05 NOTICE TO ABATE - CONTENTS. The notice to abate shall contain the following information:

1. An order to abate the nuisance or request a hearing, as provided by Section 50.21, within a stated time which shall be reasonable under the circumstances, but the maximum time for the hearing on abatement of the nuisance shall not exceed seven (7) calendar days.
2. Location of the nuisance.
3. Description of what constitutes the nuisance.
4. Statement of the act or acts necessary to abate the nuisance.
5. Statement that, if the nuisance is not abated as directed and no request for a hearing is made within the time prescribed; the City will abate the described nuisance and assess all costs against such property.

51.06 FAILURE TO COMPLY. Upon failure to comply with such notice, the City may either abate the nuisance, with costs certified to the City Council, paid by the City, and certified to the County Treasurer for property assessment and collection as taxes; and/or the City may pursue judicial recourse against the property owner, owner's agent, or occupant in accordance with Chapter 50.20 of this Code of Ordinances.

51.07 ADMINISTRATIVE FEE FOR ABATEMENT. Upon failure to comply with such abatement notice, an administrative fee of \$50 will be assessed to the property owner in addition to abatement costs. If the City abates the same violation more than once during a calendar year, the administrative fee may be assessed for each subsequent violation that occurs within one (1) calendar year.

51.08 COLLECTION OF ABATEMENT COSTS. The City Clerk shall mail a statement of the total cost to the person or persons failing to abide by the notice to abate, and, if the amount shown by the statement has not been paid within thirty (30) days, the City Clerk shall certify the costs to the county auditor and it shall then be collected with and in the same manner as general property taxes.

51.09 RELEASE OF IMPOUNDED VEHICLES – PROCEDURE. Vehicle owners that seek release of their vehicle from impound, the following procedure will be followed:

1. Full payment of all associated costs of towing, impoundment, administrative fees and any municipal infraction fines must be made in full to the City Clerk.
2. Presentation of paid receipt from the City of Washington must be presented to the contractor where the vehicle is impounded to have the vehicle released to the owner.
3. If the amount expended to abate the nuisance or condition exceeds one hundred dollars (\$100), the City shall permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law in accordance with Chapter 50.20 of this Code of Ordinances

51.10 SURRENDER/RELEASE OF TITLE. A vehicle owner may voluntarily surrender the title/proof of ownership to the City of Washington for (one) \$1.00 dollar on a vehicle that has been declared a nuisance. If the vehicle owner chooses to surrender the title/proof of ownership of the vehicle, they must do so within the 7 (seven) day Notice to Abate. If the vehicle owner chooses not to surrender the title/ownership of the vehicle, all associated costs of abatement will apply if abatement is carried out by The City of Washington. This includes any towing, impoundment, administrative fees and municipal infraction fines.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF WASHINGTON, IOWA
CHAPTER 66 BY CHANGING THE TITLE TO "TRAFFIC RESTRICTIONS" AND ADDING
PARAGRAPH 66.04 "NO THROUGH TRUCK ZONES".**

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

Section 1. **New Paragraph.** The Municipal Code of the City of Washington, Iowa is hereby amended by adding the following paragraph Chapter 66.04 "No Through Trucks Zones":

1. S. 14th Avenue, between E. Washington Street and E. Madison Street, indicated by a "No Through Truck" sign located 150 to 250 feet south of the centerline of E. Washington Street.
2. S. 15th Avenue, between E. Washington Street and E. Madison Street, indicated by a "No Through Truck" sign located 150 to 250 feet south of the centerline of E. Washington Street.
3. E. Madison Street, between S. 14th and S. 15th Avenues, indicated by the signs on S. 14th and S. 15th Avenues.

Section 3. **Definition.** The definition of trucks does not include pickup trucks or vans .

Section 4. **Repealer.** All ordinances or parts thereof in conflict with the foregoing provisions are hereby repealed.

Section 5. **Effective Date.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed and approved this _____ day of May, 2010.

Sandra Johnson, Mayor

Attest:

Illa Earnest, City Clerk

ORDINANCE NO.

**AN ORDINANCE AMENDING THE MUNICIPAL CODE
OF THE CITY OF WASHINGTON, IOWA, BY CHANGING
SPEED ZONES ON EAST WASHINGTON STREET.**

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

Section 1. **Delete Phrase.** Section 63.12, "Special 30 MPH Speed Zones", paragraph 1 "on East Washington Street (State Highway 92) between South Seventh Avenue and South 15th Avenue" is repealed.

Section 2. **Delete Phrase.** Section 63.14, "Special 40 MPH Speed Zones", paragraph 1 "on East Washington Street (State Highway 92) between South 15th Avenue and the east City limits" is repealed.

Section 3. **Repealer.** All ordinances or parts thereof in conflict with the foregoing provisions are hereby repealed.

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

Passed and approved this ____ day of _____, 2010

Sandra Johnson, Mayor

Illa Earnest, City Clerk

ORDINANCE NO.

**AN ORDINANCE AMENDING THE MUNICIPAL CODE
OF THE CITY OF WASHINGTON, IOWA, BY CHANGING
SPEED ZONES ON EAST WASHINGTON STREET.**

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

Section 1. **Delete Phrase.** Section 63.12, "Special 30 MPH Speed Zones", paragraph 1 "on East Washington Street (State Highway 92) between South Seventh Avenue and South 15th Avenue" is repealed.

Section 2. **New Phrase.** Section 63.13 "Special 35 MPH Speed Zones" of the Municipal Code of the City of Washington, Iowa, is hereby amended by adding the following paragraph:

9. East Washington Street (State Highway 92) between South 7th Avenue and South 15th Avenue.

Section 3. **Delete Phrase.** Section 63.14, "Special 40 MPH Speed Zones", paragraph 1 "on East Washington Street (State Highway 92) between South 15th Avenue and the east City limits" is repealed.

Section 4. **New Phrase.** Section 63.13 "Special 40 MPH Speed Zones" of the Municipal Code of the City of Washington, Iowa, is hereby amended by adding the following paragraph:

1. East Washington Street (State Highway 92) between South 15th Avenue and 330+/- feet east of Airport Road.

Section 5. **New Section.** Section 63.16 "Special 50 MPH Speed Zones" A speed in excess of fifty (50) miles per hour is unlawful on any of the following designated streets or parts thereof:

1. East Washington Street (State Highway 92) from 330+/- feet east of Airport Road to the easternmost City limits.

Section 6. **Repealer.** All ordinances or parts thereof in conflict with the foregoing provisions are hereby repealed.

Section 7. **Effective Date.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed and approved this ____ day of _____, 2010

Sandra Johnson, Mayor

Illa Earnest, City Clerk

Current Washington code reads:

CHAPTER 80

ABANDONED VEHICLES

80.01 AUTHORITY UNDER STATE CODE. Taking into custody and disposal of any abandoned vehicle on public or private property shall be done under authority of and in accordance with the provisions of Section 321.89 and 321.90 of the Code of Iowa.

For consideration

CHAPTER 80

ABANDONED VEHICLES

80.01 Definitions

80.02 Authority to Take Possession of Abandoned Vehicles

80.03 Notice by Mail

80.04 Notification in Newspaper

80.05 Fees for Impoundment

80.06 Disposal of Abandoned Vehicles

80.07 Disposal of Totally Inoperable Vehicles

80.08 Proceeds from Sales

80.09 Duties of Demolisher

80.01 DEFINITIONS. For use in this chapter the following terms are defined:

(Code of Iowa, Sec. 321.89[1])

1. "Abandoned vehicle" means any of the following:

A. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates or two (2) or more wheels or other parts which renders the vehicle totally inoperable.

B. A vehicle that has remained illegally on public property for more than twenty-four (24) hours.

C. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than twenty-four (24) hours.

D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten (10) days. However, a police authority may declare the vehicle abandoned within the ten-day period by commencing the notification process.

E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.

F. A vehicle that has been impounded pursuant to Section 321J.4B of the Code of Iowa by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.

2. "Demolisher" means a person licensed under Chapter 321H of the Code of Iowa whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.

3. "Police authority" means the Iowa state patrol or any law enforcement agency

of a county or city.

80.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority, upon the authority's own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. The police authority may employ its own personnel, equipment and facilities or hire a private entity, equipment and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

(Code of Iowa, Sec. 321.89[2])

80.03 NOTICE BY MAIL. The police authority or private entity that takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to the parties' last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and vehicle identification number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that the failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. The notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving the notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten-day reclaiming period, the owner, lienholders or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the ten-day reclaiming period.

(Code of Iowa, Sec. 321.89[3a])

80.04 NOTIFICATION IN NEWSPAPER. If it is impossible to determine with reasonable certainty the identity and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Section 80.03. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 80.03.

(Code of Iowa, Sec. 321.89[3b])

80.05 FEES FOR IMPOUNDMENT. The owner, lienholder or claimant shall pay all towing and storage fees as established by the storage facility, whereupon the vehicle shall be released.

(Code of Iowa, Sec. 321.89[3a])

80.06 DISPOSAL OF ABANDONED VEHICLES. If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

(Code of Iowa, Sec. 321.89[4])

80.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two (2) or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

(Code of Iowa, Sec. 321.90[2e])

80.08 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost of towing, preserving, storing and notification required, in accordance with State law. Any balance shall be held for the owner of the motor vehicle or entitled lienholder for ninety (90) days, and then shall be deposited in the State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Transportation.

(Code of Iowa, Sec. 321.89[4])

80.09 DUTIES OF DEMOLISHER. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle or otherwise demolish such motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

(Code of Iowa, Sec. 321.90[3a])

ORDINANCE NO.

**AN ORDINANCE AMENDING CHAPTER 155
OF THE MUNICIPAL CODE OF THE CITY OF WASHINGTON, IOWA,
REGARDING ADOPTION OF THE BUILDING, MECHANICAL, PLUMBING,
FIRE CODES.**

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Washington, Iowa:

SECTION 1. Section 155.01(adopting the IBC) is hereby amended by deleting the words "2006 Edition" and substituting the words "2009 Edition"

SECTION 2. Section 155.03(adopting the UMC) is hereby amended by deleting the words "2006 Edition" and substituting the words "2009 Edition"

SECTION 3. Section 155.04(adopting the UPC) is hereby amended by deleting the words "2006 Edition" and substituting the words "2009 Edition"

SECTION 4. Section 155.05(adopting the International Fire Code) is hereby amended by deleting the words "2006 Edition" and substituting the words "2009 Edition"

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved this _____ day of May, 2010.

Sandra Johnson, Mayor

ATTEST:

Illa Earnest, City Clerk

City of Washington

Planning and Zoning Minutes

The Planning and Zoning Commission of the City of Washington, Iowa met in session at the former Washington Library, Tuesday, April 13, 2010. On roll call: Present: Delong, Larson, Hanshaw, Salazar, Bonar and Fredrick. Absent: Miller, Hoffer and Johnson

Also present were City Building & Zoning Official Geyer, Mayor Johnson and from the public; Shane Ehresman and Kent Zarley

The second item on the agenda was to amend by changing the date of the meeting from February 25 to April 13 2010. A motion by Larson to approve the amended agenda and a second from Bonar to approve the amendment. Motion carried unanimously.

Item three on the agenda: Discussion of relocation of Sitler Drive and to review proposed plans for Sitler Drive. At this time members from the school presented the site plan of the new high school and discussed with the commission widening the east 155 feet of Sitler Drive and installing a "T" intersection to access the "to be new parking lot" for the school. The commission agreed on the widening and would recommend that the remaining of Sitler Drive would be a one-way street heading west to south Avenue "E".

The commission also discussed further recommendations for the parking lot of the school and south Avenue "E" from Tyler Street to Lincoln Street. A motion was made by Larson and seconded by Fredrick for the following recommendations.

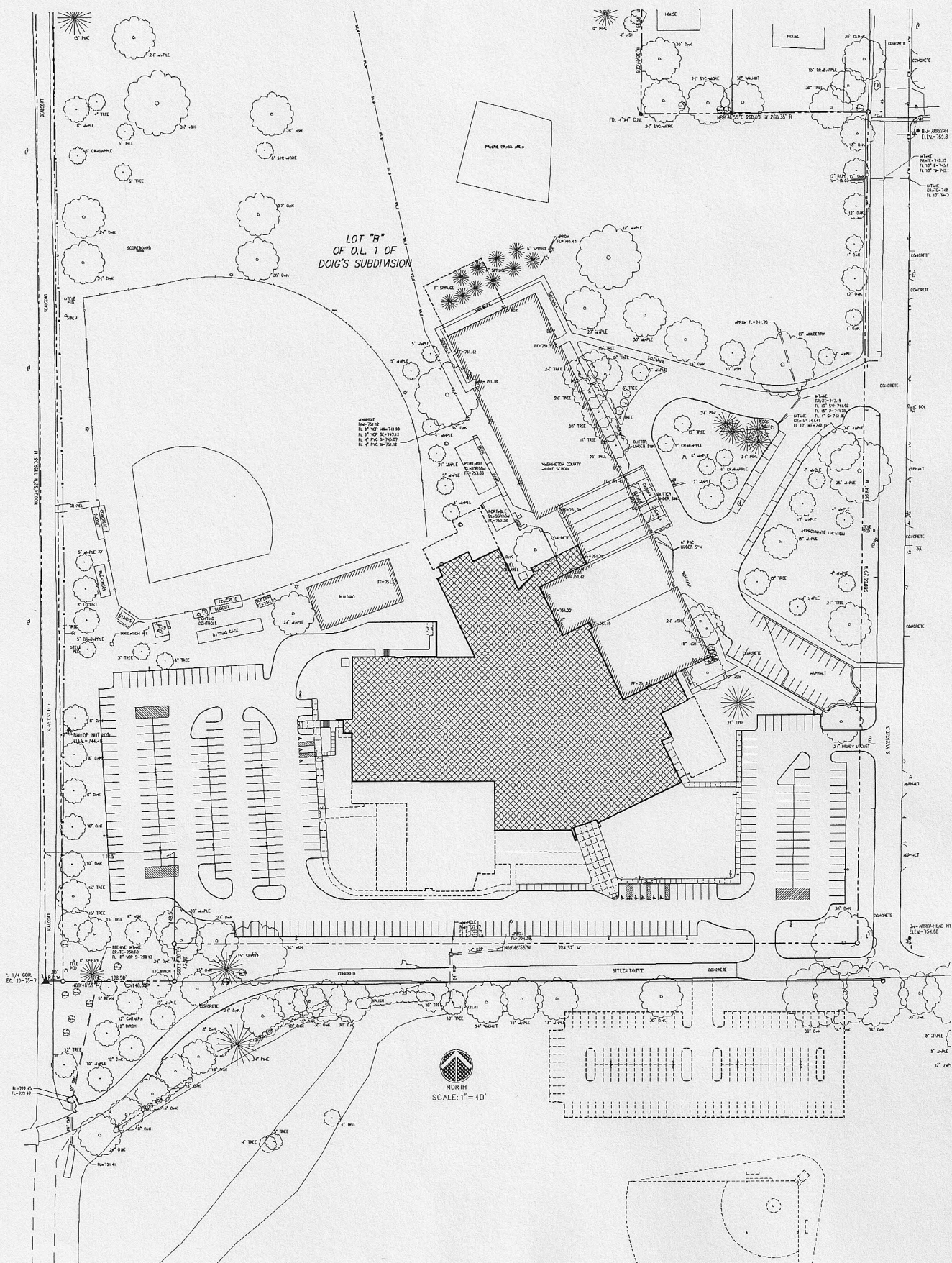
1. Installing an entrance from south Avenue "E" to the parking lot.
2. Sitler westbound from the entrance to south Avenue "E" to be one-way.
3. Upgrade Avenue "E" by 2012 to a collector street status.

Motion carries unanimously.

Adjournment at 8:17 P.M.

Deran Delong, Vice Chair

Jason Geyer, Building & Zoning Official



RESOLUTION NO. 2010-_____

RESOLUTION MODIFYING SITLER DRIVE
AND SURROUNDING STREETS

BE IT RESOLVED by the City Council of Washington, Iowa:

That Sitler Drive be subject to limited widening with new Portland Cement Pavement immediately west of B Avenue subject to the following requirements:

1. The Washington School District be required to meet the subdivision ordinance for stormwater runoff from the new high school; and
2. Additional street right-of-way be dedicated by the Washington School District, that meets the subdivision ordinance, for the purpose of widening Sitler Drive and the future widening of B Avenue.
3. The Washington School District pays for all such improvements.

That, after above said improvements are completed, Sitler Drive traffic shall flow one-way towards the west during normal circumstances, subject to temporary modification and/or reversal by the Construction and Maintenance Department during extreme winter weather to accommodate neighborhood traffic.

Passed and approved this 28th day of April 2010.

Sandra Johnson, Mayor

ATTEST:

Illa Earnest, City Clerk

Maintenance & Construction Department Report

04/03/10 – 04/16/10

By Nicholas Duvall

STREETS: M/C personnel removed and replaced the sidewalk on N Ave B around railroad crossing and installed handicap ramp tiles on both sides of railroad tracks. We also pothole patched using eight ton of asphalt cold mix. Street sweeping also continued as regular maintenance. We poured concrete bases and installed chains and posts on sidewalk at the theater. We also poured concrete base for sign post in 100 block of S Marion. We continued with grading and rocking alleys. We repaired an object marker sign in 900 block of W Main. We began measurements and assessments of streets for seal coat project. We also leveled and seeded a few areas that we have excavated.

WATER DISTRIBUTION: M/C personnel removed and replaced a broken fire hydrant near intersection of N 6th & E 17th. We also had to replace two gate valves in the surrounding area because they were broken. We checked fire hydrant drain back valves after flushing and had to pump water out of 15 hydrants. We inspected and repaired a leaking hydrant at N Iowa & E 3rd. We had a leak survey done on our water distribution system. We replaced a curb box in 1600 block of N 6th and repaired another box in same area. We also repaired a curb box in 500 block of S Ave C.

SEWER COLLECTION: M/C personnel excavated a sewer sinkhole in 400 block of E Madison and found a bad sewer tap. We replaced the tap and a short piece of sewer main. After repair, we jetted and flushed sewer line to ensure it was flowing properly. We excavated and repaired five sinkholes in Bob Marie's field where sewer main runs to treatment plant. We also flushed a manhole on corner of N 3rd & E 11th.

STORM SEWER COLLECTION: M/C personnel opened plugged storm sewer intakes around town. We also finished repairing sinkhole on W Main and backfilled. We jetted a culvert in 1600 block of N Marion, and jetted a plugged tile in 1000 block of N Marion.

MECHANIC/SHOP: M/C personnel serviced PD 92. We replaced conveyor belt, bearings, main broom, gutter broom, dirt shoes, and dirt flaps on street sweeper. We repaired broken pins on unit 301's snowplow. We replaced broken snowplow mounts on truck 601. We replaced harrow teeth on Gill. We removed and repaired rear end housing on tractor 337. We replaced a bad alternator and ammeter on cemetery tractor. We replaced a broken hydraulic cylinder on backhoe 330. We replaced a cracked hydraulic fitting on loader 133, and replaced a dig sensor bracket. We also repaired a cast iron pipe cutter used for cutting water main pipe.

OTHER: M/C personnel picked up 1570 bags of yard waste and three loads of brush. We stored fountain covers. All personnel attended a Sasso meeting covering work zone safety. We removed bushes on the north side of water plant. We took down snow fence at airport and put away. We cleaned up nails around shop from tearing down buildings, and filled in holes with rock. We also hauled rock to our stockpiles. We responded to 56 Iowa One Call locates. We also had a trailer vacuum demonstration.

Please note that this report does not included every task M/C personnel performed, but shall be a highlight of our work performed as a department.

**WWTP report for
April 28, 2010
Council Meeting**

- **After hour alarm and dog call outs**
 - 4th dog call, Safety Center reported a dog to be picked at 515 W Jefferson, 5:30 pm Jason
 - 9th dog call, Safety Center reported a dog to be picked at the Dog Park, 4:20 pm Jason
 - 12th dog call, Public called and reported a dog to be picked up at Sunset Park, 6:50 p.m. Jason
- **WWTP lagoon** – The lagoon is full and bypassing at press time.
- **Rich Pumping LLC** – Rich Pumping, LLC land applied the stabilized bio-solids on April 11th to the Bartholow farm, that John Berdo farms. The exact number of gallons agitated, pumped, and applied below the soil surface will be totaled when the application map and final invoice are received. Jason collected samples with Rich Pumping from 10:30 a.m. to 9:30 p.m.
- **SASSO training** – Danny, Jason, and I attended the safety meeting at the former library in Washington on April 7th. The topic was Work Zone Safety.
- **Lift stations** – Danny and Jason borrowed the tank truck from the M/C and hosed down the walls of the wet wells on April 13th. Danny also cleaned the inside of the lift station and hosed it out on the 19th.
- **Trickling filter** - Jason and Fred borrowed the water jetter from M/C Dept to clean the grease and debris from the distributor arms and orifices on the 14th. We borrowed the sewer vac truck from the M/C Dept on the 15th to remove debris from the air side of the filter. Jason, Danny, Kyle W., and I all helped clean out the debris.
- **Animal control** - Jason purchased a dart gun for animal control this week.
- **Bazooka- Farmstar** – Jason collected the bi-annual samples at bazooka on the 20th. The results should be available in the next couple of weeks.
- **Toxicity test** – I have scheduled the annual effluent toxicity test for May 16-17, 2010.
- **Iowa Rural Water Association** – Jason and I attended two (2) workshops in Newton on April 21 & 22. The topics were Disinfection and Ammonia Removal.
- **WWTP March 2010 MOR** – 26/31 days bypass over lagoon standpipe, 99.066 million gallons (mg) treated, 47.798 mg through WWTP, 51.268 mg in and out of lagoon. Average daily flow 3.196 mg, maximum daily flow 6.015 mg. Sunset Park lift station bypassed for a total of 287.0 hours.
- **March 2010 WWTP NPDES permit effluent violations**
 - Ammonia –nitrogen violations**

9 th daily max limit	67 lbs/d	result	119.4 lbs/d	flow (mgd)	4.032
10 th daily max limit	67 lbs/d	result	121.5 lbs/d	flow (mgd)	5.948
24 th daily max limit	67 lbs/d	result	67.6 lbs/d	flow (mgd)	2.588
Monthly avg. limit	38 lbs/d	result	64.8 lbs/d	flow (mgd)	3.196
 - CBOD5**

10 th daily max limit	667 lbs/d	result	788.7 lbs/d	flow (mgd)	5.948
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 - Total Suspended Solids (TSS)**

9 th daily max limit	751 lbs/d	result	874.3 lbs/d	flow (mgd)	4.032
16 th daily max limit	751 lbs/d	result	1,170.5 lbs/d	flow (mgd)	4.253

Removal/ 85% required CBOD5=72% TSS=76%

**Fred E. Doggett
4/20/2010 3:27 PM**

From: Rick Wagenknecht [elmgrove@iowatelecom.net]
Sent: Friday, April 16, 2010 2:53 PM
To: Illa
Subject: report

Cemetery Report For April 28th 2010

-
- At this time we have have only 2 burials for the month of April making the total 23.
- We started mowing on the 6th at the same time Aaron Sobaski started to work.
- We as of this time have mowed both cemeteries twice.
- We went out to the airport on the 13th and cleaned up the yard from the snow damage it received over the winter.
- Then we mowed it the 14th.
- We have been gluing stones and working on some that were leaning.
- We also did some rocking next to the pavement where the water washed away the dirt or rock during the winter.
- I will be working on the tree give away and the target planting the week of the 19th.
- Otherwise we are working to keep equipment running and building maintenance.

Rick W.