



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, AUGUST 25, 2015

**Call to Order**

**Pledge of Allegiance**

**Roll call**

Agenda for the Special Session to be held at 6:00 PM on August 25, 2015 to be approved as proposed or amended.

**SPECIAL PRESENTATION**

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

**UNFINISHED BUSINESS**

**NEW BUSINESS**

Discussion of Smoking Ban at Central Park.

Discussion of Airport Land Use Study.

Discussion of Sewer Backup Reimbursement Request.

Discussion Fall Cleanup Event.

Discussion of Policy for Stop Sign/Speed Zone Requests.

Discussion and Consideration of Waiver of Building Fees.

Discussion on Consideration of Moving the Annual \$250,000 Street Allocation to Additional Flow Studies or Camera Monitoring of the Sewers.

**CONSIDERATION OF HEARINGS, ORDINANCES & RESOLUTIONS**

### **DEPARTMENTAL REPORTS**

Police Department  
City Administrator  
City Attorney

### **MAYOR & COUNCILPERSONS**

Sandra Johnson, Mayor  
Mark Kendall  
Jaron Rosien  
Kathy Salazar  
Bob Shellmyer  
Bob Shepherd  
Russ Zieglowsky

### **ADJOURNMENT**

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*

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## **Memorandum**

August 20, 2015

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

From: Brent Hinson  
City Administrator

Re: Smoking Ban in Central Park

After discussion and consideration of the issue, the Park Board has made the recommendation that the City Council consider implementing a smoking ban in Central Park. I will admit that prior to the start of the recent discussion, I did not have a full understanding of the applicability of the law- the guidance I received after the law was implemented in 2009 was that smoking is not allowed in public parks. It turns out that is only partially correct. There are a variety of times where smoking is not permitted in the park- during events like Thursday Night Live, for example. However, there are in fact quite a few times where smoking is currently legal, and it seems like inconsiderate smokers are increasing in Central Park and leaving behind a big mess, which later has to be picked up by park staff or volunteers. With this park being such a point of pride and gathering place for the community, the Park Board felt that smoking should be banned by ordinance.

For your review, I have attached a fact sheet from the Iowa Department of Public Health, which gives some basics related to smoking in public parks. I have also attached Iowa City's ordinance on this topic, which was recently amended to include electronic cigarettes. I believe it would be prudent if the Council wants to implement the Park Board recommendation to include electronic cigarettes, and to extend that prohibition to all City buildings. This last item would eliminate all gray area. Not terribly long ago, the Library kicked out a guy smoking an electronic cigarette inside, and it would be helpful to have an ordinance backing us up, since the Iowa law is silent on this topic.

One downside to enacting this ban is that we would be required to erect signs at "commonly understood points of entry and exit" to the park, most likely meaning the four sidewalk entrances. The City has made an effort to eliminate extraneous signage from the square and the park, but this regulation seems to be unavoidable.



# SMOKEFREE AIR ACT

## *Public Parks*

### *Overview*

**The Smokefree Air Act restricts smoking in certain areas of state, county and city parks and recreational facilities. The Smokefree Air Act does not apply to Federal parks.**

### *Indoor Areas*

- Smoking is prohibited in all enclosed buildings or shelters on park property.
- Smoking is not regulated in private residences located on park property, unless any portion of the private residence is open to the public.

### *Outdoor Areas*

- Smoking is prohibited on the grounds\* of public buildings\*\* located within parks.  
 \* "Grounds" are defined as "an outdoor area of a public building that is used in connection with the building...or any other outdoor area as designated by the person having custody or control of the public building." (See the Fact Sheet titled "*Grounds of Public Buildings*.")  
 \*\* "Public building" is an enclosed area owned, leased, or operated by or under the control of the state government or its political subdivisions.
- Outdoor areas where smoking may be allowed include: a parking lot, the course of play at a golf course, a hiking trail, locations of an individual campsite or campfire, or a lake, river, or other body of water, or
- Nothing in the law prohibits any person having custody or control of the park from declaring the entire area or property a nonsmoking place.

### *Posting Of Signs*

- "No smoking" signs which meet the requirements of the Smokefree Air Act must be clearly posted at every entrance to an enclosed building or shelter and at "commonly understood points of entry and exit to and from an outdoor area." (See the Fact Sheet titled, "*Signage*.")

**NOTE:** The information provided in this document is not intended to be legal advice. Please consult state statutes or contact an attorney for additional information about the Smokefree Air Act (Iowa Code 142D).



## Chapter 10

# SMOKE FREE PLACES

### 6-10-1: SMOKE FREE PLACES ITEMIZED:

It is illegal to smoke in a smoke free place. Pursuant to HF 2212, section 5, to be codified at section 142D.5 of the Iowa Code, the city declares the following areas to be smoke free places:

- A. Iowa City Municipal Airport. (Ord. 08-4314, 9-9-2008)
- B. Municipal parking ramps except in privately owned vehicles that are not located in the Chauncey Swan Parking Ramp during the farmers' market as provided in this section.
- C. City Plaza except the public alleys. "City Plaza" is defined in section [10-5-2](#) of this code.
- D. The area between the public library and Linn Street including the sidewalk, as illustrated on the diagram below, and the area within ten feet (10') of a sidewalk cafe that is not in City Plaza. "Sidewalk cafe" is defined in section [10-3-1](#) of this code. (Ord. 10-4393, 6-1-2010)
- E. Napoleon Park except the parking lot and the Iowa River Corridor Trail.
- F. Baseball/softball complex at Mercer Park not including the parking lots.
- G. Iowa City Kickers Soccer Park including the parking lots.
- H. The area within fifty feet (50') of the City Park pool building and the fence that encompasses the City Park pool and the area inside the fence.
- I. Riverside Festival stage/seating area and the area within fifty feet (50') of Riverside Festival stage/seating area.

- J. Bobby Oldis baseball fields in lower City Park including the bleachers, sidewalk, and all other areas between the fields.
- K. The area within fifty feet (50') of the amusement rides in lower City Park.
- L. Skateboard Park.
- M. Tennis courts in all city parks.
- N. Dog parks. (Ord. 08-4314, 9-9-2008)
- O. Farmers' market beginning thirty (30) minutes prior to the opening of the farmers' market. "Farmers' market" is defined in section 10-11-1 of this code.
- P. The area within fifty feet (50') of any outdoor stage or location where musicians are performing during any outdoor entertainment venues where members of the general public assemble to witness entertainment events, such as, but not limited to, Arts Fest and Jazz Fest. (Ord. 10-4393, 6-1-2010)
- Q. The streets and adjacent sidewalks along the parade route of the University Of Iowa homecoming parade from five o'clock (5:00) P.M. to eight o'clock (8:00) P.M. on Friday evening of the homecoming parade. (Ord. 08-4314, 9-9-2008)
- R. Black Hawk Mini Park. (Ord. 13-4563, 12-3-2013)

## **6-10-2: VIOLATION; PENALTY:**

Violation of this chapter shall be a simple misdemeanor punishable by a fine of fifty dollars (\$50.00). (Ord. 10-4410, 10-26-2010)

Prepared by: Susan Dulek, Asst. City Attorney, 410 E. Washington Street, Iowa City, IA 52240; 319-356-5030

ORDINANCE NO. 15-4634

**ORDINANCE AMENDING TITLE 6, ENTITLED "PUBLIC HEALTH AND SAFETY," CHAPTER 10, ENTITLED "SMOKE FREE PLACES," TO PROHIBIT SMOKING ELECTRONIC CIGARETTES IN AREAS WHERE IT IS ILLEGAL TO SMOKE TOBACCO.**

WHEREAS, Chapter 142D of the Iowa Code, the Iowa Smokefree Air Act, prohibits smoking tobacco products in certain public spaces, places of employment and outdoor areas, including enclosed City buildings and vehicles operated by the City, the public grounds immediately adjacent to City buildings and bus shelters; and,

WHEREAS, the Smokefree Air Act expressly authorizes a person having custody or control of property to declare property that is otherwise exempt under the Smokefree Air Act to be a non-smoking place; and,

WHEREAS, in Chapter 10 of Title 6, "Public Health and Safety", the City has declared additional areas to be smoke free places including the municipal parking ramps, airport, City Plaza except for alleys and certain areas of Iowa City parks, and,

WHEREAS, electronic cigarettes are not covered by the Iowa Smokefree Air Act; and,

WHEREAS, in 2014 the Iowa legislature adopted HF 2109, which, among other things, amended Chapter 453A of the Iowa Code by requiring retailers of "alternative nicotine products" or "vapor products" (which includes electronic cigarettes) to obtain a tobacco permit, prohibits the sale of these products to persons under the age of 18 and the possession or purchase of these products by persons under the age of 18 and limits the places where these products can be given away; and,

WHEREAS, the Johnson County Department of Public Health made a presentation about e-cigarettes to the City Council on September 2, 2014; and,

WHEREAS, said presentation demonstrated that e-cigarettes contain varying amounts of nicotine and volatile organic compounds that are not healthy for human inhalation, that marketing tactics show an attempt to lure youth, that there is no evidence that being exposed to the vapor is safe, that the three largest tobacco companies are in the business of marketing e-cigarettes, that use of e-cigarettes among middle and high school students has more than doubled, and that e-cigarettes threaten to undo decades of public health work in tobacco control; and,

WHEREAS, Douglas Beardsley, the Director of Johnson County Public Health, submitted a memorandum to City Council dated May 22, 2015 advocating for making the use of e-cigarettes illegal in all areas where it is illegal to smoke tobacco products and highlighting a 2014 Iowa Youth Survey showing that a higher percentage (7%) of 11<sup>th</sup> graders in Johnson County used an e-cigarette within the last 30 days than a tobacco product (4%); and,

WHEREAS, a number of cities throughout the United States are prohibiting the use of e-cigarettes in places where traditional cigarette use is prohibited; and,

WHEREAS, the use of electronic smoking devices in smoke free locations threatens to undermine compliance with smoking regulations and reverse the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment; and,

WHEREAS, the City Council finds that the use of e-cigarettes presents a serious and unknown public health threat and that in the interests of protecting the health of the public and providing a healthy workplace environment for its employees the City of Iowa City should prohibit the use of electronic cigarettes in all areas where it is illegal to smoke tobacco products.

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

**SECTION I. AMENDMENTS.**

1. Title 6, entitled "Public Health and Safety," Chapter 10, entitled "Smoke Free Places," Section 2, entitled "Penalty," is renumbered to Section 3.

2. Title 6, entitled "Public Health and Safety," Chapter 10, entitled "Smoke Free Places," is amended by adding the following new Section 2, entitled "Electronic Cigarettes":

It is illegal to use an electronic cigarette in any smoke free place listed in Section 1 of this chapter or in any place where Chapter 142D of the Iowa Code prohibits smoking a tobacco product. Electronic cigarette means vapor product as defined in Section 453A.1 of the Code of Iowa.

**SECTION II. REPEALER.** All ordinances and parts of ordinances in conflict with the provision of this Ordinance are hereby repealed.

Added to  
Code  
7/15/15



*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*

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## **Memorandum**

August 20, 2015

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

From: Brent Hinson  
City Administrator

Re: Airport Land Use Study and Proposed A-2 Zoning Classification

The Planning & Zoning Commission has recommended approval of the attached Airport Land Use Study and the creation of a new A-2 Agricultural zoning classification, which would be the zoning classification used for the area around the airport. This represents a modest but important change to the zoning code to make sure the City and FAA investment in the airport is protected over time.

I have attached a timeline describing the steps taken thus far, as well as a tentative schedule of steps to be taken from this point forward.

I have presented the proposed A-2 zoning classification in marked-up form to show the changes from the current A-1 zoning classification. I think this is the easiest way to quickly grasp the changes being proposed from the current classification.

Consultant Jerald Searle will be present at the meeting to discuss the study and recommended zoning classification addition.

**Airport Land Use Project Timeline**

<u>Date</u>	<u>Action</u>	<u>Body</u>
April 17, 2013	Resolution Authorizing Grant Application & Providing for Local Match <ul style="list-style-type: none"> <li>• DOT grant of \$14,100 and Airport Commission match of \$2,500 for planning services</li> </ul>	Airport Commission
April 24, 2013	Resolution Authorizing Grant Application & Approving Local Match from Airport Commission	City Council
April 2013	Grant Application Submitted to DOT	City Staff/ECICOG
July 9, 2013	Grant Awarded	DOT
August 7, 2013	Grant Agreement Approved	City Council
August 19, 2014	Agreement for Services with Snyder & Associates Approved	City Council
January 2015	Steering Committee Established <ul style="list-style-type: none"> <li>• Mike Roe, Airport Commission</li> <li>• Sandra Johnson, Mayor</li> <li>• Jim Hanshaw, P&amp;Z Commission</li> <li>• Kathy Salazar, City Council</li> <li>• Kevin Erpelding, Airport Commission</li> <li>• Bob Bonar, Area Resident</li> </ul>	Various
January 29, 2015	First Committee Meeting; Discussed interface with 2012 Comprehensive Development Plan, Airport "tall structures" ordinance	Steering Committee
February 26, 2015	Second Committee Meeting; Discussed draft report, Future Land Use Map in Comp Plan, zoning for area north of Fillmore	Steering Committee
April 9, 2015	Third Committee Meeting; Discussed interface with Airport Layout Plan (perfect match with what has been discussed), reviewed & approved report for submission to DOT, discussed designating P&Z as Airport Zoning Commission	Steering Committee
April 2015	Report Submitted to DOT for Approval	Consultant
June 2015	Report Approved by DOT	DOT
June 9, 2015	Presentation by consultant to P&Z regarding report; discussion on A-2 zoning classification	P&Z Commission
August 11, 2015	Approval of report recommendations; Recommendation to Council to create A-2 Agricultural zoning classification	P&Z Commission



**Airport Land Use Future Steps (Tentative)**

<u>Date</u>	<u>Action</u>	<u>Body</u>
August 25, 2015	Approval of report recommendations; Direct City Attorney to draft legal descriptions for zoning changes recommended in report	City Council
September 1, 2015	Approval of First Reading of A-2 classification	City Council
September 15, 2015	Approval of Second Reading of A-2 classification	City Council
October 6, 2015	Approval of Third & Final Reading of A-2 classification	City Council
October 13, 2015	Public Hearing & consider zoning changes recommended in report; consider Comp Plan amendment	P&Z Commission
October 20, 2015	Public Hearing & approval of First Reading of recommended zoning changes	City Council
November 3, 2015	Approval of Second Reading of recommended zoning changes	City Council
November 17, 2015	Approval of Third & Final Reading of recommended zoning changes; approval of Comp Plan amendment	City Council

165. ~~07~~ "A-~~21~~" AGRICULTURAL DISTRICT.

1. Permitted Principal Uses.

A. Agriculture and agricultural buildings except as provided by subsection (2)(~~A~~~~D~~) of this section and provided that livestock shall not be housed or fed within two thousand six hundred forty (2,640) feet from the runway center line and runway thresholds associated with Runways 18/36 and 13/31 ~~two hundred (200) feet of any lot in an "R" district.~~

B. Single-family detached dwellings on lots of twenty (20) acres or more.

~~B. Public parks, playgrounds, and recreational areas.~~

C. Essential services as defined in Section 165.01 ~~and municipal administrative or public service building or properties, except such uses as storage yards, warehouses, garages, or other uses customarily conducted as gainful business, provided any building is located not less than twenty (20) feet from any lot in any "R" District.~~

~~D. Cemeteries of ten (10) acres or more in size.~~

~~E. Churches, chapels, or parish houses located not less than twenty (20) feet from any side lot line in any "R" district.~~

~~F. Any building or structure occupied or used for nursery, elementary, junior high or high schools, public libraries, and similar public cultural uses located not less than twenty (20) feet from any side lot line.~~

~~G. Sale of nursery and greenhouse products.~~

~~H. Railroad rights-of-way and tracks, not including switching, storage, terminal facilities or freight yards.~~

~~I. Single-family detached dwellings on lots of twenty (20) acres or more.~~

D.J. Transformer stations and booster or pressure regulating stations, without service yard or storage.

E. Public owned airports- Washington Municipal Airport.

2. When Authorized by Board of Adjustment.

A. ~~Sanitary landfills, in accordance with County and State regulations except that no sanitary landfill shall be operated within one thousand three hundred twenty (1,320) feet of any "R" district.~~

~~B. — Privately operated country clubs, golf courses, swimming clubs, riding stables, and similar recreation uses provided that any accessory building in connection therewith shall be located not less than two hundred (200) feet from any lot in an "R" district.~~

~~C. — Airports and landing fields.~~

~~D. — Lots for confinement and feeding of livestock subject to controls of surface runoff and located as follows: at least one thousand three hundred twenty (1,320) feet from any "R" or "B" district.~~

(1) The area under the Approach Surface extending beyond Runways 18 and 36: Two Thousand Six Hundred Forty (2,640) feet.

(2) The area under the Approach Surface extending beyond Runways 13 and 31: One Thousand Three Hundred Twenty (1,320) feet.

(3) The area under the Transitional, Horizontal or Conical Surface: One Thousand Eight Hundred Twenty (1,820) feet from the runway center line associated with Runways 18 and 36; One Thousand Five Hundred Seventy (1,570) feet from the runway center line associated with Runways 13 and 31.

B. — Orchards, tree farms and vineyards.

C. — Permanent ponds.

D. — A single family detached dwelling located on a lot or parcel which is less than twenty (20) acres as long as the lot or parcel upon which said single family detached dwelling will be constructed was:

(1) Part of an original lot or parcel that totals more than forty (40) acres; and

(2) The original lot or parcel was occupied by, and owned or beneficially controlled, by a lineal descendant or ancestor of the beneficial owner of the original lot or parcel as defined in Section 450.9 of the Code of Iowa.

~~E. — Mining, removal and loading of sand or gravel, including equipment, building or structures for screening, crushing, mixing, washing, or storage located not less than five hundred (500) feet from any "R" district.~~

3. Permitted Accessory Uses.

A. Buildings, structures, and uses accessory to agricultural uses including roadside stands, selling produce grown on the premises, provided such roadside stands are located not less than twenty (20) feet from a street or highway right-of-way line.

B. Private garages or parking areas.

- C. Living quarters of persons employed on the premises.
- D. Home occupation as defined and regulated by Section 165.22.
- E. Signs as regulated by Section 165.20.

4. Height Regulations. No principal structure shall exceed two and one-half (2½) stories or thirty (30) feet in height, and no accessory structure shall exceed fifteen (15) feet in height, except as provided in Section 165.23.

5. Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications in Section 165.23. Each lot shall contain a minimum area of twenty (20) ~~ten (10)~~ acres, except as allowed by the Board of Adjustment subject to 165. (2D).

MINIMUM LOT WIDTH	MINIMUM FRONT YARD DEPTH	MINIMUM SIDE YARD WIDTH	MINIMUM REAR YARD DEPTH
300 feet	Along State and Federal roads, 80'; Other public roads, 60'	30 feet	100 feet

**WASHINGTON MUNICIPAL AIRPORT**  
**Washington, Iowa**

**AIRPORT LAND USE STUDY**

**April 2015**



# **WASHINGTON MUNICIPAL AIRPORT LAND USE STUDY**

## **Airport Land Use Steering Committee**

Mike Roe, Chair – Vice Chair, Airport Commission

Sandra Johnson – Mayor

Jim Hanshaw – Planning & Zoning Commission

Kathy Salazar – City Council

Kevin Erpelding – Chair, Airport Commission

Bob Bonar – Area Resident

## **City of Washington**

Brent Hinson – City Administrator

Steve Donnolly – Zoning Administrator

DGR Engineering

Snyder & Associates, Inc.

JS Consulting

Jerry Searle – Airport Planner

April 2015

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## WASHINGTON MUNICIPAL AIRPORT LAND USE STUDY

### I. INTRODUCTION

The purpose of this study is to review current and ongoing land use planning within the Washington Municipal Airport environs. The primary objective is to promote compatible land uses within the immediate vicinity of the airport.

### II. CURRENT PLANNING

The City of Washington adopted a Comprehensive Plan in 2012. As noted on page 6, the Comprehensive Plan has two (2) basic purposes.

"The plan provides the legal basis for land use regulations. Section 414 of the Code of Iowa enables cities to adopt land use regulations such as zoning and subdivision ordinances to promote the health, safety, morals and general welfare of the community."

"A comprehensive development plan defines a shared vision and presents a unified action plan that will implement the city's goals."

During development of the 2012 Comprehensive Plan, the Planning Commission, Mayor and City Council together with a Steering Committee and City staff took into consideration the long range development needs of the Washington Municipal Airport.

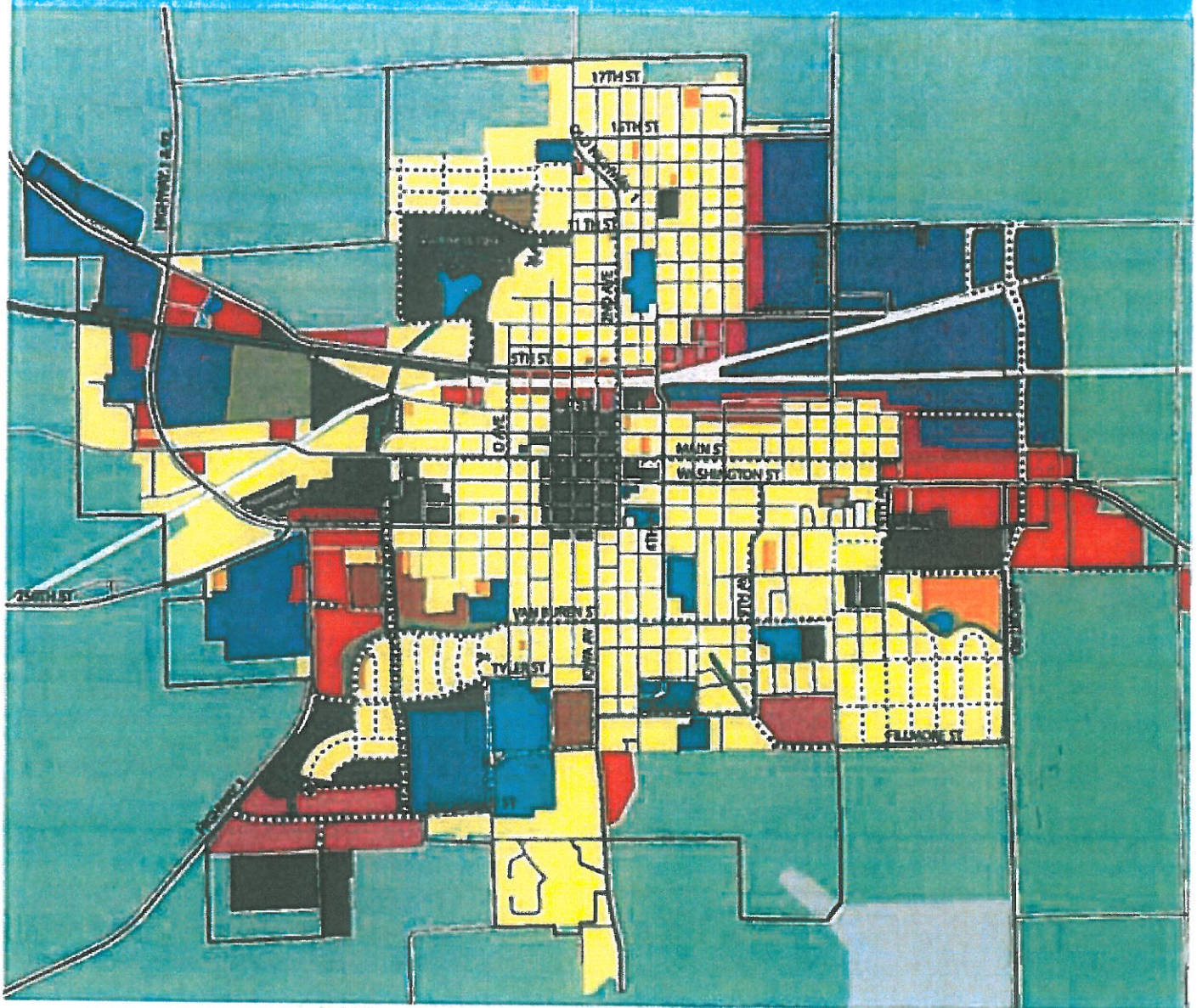
The 2012 planning process established a development vision for the community and directions for future growth, more specifically, the 2012 Comprehensive Plan:

- Provided an overall development concept for new growth areas/future land uses.
- Identified areas for infill development as well as additional land needs by Horizon Year 2030.
  - 240 acres – residential development
  - 20-25 acres – commercial development
  - 85-100 acres – industrial development

The Future Land Use Plan adopted by the City of Washington is shown in Exhibit One. The exhibit shows agricultural land uses adjacent to and in the immediate vicinity of the airport. The Future Land Use Plan also shows future residential development north of Fillmore Street between Airport Road and 12<sup>th</sup> Avenue. Beyond the residential area, the plan envisions continued commercial development extending along Iowa Highway 92 while industrial uses are expected to develop along Airport Road extended north of Iowa Highway 92.

The 2012 Comprehensive Plan provided a discussion on land use compatibility.



**EXHIBIT ONE: FUTURE LAND USE PLAN****Figure 6.5 - Future Land Use****Legend**

Low Density Residential  
 Medium Density Residential  
 High Density Residential  
 Mixed Density Residential  
 Mobile Home Residential

Neighborhood Commercial  
 Community Commercial  
 Downtown Mixed Use  
 Mixed Use  
 Business Park/Light Industrial  
 General Industrial

Civic  
 Parks and Recreation  
 Greenways/Open Space  
 Water  
 Utilities (Wastewater Plant)  
 Agriculture

Existing/Proposed Arterial/Collector  
 Existing/Proposed Local Street  
 Existing/Proposed Trail  
 Proposed Complete Street  
 Proposed Bicycle Boulevard  
 Bike Route



A land use compatibility matrix was developed to identify land use combinations that may create significant conflicts. The pairings were noted on a scale of one (1) to five (5) with five (5) rated as completely compatible and one (1) as uses not compatible.

- 1: The uses are incompatible. Any development proposal requires a Planned Unit Development and extensive documentation to prove that external effects are fully mitigated. In general, proposed uses with this level of conflict will not be permitted.
- 2: The uses have significant conflict. Major effects must be strongly mitigated to prevent impact on adjacent uses. A Planned Unit Development is required in all cases to assess project impact and define development design.
- 3: The uses may have potential conflicts that may be resolved or minimized through project design. Traffic and other external effects should be directed away from lower-intensity uses. Landscaping, buffering and screening should be employed to minimize negative effects. A Planned Unit Development may be advisable.
- 4: The uses are basically compatible. Traffic from higher intensity uses should be directed away from lower intensity uses. Building elements and scale should be consistent with surrounding development.
- 5: Uses are completely compatible. Development should be designed consistent with good planning practice.

**TABLE ONE: LAND USE COMPATIBILITY MATRIX**

	Agriculture	Parks, Greenways, Open Space	Low Density Residential	Medium Density Residential	High Density Residential	Mobile Home	Neighborhood Commercial	Community Commercial	Downtown Mixed Use	Mixed Use	Business Park/ Light Industrial	General Industry	Civic	Airport <sup>(1)</sup>
Agriculture	-	3	3	3	2	3	3	3	3	3	3	3	3	5
Parks, Greenways, Open Space		-	4	4	4	3	4	3	4	4	3	2	5	4
Low Density Residential			-	4	3	3	2	2	3	3	1	1	4	3
Medium Density Residential				-	5	4	4	2	4	5	2	1	4	2
High Density Residential					-	5	4	2	5	5	2	1	4	1
Mobile Home						-	4	3	3	4	2	2	4	1
Neighborhood Commercial							-	5	5	5	4	3	4	1
Community Commercial								-	4	4	4	3	3	3
Downtown Mixed Use									-	5	2	2	4	1
Mixed Use										-	3	2	4	3
Business Park/Light Industrial											-	4	3	3
General Industry												-	1	2
Airport													-	-

Source: 2012 Comprehensive Plan pg. 79 (Footnote <sup>(1)</sup> Table One modified by adding airport)



As noted the Airport was not included specifically in Table One. For purpose of using the existing land use matrix, the airport land use was added to Table One.

In addition to the land use compatibility matrix set forth in the 2012 Comprehensive Plan, there are several documents referenced that provide additional guidance in developing specific land use recommendations for the areas on and in the immediate vicinity of the Washington Municipal Airport.

- Airport Cooperative Research Program (ACRP)  
Report 27 Enhancing Airport Land Use Compatibility Vol. 1: Land Use Fundamentals and Implementation Resource
- Iowa DOT – Office of Aviation  
Iowa Airport Land Use Guidebook

Other guidance referenced included Federal Aviation Administration Advisory Circulars (AC's) and Federal Aviation Regulations (FAR's).

### **III. LAND USE ZONING – CITY OF WASHINGTON**

The City of Washington has adopted land use zoning regulations (Chapter 165 – Zoning Regulations) and an airport height restriction ordinance (Chapter 167 – Airport Zoning Regulations).

Chapter 165 established 14 Land Use Zoning Districts that set forth land uses (principal and accessory) that are permitted. Additional uses are all permitted when authorized by the Board of Adjustment. Bulk regulations are also set forth for each district.

- Height Regulation (Controls the height of objects)
- Minimum Lot Area (Defines density)
- Minimum lot width, front, side and rear yard depth

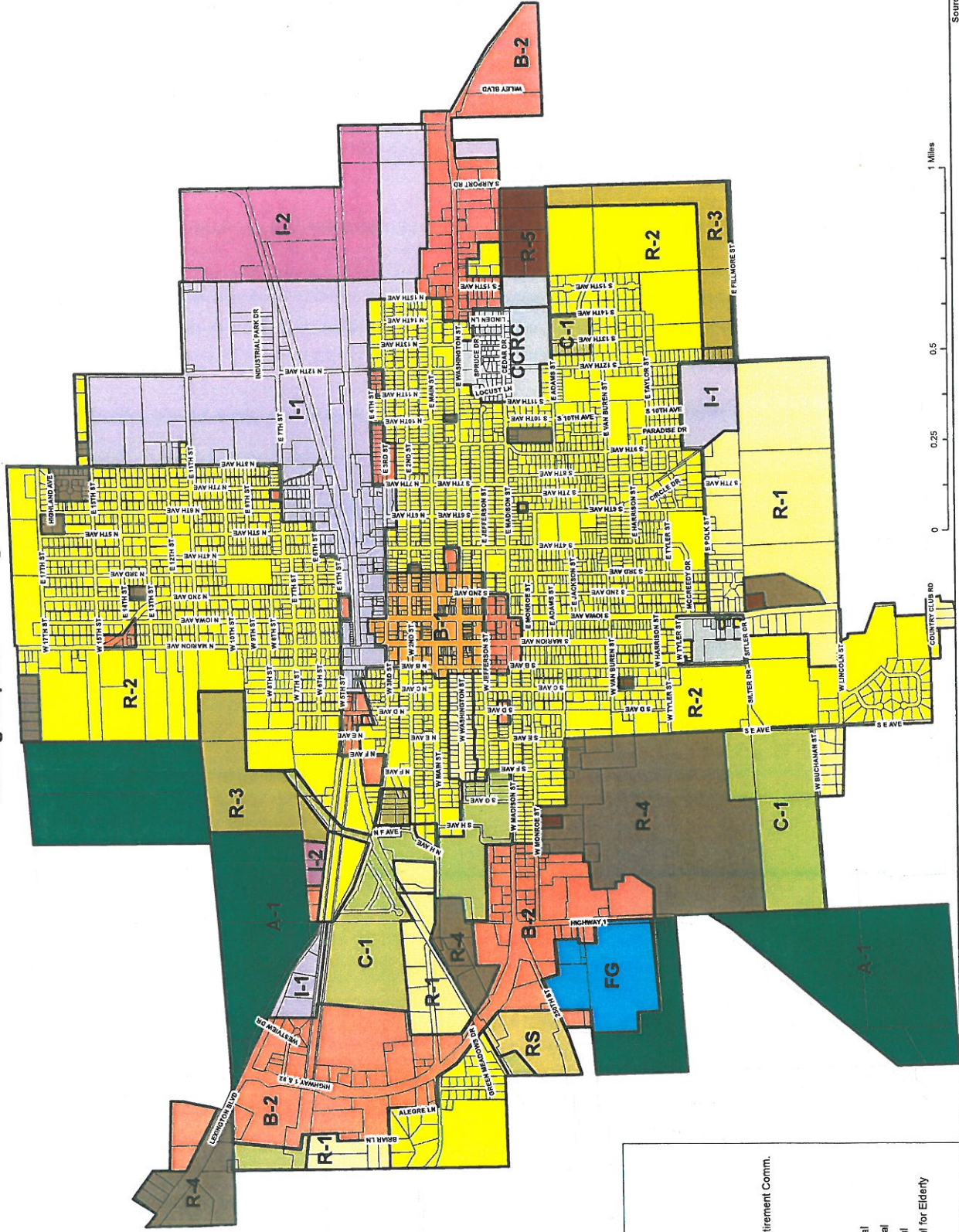
The 14 districts provide the City of Washington with regulatory tools that may be used to promote health, safety and welfare within the community and ensure compatible land uses adjacent to the airport. The 14 Districts are:

"FG"	Fairgrounds District
"C-1"	Conservation District
"CCRC"	Continuing Care Retirement Community District
"A-1"	Agricultural District
"R-A"	Residential Agricultural Districts
"R-1"	One-Family Residence Districts
"R-S"	Suburban Residence Districts
"R-2"	One-and Two-Family Residence Districts
"R-3"	One- to Six-Family Residence Districts
"R-4"	Multifamily Residence Districts
"B-1"	Retail Business Districts
"B-2"	General Business Districts
"I-1"	Industrial Districts
"I-2"	General Industrial Districts

The City of Washington has adopted a zoning map that shows the boundaries of the 14 districts referenced above. The "official" zoning map is kept on file in the City Clerk's office. (See Exhibit Two).



# Zoning Map for Washington, IA



- Zoning Legend**
- Zoning Classes**
- A-1 Agricultural
  - B-1 Retail Business
  - B-2 General Business
  - C-1 Conservation
  - CCRC Continuous Care Retirement Comm.
  - FG Fairground
  - I-1 Light Industrial
  - I-2 Heavy Industrial
  - R-1 1 Family Residential
  - R-2 1 & 2 Family Residential
  - R-3 1 to 6 Family Residential
  - R-4 Multi-Family Residential
  - R-5 Multi-Family Residential for Elderly
  - RS Suburban Residential

Since Washington County has not adopted a land use zoning ordinance, the City of Washington may (Iowa Code 414.23) extend its zoning regulations two (2) miles beyond the corporate boundary. The Washington Municipal Airport is located within unincorporated Washington County and within the two mile area. The airport may be described as being located primarily in the NW ¼ and SW ¼ of Section 28 T-75 N R-7 W and extending into Sections 20, 21 and 29. The initial land for the airport was acquired in 1946. Beyond the property acquired in fee title and/or easement (obligated land) for airport facilities (runways, terminal area, runway protection zones), there are other imaginary surfaces that extend beyond the runway ends.

The City of Washington through the Extra-Territorial Authority provided in Chapter 165 – Zoning Regulations has the ability to establish land uses that are generally compatible with airport operations. More specifically, the Extra-Territorial Authority extends over the following areas located in unincorporated Washington County.

Sections 3, 4, 5, 6, 7, 8, 9 and 10;

The W ½ of Section 11;

The W ¾ of Section 14;

Sections 15, 16, 19, 20, 21 and 22;

The W ¾ of Section 23;

The W ½ of Section 26;

Sections 27, 28, 29 and 30;

The N ½ of Section 31;

The N ¾ of Section 32;

The N ½ of Section 33;

and the N ½ of Section 34;

all in Washington Township, T 75 N, R 7 W of the 5<sup>th</sup> P.M.; and also

The S ½ of Section 31;

the S ½ of Section 32; and the

S ½ of Section 33; all in Jackson Township,

T 76 N, R 7 W of the 5<sup>th</sup> P.M.; and also

Section 1;

The SE ¼; the SE ¼ of the NE ¼ and

The SE ¼ of the SW ¼ of Section 2;

Sections 11, 12, 13 and 14;

The E ½ of Section 23;

Sections 24 and 25;

The NE ¼ of Section 26;

and the NE ¼ of Section 36;

all in Franklin Township, T 75 N,

R 8 W of the 5<sup>th</sup> P.M.;



#### **IV. AIRPORT TALL STRUCTURES ZONING: CITY OF WASHINGTON/WASHINGTON COUNTY**

The City of Washington and the Washington Airport Commission have been advocates of ensuring that objects extending into the airspace beyond the airport do not become hazards to air navigation or result in approach minimums being raised or approach procedures terminated.

The City of Washington has adopted airport zoning regulations (Chapter 167 – Airport Zoning). Washington County (Ordinances Number 01-2) has also adopted (October 31, 2001) an airport zoning ordinance. Each ordinance gives the governing body the authority to regulate the height of objects within the area underlying the airport imaginary surfaces. It should be noted that the two (2) ordinances provide authority to regulate the height of objects extending into the airport airspace and not land use.

The recommendation herein is that the airport zoning ordinance adopted by the City (Chapter 167) and the ordinance adopted by Washington County (Ordinance 01-2 dated 10-31-01) be reviewed and updated as may be necessary to reflect references to runway end elevations and approach surfaces.

It should be noted that enforcement of the airport height restriction ordinance is to be provided by the Washington Airport Zoning Commission.

##### **SECTION IX ENFORCEMENT**

If shall be the duty of the Washington Airport Zoning Commission to administer and enforce the regulations prescribed herein. Applications for permits shall be made to the Washington City Zoning Administrator. Applications for actions by the Board of Adjustment shall be made to the Washington City Zoning Administrator.

Source: Washington County – Ordinances 01-2

Each ordinance refers to the Washington Airport Zoning Commission. For purpose of clarity, the Washington Airport Zoning Commission means the City of Washington Planning and Zoning Commissions. Also, reference to the Board of Adjustment means the Board of Adjustment created by the City of Washington.

The airport overlay zoning map is the airport imaginary surface as shown on the most current Airport Layout Plan (ALP) and defined by Federal Aviation Regulations – FAR Part 77. (See Exhibit 3).

The Washington Municipal Airport is obligated to carry out Federal assurances as set forth in various Federal (FAA) grant agreements.

Federal Grant Assurance 21: Compatible Land Use

Grant Assurance 21 relates to the obligation of the City of Washington to take appropriate actions to zone and control existing and planned land uses to make them compatible with aircraft operations as the airport. More specifically: ".....take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft."

**V. FAA AIRPORT DESIGN GUIDANCE**

For purposes here, FAA AC 150/5300-13A – Airport Design and FAR Part 77 – Objects Affecting Navigable Airspace are the primary source reference documents. FAA AC 150/5300-13A – Airport Design is used to establish airport design requirements. These requirements are based on aeronautical demand forecasts. FAR Part 77 is used to establish imaginary surfaces around the airport. An object that penetrates one (1) of five (5) surfaces is considered a potential hazard unless determined otherwise by an aeronautical study.

Existing and proposed airport improvements are shown on the Airport Layout Plan (ALP). Major facility improvements envisioned by the Airport Commission and City include:

- Development of the Primary Runway (RW 18/36) to an ultimate length of 5,500 feet.
- Protection of instrument approach procedures to Runways 18 and 36.
- Continued development of aircraft storage facilities and parking within the terminal area.
- Development of instrument approach procedures to Runways 13 and 31.

The airport supports two (2) runways. RW 18/36 is 4,000 feet in length and 75 feet in width. The Airport Layout Plan shows RW 36 being extended 1,500 feet; providing an ultimate length of 5,500 feet. RW 13/31 is currently under construction. The runway thresholds were relocated to provide the required runway safety area, obstacle free zone and runway object free area beyond each runway end. The RW 31 threshold was located to provide a 15 foot vertical separation between the 20:1 approach slope and Airport Road.

Table Two sets forth runway design standards for RW 18/36. Based on cost/benefit criteria, it is not likely an approach light system will be installed on Runways 18 or 36 in the foreseeable future. As noted in Table Four, an approach light system is recommended.

	<b>RW 18</b>	<b>RW 36</b>
Airplane Approach Category	C	C
Airplane Design Group	II	II
Visibility Minimum	$\frac{3}{4}$ - Statute Mile	$\frac{3}{4}$ Statute Mile
Large Airplane	> 12,500 lbs.	> 12,500 lbs.



	<b>RW 13</b>	<b>RW 31</b>
Airplane Approach Category	A & B	A & B
Airplane Design Group	II	II
Visibility Minimum	$\geq 1$ Statute Mile	$\geq 1$ Statute Mile
Small Airplanes	< 12,500 lbs.	< 12,500 lbs.

Table Four sets forth the standards associated with instrument approach procedures.

**TABLE TWO: RW 18/36 DESIGN STANDARDS**

**Runway design standards matrix, C/D/E - II**

Aircraft Approach Category (AAC) and Airplane Design Group (ADG):		C/D/E - II			
ITEM	DEN <sup>1</sup>	VISIBILITY MINIMUMS			
		Visual	Not Lower than 1 mile	Not Lower than 3/4 mile	Lower than 3/4 mile
<b>RUNWAY DESIGN</b>					
Runway Length	A	Refer to paragraphs 302 and 304			
Runway Width	B	100 ft	100 ft	100 ft	100 ft
Shoulder Width		10 ft	10 ft	10 ft	10 ft
Blast Pad Width		120 ft	120 ft	120 ft	120 ft
Blast Pad Length		150 ft	150 ft	150 ft	150 ft
Crosswind Component		16 knots	16 knots	16 knots	16 knots
<b>RUNWAY PROTECTION</b>					
Runway Safety Area (RSA)					
Length beyond departure end <sup>9, 10</sup>	R	1,000 ft	1,000 ft	1,000 ft	1,000 ft
Length prior to threshold <sup>11</sup>	P	600 ft	600 ft	600 ft	600 ft
Width <sup>13</sup>	C	500 ft	500 ft	500 ft	500 ft
Runway Object Free Area (ROFA)					
Length beyond runway end	R	1,000 ft	1,000 ft	1,000 ft	1,000 ft
Length prior to threshold <sup>11</sup>	P	600 ft	600 ft	600 ft	600 ft
Width	Q	800 ft	800 ft	800 ft	800 ft
Runway Obstacle Free Zone (ROFZ)					
Length		Refer to paragraph 305			
Width		Refer to paragraph 305			
Precision Obstacle Free Zone (POFZ)					
Length		N/A	N/A	N/A	200 ft
Width		N/A	N/A	N/A	800 ft
Approach Runway Protection Zone (RPZ)					
Length	L	1,700 ft	1,700 ft	1,700 ft	2,500 ft
Inner Width	U	500 ft	500 ft	1,000 ft	1,000 ft
Outer Width	V	1,010 ft	1,010 ft	1,510 ft	1,750 ft
Acres		29.465	29.465	48.978	78.914
Departure Runway Protection Zone (RPZ)					
Length	L	1,700 ft	1,700 ft	1,700 ft	1,700 ft
Inner Width	U	500 ft	500 ft	500 ft	500 ft
Outer Width	V	1,010 ft	1,010 ft	1,010 ft	1,010 ft
Acres		29.465	29.465	29.465	29.465
<b>RUNWAY SEPARATION</b>					
Runway centerline to:					
Parallel runway centerline	H	Refer to paragraph 316			
Holding Position		250 ft	250 ft	250 ft	250 ft
Parallel taxiway/taxilane centerline <sup>2</sup>	D	300 ft	300 ft	300 ft	400 ft
Aircraft parking area	G	400 ft	400 ft	400 ft	500 ft
Helicopter touchdown pad		Refer to AC 150/5390-2			

**Note:**

- Values in the table are rounded to the nearest foot. 1 foot = 0.305 meters.

**Table 2** RW 18/36 (Without Approach Light System)

Source: AC 150/5300-13A – Appendix 7

**TABLE THREE: RW 13/31 DESIGN STANDARDS**

Runway design standards matrix, A/B - II

Aircraft Approach Category (AAC) and Airplane Design Group (ADG):		A/B - II			
ITEM	DIM <sup>1</sup>	VISIBILITY MINIMUMS			
		Visual	Not Lower than 1 mile	Not Lower than 3/4 mile	Lower than 3/4 mile
<b>RUNWAY DESIGN</b>					
Runway Length	A	Refer to paragraphs 302 and 304			
Runway Width	B	75 ft	75 ft	75 ft	100 ft
Shoulder Width		10 ft	10 ft	10 ft	10 ft
Blast Pad Width		95 ft	95 ft	95 ft	120 ft
Blast Pad Length		150 ft	150 ft	150 ft	150 ft
Crosswind Component		13 knots	13 knots	13 knots	13 knots
<b>RUNWAY PROTECTION</b>					
<b>Runway Safety Area (RSA)</b>					
Length beyond departure end <sup>2, 10</sup>	R	300 ft	300 ft	300 ft	600 ft
Length prior to threshold	P	300 ft	300 ft	300 ft	600 ft
Width	C	150 ft	150 ft	150 ft	300 ft
<b>Runway Object Free Area (ROFA)</b>					
Length beyond runway end	R	300 ft	300 ft	300 ft	600 ft
Length prior to threshold	P	300 ft	300 ft	300 ft	600 ft
Width	Q	500 ft	500 ft	500 ft	800 ft
<b>Runway Obstacle Free Zone (ROFZ)</b>					
Length		Refer to paragraph 305			
Width		Refer to paragraph 305			
<b>Precision Obstacle Free Zone (POFZ)</b>					
Length		N/A	N/A	N/A	200 ft
Width		N/A	N/A	N/A	800 ft
<b>Approach Runway Protection Zone (RPZ)</b>					
Length	L	1,000 ft	1,000 ft	1,700 ft	2,500 ft
Inner Width	U	500 ft	500 ft	1,000 ft	1,000 ft
Outer Width	V	700 ft	700 ft	1,510 ft	1,750 ft
Acres		13.770	13.770	48.978	78.914
<b>Departure Runway Protection Zone (RPZ)</b>					
Length	L	1,000 ft	1,000 ft	1,000 ft	1,000 ft
Inner Width	U	500 ft	500 ft	500 ft	500 ft
Outer Width	V	700 ft	700 ft	700 ft	700 ft
Acres		13.770	13.770	13.770	13.770
<b>RUNWAY SEPARATION</b>					
<b>Runway centerline to:</b>					
Parallel runway centerline	H	Refer to paragraph 316			
Holding Position		200 ft	200 ft	200 ft	250 ft
Parallel taxiway/taxilane centerline <sup>2, 4</sup>	D	240 ft	240 ft	240 ft	300 ft
Aircraft parking area	G	250 ft	250 ft	250 ft	400 ft
Helicopter touchdown pad		Refer to AC 150/5300-2			

Note:

- Values in the table are rounded to the nearest foot. 1 foot = 0.305 meters.

RW 13/31

Source: AC 150/5300-13A – Appendix 7




**TABLE FOUR: IAP STANDARDS**

Standards for Instrument Approach Procedures				
Visibility Minimums <sup>1</sup>	< 3/4 statute mile	3/4 to < 1 statute mile	≥ 1 statute mile straight-in	Circling <sup>2</sup>
HATh <sup>3</sup>	< 250 ft	≥ 250 ft	≥ 250 ft	≥ 350 ft
TERPS GQS <sup>4</sup>	Clear	Clear	Clear	Not applicable
PA final approach surfaces <sup>5</sup>	Clear	Not Required	Not Required	Not applicable
POFZ (PA & APV only)	Required	Not Required	Not Required	Not applicable
TERPS Chapter 3, Section 3	34:1 clear	20:1 clear	20:1 clear <sup>6</sup>	20:1 clear <sup>6</sup>
ALP <sup>7</sup>	Required	Required	Required	Recommended
Minimum Runway Length	4,200 ft (paved)	3,200 ft <sup>8,9</sup>	3,200 ft <sup>8,9</sup>	3,200 ft <sup>8,9</sup>
Runway Markings (See AC 150/5340-1)	Precision	Non-precision <sup>9</sup>	Non-precision <sup>9</sup>	Visual (Basic) <sup>9</sup>
Holding Position Signs & Markings (See AC 150/5340-1, AC 150/5340-18)	Precision	Non-precision <sup>9</sup>	Non-precision <sup>9</sup>	Visual (Basic) <sup>9</sup>
Runway Edge Lights <sup>10</sup>	HIRL / MIRL	HIRL / MIRL	MIRL / LIRL	MIRL / LIRL (Required only for night minimums)
Parallel Taxiway <sup>11</sup>	Required	Required	Recommended	Recommended
Approach Lights <sup>12</sup>	MALSR, SSALR, or ALSF	Recommended <sup>13</sup>	Recommended <sup>11</sup>	Not Required
Applicable Runway Design Standards, e.g. OFZ	< 3/4-statute mile approach visibility minimums	≥ 3/4-statute mile approach visibility minimums	≥ 3/4-statute mile approach visibility minimums	Not Required
Threshold Siting Criteria To Be Met (Reference paragraph 303)	Table 3-2, row 7	Table 3-2, row 6	Table 3-2, rows 1-5	Table 3-2, rows 1-4
Survey Required <sup>14</sup>	VGS	VGS (PA & APV) NVGS	NVGS <sup>15</sup>	NVGS <sup>16</sup>

**Notes:**

1. Visibility minimums are subject to the application of Order 8260.3 ("TERPS"), and associated orders or this table, whichever is higher. To qualify for each visibility (or circling), all requirements within the same column must be met or exceeded.
2. All runways authorized for circling must meet threshold siting (reference paragraph 303), OFZ (reference paragraph 308), and TERPS Chapter 3, Section 3 criteria.
3. Height Above Airport (HAA) for circling. The HATh/HAA indicated is for planning purposes; actual obtainable HATh/HAA is determined by TERPS and may be higher due to obstacles or other requirements. HATh less than 250 ft must comply with requirements in < 3/4 statute mile column regardless of published visibility.
4. GQS is applicable to PA and APV only. See Table 3-2, row 8.
5. Applicable to PA only, as defined by paragraph 102. If not clear, HATh must be increased to 250 ft or greater (as required by TERPS).
6. If not clear, obstacles must be lighted (see AC 70/7460-1) or procedure circling runway restricted to day only. In certain circumstance, a VGS may be used in lieu of obstruction lighting as defined in TERPS.
7. An ALP is only required for obligated airports in the NPIAS; it is recommended for all others.
8. Runways less than 3,200 ft are protected by Part 77 to a lesser extent. However, runways as short as 2,400 ft could support an instrument approach provided the lowest HATh is based on clearing any 200-ft (61 m) obstacle within the final approach segment.
9. Unpaved runways require case-by-case evaluation by the RAPT.
10. Runway edge lighting is required for night approach minimums. High intensity lights are required for RVR-based minimums.
11. A full-length parallel taxiway must lead to the threshold.
12. To achieve lower visibility minimums based on credit for lighting, a full approach light system (ALSF-1, ALSF-2, SSALR, or MALSR) is required for visibility < 3/4 statute mile. Intermediate (MALSF, MALS, SSALF, SSALS, SALS/SALSF) or Basic (ODALS) systems will result in higher visibility minimums. An ALSF-1 or ALSF-2 is required for CAT II/III ILS.
13. ODALS, MALS, SSALS, and SALS are acceptable.
14. See AC 150/5300-18 for Vertically Guided Survey (VGS) and non-Vertically Guided Survey (NVGS) requirements.
15. For PA and APV only, the NVGS must be supplemented with the first 10,200 ft of the Vertically Guided Approach Surface.
16. Absence of the indicated survey does not preclude authorization to establish circling to a runway but may result in increased HATh and visibility.

 RW 18/36 (Without Approach Light System)  
 RW 13/31

Source: AC 150/5300-13A – Appendix 7

**TABLE FIVE: RUNWAY FACILITIES**

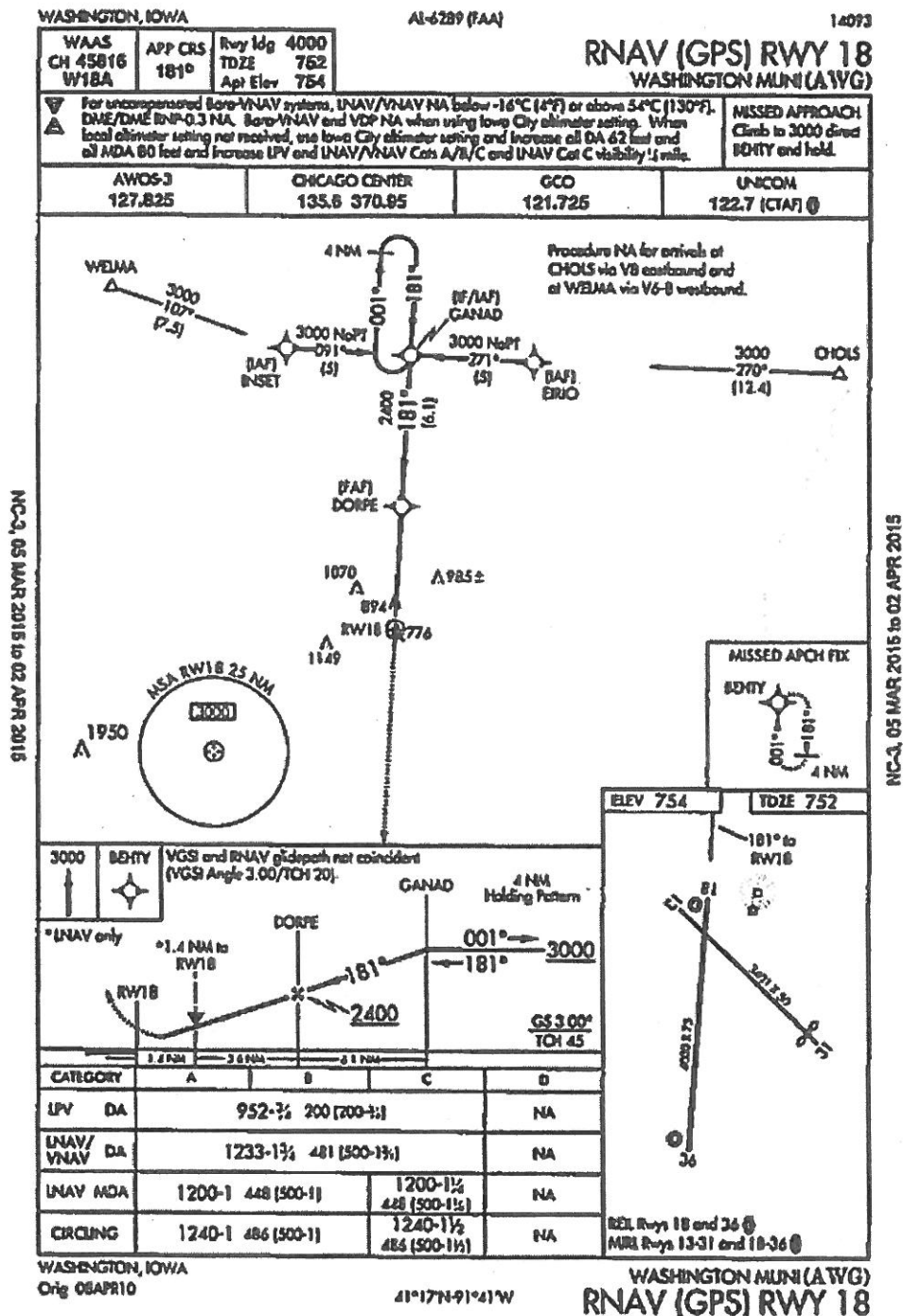
Runway	Length	Width	Threshold	Latitude	Longitude
RW 18	4000	75	751.0	41-16.77429N	91-40.57606W
RW 36	4000	75	751.00	41-16.116552W	91-40.622792N
RW 13	3400	60	752.16	41-16.510276 N	91-40.471822W
RW31	3400	60	754.27	41-16.273792 N	91-40.155388W

Source: AIRNAV; S & A Inc. – RW 13/31 under construction

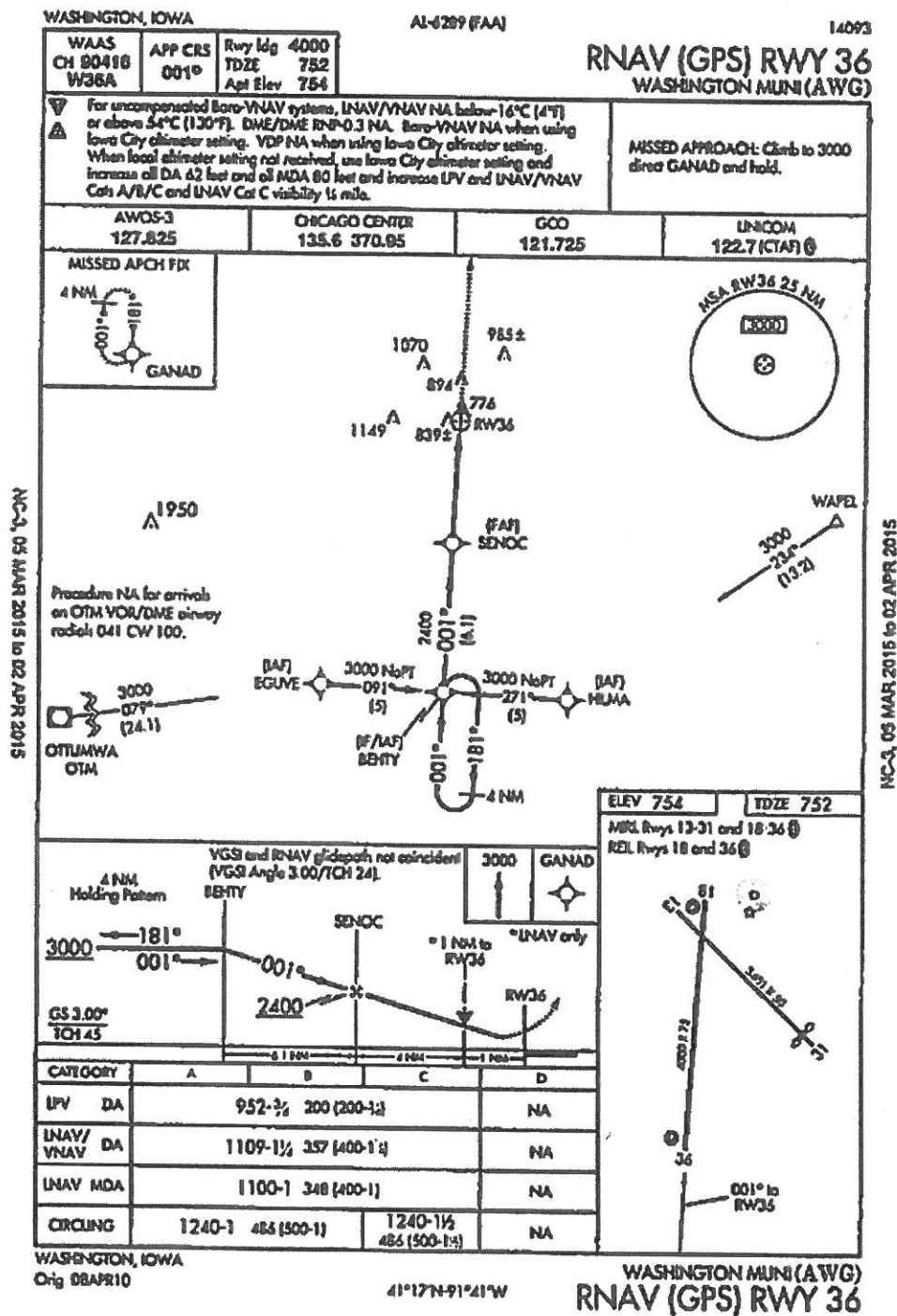
The established airport elevation is 753.5 feet AMSL. (Note: The established airport elevation may be revised once RW 13/31 is constructed). The Airport Commission may revise FAA Form 5010 to reflect "as built" conditions. New instrument approach procedure have not (as of March 2015) been development for RW 13/31. There are three (3) published instrument approaches available to RW 18/36. LPV (Localizer Performance with Vertical Guidance) approaches have been published to Runways 18 and 36. The forward visibility (Approach Category A, B and C airplanes) is  $\frac{3}{4}$  statute mile without an approach light system. There is also a VOR/DME approach available.



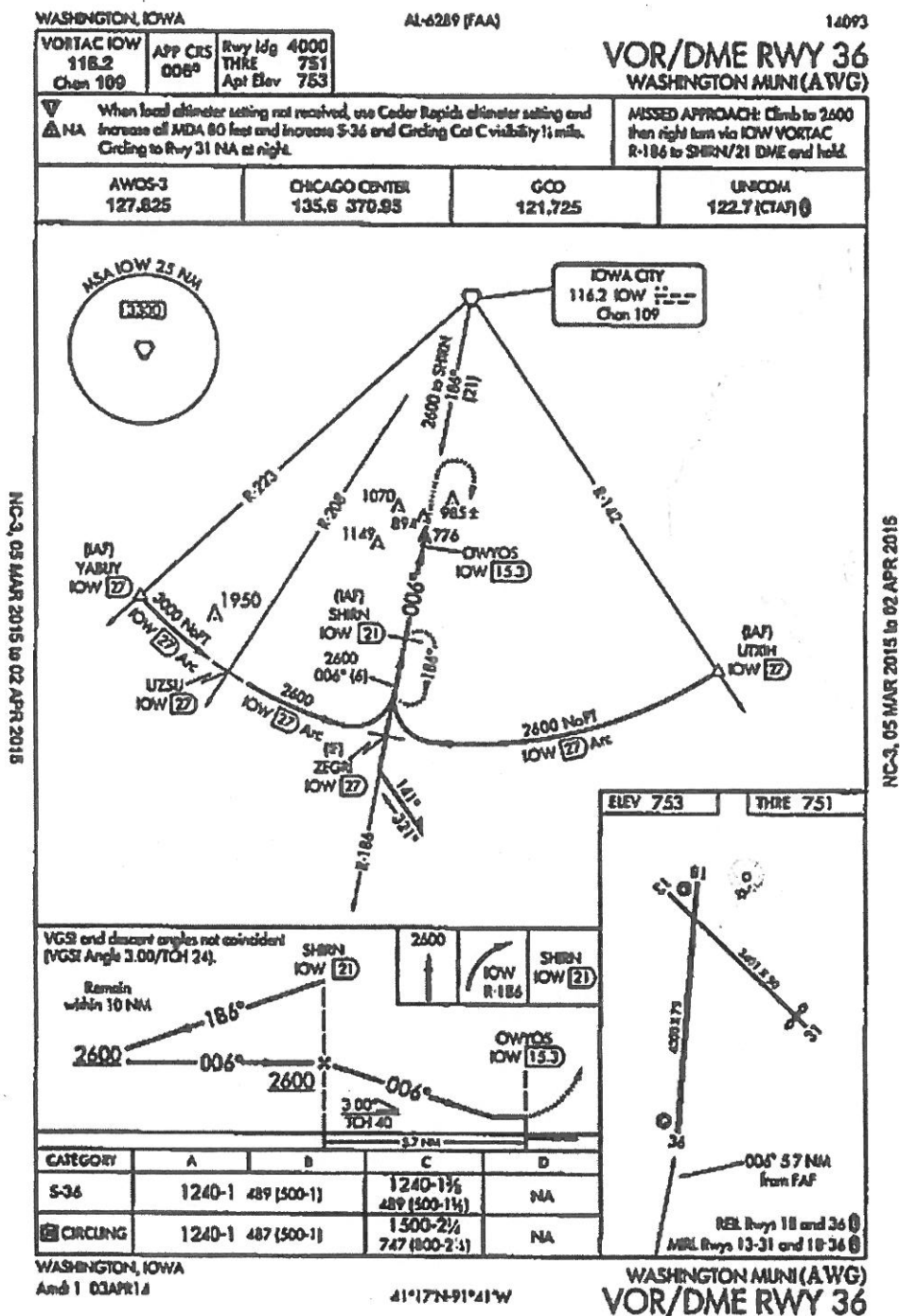
## EXHIBIT THREE: RNAV (GPS) RWY 18



## EXHIBIT FOUR: RNAV (GPS) RWY 36



**EXHIBIT FIVE: VOR/DME RWY 36**



## VI. ANALYSIS

Given the anticipated aircraft usage, aircraft noise is not expected to present significant concerns since the City's Future Land Use Plan envisions agricultural land uses within the immediate vicinity of the airport. A noise analysis may be required for a major runway extension or strengthening project; should the Washington Municipal Airport exceed the following thresholds:

- Airplane Design Groups I & II
  - 90,000 annual piston-powered aircraft operations
  - 700 annual jet-powered operations

FAA has developed guidance regarding land use compatibility based on noise contours generated from the Integrated Noise Model.

Wildlife hazards potentially exist at most airports in Iowa. Should the airport experiences incidents involving wildlife, the City should contact the Iowa DOT Office of Aviation. The Office of Aviation has entered into an agreement with the United States Department of Agriculture (USDA-APHIS-WS) to prepare a wildlife hazard assessment and control plan. To minimize the possibility of wildlife incidents, the land use plan should discourage creating habitats that become wildlife attractants.

- Storm water retention ponds near the airport
- Tree and brush cover near the airport

Land uses adjacent to the airport and in the immediate vicinity are under cultivation. While row and grain crops provide a food source, there is minimal ground cover that is not altered each crop year.

The FAA recommends that the Runway Protection Zone (RPZ) be acquired and owned in fee title. Interim guidance (dated 9-27-2012) identified several land uses that should be excluded from the RPZ. These are:

- Buildings and structures
- Recreational land
- Transportation facilities (roads, railroads, trails)
- Fuel storage, Hazardous material storage
- Waste water treatment facilities
- Above-ground utility infrastructure



If allowed, the City of Washington will need to consult with the FAA Central Region staff should the City not be able to acquire the RPZ in fee. A surface and overhead aviation may be considered.

The City of Washington as noted in Section III may extend its zoning powers two miles beyond the corporate boundary. The areas if annexed are typically brought in as A-1 (Agricultural) District and rezoned based in part on the Future Land Use Plan.

Where agricultural land uses are generally compatible with airport operations, the A-1 Agricultural District does permit uses that are not necessarily compatible with airport operations. Permitted principal uses allowed in the A-1 Agricultural District include the following uses that may not be compatible with in close proximity of the airport.

- Livestock confinement (housed or fed) within two hundred (200) feet of an "R" district,
- Public parks, playgrounds and recreation areas,
- Churches, chapels or parish houses located not less than twenty (20) feet from any side lot line in any "R" district,
- Any building or structure occupied or used for nursery, elementary, junior high or high schools, public libraries and similar public cultural uses located not less than 20 feet from any side lot line.

Agricultural activities shall be limited to areas beyond the crop restriction lines as defined in Federal Aviation Administration (FAA) Central Region Airport Certification Bulletin 2010-10 dated August 31, 2010 and the Iowa Department of Transportation publication entitled Iowa Airport Land Use Guidebook dated January 2008, - Chapter 3 page 49.

Where agricultural uses are permitted, the following activities should be discouraged: Orchards, tree farms, and vineyards. The presence of these vegetation types may provide wildlife (not only) with a food source, but shelter as well. In addition, trees not harvested may ultimately grow to a height where they become an obstruction.

**TABLE SIX: AIRPORT CROP RESTRICTIONS**

Aircraft Approach Category and Design Group <sup>1</sup>	Distance in Feet From Runway Centerline to Crop		Distance in Feet From Runway End to Crop		Distance in Feet From Centerline of Taxiway to Crop	Distance in Feet from Edge of Apron to Crop
	Visual & ≥ ¾ Mile	< ¾ Mile	Visual & ≥ ¾ Mile	< ¾ Mile		
Category A & B Aircraft						
Group I	200 <sup>2</sup>	400	300 <sup>3</sup>	600	45	40
Group II	250	400	400 <sup>3</sup>	600	66	58
Group III	400	400	600	800	93	81
Group IV	400	400	1,000	1,000	130	113
Category C, D & E Aircraft						
Group I	530 <sup>3</sup>	575 <sup>3</sup>	1,000	1,000	45	40
Group II	530 <sup>3</sup>	575 <sup>3</sup>	1,000	1,000	66	58
Group III	530 <sup>3</sup>	575 <sup>3</sup>	1,000	1,000	93	81
Group IV	530 <sup>3</sup>	575 <sup>3</sup>	1,000	1,000	130	113
Group V	530 <sup>3</sup>	575 <sup>3</sup>	1,000	1,000	160	138
Group VI	530 <sup>3</sup>	575 <sup>3</sup>	1,000	1,000	193	167

- Design Groups are based on wing span or tail height and category depends on approach speed of the aircraft, as shown below:

Design Group	Category
Group I: Wing span up to 49 ft.	Category A: Speed less than 91 knots
Group II: Wing span 49 ft. up to 79 ft.	Category B: Speed 91 knots up to 121 knots
Group III: Wing span 79 ft. up to 118 ft.	Category C: Speed 121 knots up to 141 knots
Group IV: Wing span 118 ft. up to 171 ft.	Category D: Speed 141 knots up to 166 knots
Group V: Wing span 171 ft. up to 214 ft.	Category E: Speed 166 knots or more
Group VI: Wing span 214 ft. up to 262 ft.	

- If the runway will only serve small airplanes (12,500 lb. and under) in Design Group 1, this dimension may be reduced to 125 feet; however, this dimension should be increased where necessary to accommodate visual navigational aids that may be installed. For example, farming operations should not be allowed within 25 feet of a Precision Approach Path Indicator (PAPI) light box.
- These dimension reflect the Threshold Siting Surface (TSS) as defined in AC 150/5300-13, Appendix 2. The TSS cannot be penetrated by any object. Under these conditions, the TSS is more restrictive than the OFA. The dimensions shown here are to prevent penetration of the TSS by crops and farm machinery.

Source: FAA Central Region Airport Certification Bulletin 2010-10 August 2010

The Iowa Airport Land Use Guidebook provides guidance related agricultural and open space area on or within close proximity of an airport. The publication set forth five (5) zones within which agricultural and open space uses were classified as:

- Compatible (C)
- Additional Review Required (AR)
- Not Compatible (NC)

The five (5) zones coincide with the airport imaginary surfaces as defined by Federal Aviation Regulation (FAR) Part 77 surfaces and FAA AC 150-5300-13A Airport Design. Reference may be made to Exhibit Six.

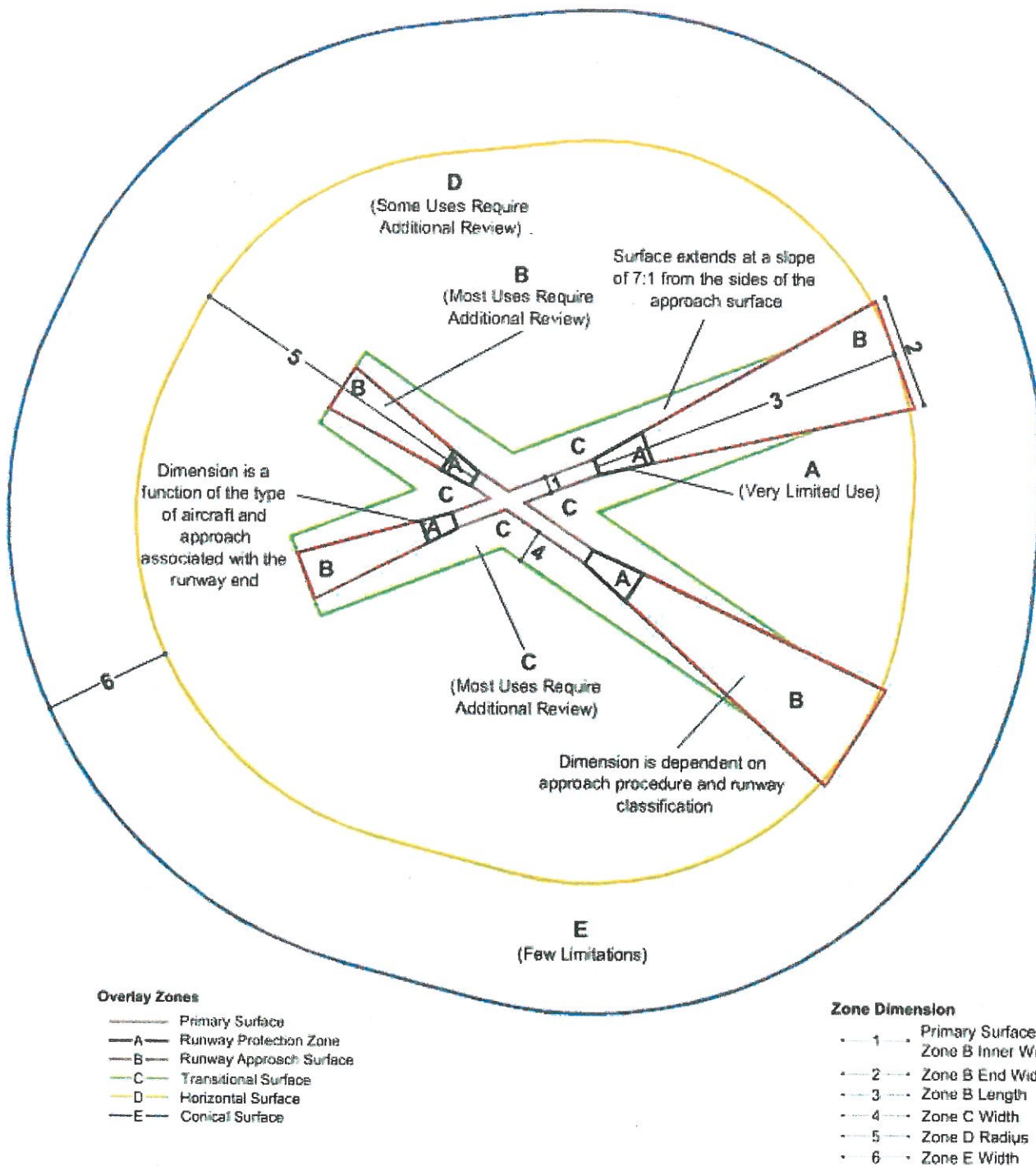
Zone	Description	Source
A	Runway protection zone (RPZ)	AC 150-5300-13A Airport Design
B	Approach surface	FAR Part 77
C	Transitional surface	FAR Part 77
D	Horizontal surface	FAR Part 77
E	Conical surface	FAR Part 77

Provided the crop restriction lines as established by FAA, row cropping, grain and forage crops do not grow to a height that would penetrate the FAR Part 77 surfaces. To the extent that tree farm, vineyards and orchards are prohibited in an Agricultural District, row crops, grain and forage cropping are permitted uses.

Animal related activities to include confinement facilities are acceptable provided that structures associated with such facilities do not penetrate the FAR Part 77 surfaces. Given the close proximity of the Washington Municipal Airport to urban land uses, the recommendation herein is that animal confinement facilities are allowed only after review by the Board of Adjustment as follows:

"Lots for confinement and feeding of livestock subject to controls of surface runoff and located at least one thousand three hundred twenty (1,320) feet from the Washington Municipal Airport and any "R" (Residential) or "B" (Business) District."

The above language is the same as set forth in the current A-1 Agricultural District except that reference to the Washington Municipal Airport should be included as well.

**EXHIBIT SIX: AIRPORT OVERLAY ZONES**

Source: Iowa DOT – Office of Aviation, Iowa Airport Land Use Guidebook



**TABLE SEVEN: IOWA AIRPORT ZONE CHART: AGRICULTURAL USES**

<b>Iowa Airport Zone Chart</b>					
C = Compatible		AR = Additional Review Required		NC = Not Compatible	
Land Uses	Zone A RPZ	Zone B Approach	Zone C Transitional	Zone D Horizontal	Zone E Conical
<b>Infrastructure Activities</b>					
<b>Agricultural Uses</b> (i.e. commercial cultivation of plants, livestock production)					
Plant-related (i.e. crop farming, vegetable, fruit, and tree, wholesale plant nurseries)	AR	AR	AR	C	C
Animal-related (i.e. livestock operations, dairy farms, horse farms)	AR	AR	AR	C	C
Resident-related (i.e. single-family home, mobile home if converted to real property and taxed)	NC	AR	NC	AR	C
Facility-related (i.e. fuel bulk storage/pumping facility, grain elevator, livestock/seed/grain sales)	NC	NC	NC	AR	AR
<b>Floodplains</b>	AR	AR	AR	C	C
<b>Water Bodies</b> (i.e. open bodies containing water)					
Man-made resources (i.e. mining and extraction, water detention ponds, wetlands)	NC	AR	AR	AR	AR
Naturally occurring (i.e. lakes, ponds, prairie pot holes, rivers, streams, wetlands)	NC	AR	AR	C	C
Wildlife Preservation Areas (i.e. petting zoos, wildlife rehabilitation centers, zoos)	NC	NC	NC	AR	C

Source: Iowa DOT Office of Aviation Iowa Airport Land Use Guidebook Jan. 2008

The Future Land Use Plan as set forth in the 2012 Comprehensive Plan identifies land uses that are generally compatible with operational activity and future development envisioned for the Washington Municipal Airport. The one exception is the future residential land use located north of Fillmore Street between 12<sup>th</sup> Avenue and Airport Road. It is recommended that as this area develops, additional review be given to the housing density. A planned low density residential development may be acceptable. The proposed development plan would in this case be subject to review by the Planning and Zoning Commission as well as the Board of Adjustment, (See Section 165.19 – Chapter 165 – Zoning Regulations).

The Airport Land Use Steering Committee and City staff has expressed the desire to use the framework established by the 2012 Comprehensive Plan and existing ordinances to guide and regulate land use in and around the airport.

The governing authority as such is set forth in current ordinances adopted by the City of Washington.

- Airport Commission
- Planning and Zoning Commission
- Board of Adjustment
- Mayor and City Council

The City has on staff a zoning administrator who will work with the Airport Commission as well as other Boards and Commissions responsible for implementing the 2012 Comprehensive Plan.

The Steering Committee requested that consideration be given to the development of a more restrictive agricultural zone that may be appropriate for that area immediately adjacent to the airport.

The Committee recommended that Chapter 167 – Airport Zoning (Note: Height Restriction Only) be retained and amended as necessary to reflect construction of the new runway (RW 13/31) and proposed improvements on the most recent FAA approved Airport Layout Plan (ALP).

Chapter 165 will be used to regulate land uses in the immediate vicinity of the airport.

The new District regulation proposed for consideration by the governing body is referenced as follows:

#### A-2 Agricultural District

**INTENT:**

The intent of the A-2 Agricultural District is to maintain agricultural land uses that are compatible with airport operations and discourage the concentration of people and/or attract wildlife.

The proposed A-2 Agricultural District regulation should be reviewed by the City Attorney prior to adoption by the City Council. The Airport Land Use Steering Committee recommended the proposed A-2 District Regulation be applied to the area as shown in Exhibit Seven.

## **A-2 AGRICULTURAL DISTRICT**

### **1. Permitted Principal Uses**

- A. Agriculture and agricultural buildings except as provided by subsection (2)(A) of this section and provided that livestock shall not be housed or fed within two thousand six hundred forty (2,640) feet from the runway center line and runway thresholds associated with Runway 18, 36, 13 and 31.
- B. Single-Family detached dwellings on lots of twenty (20) acres.
- C. Essential services as defined in Section 165.01.
- D. Transformer stations and booster or pressure stations without service yards or storage.
- E. Public owned airports – Washington Municipal Airport.

### **2. When Authorized By the Board of Adjustment**

- A. Lots for confinement of and feeding livestock subject to controls of surface run off and located as follows:
  - (1) The area under the Approach Surface extending beyond Runways 18 and 36: Two thousand Six Hundred Forty (2,640) feet.
  - (2) The area under the Approach Surface extending beyond Runways 13 and 31: One Thousand Three Hundred Twenty (1,320) feet.
  - (3) The area under the Transitional, Horizontal or Conical Surface: One Thousand Eight Hundred Twenty (1,820) feet from the runway center line associated with Runways 18 and 36; One Thousand Five Hundred Seventy (1,570) feet from the runway center line associated with Runways 13 and 31.

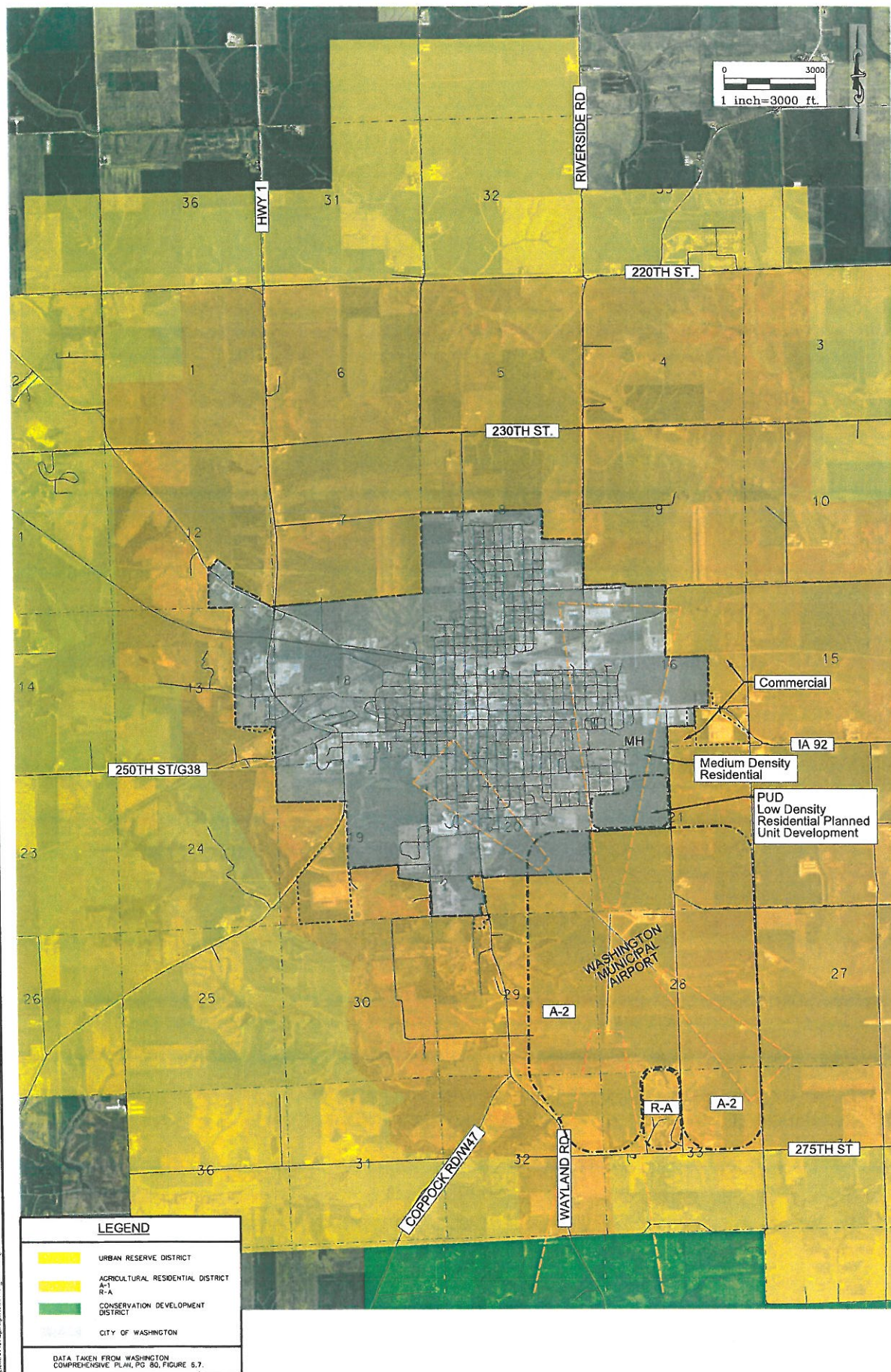
### **3. Permitted Accessory Uses**

- A. Buildings, structures and uses accessory to agricultural uses including roadside stands, selling produce grown on the premises, provided such roadside stands are located no less than twenty (20) feet from a street or highway right-of-way line.
- B. Private garages or parking areas.
- C. Living quarters of persons employed on the premises.
- D. Home occupation as defined and regulated by Section 165.22.
- E. Signs as regulated by Section 165.20.

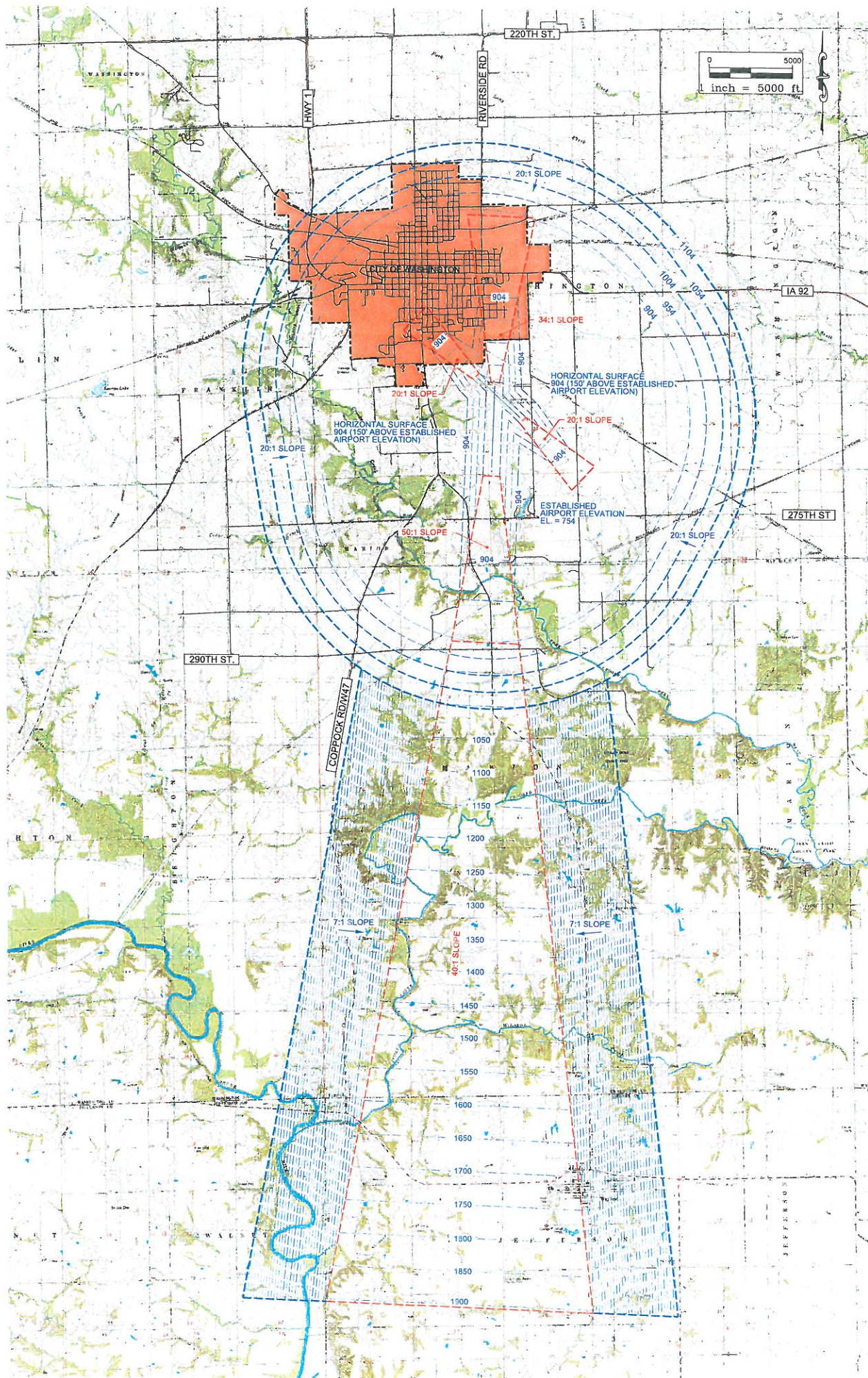
4. Height Regulations. No principal structure shall exceed two and one-half (2½) stories or thirty (30) feet in height and no accessory structure shall exceed fifteen (15) feet in height, except as provided in Section 165.23.
5. Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications in Section 165.23. Each lot shall contain a minimum area of twenty (20) acres.

<b>MINIMUM LOT WIDTH</b>	<b>MINIMUM FRONT YARD DEPTH</b>	<b>MINIMUM SIDE YARD WIDTH</b>	<b>MINIMUM REAR YARD DEPTH</b>
300 feet	Along State and Federal roads; 80'; Other public roads, 60'	30 feet	100 feet













## Sewer Claims: Understanding Liabilities and Immunities

By Kristopher K. Madsen\*

"My basement is full of sewage!" cries a distraught citizen.

This is a call that many municipal officials dread, but likely receive at some point. Therefore, it is vital that officials understand both the liabilities and the immunities a municipality may have with regard to sewer back-up claims.

Municipal officials need to understand a municipality is not an insurer of sewers. Iowa Code Chapter 670 (Tort Liability of Government Subdivisions) sets forth the liability which can be imposed upon a municipality and its employees, and it sets forth exceptions to that liability.

Iowa Code Section 670.4(3) can often be successfully utilized by municipalities to obtain immunity relative to sewer claims. This specific Section states a municipality shall be immune from liability for:

Any claim based upon an act or omission of an officer or employee of the municipality, exercising due care, in the execution of a

statute, ordinance, or regulation whether the statute, ordinance, or regulation is valid, or based upon the exercise or performance, or the failure to exercise or perform a discretionary function or duty on the part of the municipality or an officer or employee of the municipality, whether or not the discretion is abused.

Iowa Courts have been very reluctant, based on the discretionary function language of Iowa Code Section 670.4(3) to impose liability on municipalities unless the claimant can demonstrate that a municipality failed to exercise reasonable care at the operational level to maintain and keep sewer lines free from obstructions. The guiding principle is as follows: "The law is well settled that a municipality, while not an insurer of the safe conditions of its sewers, is liable for damages resulting from its failure to exercise ordinary or reasonable care to keep them in repair and free from obstructions." *Scholbrock v. City of New*



*Hampton, 368 N.W.2d 195, 197 (Iowa 1985).*

What is ordinary or reasonable care? Under the previously mentioned Iowa Code Section 670.4(3), Courts have found that a City has discretionary immunity for devising, adopting and following a sewer cleaning and maintenance program based on public considerations of social, economic, and political reasons. See *City of Cedar Falls v. Cedar Falls Comm. School Dist.*, 617

*continued on p. 3*



## Special ICAP Agent Event: Register Now!

ICAP agents, don't forget to sign up for ICAP's upcoming Agent event, which will be held Thursday, November 6, at the Hilton Garden Inn in Johnston, Iowa!

This event is being hosted for the sole benefit of ICAP agents and is intended to help keep ICAP and its agents current on the changing insurance market and the fast-evolving public entity landscape.

The event will feature four

heavy-hitting presentations, all of which have been developed exclusively for ICAP agents.

Presentation topics will include liability coverage analysis, public entity field underwriting, coverage technology systems and a comprehensive case law review.

J.T. Babish, Vice President of York Risk Pooling Services, Inc.; Kasi Koehler, President of Bilbrey Insurance Services; Kelly Hammond,

Underwriting Business Intelligence Specialist; and John Baum, ICAP Litigation Specialist, will present.

Eligible agents who attend the event in its entirety will receive four hours of CE credits.

Advance registration is required and can be completed via the News Page of the ICAP website.

To learn more and register for the event, please visit the ICAP website at [www.icapiowa.com](http://www.icapiowa.com).



## Sewer Liabilities & Immunities continued from p. 1



N.W.2d 11 (Iowa 2000).

In sum, Iowa Courts have said that if a municipality sets up a sewer cleaning and maintenance program, adheres to the program, and a problem results, immunity still attaches. So long as a policy was in place, and "ordinary or reasonable care" was used in following the policy at the operational level, then Iowa Code Section 670.4(3) would apply and the City would be immune from liability.

It should be noted, however, that the application of immunity is not as clear-cut if a municipality has actual notice of a defective or problematic sewer line.

If a municipality knows about a sewer line that is in such a state of dis-

repair that problems are likely, and does nothing to correct the problem, the municipality cannot later rely on the discretionary function immunity found in Iowa Code Section 670.4(3).

In *Hansen v. City of Audubon*, the Supreme Court of Iowa found the City was not immune from liability by virtue of this Section because the City knew the sewer system was defective. The Court, in its reasoning stated: "The failure to repair or properly maintain a known defective sewer system over a period of nine (9) years involves decisions at the operational level. Such conduct can be judged by standards of negligence. The City is not entitled to be excepted from liability on the basis that it was performing a 'discretionary function pursuant to Section 670.4(3).'" *Hansen v. City of Audubon*, 378 N.W.2d 903, 906 (Iowa 1985).

As a general rule, municipalities are immune from liability relative to negligent design or construction of sewer lines. Iowa Code Section 670.4(8) provides immunity for: "Any claim based upon or arising out of a claim of negligent design or specification, negligent adoption of design or specification, or negligent construction or reconstruction of a public improvement . . . that was constructed or reconstructed in accordance with a generally recognized engineering or safety standard, criteria, or design theory in existence at the time of construction or reconstruction."

It should be noted, however, that if a municipality is grossly negligent in adopting designs or specifications or construction or reconstruction, the immunities afforded under Section 670.4(8) will not apply.

In conclusion, municipalities can limit liability relative to sewer claims by implementing and adhering to a sewer cleaning and maintenance program. (It is important entities document all maintenance, cleaning and adherence to other policies and procedures.) If a municipality has a maintenance and cleaning program in place, but fails to follow it, liability can attach and the immunities

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 Legal Counsel

afforded under Section 670.4(3) are not applicable. Additionally, if municipal officials are aware of defective or problematic sewer lines, steps need to be taken to remedy the problem.

Taking action relative to a sewer cleaning and maintenance program and known problems can go a long way toward limiting liability (and detailed documentation can help support the actions of the member should a lawsuit occur).

*Kristopher K. Madsen is a senior partner with the Stuart Tinley Law Firm in Council Bluffs. He is a Fellow in the American College of Trial Lawyers, as well as a member of the Iowa Academy of Trial Lawyers. Mr. Madsen specializes in defending municipalities and has been representing ICAP members for more than 15 years.*

### UPCOMING EVENTS

- **November 6**  
Special ICAP Agent Event
- **November 12-14**  
ISAC's Fall School of Instruction
- **November 27**  
Thanksgiving Day  
(ICAP Offices Closed)
- **December 12-14**  
Association of Iowa Fairs' (AIF)  
Annual Conference
- **December 25**  
Christmas Day  
(ICAP Offices Closed)

**As an ICAP Member, you are invited to call 1-877-303-ICAP with any questions.  
 This line is intended to serve as a go-to source and is available 24-hours a day, seven days a week.**



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

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## **Memorandum**

August 21, 2015

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

From: Brent Hinson  
City Administrator

Re: Fall Cleanup Planning

We discussed fall cleanup at the workshop in July, and I thought I'd bring this item back to Council for some final decisions. Since the last workshop, I have talked with all of the vendors I intended to. They all indicated flexible schedules, but the sooner we can set dates, the better. All of them do similar cleanups in various towns, so they also provided some great advice for making our event a success. Therefore, my recommendations have changed somewhat from last time, and I would like Council decisions in the following areas:

- Date: I propose Friday, October 2 and Saturday, October 3
- Times: I received feedback from the vendors that my proposed hours were much too long. Most cities apparently do theirs on a Saturday, often just in the morning. My thought is to do 4-7 PM on Friday and 9-12 on Saturday. We have a good layout at our site, and can hopefully get people through in a very efficient manner.
- Vendors: I have talked with vendors in various areas. I recommend the following, and have provided cost figures where known:
  - Dumpsters for Junk: Luke Waste Management
  - Appliances: Weikert Recycling (\$5 per appliance)
  - Electronics: Midwest Computer Brokers (\$10 for old TV's & monitors, otherwise free, transportation charge of \$1.50/mile from Walford)
  - Paper Shredder: Heartland Shredding, Inc. (waiting to hear on price)
  - Household Hazardous Waste: Linn County Solid Waste Agency (see attached for more information)

I did talk with a tire recycler also, but my thought is to leave that off for this year. The cost for disposing of tires can differ greatly based on size and type, and I'd prefer we stay away from that for now. The only vendor listed above that I have questions about is the

Household Hazardous Waste vendor. I think this would be a wonderful service, but it is fairly expensive. As you can see from his quote, we'd probably only have them come on Saturday due to the relatively high cost of having them here. I still think it's probably worth it to offer the service.

I look forward to discussion at the meeting.

## Brent Hinson

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**From:** Shawn Obert  
**Sent:** Tuesday, August 11, 2015 1:16 PM  
**To:** bhinson@washingtونيowa.net  
**Subject:** Hazardous Materials Mobile Event information  
**Attachments:** Memorandum of Understanding example.docx; Satelite Pricing.pdf; Categories, Numbers, and Service Ticket.pdf

Brent,

Thank you for showing interest in having the Cedar Rapids/Linn County Solid Waste Agency do a household hazardous materials mobile event in Washington, IA. I have attached several documents. I will explain each document. If you have any questions on anything please let me know.

The first document I have attached is an example of our Memorandum of Understanding we would use. This document is similar to a contract but really just lays out what the City of Washington would be responsible for and what the Cedar Rapids/Linn County Solid Agency would be responsible for. The biggest thing in this process is getting a date, time, and site set for the event. If the City of Washington decides they would like us to do a household hazardous materials event the first thing we have to do is set a date, time, and site for the event. We can set the date and time of the event by phone or e-mail. I will need to come down to Washington prior to making a final decision on the site of the event. I will come down and meet with whoever is heading up the project and meet at the site where you guys would like to hold the event. We can then talk about the logistics/traffic flow the day of the event. This will ensure everyone is on the same page the day of the event.

The other important part to think about in preparing for an event like this is advertising for the event. The City of Washington would be responsible for all of the advertising. The City will need to have a great advertising plan to make sure the event is worth everyone's time and money. A lot of city's use our acceptable hazardous materials sheet (last sheet on the Memorandum of Understanding) in a mailer so all residents know what they can and can't bring. The biggest thing that **we don't take is latex paint**. Most of the paint out there these days is latex paint. We would not take latex paint at this event. The reason we will not accept latex paint is because we would not have room for all of the hazardous materials and all of the latex paint we would collect. We are after the hazardous materials not latex paint which is not considered a hazardous material. The City of Washington would have to make sure the residents have a clear understanding of how they need to deal with latex paint. In Linn county they can bring latex paint to our current Regional Collection facility or they can dry it out with a drying medium such as oil dry or saw dust. Once the paint is dried out the lid must be off and then it can be thrown away in the garbage. The other large item that **we don't take** that should be highlighted are **explosives such as fireworks, shotgun shells, gun powder, etc.** All explosives should be taken to the local police station or the county Sheriff's office. You would just need to make sure you have a phone number and address where the residents can take or call someone on how to dispose of these materials.

The next thing would be the length of the event. In my experience it is good to run an event like this for 2 or 3 hours. I have been at events before that were 6 or 8 hours long and it just isn't worth it. If people want to dispose of hazardous materials they will do it in the first 2 or 3 hours of an 6 or 8 hr. event. There is a lot of standing around if an event goes more than 3 hours. Plus the City of Washington would have to pay for labor for an entire 6 or 8 hr. event. My suggestion would be to run the event from 9am-11am or 9am-12pm. This will give ample time for the residents of Washington to drop off their hazardous materials. For my estimate later in this e-mail I will use 3 hours of the event time.

No businesses will be allowed to drop off hazardous materials at the event. This event would only be for residents of Washington, IA. I will make a determination at the event if the person dropping the material off is dropping off residential or commercial materials. All businesses will have to contact me at a later date and go through a process to drop off their hazardous materials. I will be giving businesses the proper paperwork they will need to begin the process at the event.

The last thing on the Memorandum of Understanding is that we will need 1 volunteer to greet the residents of Washington who are dropping off hazardous materials. It is always good to have a familiar face who interacts with the participant first. This has proven to be very effective in the past. They would also have to keep track of how many people are participating in the event.

This will ensure an accurate number of people will be counted as we will probably not have time to keep track of how many people are participating.

The next attachment is the actual pricing for the event. We would extend our satellite pricing to the City of Washington for the event. Obviously, on the pricing sheet there are prices for drums of material. You will not need to worry about any of that. We will however charge for supplies used to ship the materials. So we would be charging for the drums and/or boxes we use to ship the materials for disposal. The easiest way to give you an estimate on the supplies and disposal cost for an event like this is use the numbers from a similar 1<sup>st</sup> time event that was held at the City of North English in Iowa County. This is the next attachment.

The next attachment of the Categories, Numbers, and Service ticket is the best I can do for an estimate on how many supplies will be used and disposal costs will be for the City of Washington. You can obviously take a look at all this information and see that at this event we had 51 participants for a total of 2,268 pounds. We also collected some universal waste such as fluorescent tubes( 4 ft. or 8ft. ), compact fluorescent bulbs, small propane tanks, and car batteries. So the estimated cost for supplies and disposal costs would be \$2,288.00. I get this number by adding all 3 tickets together and then subtracting out the labor & mileage.

I will do a specific estimate on the labor and mileage. This estimate is based on doing the actual event for 3 hrs.

Environmental Specialist 1 hour prep time to get everything ready prior to event charged at regular time rate=\$42.00

General labor 1 hour prep time to get everything ready prior to the event charged at regular time rate=\$33.00

Environmental Specialist 10 hours for travel time, set up time, event time, and unloading time day of event charged at overtime rate=\$580

General labor 10 hours for travel time, set up time, event time, and unloading time day of event charged at regular time rate=\$330

Environmental Specialist 3 hours processing time following Monday to weigh and package materials for disposal at regular time rate=\$126

General labor 3 hours processing time following Monday to weigh and package materials for disposal at regular time rate=\$99

144 miles charged at \$1.10 per mile=\$158.40

Total labor and mileage=\$1,368.40

Estimated Grand Total for supplies, disposal costs, labor, and mileage=\$3,656.40

Please let me know if you have any questions and if the City of Washington would like to proceed with planning a Household Hazardous Materials Mobile Event.

Thanks,



Shawn Obert  
Environmental Specialist  
Cedar Rapids/Linn County Solid Waste Agency  
1954 County Home Road



Marion, IA 52302  
Ph # (319) 377-5290  
Fax#(319) 377-5480

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## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into on this \_\_\_\_ day of \_\_\_\_ 2015 by the Cedar Rapids/Linn County Solid Waste Agency (the Agency) and the City of Washington (the City).

WHEREAS, the parties wish to conduct a household hazardous materials mobile collection event

NOW THEREFORE, the parties hereto agree as follows:

**SECTION 1** A household hazardous material mobile collection event will be conducted on the following date, time, and location.

Date:

Time:

Site:

**SECTION 2** The household hazardous material mobile collection event will be conducted at no charge to participating residents of Washington, IA. The City of Washington, IA will assume all costs associated with the event. This will include labor, supplies used during and after the event to ship the materials for disposal, and actual disposal costs.

Hazardous material from a business will **not** be accepted at this event. This includes but is not limited to government agencies, farms, contractors, and non-profits. A CESQG business packet will be handed out to any business showing up to the event. All businesses will contact, Shawn Obert, the Agency's Lead Environmental Specialist at (319) 377-5290 ext. 112 for more information and proper disposal of hazardous materials.

Latex Paint will not be accepted at this event. The City of Washington will be responsible for communicating this to the residents of the City of Washington and giving them a suitable alternative for the disposal of latex paint.

**SECTION 3** Responsibilities of the Agency include:

1. Provide trained and qualified staff to assist with the event.
2. Provide containers, transportation, storage, and disposal for the household hazardous material collected at the event.
3. Provide signs and traffic cones to direct residents through the event site.

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**SECTION 4** Responsibilities of the City include:

1. Identify a municipal representative for the event. This person will communicate and coordinate with the Agency as well as the event volunteer the day of the collection event.
2. Provide 1 adult volunteer (18+) to work at the event 30 minutes prior to the start of the event
3. Provide advertising/promotion for the event. Provide traffic control if needed.
4. Provide adequate space at the event for the Agency's truck, trailer, and operational set up.

**Municipal Representative:**

The City's representative for the mobile event is responsible for providing a volunteer, informing the local fire department, and emergency responders of the event's time, date, and location. It is important that the representative is available for the event.

**Volunteer:**

This event will require one volunteer. The volunteer should arrive at the event site 30 minutes prior to the beginning of the event.

A volunteer is needed to fill the role of **Greeter**. This individual will greet the participant, inform the participant to remain in the vehicle while being unloaded and direct the participant to the unloading area. They will keep track of how many participants are coming to the event and may hand out Agency informational materials.

**No Smoking** is allowed in the unloading area.

**City of Washington, IA**

Name & Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Cedar Rapids Linn County Solid Waste Agency**

Name & Title: Karmin McShane, Executive Director

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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### **Hazardous Material Collection Mobile Event Guidelines**

#### **Acceptable Materials:**

Adhesives, Glues, Resins  
Brake Fluid  
Bug Sprays  
Compact Fluorescent Bulbs  
Degreaser  
Floor Care Products  
Fluorescent Bulbs  
Furniture Polish  
Gasoline (need to bring in a container you can leave with us)  
Herbicides (Weed Killers)  
Kerosene (need to bring in a container you can leave with us)  
Kitchen & Bathroom Cleaners  
Metal Polish  
Oil Based Paints  
Pesticides (Insect Killers)  
Rechargeable Batteries (NiCad, NiMH, Lithium, Li-ion)  
Spray Cans  
Stain Remover  
Stains & Thinners  
Solvents & Varnishes  
Used Oil & Oil Filters  
Wood Preservative  
Weed Killers

#### **LATEX PAINT WILL NOT BE ACCEPTED**

Residents can take their latex paint to \_\_\_\_\_?

#### **AMMUNITION & EXPLOSIVES WILL NOT BE ACCEPTED**

Residents can call \_\_\_\_\_?

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*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*

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## **Memorandum**

August 21, 2015

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

From: Brent Hinson  
City Administrator

Re: Stop Sign & Speed Zone Request Policy

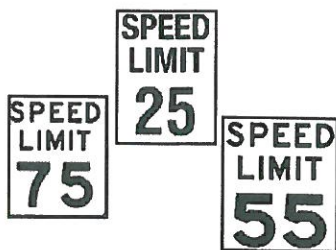
As discussed briefly at the August 4 meeting, the Council occasionally is confronted with requests to place additional stop signs or to reduce the speed limit in a particular area. In order to give fair and efficient due process to these requests while allowing for consistent decision-making, it is my recommendation that the Council establish a written policy for processing such requests.

I have attached an informational piece on speed zoning, as well as information on handling stop sign requests. If the Council agrees after discussion that we should establish a written policy, I would propose to put this in the form of a resolution, which should include the following basic process:

- 1) The process will typically begin with a citizen request to the Council or City staff.
- 2) The item will be referred to the City Engineer. If the process is initiated based on a request to staff, staff will advise Council of the nature of the request, and that the Engineer is reviewing the request.
- 3) The Engineer will conduct whatever field research is needed, which may include involvement of City staff in items such as speed studies, etc. Requests will be evaluated utilizing the guidelines of the U.S. DOT's Manual on Uniform Traffic Control Devices (MUTCD).
- 4) The Engineer will provide a written recommendation to Council, which will be acted on at a future meeting. If the request is recommended for approval, an ordinance will be prepared for consideration.

I look forward to discussion at the meeting.





# Speed Zoning Information

## A Case of "Majority Rule" (Within the United States)

### EXECUTIVE SUMMARY

#### What Realistic Speed Limits Do:

- Encourage compliance from the majority of drivers;
- Give a clear reminder of reasonable and prudent speeds;
- Provide an effective enforcement tool to the police;
- Minimize public antagonism toward police enforcement, which results from obviously unreasonable regulations; and
- Encourage drivers to travel at the speed where the risk of crash involvement is the lowest.

#### What Unrealistic Speed Limits Do:

- Discourage voluntary compliance;
- Create the perception of "speed traps;"
- Cause public antagonism toward the police;
- Create a bad image for a community in the eyes of tourists; and
- May increase the potential for crashes.

### WHY SPEED LIMITS?

Generally, traffic laws that reflect the behavior of the majority of motorists are found to be successful, while laws that arbitrarily restrict the majority of motorists encourage violations, lack public support and usually fail to bring about desirable changes in driving behavior. This is especially true of speed zoning.

Speed zoning is based on several fundamental concepts deeply rooted within the American system of government and law:

- Driving behavior is an extension of social attitude and the majority of drivers respond in a safe and reasonable manner as demonstrated by consistently favorable driving records;
- The normally careful and competent actions of a reasonable person should be considered appropriate;
- Laws are established for the protection of the public and the regulation of unreasonable behavior on the part of individuals; and
- Laws cannot be effectively enforced without the consent and voluntary compliance of the public majority.

### COMMON MISCONCEPTIONS

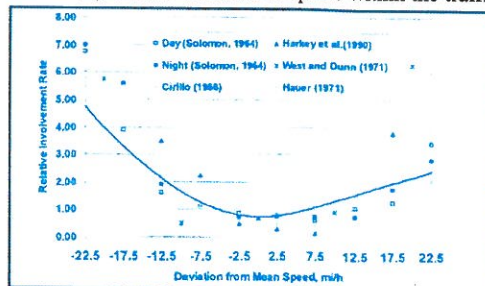
The public normally accepts the concepts noted above. However, when emotionally aroused in a specific instance, the same public will often reject these fundamentals and rely instead on more comfortable and widely-held misconceptions such as:

- Reducing the speed limit will slow the speed of traffic;
- Reducing speed limits will decrease the number of crashes and increase safety;
- Raising the posted speed limit will cause an increase in the speed of traffic;
- Any posted speed limit must be safer than an unposted speed limit; and
- Drivers will always go 5 mph over the posted speed limit.

### INTENT OF SPEED ZONING

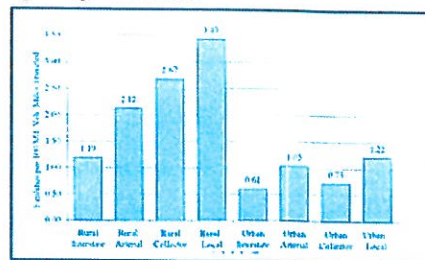
The most widely accepted method by state and local agencies is to set the limit at or below the speed at which 85 percent of the traffic is moving. The 85th percentile speed is how drivers "vote with their feet." Studies have shown crash rates are lowest at around the 85th percentile

speed. Drivers traveling significantly faster OR slower than this speed are at a greater risk for being in a crash. It is not high speeds alone that relate to crash risk; it is the variation of speed within the traffic stream.



Source: U.S. DOT PUBLICATION NO. FHWA-RD-98-154, 1998.

In fact, on a per mile driven basis, high speed roadways, like interstates, have a lower speeding related fatality rate than low speed roadway. Large variations in speed within the traffic stream create more conflicts and passing maneuvers.



Source: U.S. DOT Year 2000 Data.

### HOW SPEED LIMITS ARE ESTABLISHED

According to a Federal Highway Administration study, all states and most local agencies use the 85th percentile speed of free flowing traffic as the basic factor in establishing speed limits.

Radar, laser and other methods are used to collect speed data from random vehicles on a given roadway. This speed is subject to revision based upon such factors as: crash experience, roadway geometrics, parking, pedestrians, curves, adjacent development and engineering judgment. This practice is in accordance with the MUTCD.

In the final analysis, it is the judgment of the traffic engineer that determines which, if any, of the factors in the speed study warrant an adjustment of the 85th percentile speeds. After all variables are considered and a speed limit is established, traffic should flow at a safe and efficient level.

#### Members of the Committee:

Rick Staigle, *Chair*  
Andrew O'Brien  
Bruce Ward Jr.  
Dave Wong-Toi  
David Clark  
Dennis Morford  
Kent Collins

Robert Turner  
Steve Taylor  
Steven Jones Jr.  
Jim Hansen  
Kay Fitzpatrick  
Dustin Qualls  
James Cheeks Jr., *ITE Staff*

## TRAFFIC AND SAFETY INFORMATIONAL SERIES

### FREQUENTLY ASKED QUESTION #13

#### WHY CAN'T WE HAVE STOP SIGNS TO REDUCE SPEEDING ALONG MY STREET?

One of the complaints that people have in residential areas is that vehicles constantly speed by the front of their house. They are concerned about the safety of their children. These residents frequently request the erection of additional stop signs. The addition of a stop sign, however, usually does not solve the problem.

##### *WHY DON'T WE JUST INSTALL ANOTHER STOP SIGN?*

A stop sign is an inconvenience to motorists. Because of this, stop signs should only be placed if they meet a *Manual on Uniform Traffic Control Devices* (MUTCD) warrant. Stop signs are frequently violated if unwarranted. Before warrants are even considered, however, less restrictive measures (such as a yield sign) are usually considered. In certain cases, the use of less restrictive measure or no control at all will accommodate traffic demands safely and effectively.

##### **Warrants for a stop sign**

Because a stop sign is an inconvenience to through traffic, it should be used only where needed. A stop sign may be warranted at an intersection where one or more of the following conditions exist:

- intersection of a less important road with a main road where application of the regular right-of-way rule is hazardous;
- street entering a through highway or street;
- unsignalized intersection in a signalized area;
- other intersections where a combination of high speed, restricted view, and serious accident record indicates a need for control by the stop sign.

A yield sign can also be considered where a full stop is not necessary. Existing sign installations should be reviewed to determine whether the use of a less restrictive control or no control at all could accommodate the existing and projected traffic flow safely and more effectively.

##### **WHERE SHOULD A STOP SIGN BE INSTALLED?**

Stop signs should be installed/located where the vehicles are to stop or as near to that point as possible. The sign may also be supplemented with a stop line and/or the word STOP on the pavement. A yield sign is erected in the same manner. Where there is a marked crosswalk, the stop or yield sign should be erected approximately four feet in advance of the crosswalk line.

When only one stop or yield sign is used on an intersection approach it should be on the right side of the roadway. At wide intersections, however, violations of the yield or stop sign may be reduced by the erection of an additional sign on the left side of the approach. If two lanes of traffic exist on an approach, at least one stop sign should be visible to each lane of traffic.

## ***CAN STOP SIGNS CONTROL SPEED?***

Many studies have shown that stop signs are not an effective measure for controlling or reducing midblock speeds. In fact, the overuse of stop signs may cause drivers to carelessly stop at the stop signs that are installed. In stop sign observance studies approximately half of all motorists came to a rolling stop and 25 percent did not stop at all. Stop signs can give pedestrians a false sense of safety if it is assumed that all vehicles will come to a complete stop at the proper location. A study conducted by Beaubien also showed that placing stop signs along a street may actually increase the peak speed of vehicles, because motorists tend to increase their speed between stop signs to regain the time spent at the stop signs.

## ***WHAT CAN WE DO INSTEAD OF INSTALLING A NEW STOP SIGN?***

There are many alternatives to stop signs. For example, a concept called *traffic calming*, the combination of physical controls and community support, might be a good alternative for some communities. Calming measures can be installed as part of an areawide traffic management plan or on a single street and involve local law enforcement, emergency and maintenance officials, engineers, and the community.

Some communities also start interneighborhood programs to address the problem of the speeding and safety in their neighborhood areas. Often times, the true problem stems mostly from drivers that live in the neighborhood. By simply raising awareness of the issue, drivers in the neighborhood may adjust their driving and decrease their speeds.

Unfortunately, there is no general solution to the problem of speeding traffic. There will always be drivers that speed through residential areas. It is important for residents in a neighborhood to be aware of this issue.

### **For more information**

For more information, please contact \_\_\_\_\_.



## Brent Hinson

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**From:** Brent Hinson  
**Sent:** Tuesday, August 18, 2015 6:41 AM  
**To:** Mark Kendall  
**Subject:** Workshop Items

Mark:

1. The building permit fees have already been paid, and I never heard anything about waiving any portion from anybody. In general, I do not support waiving all the fees, as my predecessor did unilaterally for the high school. We had significant costs in that project, and our general fund took the hit (during a time in which we were in a big hole, largely due to similar poor budgetary decision-making). We depend on building permit fees for our budget. If we're going to waive fees regularly, we need to reduce our budgetary expectations of fees and substitute with property tax. A waiver/refund of a portion could perhaps be considered in this case, but how would we deal with a similar request from Halcyon or the UP Home? We need to have a clear idea of when we are going to waive fees. Only for the schools?

On some projects, we probably "make money" with our fee structure, but if you reduce fees, in most cases, you are providing a general fund subsidy of that project. If you'd like that on the workshop agenda, I think it can go on.

2. An appropriate time to discuss that will be coming up, with discussion of the CIP update. I do think your statements seem to be predicated on the idea that there is some sort of vast store of possible I/I projects that we are aware of but haven't had resources to address them. That's just not true. We have invested a great deal of resources in this area, and have taken care of issues as we have discovered them. The size of Washington's I/I problem is immense, and does require large and sustained resources, lots of money but also lots of research and analysis (and that does take time). However, whatever the progress made, I think we'll still be doing related projects 10 years from now. It's that big of problem. That's been the experience of every town I've talked to with similar problems, and there are many. I think this town has many other things that also need attention during that time period. We're making great progress in a variety of areas right now; I'd hate to see the City snatch defeat from the jaws of victory by losing our focus on important things just because no one happens to be yelling at us about them right now.

Brent D. Hinson, City Administrator  
City of Washington, Iowa

On Aug 17, 2015 8:36 PM, "Mark Kendall" <[kendall@iowatelecom.net](mailto:kendall@iowatelecom.net)> wrote:

I know I am not responding to the correct email, but you asked if there were any items council members would like to discuss during the workshop.

I have two.

1. Would my fellow council members consider waiving the building permit fees on the new auditorium or at least a portion of them.
2. I feel one of my greatest failures on this council is that the sanitary and storm sewer issues hasn't been figured out, I understand that road improvements need to be made but should this be a higher concern. Do you have any idea what additional funds could be made available from the raise in the gas tax?