



AGENDA OF THE REGULAR SESSION OF THE  
COUNCIL OF THE CITY OF WASHINGTON, IOWA  
TO BE HELD IN THE COUNCIL CHAMBERS  
AT 120 E. MAIN STREET  
AT 6:00 P.M., TUESDAY, MARCH 18, 2014

**Call to Order**

**Pledge of Allegiance**

**Roll call**

Agenda for the Regular Session to be held at 6:00 P.M., Tuesday, March 18, 2014 to be approved as proposed or amended.

**Consent:**

1. Council Minutes 03-04-2014
2. Klingner & Assoc., Facility Study, \$1,560.25
3. Snyder & Assoc., Runway Rehabilitation Construction Services, \$4,705.96
4. Snyder & Assoc., Airport AGIS, \$1,210.34
5. Rodney's Concrete & Construction, S Ave. B Walkway, \$14,918.90
6. Fox Engineering, WWTP Old Plant Demolition, \$2,923.95
7. Fox Engineering, Ground Storage Reservoir, \$9,800.00
8. Department Reports

**Claims and Financial Reports:**

Claims as Presented.

Financial Reports.

**SPECIAL PRESENTATION**

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

**UNFINISHED BUSINESS**

**NEW BUSINESS**

Discussion and Consideration of Site Plan Recommendation from Planning & Zoning Committee – Marshall's Furniture.

## **CONSIDERATION OF HEARINGS, ORDINANCES & RESOLUTIONS**

Discussion and Consideration of Preliminary Resolution for Construction of the S. 12th/E. Tyler 2014 Paving Project.

Discussion and Consideration of Resolution of Support for Main Street Washington.

Discussion and Consideration of Resolution Endorsing Washington Park Board Application to Washington County Riverboat Foundation for Grant Funds for Park Benches.

Discussion and Consideration of Third Reading of Drug Paraphernalia Ordinance.

Discussion and Consideration of Third Reading of Flood Plain Ordinance.

## **DEPARTMENTAL REPORT**

Police Department  
City Administrator  
City Attorney

## **MAYOR & COUNCILPERSONS**

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

## **ADJOURNMENT**

Illa Earnest, City Clerk

## Council Minutes 03-04-2014

The Council of the City of Washington, Iowa, met in Regular Session in the council chambers, 120 E. Main Street, at 7:00 P.M., Tuesday, March 4, 2014. Mayor Johnson in the Chair. Present: Kendall, Rosien, Salazar, Shellmyer, Zieglowsky. Absent: Shepherd.

Motion by Shellmyer, seconded by Salazar, that the agenda for the Regular Session to be held at 7:00 P.M., Tuesday, March 4, 2014 be approved as amended. The Discussion & Consideration of a Resolution Ratifying Publication of Notice of Hearing & Letting; Adopting Plans, Specifications, Form of Contract and Estimate of Cost (1.0 MG Ground Storage Reservoir) and Public Hearing On, Discussion & Consideration of a Resolution Making Award of Construction Contract (1.0 MG Ground Storage Reservoir) were struck from the agenda. Four action items were added to the agenda. Ratifying publication of notice of hearing; public hearing; resolution adopting plans, etc.; resolution award of contract. Motion carried.

### Consent:

1. Council Minutes 02-18-2014
2. V & K, Professional Services-Washington Zoning, \$482.40
3. V & K, Engineering Services -Washington Zoning, \$108.00
4. V & K, Engineering Services -Industrial Park Subdivision Preliminary Plat, \$3,160.50
5. V & K, Engineering Services -Sanitary System Rehabilitation-Phase I, \$30.60
6. V & K, -South 12th Avenue Reconstruction-Design Services, \$2,100.00
7. Kevin D. Olson, Legal Services, \$936.96
8. Department Reports

Motion by Shellmyer, seconded by Zieglowsky, that consent agenda be approved. Motion carried.

Motion by Kendall, seconded by Shellmyer, that the claims except those for Hy-Vee be approved for payment. Motion carried.

Motion by Kendall, seconded by Salazar, that the Hy-Vee claims be approved for payment. Motion carried. Zieglowsky abstained.

Motion by Kendall, seconded by Rosien, to move Discussion and Consideration of Acquisition of Demilitarized MRAP Vehicle to a position before Special Presentations. Motion carried.

Lengthy discussion about the MRAP followed. Chief Greg Goodman, Sheriff Jerry Dunbar, Doug Hurley (IA Div. of Narcotics Enforcement), and Scott Mack (Buena Vista County Deputy Sheriff) spoke to the advantages of having the vehicle and answered citizen and council questions about the vehicle.

Motion by Shellmyer, seconded by Kendall, that before proceeding with acquisition of the MRAP, to put the program with other entities in writing to cover costs and establish a maintenance fund. Vote on motion: Aye: Shellmyer. Nays: Kendall, Rosien, Salazar, Zieglowsky. Motion failed.

Motion by Kendall, seconded by Salazar, to authorize staff to obtain the vehicle (MRAP) and direct staff to draft mutual aid agreements with surrounding governmental units. Vote on motion: Ayes: Kendall, Rosien, Salazar, Zieglowsky. Nays: Shellmyer. Motion carried.

The Washington Tree Beautification Committee members came before council to give their annual report. Their tree giveaway will be April 26. Their Volunteer of the Year is Mike Baker. They will be doing a rainscaping project by the high school.

The FY13 City Audit Report was given by Chris Nelson from the audit firm of Gronewold, Bell, Kyhnn & Co., P.C.

Motion by Kendall, seconded by Salazar, to approve the Resolution Endorsing Washington Tree Beautification

Committee's application to the Washington Riverboat Foundation for Grant Funds. Roll call as follows: Ayes: Kendall, Rosien, Salazar, Shellmyer, Ziegłowsky. Nays: Shepherd absent. Motion carried. **(Resolution No. 2014-021)**

Motion by Kendall, seconded by Salazar, to approve the Fireworks Permit for Washington 175th Birthday Celebration Committee. Motion carried.

Motion by Shellmyer, seconded by Salazar, to Ratify Publication of Hearing and Letting (1.0 MG Ground Storage Reservoir). Motion carried.

Mayor Johnson announced that now is the time for the public hearing on Plans, Specifications, Form of Contract and Estimate of Cost (1.0 MG Ground Storage Reservoir). No written or oral objections were received.

Motion by Kendall, seconded by Rosien, to close the public hearing. Roll call as follows: Ayes: Kendall, Rosien, Salazar, Shellmyer, Ziegłowsky. Nays: Shepherd absent. Motion carried.

Motion by Kendall, seconded by Rosien, to approve the Resolution Adopting Plans, Specifications, Form of Contract and Estimate of Cost (1.0 MG Ground Storage Reservoir). Roll call as follows: Ayes: Kendall, Rosien, Salazar, Shellmyer, Ziegłowsky. Nays: Shepherd absent. Motion carried. **(Resolution No. 2014-022)**

Bids received for the 1.0 MG Ground Storage Reservoir:

Natgun Corp.	\$1,622,088
Preload, Inc.	\$2,030,000

Motion by Shellmyer, seconded by Ziegłowsky, to approve the Resolution Making Award of Contract to Natgun Corporation in the amount of \$1,622,088.00 for the 1.0 MG. Ground Storage Reservoir (subject to receiving the permit from the DNR). Roll call as follows: Ayes: Kendall, Rosien, Salazar, Shellmyer, Ziegłowsky. Nays: Shepherd absent. Motion carried. **(Resolution No. 2014-023)**

Motion by Rosien, seconded by Shellmyer, to accept the Proposal from Terracon for Construction Testing Services. Motion carried.

Motion by Rosien, seconded by Salazar, to approve the Resolution of Request to the Iowa Racing & Gaming Commission. Roll call as follows: Ayes: Rosien, Salazar, Shellmyer, Ziegłowsky. Nays: Shepherd absent. Kendall abstain. Motion carried. **(Resolution No. 2014-024)**

Motion by Kendall, seconded by Shellmyer, to approve the Resolution Ratifying, Confirming and Approving Publication of Notice of Public Hearing (2014 G.O. Streets Pre-Levy). Roll call as follows: Ayes: Kendall, Rosien, Salazar, Shellmyer, Ziegłowsky. Nays: Shepherd absent. Motion carried. **(Resolution No. 2014-025)**

Mayor Johnson announced that now is the time for the public hearing on the Authorization of a Loan Agreement and the Issuance of General Obligation Notes (2014 G.O. Streets Pre-Levy). No written or oral objections were received.

Motion by Shellmyer, seconded by Ziegłowsky, to close the public hearing. Roll call as follows: Ayes: Kendall, Rosien, Salazar, Shellmyer, Ziegłowsky. Nays: Shepherd absent. Motion carried.

Motion by Kendall, seconded by Shellmyer, to Approve the Resolution Instituting Proceedings to Take Additional Action (2014 G.O. Streets Pre-Levy). Roll call as follows: Ayes: Kendall, Rosien, Salazar, Shellmyer, Ziegłowsky. Nays: Shepherd absent. Motion carried. **(Resolution No. 2014-026)**

Motion by Kendall, seconded by Rosien, to approve the Resolution Authorizing the Issuance and Levying a Tax for the Payment Thereof (2014 G.O. Streets Pre-Levy). Roll call as follows: Ayes: Kendall, Rosien, Salazar, Shellmyer, Ziegłowsky. Nays: Shepherd absent. Motion carried. **(Resolution No. 2014-027)**

Mayor Johnson announced that now is time for the public hearing for the FY15 Annual Budget. No written or oral objections were received.

Motion by Kendall, seconded by Salazar, to close the public hearing. Roll call as follows: Ayes: Kendall, Rosien, Salazar, Shellmyer, Zieglowsky. Nays: Shepherd absent. Motion carried.

Motion by Kendall, seconded by Salazar, to approve the Resolution Adopting Annual Budget for FY15. Roll call as follows: Ayes: Kendall, Rosien, Salazar, Shellmyer, Zieglowsky. Nays: Shepherd absent. Motion carried.  
**(Resolution No. 2014-028)**

Mayor Johnson announced that now is the time for the second reading of an Ordinance Amending the Municipal Code of the City of Washington, Iowa, by Adding a New Chapter 48, "Drug Paraphernalia".

Motion by Kendall, seconded by Shellmyer, to approve the second reading of an Ordinance Amending the Municipal Code of the City of Washington, Iowa, by Adding a New Chapter 48, "Drug Paraphernalia" and to pass the ordinance to the third reading. Roll call as follows: Ayes: Kendall, Rosien, Salazar, Shellmyer, Zieglowsky. Nays: Shepherd absent. Motion carried

Mayor Johnson announced that now is the time for the second reading of an Ordinance Amending the Municipal Code of Ordinances of the City of Washington, Iowa, By Adding a New Chapter 168, "Flood Plain Management Regulations".

Motion by Rosien, seconded by Kendall, to approve the second reading of an Ordinance Amending the Municipal Code of Ordinances of the City of Washington, Iowa, by Adding a New Chapter 168," Flood Plain Management Regulations" and to pass the ordinance to the third reading. Roll call as follows: Ayes: Kendall, Rosien, Salazar, Shellmyer, Zieglowsky. Nays: Shepherd absent. Motion carried.

Motion by Rosien, seconded by Shellmyer, to approve the Resolution Changing Regular Meeting Time. Roll call as follows: Ayes: Kendall, Rosien, Salazar, Shellmyer, Zieglowsky. Nays: Shepherd absent. Motion carried.  
**(Resolution No. 2014-029)**

Motion by Shellmyer, seconded by Kendall, to approve the Resolution Authorizing Assessment to Taxes. Roll call as follows: Ayes: Kendall, Rosien, Shellmyer, Zieglowsky. Nays: Shepherd absent. Salazar abstained. Motion carried. **(Resolution No. 2014-030)**

Motion by Kendall, seconded by Salazar, that the Regular Session held at 7:00 P.M., Tuesday, March 4, 2014 be adjourned. Motion carried.

Illa Earnest, City Clerk

Sandra Johnson, Mayor

Engineers & Land Surveyors

WASHINGTON, CITY OF  
BRENT HINSON  
215 EAST WASHINGTON STREET  
WASHINGTON, IA 52353

Invoice number 43761  
Date 02/27/2014

Project **13-2034 WASHINGTON, CITY OF - CITY HALL STUDY**

Feasibility study for three options for the City Municipal Building/City Hall. Study includes construction cost estimate, long term operational energy cost comparison and long-term operational functionality as of February 23, 2014.

Description	Contract Amount	Percent Complete	Prior Billed	Total Billed	Current Billed
001 SITE PLAN	5,300.00	100.00	5,300.00	5,300.00	0.00
002 DESIGN REVIEW	1,740.00	100.00	1,740.00	1,740.00	0.00
004 PROGRAMMING	1,260.00	100.00	1,260.00	1,260.00	0.00
005 PROJECT COST & FEASIBILITY	4,320.00	100.00	4,320.00	4,320.00	0.00
006 SCHEMATIC DESIGN	10,340.00	100.00	8,923.00	10,340.00	1,417.00
007 CODES & REGULATIONS	1,080.00	100.00	1,080.00	1,080.00	0.00
008 OPTION 5 - STAND ALONE CITY HALL	4,300.00	100.00	4,300.00	4,300.00	0.00
Total	28,340.00	100.00	26,923.00	28,340.00	1,417.00

**099 REIMBURSABLES**

Reimbursables

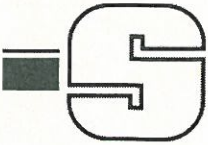
	Units	Rate	Billed Amount
Postage			8.85
Mileage - Personal	240.00	0.56	134.40
Reimbursables subtotal			143.25
Phase subtotal			143.25

Invoice total **1,560.25**

**Aging Summary**

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
43761	02/27/2014	1,560.25	1,560.25				
	Total	1,560.25	1,560.25	0.00	0.00	0.00	0.00

*301-6-6020-6751*



**INVOICE FOR PROFESSIONAL SERVICES  
SUMMARY**

Mike Roe  
 Washington Airport Commission  
 PO Box 516  
 Washington, IA 52353

Invoice Date: 2/28/2014

Invoice No: 4  
 Billing Period: 1/1/2014 to 1/31/2014  
 S&A Project No: 109.1021.01B

Client Project #:  
 County: Washington  
**Rehabilitate Runway Construction Services**

	Contract Estimate	Cumulative to Date	Previous Invoices	Current Period
Labor Dollars	\$65,893.20	\$7,890.21	\$6,291.51	\$1,598.70
Overhead 152.83%	\$100,704.58	\$12,058.61	\$9,615.32	\$2,443.29
Overhead Adjustments		\$0.00	\$0.00	\$0.00
Direct Expenses	\$9,750.00	\$294.69	\$130.52	\$164.17
Subconsultants (including authorized contingency)				
Materials Testing	\$22,000.00	\$0.00	\$0.00	\$0.00
Electrical Review	\$5,000.00	\$0.00	\$0.00	\$0.00
<b>Subtotal</b>	<b>\$203,347.78</b>	<b>\$20,243.51</b>	<b>\$16,037.35</b>	<b>\$4,206.16</b>
Fixed Fee	\$16,659.78	\$1,832.58	\$1,332.78	\$499.80
Authorized Contingency	\$0.00			
<b>Total Authorized Amount</b>	<b>\$220,007.56</b>			
Total Billed to Date	\$22,076.09	\$22,076.09	\$17,370.13	<b>\$4,705.96</b>
Remaining Authorized Balance	\$197,931.47			
Unauthorized Contingency Snyder & Associates	\$0.00			

SNYDER & ASSOCIATES, INC.

Carl Byers (as)  
 Carl Byers

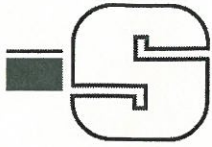
310-6-6020-6262-102  
 002-6-2080 Initials QEA  
 EXP. Runway 13/31  
 Vender # \_\_\_\_\_ Date Rec. 3-7-14  
 Due Date \_\_\_\_\_ Inv # \_\_\_\_\_

**REMIT TO:**

2727 SW Snyder Blvd. - PO Box 1159, Ankeny, IA 50023

email: ar@snyder-associates.com

Federal E.I.N. 42-1379015



**ENGINEERS & PLANNERS**  
**SNYDER & ASSOCIATES, INC.**

IOWA | MISSOURI | NEBRASKA | SOUTH DAKOTA | WISCONSIN

**INVOICE FOR PROFESSIONAL SERVICES**

February 28, 2014

Washington Airport Commission  
PO Box 516  
Washington, IA 52353

Invoice No: 109.1021.01A - 17

Project 109.1021.01A Washington Municipal Airport AGIS

Professional Services through January 31, 2014

**Lump Sum Fees**

	Contract Amount	% Compl	Total Billed to Date	Previous Billed	Current Billed
AGIS	60,517.00	70.00	42,361.90	41,151.56	1,210.34
Amt invoiced and paid Proj # 110.0714	-1,480.00	100.00	-1,480.00	-1,480.00	0.00
Aerometrics	43,450.00	100.00	43,450.00	43,450.00	0.00
Total Fee	102,487.00		84,331.90	83,121.56	1,210.34
<b>Total Fee</b>					<b>1,210.34</b>

**Amount Due this Invoice** \$1,210.34

Billings to Date	Total	Prior	Current
	84,331.90	83,121.56	1,210.34

Snyder & Associates, Inc.

Carl Byers (as)  
Carl Byers

6-6020-6762-102

002-6-2000 Initials CB

EXP. AGIS

Vender # \_\_\_\_\_ Date Recd. 3-7-14

Due Date \_\_\_\_\_



Rodney's Concrete & Construction

2994 Highway 1  
Washington, IA 52353

# Invoice

Date	Invoice #
3/6/2014	2864

<b>Bill To</b>
City Of Washington P.O. Box 516 Washington IA 52353

P.O. No.	Terms	Project
S B AVE WALKW...	Due on receipt	

Quantity	Description	Rate	Amount
2,400	JOBSITE PLACE ----- S B AVE WALKWAY 870' X 4 GRADING AREA	0.00	0.00
3	HAULING AWAY DEBRIS PER LOAD	0.75	1,800.00
18	1" ROADSTONE PER TON FOR GRANUAL GRADE MATERIAL	85.00	255.00
0	CONCRETE CURB WALKWAY APRON,, CUT OUT OLD CURB ,,AND REPLACE WITH SLOPED APRON PER FOOT	22.95	413.10
1	ADA HANDICAP READER TO BE INSTALLED INTO CONCRETE WALKWAY DETERMINE PRICE PER JOB APPLICATION 2 X 4 PANEL	52.00	0.00
0	CONCRETE BAG READY MIX AE C-4 MIX	250.00	250.00
2,760	POURED SIDEWALK 4 FT. x 4" PER SQUARE FOOT	103.00	0.00
0	SEEDING AREA	4.33	11,950.80
1	SIGNAGE FOR TRAFFIC CONTROL	0.29	0.00
	ANNOUNCEMENT! PLEASE READ!! BILLED FOR APPROXIMATELY 60% OF JOB 3-4-2014	250.00	250.00
		0.00	0.00

WE LOOK FORWARD TO DOING A SATISFYING JOB FOR YOU!	<b>Total</b>	\$14,918.90
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Phone #	Fax #
319-653-3599	319-653-9409

Work Ordered By: \_\_\_\_\_  
Signature \_\_\_\_\_

Please see terms & conditions on back.



414 South 17th Street, Suite 107  
 Ames, IA 50010  
 515-233-0000

City of Washington  
 PO Box 516  
 Washington, IA 52353  
 Brent Hinson

Invoice number 36302  
 Date 02/28/2014

Project **204508A Washington Wastewater Treatment Plant**

*Old Plant Demo*

Professional Services for the Period of 02/01/2014 to 02/28/2014

Description	Contract Amount	Percent Complete	Prior Billed	Total Billed	Current Billed
Facility Plan Amendment	13,500.00	100.00	13,500.00	13,500.00	0.00
Preliminary Design	307,400.00	100.00	307,400.00	307,400.00	0.00
Final Design	424,000.00	100.00	424,000.00	424,000.00	0.00
Bidding / Negotiation	22,500.00	100.00	22,500.00	22,500.00	0.00
UV Room Door	-6,946.00	100.00	-6,946.00	-6,946.00	0.00
Operations Manual	36,300.00	100.00	36,300.00	36,300.00	0.00
Construction Staking	24,840.00	100.00	24,840.00	24,840.00	0.00
<b>Total</b>	<b>821,594.00</b>	<b>100.00</b>	<b>821,594.00</b>	<b>821,594.00</b>	<b>0.00</b>

	Billed Amount
<b>Consultation</b>	
Professional Fees	2,589.50
Reimbursables	203.45
Phase subtotal	2,792.95
<b>Post Construction</b>	
Professional Fees	131.00
Phase subtotal	131.00
<b>Invoice total</b>	<b>\$2,923.95</b>

Approved by: \_\_\_\_\_

*613-6-8015-6323*  
*BH*



414 South 17th Street, Suite 107  
 Ames, IA 50010  
 515-233-0000

City of Washington  
 PO Box 516  
 Washington, IA 52353  
 Brent Hinson

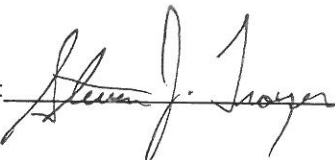
Invoice number 36315  
 Date 02/28/2014

Project **342413A Washington Ground Storage Reservoir**

Professional Services for the Period of 02/01/2014 to 02/28/2014

Description	Contract Amount	Percent Complete	Prior Billed	Total Billed	Current Billed
<b>Design</b>	63,700.00	100.00	63,700.00	63,700.00	0.00
<b>Bidding</b>	9,800.00	100.00	0.00	9,800.00	9,800.00
<b>Construction Administration</b>	39,600.00	0.00	0.00	0.00	0.00
<b>Construction Staking</b>	1,500.00	0.00	0.00	0.00	0.00
<b>Total</b>	114,600.00	64.14	63,700.00	73,500.00	9,800.00

Invoice total **\$9,800.00**

Approved by: 

603-6-8010-6798  
 BH

Late Payment Charge: 15% per annum beginning 30 days from above date

Washington Volunteer Fire Department  
March 5, 2014

January Fires

7 City fires	1260.00
1 rural fires	240.00
0 Drill	.00
8 fires	1500.00

Meeting opened At 7:00pm with Chief Tom Wide in charge.

Dana Rembold talked the casino and writing letters .

Minutes of the previous meeting were read and approved.

Treasure report was read.

Ron Armstrong made a motion to pay all bills against the department. Seconded by Zach Thomas.

Motion passed

Committees; Social ; snacks after meeting

Old Business; Fire school; Zach Thomas and Aaron Deoa

County meeting March 25 in Washington

CPR & AED refresher March 12 at 6pm

Weather spotter meeting March 17 at 6:30pm

Hazmat refresher was interesting.

New business; Storage building needs a work day

Brent Hinson talked about building versions and Township meeting.

Discussion of calls:

No other business, roll call taken meeting adjourned.

Secretary

Tom Beauchamp

## Maintenance and Construction Report

2/15/14-2/28/14

**STREETS:** M/C Personnel plowed snow routes and cleaned the downtown twice in the last two weeks. Personnel pothole patched with new cold mix. Personnel hauled piles of snow from downtown and cul de sacs.

**WATER DISTRIBUTION:** M/C Personnel repaired 6 water main breaks bringing the total of leaks to date (25) with two more yet to fix. Locations of previous 6- W Wash inside the Park (4 inch), South 3<sup>rd</sup>- Harrison, 100 block North Marion (12 inch), 714 South 4<sup>th</sup> (4 inch), North 15<sup>th</sup> between East 2<sup>nd</sup> and East 3<sup>rd</sup> (4 inch) and the YMCA 4 inch service on East Main St. Personnel also dealt with 2 frozen water services in which we ran a whole new 1 inch copper line and installed a new curb stop at 1015 East Main St. The other location was at 619 East Tyler St where we thawed and tapped into the new 6 inch PVC as well as their neighbor 617 for as close together as they were. Personnel had 12 water shut offs for nonpayment.

**SEWER COLLECTION:** M/C Personnel televised 150 ft of sanitary sewer at Iowa-Main, as well as jetting 200+ ft in the alley north of there.

**STORM SEWER COLLECTION:** M/C Personnel unplugged intakes all over town as the rain and snow melt caused many issues. Personnel also jetted a few culverts during the flooding process.

**MECHANIC/SHOP:** M/C Personnel serviced #611 (plow pump and motor), #301, #601, #401 (new front tires), #202 (electrical), #630 (and greased), PD 92 (seat repair), #105 (and rotate tires) and PD 97.

**OTHER:** M/C Personnel hauled several loads of sand and one load of cold mix to the stock piles. February's salt usage was 58 tons and total thus far this winter is 179 tons. Budgeted amount is 250 tons. Personnel responded to 13 One Call Locates.

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

CITY OF WASHINGTON IOWA  
MONTH-TO-DATE TREASURERS REPORT  
FEBRUARY, 2014

FUND	02/01/2014 BEGINNING CASH BALANCE	M-T-D REVENUES	REVENUES NOT YET RECEIVED	M-T-D EXPENDITURES	EXPENSES NOT YET EXPENDED	02/28/2014 ENDING CASH BALANCE
001-GENERAL FUND	533,365.01	88,653.24	-	236,674.20	468.10	385,812.15
002-AIRPORT FUND	147,607.36	8,501.17	-	3,804.20	-	152,304.33
110-ROAD USE	712,189.77	68,295.69	-	55,463.85	123.99	725,145.60
112-EMPLOYEE BENEFITS	-	2,272.04	-	2,272.04	-	-
114-EMERGENCY LEVY	-	203.12	-	203.12	-	-
121-LOCAL OPTION SALES TAX	-	63,022.03	-	63,022.03	-	-
129-URBAN RENEWAL AREA #3C	906.65	-	-	-	-	906.65
132-URBAN RENEWAL AREA #5	16,822.49	-	-	-	-	16,822.49
145-HOUSING REHABILITATION	(5,163.62)	-	-	13,957.50	-	(19,121.12)
146-LMI TIF SET-ASIDE	18,656.17	-	-	-	-	18,656.17
200-DEBT SERVICE	363,155.46	2,936.76	-	-	-	366,092.22
300-CAPITAL EQUIPMENT	218,331.69	-	-	-	-	218,331.69
301-CAPITAL PROJECTS FUND	1,865,193.90	212,986.18	-	46,647.22	-	2,031,532.86
303-WWTP CAPITAL PROJ FUND	13,054.06	-	-	-	-	13,054.06
305-RIVERBOAT FOUND CAP PROJ	290,929.89	-	-	-	-	290,929.89
308-INDUSTRIAL DEVELOPMENT	236,338.13	21,222.15	-	-	-	257,560.28
510-MUNICIPAL BAND	(95.00)	-	-	-	-	(95.00)
520-DOG PARK	5,749.18	-	-	-	-	5,749.18
530-TREE COMMITTEE	5,674.98	5,545.00	-	671.72	-	10,548.26
540-POLICE FORFEITURE	1,974.63	-	-	-	-	1,974.63
550-PARK GIFT	171,142.28	0.21	-	-	-	171,142.49
570-LIBRARY GIFT	36,764.32	125.00	-	100.93	-	36,788.39
590-CABLE COMMISSION	11,418.04	-	-	-	-	11,418.04
600-WATER UTILITY	910,846.36	125,619.00	-	79,829.54	109.48	956,745.30
601-WATER DEPOSIT FUND	16,030.00	1,800.00	-	1,200.00	-	16,630.00
603-WATER CAPITAL PROJECTS	-	-	-	6,025.00	-	(6,025.00)
610-SANITARY SEWER	2,042,822.62	170,211.41	-	77,054.48	250.95	2,136,230.50
613-SEWER CAPITAL PROJECTS	-	-	-	3,012.43	-	(3,012.43)
670-SANITATION	95,859.84	34,457.55	-	28,781.56	-	101,535.83
910-LIBRARY TRUST	218,288.78	15.95	-	-	-	218,304.73
950-SELF INSURANCE	110,107.39	-	-	4,586.03	-	105,521.36
951-UNEMPLOYMENT SELF INS	4,939.00	-	-	1,802.21	-	3,136.79
<b>TOTAL BALANCE</b>	<b>8,042,909.38</b>	<b>805,866.50</b>	<b>-</b>	<b>625,108.06</b>	<b>(952.52)</b>	<b>8,224,620.34</b>

<u>Cash in Bank - Pooled Cash</u>		<u>Interest Rate</u>
Wash St. Bank - Operating Account	514,564.68 (1)	0.01%
Cash in Drawer	350.00	N/A
Wash St Bank - MM	256,416.03	0.01%
Investment in IPAIT	2,984,223.11	0.01%
Wash St Bank - Library Acct	167,332.00	0.01%
Wash St - Farm Mgmt Acct	51,734.52	
Wash St Bank - CD - 03/12/13	250,000.00	0.45%
Wash St Bank - CD - 04/25/13	500,000.00	0.45%
Wash St Bank - CD - 05/15/13	500,000.00	0.45%
Wash St Bank - CD - 06/06/13	500,000.00	0.45%
Wash St Bank - CD - 07/03/13	250,000.00	0.45%
Wash St Bank - CD - 08/12/13	250,000.00	0.45%
Wash St Bank - CD - 09/11/13	250,000.00	0.45%
Federation Bank - CD - 10/02/13	250,000.00	0.46%
Wash St Bank - CD - 12/6/13	500,000.00	0.45%
Wash St Bank - CD - 1/9/14	500,000.00	0.45%
Federation Bank - CD - 2/14/2014	500,000.00	0.56%
<b>TOTAL CASH IN BANK</b>	<b>8,224,620.34</b>	

(1) Washington State Bank	569,297.73
Outstanding Deposits & Checks	(54,733.05)
	<u>514,564.68</u>

CITY OF WASHINGTON IOWA  
YEAR-TO-DATE TREASURERS REPORT  
FEBRUARY, 2014

FUND	07/01/2013 BEGINNING CASH BALANCE	Y-T-D REVENUES	REVENUES NOT YET RECEIVED	Y-T-D EXPENDITURES	EXPENSES NOT YET EXPENDED	02/28/2014 ENDING CASH BALANCE
001-GENERAL FUND	589,822.65	2,301,720.69	-	2,509,765.94	4,034.75	385,812.15
002-AIRPORT FUND	139,187.34	302,715.68	-	289,598.69	-	152,304.33
110-ROAD USE	757,910.13	661,319.31	-	695,217.27	1,133.43	725,145.60
112-EMPLOYEE BENEFITS	-	344,215.53	-	344,215.53	-	-
114-EMERGENCY LEVY	-	30,773.72	-	30,773.72	-	-
121-LOCAL OPTION SALES TAX	-	533,414.75	-	533,414.75	-	-
125-URBAN RENEWAL AREA #1	-	3,430.48	-	3,430.48	-	-
129-URBAN RENEWAL AREA #3C	-	29,944.69	-	29,038.04	-	906.65
131-URBAN RENEWAL AREA #4	-	21,830.55	-	21,830.55	-	-
132-URBAN RENEWAL AREA #5	-	19,744.22	-	2,921.73	-	16,822.49
134-URBAN RENEWAL AREA #7	-	1,284.74	-	1,284.74	-	-
145-HOUSING REHABILITATION	-	54,419.00	-	73,540.12	-	(19,121.12)
146-LMI TIF SET-ASIDE	11,106.28	7,549.89	-	-	-	18,656.17
200-DEBT SERVICE	-	467,306.45	-	101,214.23	-	366,092.22
300-CAPITAL EQUIPMENT	272,764.65	173,158.70	-	227,591.66	-	218,331.69
301-CAPITAL PROJECTS FUND	2,187,226.16	991,615.75	-	1,147,309.05	-	2,031,532.86
303-WWTP CAPITAL PROJ FUND	-	223,926.25	-	210,872.19	-	13,054.06
305-RIVERBOAT FOUND CAP PROJ	295,694.01	220,664.20	-	225,428.32	-	290,929.89
308-INDUSTRIAL DEVELOPMENT	227,325.24	39,008.10	-	8,773.06	-	257,560.28
510-MUNICIPAL BAND	-	305.00	-	400.00	-	(95.00)
520-DOG PARK	5,713.11	437.25	-	401.18	-	5,749.18
530-TREE COMMITTEE	7,194.33	5,745.00	-	2,391.07	-	10,548.26
540-POLICE FORFEITURE	5,546.63	485.00	-	4,057.00	-	1,974.63
550-PARK GIFT	196,793.13	6,055.65	-	31,706.29	-	171,142.49
570-LIBRARY GIFT	38,224.51	5,123.85	-	6,559.97	-	36,788.39
590-CABLE COMMISSION	11,418.04	-	-	-	-	11,418.04
600-WATER UTILITY	635,312.18	1,102,854.44	-	782,580.92	1,159.60	956,745.30
601-WATER DEPOSIT FUND	12,430.00	15,000.00	-	10,800.00	-	16,630.00
603-WATER CAPITAL PROJECTS	-	153,898.88	-	159,923.88	-	(6,025.00)
610-SANITARY SEWER	1,789,915.78	1,343,178.18	-	999,146.06	2,282.60	2,136,230.50
612-SEWER SINKING	-	288,689.08	-	288,689.08	-	-
613-SEWER CAPITAL PROJECTS	-	-	-	3,012.43	-	(3,012.43)
670-SANITATION	52,865.54	265,574.60	-	216,904.31	-	101,535.83
910-LIBRARY TRUST	218,108.85	195.88	-	-	-	218,304.73
950-SELF INSURANCE	49,661.13	69,876.00	-	14,015.77	-	105,521.36
951-UNEMPLOYMENT SELF INS	2,239.00	6,864.00	-	5,966.21	-	3,136.79
<b>TOTAL BALANCE</b>	<b>7,506,458.69</b>	<b>9,692,325.51</b>	<b>-</b>	<b>8,982,774.24</b>	<b>(8,610.38)</b>	<b>8,224,620.34</b>

Cash in Bank - Pooled Cash

Wash St. Bank - Operating Account	514,564.68 (1)	0.01%
Cash in Drawer	350.00	N/A
Wash St Bank - MM	256,416.03	0.01%
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Wash St Bank - CD - 1/9/14	500,000.00	0.45%
Federation Bank - CD - 2/14/2014	500,000.00	0.56%
<b>TOTAL CASH IN BANK</b>	<b>8,224,620.34</b>	

(1) Washington State Bank	569,297.73
Outstanding Deposits & Checks	(54,733.05)
	<u>514,564.68</u>

## Brent Hinson

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**From:** Leland Belding  
**Sent:** Friday, March 14, 2014 1:38 PM  
**To:** 'Brent Hinson'  
**Subject:** RE: 3/18 Agenda

Approved. Marshalls wants a variance to eliminate the 5ft setback against the alley and the P&Z is recommending it. Steve says it will need to go to the board of adjustments as a separate issue.

There are construction items to be addressed but Marshalls is aware, in agreement, and doing the coordination necessary.

Downspouts will be tied into the storm drain in the alley.

Sanitary sewer needs to be relocated according to JJ. This needs to be further hashed out for costs and an easement developed for future maintenance.

The tree on the east property will be cut down and is approved by adjacent property owner.

The house to the west will allow access to property during construction.

Marshalls will contact utility company to relocate overhead lines passing diagonally over property.

It's a good project and everybody was happy at the end of the P&Z meeting.

One item not covered is the condition of the alley. If part of it is getting ripped up with the sanitary sewer relocation it may be beneficial to do any other repairs or upgrades at that time.

Leland

---

**From:** Brent Hinson [<mailto:bhinson@washingtونيowa.net>]  
**Sent:** Friday, March 14, 2014 1:07 PM  
**To:** Leland Belding  
**Subject:** RE: 3/18 Agenda

Thanks. Also, I forgot to talk to Steve about Marshall's site plan. Did that get approved, and with what changes if so?



### Brent D. Hinson

City Administrator  
City of Washington (Pop. 7,266)  
215 East Washington St.  
Washington, IA 52353  
(p) 319-653-6584 X34  
(f) 319-653-5273





condition before approval of the site plan. Further investigation should occur by the City to determine if this line can be rerouted and abandoned. The engineer did not identify any easements on this property so a new easement would need to be prepared for the sewer. If the sewer is to remain, before and after televising should be compared to see if any damage occurred during construction of the building.

7. There is an existing tree on the property to the east that may be negatively impacted with the construction of the building two feet from the property line. The foundation of the building will cut the roots and the roofline could be at the level of the branches. The developer should talk with the property owner about removal of the tree and if the tree remains who is responsible if the tree dies in the next few years.
8. The site plan should show the location of the proposed vehicle entrance shown in the architectural rendering that was submitted to the City.
9. The parking calculations could not be determined because the use of the building is not identified. Based on the Washington Zoning Ordinance the use appears to be "Shopper's Goods – Furniture" which would require 1 parking stall per 500 sf ( $7,244/500 = 14$ ) plus 1 for each full time employee. Zoning B-2 allows for the counting of on street parking within 100 ft of the property. There are 12 stalls provided on the street. The developer should provide clarification on the use and number of full time employees.

It is our recommendation that the previous items be addressed by the developer before the site plan is approved.

APPROVED BY THE CITY OF WASHINGTON, IOWA

MAYDR

DATE

PLANNING & ZONING CHAIRPERSON

DATE

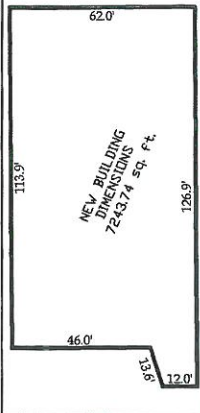
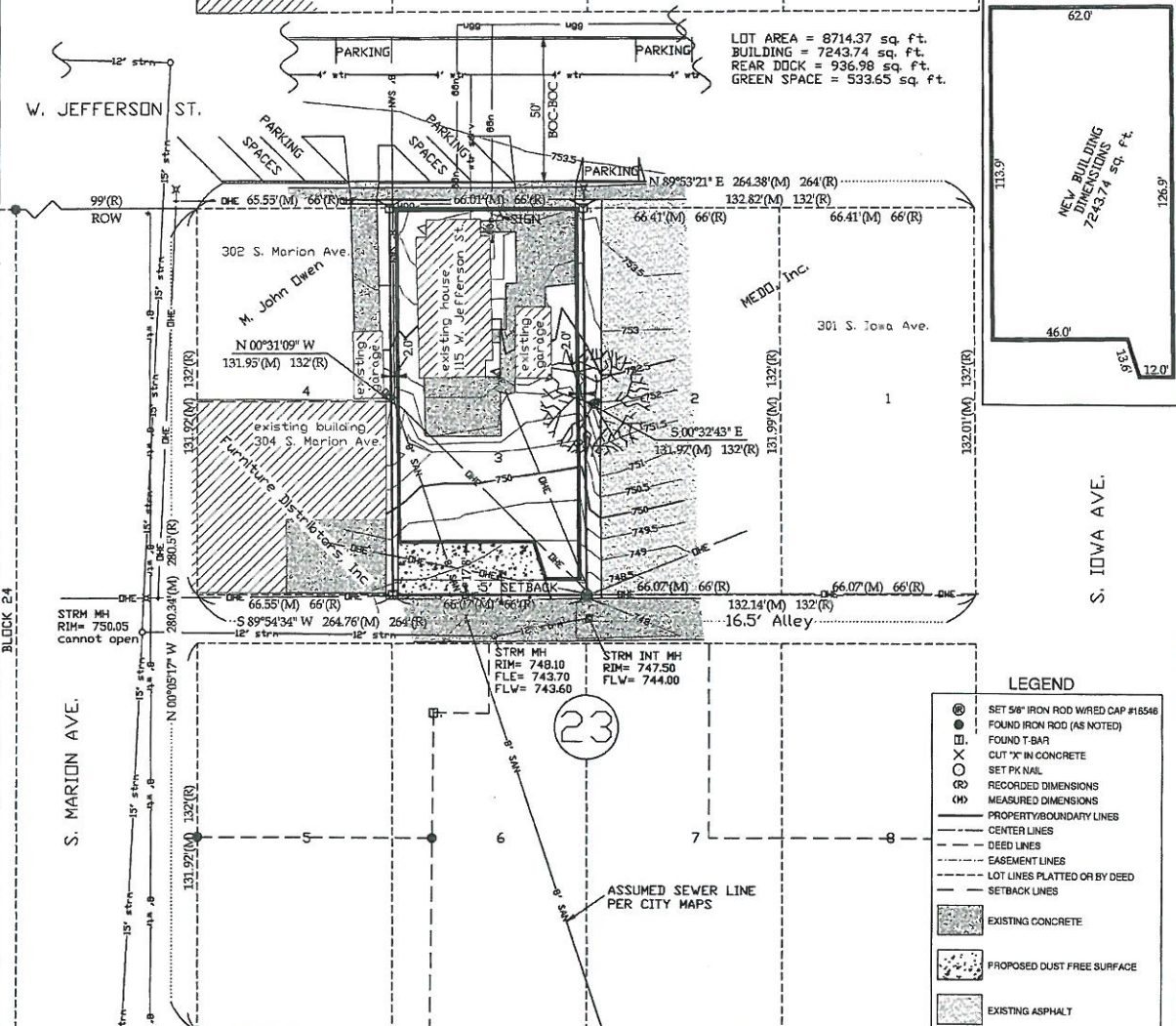


### HART-FREDERICK CONSULTANTS P.C.

510 State Street P.O. Box 560 Tiffin, Iowa 52340-0560 Phone: (319) 545-7215

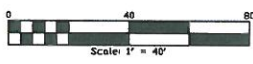
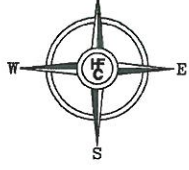


CURRENT ZONING  
 "B-2" GENERAL BUSINESS DISTRICT  
 SETBACK REQUIREMENTS  
 FRONT = NONE  
 SIDE = NONE  
 REAR = 5'  
 LOT REQUIREMENTS  
 AREA = NONE  
 WIDTH = NONE



#### LEGEND

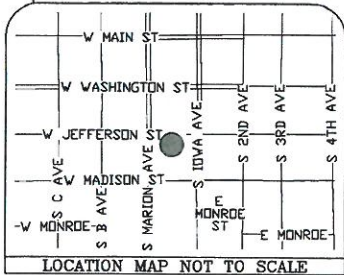
- SET 5/8" IRON ROD W/ WIRE CAP #16546
- FOUND IRON ROD (AS NOTED)
- FOUND T-BAPI
- CUT "X" IN CONCRETE
- SET PK NAIL
- RECORDED DIMENSIONS
- MEASURED DIMENSIONS
- PROPERTY/BOUNDARY LINES
- CENTER LINES
- DEED LINES
- EASEMENT LINES
- LOT LINES PLATTED OR BY DEED
- SETBACK LINES
- EXISTING CONCRETE
- PROPOSED DUST FREE SURFACE
- EXISTING ASPHALT
- EXISTING GRAVEL
- EXISTING BUILDINGS
- PROPOSED NEW BUILDING
- POWER POLE
- LIGHT POLE
- OVERHEAD ELECTRIC
- GAS METER
- UNDERGROUND GAS
- SANITARY MANHOLE
- SANITARY SEWER LINE
- SANITARY SERVICE LINE
- STORM MANHOLE
- 12" STRM STORM SEWER LINE
- FIRE HYDRANT
- 4" STRM WATER LINE
- WATER SERVICE LINE
- TELEPHONE PEDESTAL
- COMMUNICATION LINE



#### W. MADISON ST.

LEGAL DESCRIPTION  
 Lot Number Three (3), in Block Number Twenty-Three (23), in the Original Plat of the town, now City of Washington, in Washington County, Iowa.

PROPRIETOR:  
 Marshall's Properties, LLC  
 221 South Iowa Avenue  
 Washington, IA 52353



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

*J. Scott Ritter* 2/28/14 Date  
 J. Scott Ritter, P.L.S.  
 Iowa License Number: 16546  
 My license renewal date is December 31, 2014.  
 Pages covered by this seal: THIS SHEET ONLY



SITE PLAN EXHIBIT  
 LOT 3  
 BLOCK 23  
 WASHINGTON, IOWA

DATE: 2/11/14 DRN: JSR APP:  
 FLD BKGPS-ROBOT PROJ. NO: 147015

RESOLUTION NO. \_\_\_\_\_

**PRELIMINARY RESOLUTION FOR CONSTRUCTION  
OF THE SOUTH 12<sup>TH</sup>/EAST TYLER 2014 PAVING PROJECT**

WHEREAS, this Council deems it advisable and necessary to construct certain public improvements described in general as the South 12<sup>th</sup>/East Tyler 2014 Paving Project; and

WHEREAS, before the preliminary plans and specifications, plat, schedule, form of contract and estimate of cost may be adopted, and contract for the construction of the public improvements entered into, it is necessary, pursuant to Chapter 384 of the Code of Iowa, to describe the improvement and the property to be benefited:

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

Section 1. The Council hereby determines that it is necessary and advisable to construct certain public improvements described in general as the paving of South 12<sup>th</sup> Avenue from East Fillmore Street to East Tyler Street and the paving of East Tyler Street from 90' west of the right-of-way of South 10<sup>th</sup> Avenue to South 12<sup>th</sup> Avenue in Washington, Iowa. The City Engineer is hereby ordered to file the preliminary plans and specifications, and estimate of the total cost of the work, and a plat and schedule of assessments for the area to be benefited.

Section 2. That said preliminary plans and specifications, plat, schedule and estimate of cost for said public improvement to be known as the South 12<sup>th</sup>/East Tyler 2014 Paving Project be filed with the Clerk and submitted for approval by the City Council at which time and place the Council will consider the adoption of said plat, schedule and estimate of cost for said public improvement.

PASSED AND APPROVED this 18<sup>th</sup> day of March, 2014.

\_\_\_\_\_  
Sandra Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Illa Earnest, City Clerk

*Brent Hinson, City Administrator  
Sandra Johnson, Mayor  
Illa Earnest, City Clerk  
Craig Arbuckle, City Attorney*



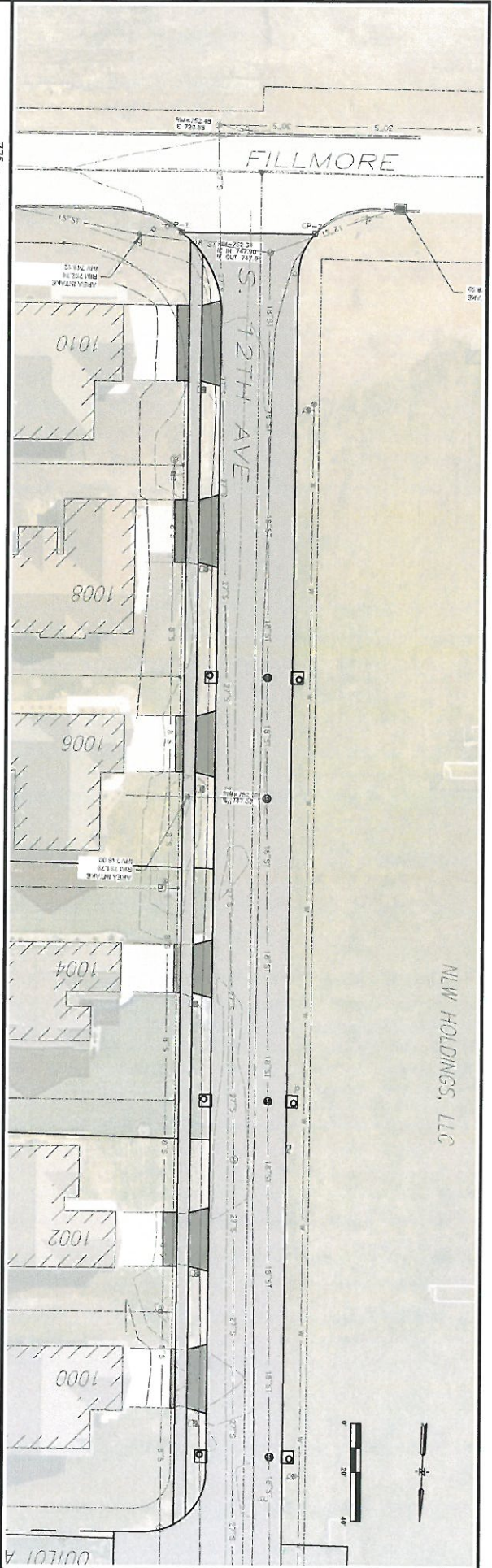
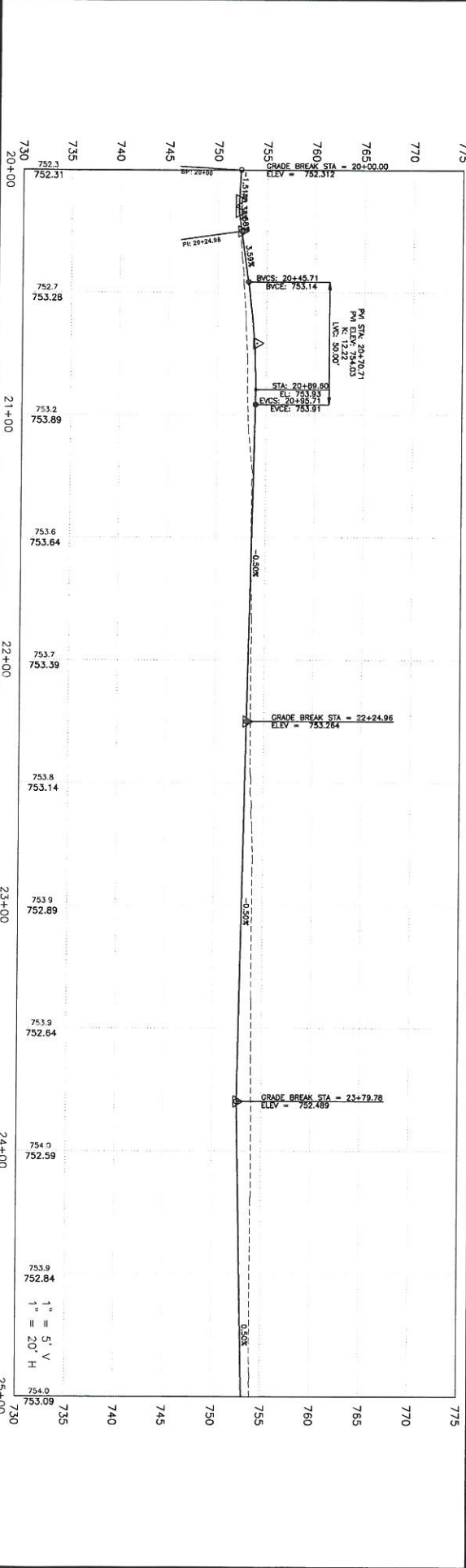
*City of Washington  
215 East Washington Street  
Washington, Iowa 52353  
(319) 653-6584 Phone  
(319) 653-5273 Fax*

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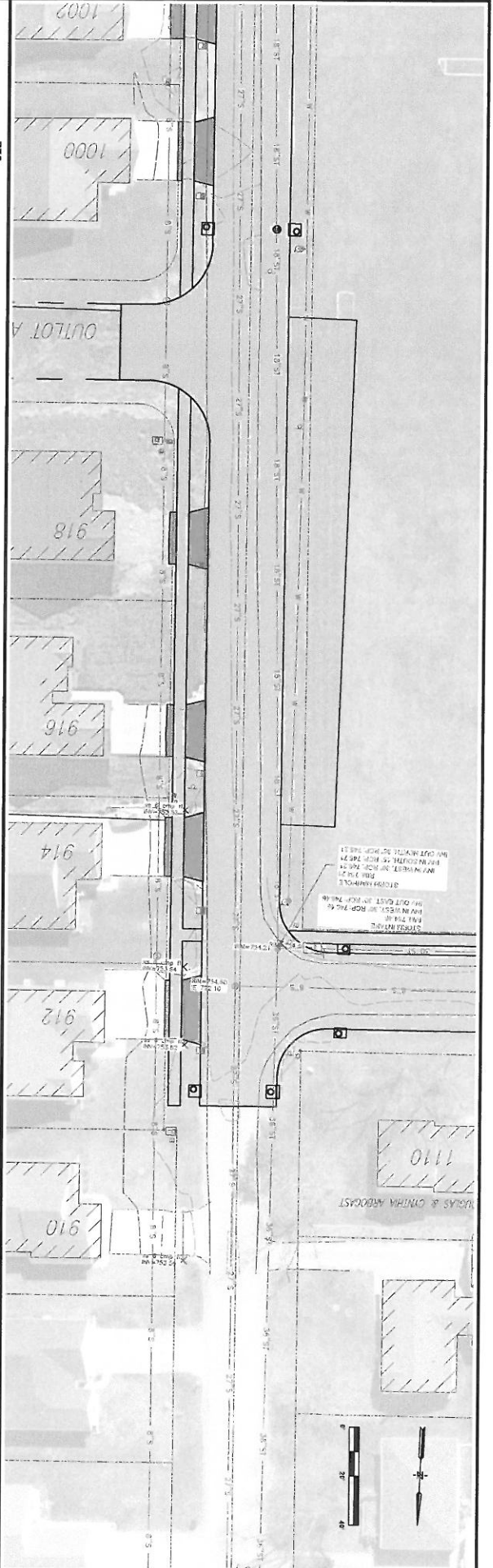
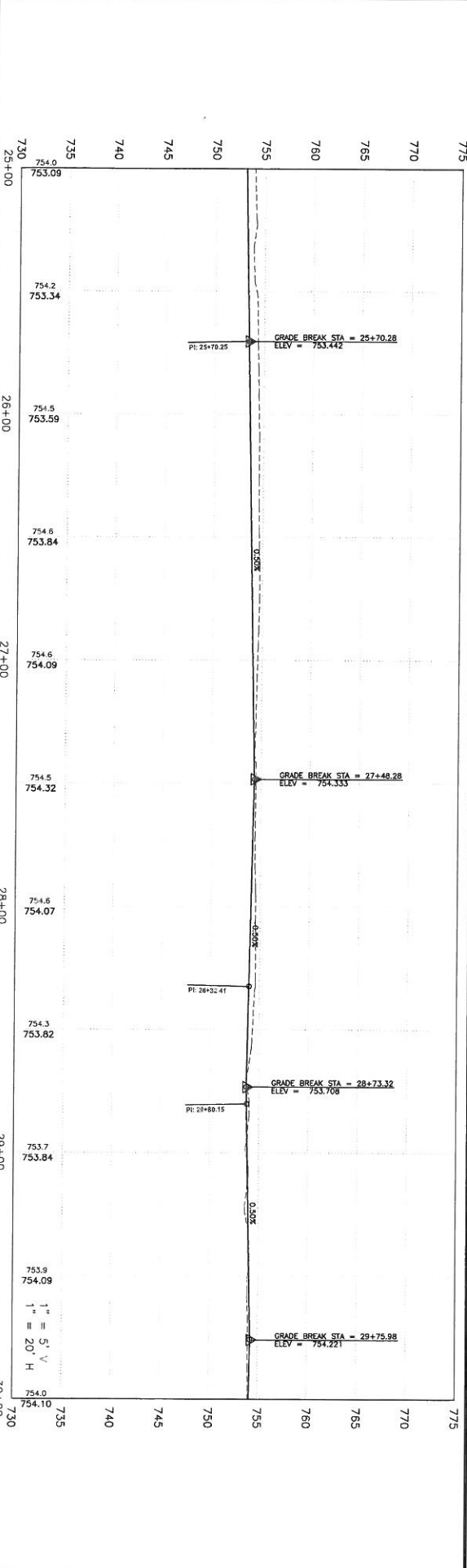
South 12<sup>th</sup> Avenue/East Tyler Reconstruction 2014  
Preliminary Schedule of Activities- as of 2/28/14

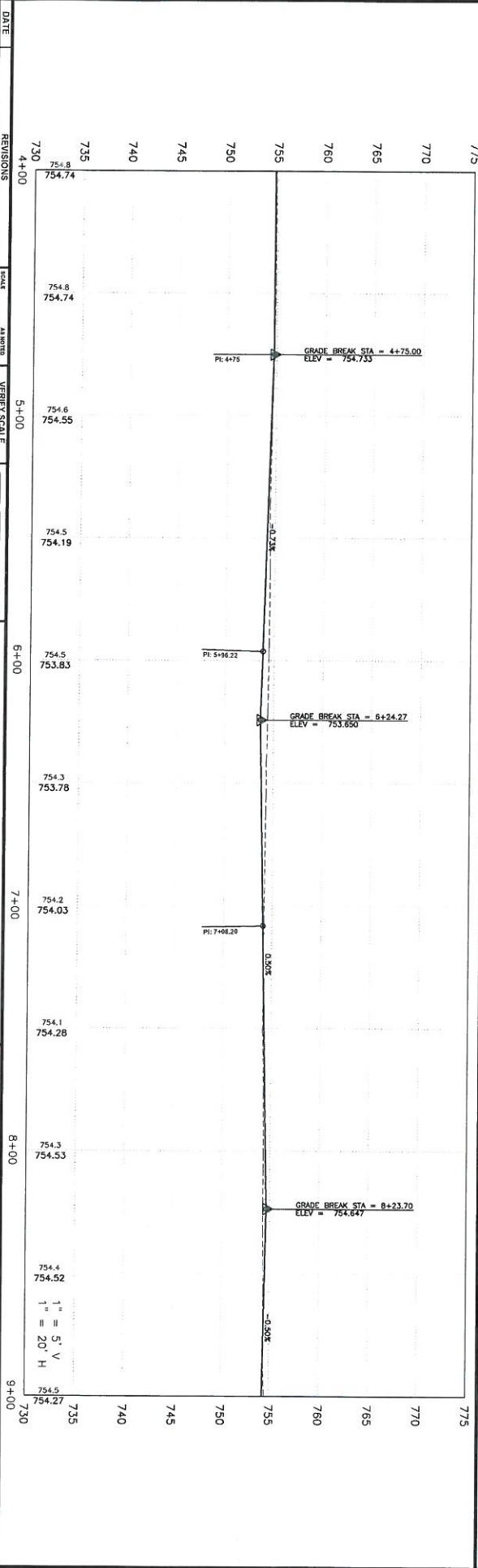
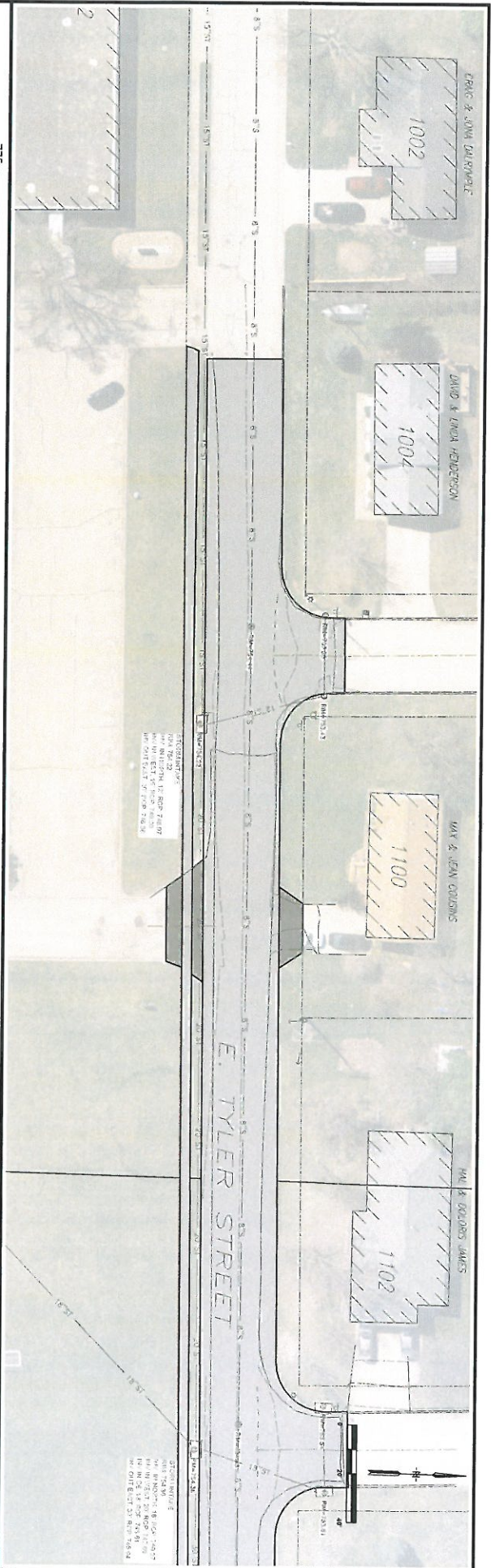
- March 18: Preliminary Resolution
- By April 15: Preliminary plans and estimated costs are made available
- By April 15: Schedule of assessments prepared by engineer
- April 15: Council adopts plat, schedule and estimate of cost
- April 15: Council sets hearing on Resolution of Necessity and orders publication
- April 18: Publication of notice of hearing and letters are sent by certified mail to affected property owners
- May 19: Public hearing and adoption of Resolution of Necessity (requires  $\frac{3}{4}$  vote)
- May 19: Council approves resolution approving plans, specs, form of contract and estimate of cost and authorizes Notice of Hearing & Letting
- By May 26: City Clerk files certified Resolution of Necessity, plat and schedule with County Treasurer
- June 12: Bid opening
- June 17: Council reviews bids and approves resolution awarding contract
- June 24: Council approves contract & bonds for project
- June 30: Start of construction
- September 30: Construction completed
- By October 8: Engineer files certificate of final completion
- October 21: Council approves resolution accepting public improvements and determines amount to be assessed
- By November 14: Engineer files final assessment schedule
- November 18: Council adopts schedule, levy assessment and orders notice to be provided to affected property owners
- By November 21: Publication of notice of final schedule of assessments and mailing to affected property owners
- December 22: Deadline for owners to pay assessments without interest applied

DATE	REVISIONS	SCALE	AMOUNT	VERIFY SCALE	12TH AVE RECONSTRUCTION CITY OF WASHINGTON	PLAN AND PROFILE - S. 12TH AVE	DWG. NO. D.03
		GRAPHIC	DATE	BY	860 22nd Avenue • Suite # • Centerville, Iowa 52231-1585 319-462-1000 • 319-462-0282 FAX • 562-241-5200 (IOWA)		PROJECT 24640
		CONCRETE	DATE	BY			
		ASPHALT	DATE	BY			
		PAVEMENT	DATE	BY			
		UTILITIES	DATE	BY			
		LANDSCAPE	DATE	BY			
		STRUCTURE	DATE	BY			
		CONSTRUCTION	DATE	BY			



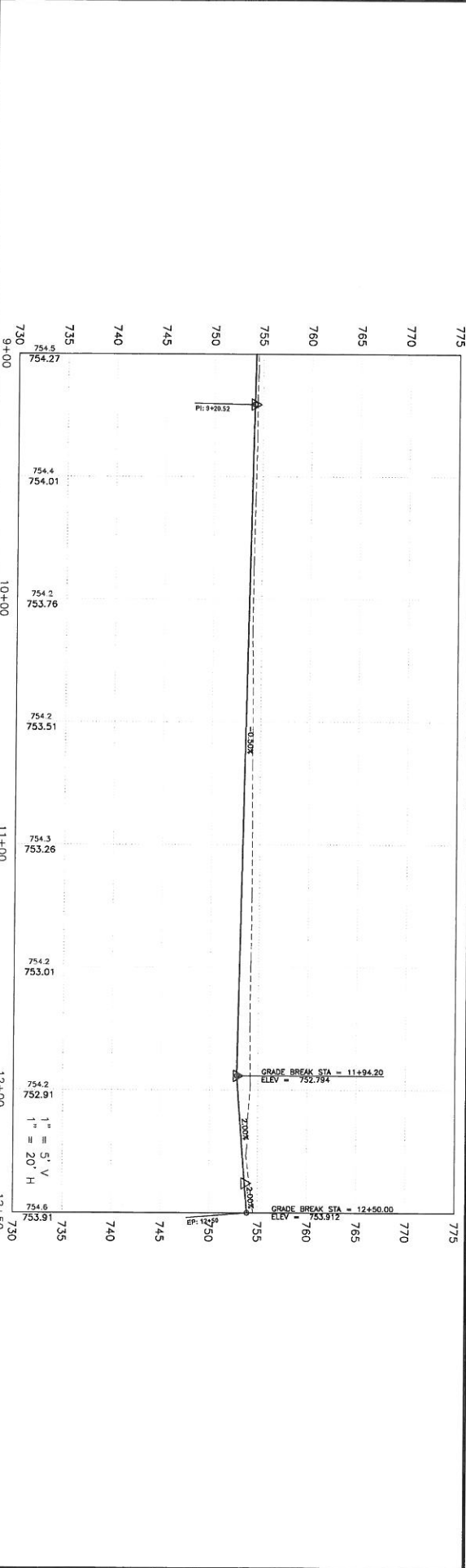
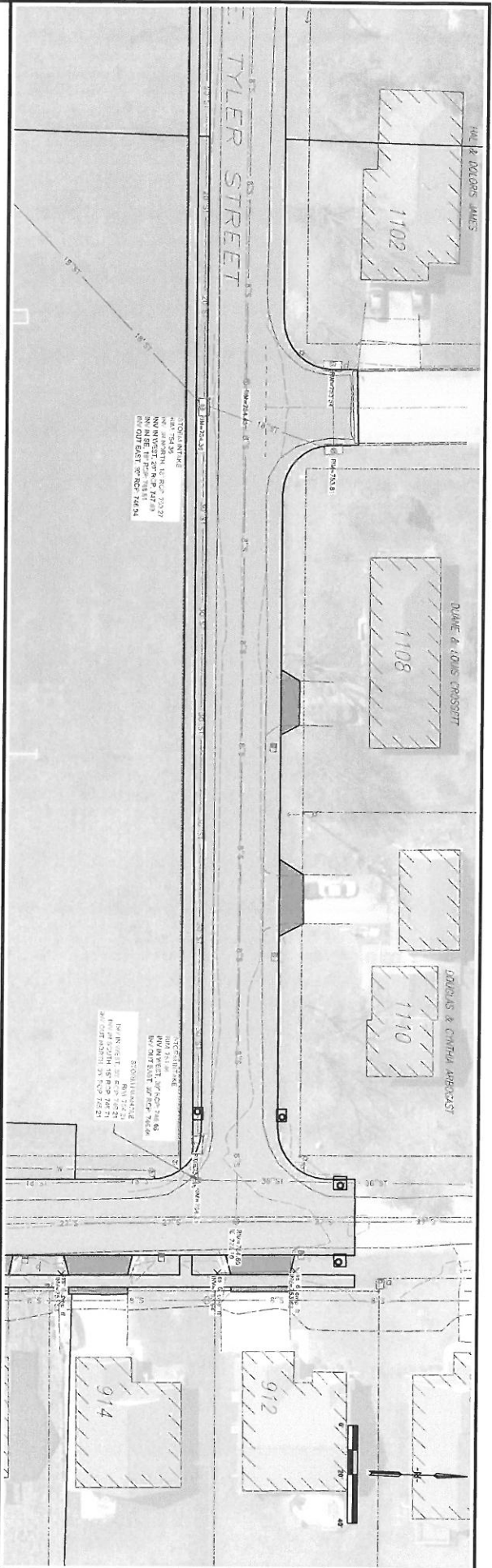
DATE	REVISIONS	SCALE	AMOUNTS	VERIFY SCALE	 <b>VENSTRA &amp; KIMM, INC.</b>	12TH AVE RECONSTRUCTION CITY OF WASHINGTON	PLAN AND PROFILE - S. 12TH AVE	DRAWING NO. <b>D.04</b>
								PROJECT 26640





DATE	REVISIONS	SCALE	AS NOTED	VERIFY SCALE	<p><b>VENSTRA &amp; KIMM, INC.</b></p> <p>12TH AVE RECONSTRUCTION CITY OF WASHINGTON</p> <p>660 22nd Avenue • Suite 4 • Carlisle, Iowa 52241-1565              319-466-1000 • 319-466-1000 FAX • 888-271-2807 (WAT5)</p>	<p><b>PLAN AND PROFILE - E. TYLER ST</b></p>	DRAWG. NO. <b>E.01</b>
DRAWN CHECKED APPROVED DATE INCHES CONSTRUCTION	DATE CHECKED APPROVED DATE INCHES CONSTRUCTION	DATE CHECKED APPROVED DATE INCHES CONSTRUCTION	DATE CHECKED APPROVED DATE INCHES CONSTRUCTION	DATE CHECKED APPROVED DATE INCHES CONSTRUCTION			PROJECT <b>24648</b>





DATE	REVISIONS	SCALE	VERIFY SCALE
	SCALE	AS SHOWN	AS SHOWN
	DATE	DATE	DATE
	BY	BY	BY
	CHKD	CHKD	CHKD
	APP'D	APP'D	APP'D
	DATE	DATE	DATE
	SCALE	SCALE	SCALE
	REVISION FOR	CONSTRUCTION	

	12TH AVE RECONSTRUCTION
	CITY OF WASHINGTON

860 23rd Avenue • Suite #	Carrollville, Iowa 52241-1565
319-466-1000 • 319-466-1000(X30)	888-241-8807 (NATS)

PLAN AND PROFILE - E. TYLER ST
--------------------------------

DWG. NO.	E.02
PROJECT	26640

**RESOLUTION NO.**

**Resolution of Support and Financial Commitment  
for the Main Street Program in  
Washington, Iowa.**

WHEREAS, an Agreement between the Iowa Economic Development Authority, Main Street Washington and the City of Washington for the purpose of continuing the Main Street Iowa program in Washington and,

WHEREAS, this Agreement is pursuant to contractual agreements between the National Trust for Historic Preservation and the Iowa Economic Development Authority to assist in the revitalization of the designated Main Street project area of Washington, Iowa and,

WHEREAS, the City Council of Washington endorses the goal of economic revitalization of the Downtown within the context of preservation and rehabilitation of its historic buildings and supports the continuation of the Main Street Four Point Approach® as developed by the National Trust for Historic Preservation and espoused by Main Street Iowa.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Washington, Iowa, meeting in Regular session on Tuesday, March 18, 2014 that the City of Washington, Iowa hereby agrees to support both financially and philosophically the work of Main Street Washington and designates the Main Street Board to supervise the Program Director.

PASSED, APPROVED, AND ADOPTED THIS 18th day of March, 2014.

\_\_\_\_\_  
Sandra Johnson, Mayor

Attest:

\_\_\_\_\_  
Illa Earnest, City Clerk

**RESOLUTION NO.**

**A RESOLUTION ENDORSING AN APPLICATION FOR GRANT FUNDS  
(Central Park Benches)**

WHEREAS, the City is in the process of upgrading/replacing the benches in Central Park; and

WHEREAS, the Park is the focal point of the City and these benches will improve the appearance of the area; and

WHEREAS, the Council supports this objective and sees the value to the City in applying for grant funds to defray some of the costs of the project:

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

Section 1. The City Council endorses the submission of an application for grant funds from the Washington County Riverboat Foundation in the amount of \$4,650.00 for Central Park bench replacement, with private memorial funds and the City Park Budget to provide \$3,350.00 as local match.

PASSED AND APPROVED this 18th day of March, 2014.

\_\_\_\_\_  
Sandra Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Illa Earnest, City Clerk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF  
THE CITY OF WASHINGTON, IOWA, BY ADDING A  
NEW CHAPTER 48, DRUG PARAPHERNALIA

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

SECTION 1. Add Chapter. A new Chapter 48 is adopted as follows:

**48.01 PURPOSE.** The purpose of this chapter is to prohibit the use, possession with intent to use, manufacture and delivery of drug paraphernalia as defined herein.

**48.02 CONTROLLED SUBSTANCE DEFINED.** The term “controlled substance” as used in this chapter is defined as the term “controlled substance” is defined in the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa, as it now exists or is hereafter amended and shall also include simulated and counterfeit substances, Salvia, Divinorum, Salvinorin A, as well as synthetic catinones, synthetic cannabinoids and their analogues or homologues.

**48.03 DRUG PARAPHERNALIA DEFINED.** The term “drug paraphernalia” as used in this chapter means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, concealing, containing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa. It includes, but is not limited to:

1. Growing Kits. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
2. Processing Kits. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
3. Isomerization Devices. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.

4. Testing Equipment. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
5. Scales. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
6. Diluents and Cutting Agents. Diluents and adulterants, such as quinine hydrochloride, inositol powder, dextrose, fentanyl or any other powder, chemical or substance used to enhance or dilute the potency or amount of any controlled substance.
7. Separators, Sifters and Filters. Separation, sifting or filtering apparatus designed to assist in the manufacturing or refining of any controlled substance or any component of a controlled substance.
8. Mixing Devices. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances.
9. Containers. Any container or other object used, intended for use, or designed for use in storing, packaging or concealing controlled substance, to include but not be limited to capsules, plastic bags and containers, envelopes, clothing and clothing accessories, manufactured "false interior" objects, or any other container or object where a controlled substance is found.
10. Injecting Devices. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
11. Ingesting-Inhaling Device. Objects used, intended for use, or designed for use in ingesting, inhaling, snorting, or otherwise introducing any controlled substance into the human body, such as:
  - A. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, filter and bowls;
  - B. Water, chamber, carburetor and air driven pipes;
  - C. Smoking and carburetion masks;
  - D. Roach clips and similar objects, meaning objects used to hold burning materials, such as marijuana cigarettes;
  - E. Spoons and stirrers or any other utensil used to hold or

- mix controlled substances before, after or during their use;
  - F. Chilliums, bongs, ice pipes and chillers;
  - G. Rolling papers or cigar wrappers used to contain any controlled substance;
  - H. Tubes, whether plastic, paper, metal or otherwise which are used in snorting any controlled substance;
12. Huffing Device. Pressurized containers used, but not intended for such use, to ingest, inhale, or otherwise introduce products, chemicals, or aerosols into the human body.

**48.04 DETERMINING FACTORS.** In determining whether an object is drug paraphernalia for the purpose of enforcing this chapter, the following factors should be considered in addition to all other logically relevant factors:

1. Statements. Statements by an owner or by anyone in control of the object concerning its use.
2. Prior Convictions. Prior convictions, if any, of an owner, or of anyone in control of the object under any State or federal law relating to any controlled substance.
3. Proximity To Violation. The proximity of the object, in time and space, to a direct violation of the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa.
4. Proximity To Substances. The proximity of the object to controlled substances.
5. Residue. The existence of any residue of controlled substances on the object.
6. Evidence of Intent. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intend to use the object to facilitate a violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.
7. Innocence of an Owner. The innocence of an owner, or of anyone in control of the object, as to a direct violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa, should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.

8. Instructions. Instructions, oral or written, provided with the object concerning its use.
9. Descriptive Materials. Descriptive materials accompanying the object which explain or depict its use.
10. Advertising. National and local advertising concerning its use.
11. Displayed. The manner in which the object is displayed for sale.
12. Licensed Distributor or Dealer. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
13. Sales Ratios. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
14. Legitimate Uses. The existence and scope of legitimate uses for the object in the community.
15. Expert Testimony. Expert testimony concerning its use.

**48.05 POSSESSION OF DRUG PARAPHERNALIA.** It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substance Act, Chapter 124 of the Code of Iowa.

**48.06 MANUFACTURE, DELIVERY OR OFFERING FOR SALE.** It is unlawful for any person to deliver, possess with intent to deliver, manufacture with intent to deliver, or offer for sale drug paraphernalia, intending that the drug paraphernalia will be used, or knowing, or under circumstances where one reasonably should know that it will be used, or knowing that it is designed for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.

**48.07 POSSESSION, MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA BY MINORS.** It is unlawful for any minor to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate,

grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa. It is also unlawful for any minor to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, intending that the drug paraphernalia will be used or knowing, or under circumstances where one reasonably should know, that it will be used or knowing that it is designed for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.”

SECTION 2. **Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. **Severability Clause.** If any section, provision or part of this ordinance shall be judged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

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

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Sandra Johnson, Mayor

Attest:

\_\_\_\_\_  
Illa Earnest, City Clerk

Approved on First Reading: \_\_\_\_\_  
Approved on Second Reading: \_\_\_\_\_  
Approved on Third & Final Reading: \_\_\_\_\_

I certify that the foregoing was published as Ordinance No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
City Clerk



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF  
WASHINGTON, IOWA, BY ADDING A NEW CHAPTER 168,  
FLOOD PLAIN MANAGEMENT REGULATIONS**

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

**SECTION 1.**

**168.01 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.**

A. The Legislature of the State of Iowa has in Chapter 414, Code of Iowa, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

B. Findings of Fact

1. The flood hazard areas of the City of Washington are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.
2. These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

C. Statement of Purpose

It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of the City of Washington and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section 168.01(B)(1) of this Ordinance with provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
3. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

## **168.02 GENERAL PROVISIONS.**

### **A. Lands to Which Ordinance Apply**

The provisions of this Ordinance shall apply to all lands within the jurisdiction of the City of Washington which are located within the boundaries of the Floodplain (Overlay) District as established in Section 168.03.

### **B. Rules for Interpretation of Floodplain (Overlay) District**

The boundaries of the Floodplain (Overlay) District areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the zoning administrator shall make the necessary interpretation. The Zoning Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the zoning administrator in the enforcement or administration of this Ordinance.

### **C. Compliance**

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

### **D. Abrogation and Greater Restrictions**

It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

### **E. Interpretation**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

### **F. Warning and Disclaimer of Liability**

The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This Ordinance shall not create liability on

the part of the City of Washington or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

#### G. Severability

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

### **168.03 ESTABLISHMENT OF FLOODPLAIN (OVERLAY) DISTRICT.**

The areas within the jurisdiction of the City of Washington having special flood hazards are hereby designated as a Floodplain (Overlay) District and shall be subject to the standards of the Floodplain (Overlay) District (as well as those for the underlying zoning district). The Floodplain (Overlay) District boundaries shall be as shown on the Flood Insurance Rate Map (FIRM) for Washington County and Incorporated Areas, City of Washington, Panels 19183C0280B, 285B, 290B, and 295B, dated January 16, 2013.

### **168.04 STANDARDS FOR FLOODPLAIN (OVERLAY) DISTRICT.**

All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where 100-year flood data has not been provided on the Flood Insurance Rate Map, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

- A. All development within the Floodplain (Overlay) District shall:
1. Be consistent with the need to minimize flood damage.
  2. Use construction methods and practices that will minimize flood damage.
  3. Use construction materials and utility equipment that are resistant to flood damage.
  4. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.
- B. Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases,

the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

C. Non-residential buildings - All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

D. All new and substantially improved structures:

1. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
  - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot above grade.
  - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

2. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
3. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

E. Factory-built homes:

1. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.
2. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

F. Utility and Sanitary Systems:

1. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
2. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.
3. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.
4. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

G. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

H. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

I. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

J. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Floodplain (Overlay) District.

K. Accessory Structures

1. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.
  - a. The structure shall not be used for human habitation.
  - b. The structure shall be designed to have low flood damage potential.
  - c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
  - d. The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
  - e. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.
2. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

L. Recreational Vehicles

1. Recreational vehicles are exempt from the requirements of Section 168.04(E) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
  - a. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
  - b. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

2. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section 168.04(E) of this Ordinance regarding anchoring and elevation of factory-built homes.
- M. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

#### **168.05 ADMINISTRATION.**

##### **A. Appointment, Duties and Responsibilities of Zoning Administrator**

1. The zoning administrator is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.
2. Duties of the Administrator shall include, but not necessarily be limited to the following:
  - a. Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
  - b. Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
  - c. Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures in the Floodplain (Overlay) District.
  - d. Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) to which all new or substantially improved structures have been floodproofed.
  - e. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
  - f. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

##### **B. Floodplain Development Permit**

1. Permit Required - A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.

2. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:
  - a. Description of the work to be covered by the permit for which application is to be made.
  - b. Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
  - c. Indication of the use or occupancy for which the proposed work is intended.
  - d. Elevation of the 100-year flood.
  - e. Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
  - f. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
  - g. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
3. Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the City Board of Adjustment.
4. Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

#### C. Variance



1. The City Zoning Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.
  - a. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
  - b. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - c. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.
2. Factors Upon Which the Decision of the Zoning Board of Adjustment Shall be Based - In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:
  - a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
  - b. The danger that materials may be swept on to other land or downstream to the injury of others.
  - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
  - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - e. The importance of the services provided by the proposed facility to the City.
  - f. The requirements of the facility for a floodplain location.
  - g. The availability of alternative locations not subject to flooding for the proposed use.

- h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
  - j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
  - l. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
  - m. Such other factors which are relevant to the purpose of this Ordinance.
3. Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:
- a. Modification of waste disposal and water supply facilities.
  - b. Limitation of periods of use and operation.
  - c. Imposition of operational controls, sureties, and deed restrictions.
  - d. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.
  - e. Floodproofing measures.

#### **168.06 NONCONFORMING USES.**

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
  - 1. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.

2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
- B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

#### **168.07 PENALTIES FOR VIOLATION.**

Violations of the provisions of this Ordinance or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500) or imprisoned for not more than thirty (30) days. Nothing herein contained prevent the City of Washington from taking such other lawful action as is necessary to prevent or remedy violation.

#### **168.08 AMENDMENTS.**

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

#### **168.09 DEFINITIONS.**

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

**BASE FLOOD** - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).

**BASEMENT** - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

**DEVELOPMENT** - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this

section. It also does not include gardening, plowing, and similar practices that do not involve filling, grading.

EXISTING CONSTRUCTION - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.

EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FACTORY-BUILT HOME - Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

FACTORY-BUILT HOME PARK - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

FLOOD ELEVATION - The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.

FLOOD INSURANCE RATE MAP (FIRM) - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

FLOODPLAIN - Any land area susceptible to being inundated by water as a result of a flood.

FLOODPLAIN MANAGEMENT - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplain s, including but not limited

to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

**FLOODPROOFING** - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

**FLOODWAY** - The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

**FLOODWAY FRINGE** - Those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

**HISTORIC STRUCTURE** - Any structure that is:

- a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

**LOWEST FLOOR** - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

- a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 168.04(D)(1) of this Ordinance, and
- b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and

- c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and
- d. The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria a, b, c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

MINOR PROJECTS - Small development activities (except for filling, grading and excavating) valued at less than \$500.

NEW CONSTRUCTION - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

NEW FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the community.

ONE HUNDRED (100) YEAR FLOOD - A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.

RECREATIONAL VEHICLE - A vehicle which is:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES – Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- a) Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;

- b) Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- c) Basement sealing;
- d) Repairing or replacing damaged or broken window panes;
- e) Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

**SPECIAL FLOOD HAZARD AREA** - The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.

**START OF CONSTRUCTION** - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factor-built homes, storage tanks, and other similar uses.

**SUBSTANTIAL DAMAGE** - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** - Any improvement to a structure which satisfies either of the following criteria:

1. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.

The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic

structure", provided the alteration will not preclude the structure's designation as an "historic structure".

- 2. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

VARIANCE - A grant of relief by a community from the terms of the floodplain management regulations.

VIOLATION - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY CLAUSE.** If any section, provision or part of this ordinance shall be judged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 4. WHEN EFFECTIVE.** This ordinance shall be in effect after final passage, approval and publication as provided by law.

PASSED AND APPROVED by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Sandra Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Illa Earnest, City Clerk

Approved on First Reading: \_\_\_\_\_  
Approved on Second Reading: \_\_\_\_\_  
Approved on Third & Final Reading: \_\_\_\_\_

I certify that the foregoing was published as Ordinance No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
City Clerk