OFFICIAL PROCEEDINGS CITY OF ALLISON COUNCIL MINUTES OCTOBER 26, 2020 Public Hearing:

Mayor Henrichs opened the public hearing at 7 p.m., at the EMS Build-ing at 1002 Seventh Street. Council members present: Bangasser, Carlson, Davis, Henning, Heuer. Also present were: Bethany Car-Tribune-Journal, Emily Pitson tenger - City Attorney, Mike Lammers - Deputy Sheriff, Brett Stirling Deputy Sheriff, Mark Rolinger Attorney for Angie Fishel and Randy and Joan Moad, Steve Thompson - representing Dollar General, Trent Stirling, Jeff Williams, Mitch Williams, Harlan Kruse, Regina DeVries, Mark Bangasser, Coby Bangasser, Sara Sparks Henrichs, Sherida Davis, Chris Graser, Cindi Johnson, Bailey Johnson, Randy and Joan Moad, Ryan Lindeman, Deb McWhirter, Chris Luhring, Daleth Pothast. The Mayor stated that this was the place and time for the public hearing to consider adoption of the Special Permit for Dollar General to construct a 9100 square foot retail store at the NW corner of Highway 3 and Lakeview Drive since this is a non-conforming use in the Restricted Residence District. Glenda reported that the comments received prior to the meeting were the petition signed by 139 homeowners from the City of Allison against allowing the building of Dollar General at the location requested on Highway 3 and Lakeview Drive and a letter that was received from Mark Rolinger. 335 signatures were needed from homeowners in order for City Council to not consider the Special Permit Application. Several comments were received from the audience for and against Dollar General building a new store at the location on Highway 3. Emily Pittenger spoke on behalf of the City Council and stated that nothing in the Code of Ordinances for the City of Allison stated a time limit before Dollar General could re-apply for a Special Permit Application. Mark Rolinger gave his view points on behalf of Randy and Joan Moad and Angie Fishel against letting Dollar General re-apply for that permit. Motion by Davis with a second by Bangasser to close the public hearing. Ayes: All. Nays: None. Motion carried.

Regular Meeting:

Mayor Henrichs opened the regular meeting at 7:47 p.m. Council members present: Bangasser, Carlson, Davis, Henning, Heuer. Also present were: Bethany Carson – Tribune-Journal, Emily Pittenger – City Attorney, Mike Lammers – Deputy Sheriff, Brett Stirling – Deputy Sheriff, Mark Rolinger – Attorney for Angie Fishel and Randy and Joan Moad, Steve Thompson – representing Dollar General, Trent Stirling, Jeff Williams, Mitch Williams, Harlan Kruse, Regina DeVries, Mark Bangasser, Coby Bangasser, Sara Sparks Henrichs, Sherida Davis, Chris Graser, Cindi Johnson, Bailey Johnson, Randy and Joan Moad, Ryan Lindeman, Deb McWhirter, Chris Luhring, Daleth Pothast. Motion by Bangasser with a second by Henning to approve the agenda. Ayes: All. Nays: None. Motion carried.

Open Forum: No open forum items discussed.

Consent Agenda:

Davis made a motion to approve the consent agenda with a second by Carlson. Those items approved were:

Approve Minutes from Meeting on Oct. 12, 2020

Approve Variance and Building Permit for Mike Kampman – 208 Fifth St. – Build a 9 X 10 deck onto south side of home and be closer to front property line than allowed by Code of Ordinances as

Mike obtained signature from the resident at 202 Fifth St. agreeing to variance request

Ayes: All. Nays: None. Motion carried.

New Business:

Motion by Davis with a second by Bangasser to approve the Special Permit Application for Dollar General to build a 9,100 square foot retail store at the NW corner of Highway 3 and Lakeview Drive. Ayes: All. Nays: None. Motion carried.

Motion by Carlson with a second by Henning to approve the bid of Affordable Tree Service to cut down two Cottonwood and eight Ash trees and grinding of the stumps at Wilder Park for \$1,000. Ayes: All. Nays: None. Motion carried.

Motion by Bangasser with a second by Davis to approve the bid of \$3,994.99 from Affordable Tree Service to cut down eight dead or diseased trees in the City right of way which includes removal of wood, brush chipped up and taken to Wilder Park. Ayes: All. Nays: None. Motion carried. Other bids received were \$4,000 from JBL Tree Service and \$6,000 from Finished Tree Removal.

The asbestos report for 409 Pine Street was reviewed. There were 14 items found that contained asbestos in the dwelling.

Motion by Bangasser with a second by Carlson to approve the bid of Advanced Environmental in the amount of \$8,380 to remove the asbestos at 409 Pine Street. Ayes: All. Nays: None. Motion carried.

Motion by Carlson with a second by Henning to now go out for bids again since the asbestos removal will be paid for by the City and not by the contractors who bid the tear down project. Ayes: All. Nays: None. Motion carried.

Old Business:

There was no old business discussed.

Adjournment: Motion by Davis to adjourn at 8 p.m. with a second by Bangasser. Ayes: All. Nays: None. Motion carried.

ATTEST:

Scot Henrichs - Mayor

Glenda Miller - City Clerk

NOTICE OF PUBLIC HEARING

The Butler County Board of Supervisors will hold a telephonic meeting on Nov. 10, 2020, at 9:35 a.m. in the EOC, basement of the Butler County Courthouse, Allison, lowa. At this meeting the Board will:

Hold a public hearing on the first reading of a proposed amendment to the Butler County Flood Plain Management Ordinance. Title V, No. 7.

There is a copy in the Auditor's Office for review. Comments may be emailed to Lizbeth Williams, Butler County Auditor Iwilliams@butlercoiowa.org. For oral comment: 319-267-2670. To participate telephonically call: 312-626-6799 Meeting ID: 958 0086 8991 Passcode: 927327 or https://zoom.us/ j/95800868991?pwd=N0s4NmNhZytEVINgNk8xYStVWWhYUT09

There is limited public access the BOS meeting. A reservation must be made on a first come, first served basis by calling the Auditor's Office at 319-267-2670. Anyone pertinent to an agenda item(s) will be guaranteed a seat. Number of seats will be determined the day of the meeting with a total capacity of 12. Attendees from the public should be at the north entrance door before 9.

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON OCTOBER 20, 2020.

With limited public access to the courthouse due to COVID-19, this meeting was held telephonically with the public able to participate on a limited basis. This complies with Iowa Code section 21.8 that outlines the guidelines to hold an electronic meeting when there are valid concerns that an in-person meeting is "impossible or impractical."

Meeting called to order at 9 a.m. by Chairman Pro-tem Greg Barnett with member Rusty Eddy present. Chairman Tom Heidenwirth was absent.

Minutes of the previous meeting were read. Moved by Barnett, second by Eddy to approve. Heidenwirth was absent. Motion carried.

No public comment received.

Director of Public Health Jennifer Becker reported 20 new cases of COVID-19 with 26 recovered, 1 hospitalization and a 5.9 percent positivity rate.

Moved by Eddy, second by Barnett to set Oct. 27, 2020 at 9:30 a.m., as the date and time for the first reading of Title VI, No. 23, a proposed amendment to Ordi, nance Title VI, No. 7 to rezone 237 acres +/- located in the N½ NW¼, the SW¼ NW¼, the Nfrl½ NEfrl¼, and the E½ SE¼ NE¼ all in Section 4, Township 91N, Range 15W from "A-1" Agriculture to "M" Manufacturing. Heidenwirth was absent. Motion carried.

Moved by Barnett, second by Eddy to approve claims. Heidenwirth was absent. Motion carried.

Board acknowledged receipt of Manure Management Plan Annual Updates for Woodford Creek Farms; Steere East Finisher Farm; Luebbers Finisher Farm and JLH Finisher Farm.

Moved by Eddy, second by Barnett to adjourn the meeting at 9:23 a.m. to Tuesday, Oct. 27, 2020, at 9 a.m. Motion carried.

The above and foregoing is a true and correct copy of the minutes and proceedings of a regular adjourned meeting of the Board of Supervisors of Butler County, Iowa on Oct. 20, 2020.

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ASSOCIATION OF IOWA FAIRS FISCAL YEAR FINANCIAL SUMMARY OF MEMBER FAIRS: Butler County Fair Association Financial Report for Fiscal Year Sept. 1, 2019 to Aug. 31, 2020 Estimated Attendance:
RECEIPTS Fair Income \$42,573.48 Non-Fair Income \$42,573.48 County Funding \$42,000.00 Grants \$52,000.00 Grants \$52,907.48 TOTAL RECEIPTS
EXPENSES Fair Expenses
Equipment Purchases+\$0.00 Payments To Debts+\$16,250.00 TOTAL EXPENSES = \$292,226.44
SIMPLE CASH RECONCILIATION Beginning Cash Balance (first day of fiscal year)
\$158,247.97 Plus Total Receipts \$258,556.63 Less Total Expenses
-\$292,226.44 Ending Cash Balance (last day of fiscal year) =\$124,578.16 Less Total Indebtedness
(balance of loans payable) -\$161.836.49 Net Ending Cash Standing (as of last day of fiscal year) -\$37 258 33
-\$37,258.33 PREMIUMS PAID AFFIDAVIT <i>FAIR:</i> BUTLER COUNTY FAIR We, the undersigned Presi- dent, Secretary and Treasurer of the above stated Fair, being duly sworn on oath depose and say the said Association/Society, be- ing duly incorporated under the laws of the Sate Of Iowa held a Fair known as the Butler County Fair on these days of June 24-28, 2020, in or near the city of Allison, Iowa and said Fair consists of a true ex- hibition of livestock, together with agricultural products and farm im- plements as contemplated by law (either Section 174.1 or 174.10). We further denose and say that

We further depose and say that the following is a statement of the

actual amount paid in cash premiums by the Association/Society for the current year, this statement corresponds with the published offer of premiums, and that no deductions have been made for entry fees, stall or pen rent. We further depose and say that no part of the below statement was paid for speed events or to secure games or amusements. We further depose and say that state appropriated funds received were used for infrastructure purposes only.

trastructure purposes only.		
STATEMENT OF CASH PREMIUMS		
4-H & FFA DEPARTMENTS		
Beef		
Dairy		
Dog	\$0.00	
Goats		
Horse	\$743.36	
Poultry	\$93.84	
Rabbit	\$180.32	
Sheep		
Swine		
Other		
Static Exhibits (Building		
TOTAL	\$3,161.94	
OPEN CLASS DEPAR		
Beef		
Dairy Sheep	\$0.00	
Swine		
Other Livestock		
Arts & Crafts, Textiles		
Arts & Orans, Textiles		
Culinary & Related		
Flowers/Plants		
Other Non-Livestock		
TOTAL		
NUMBER OF		
EXHIBITORS AND EX	HIBITS	
4-H & FFA		
Livestock Exhibitors	103	
4-H & FFA		
Livestock Exhibits	310	
4-H & FFA		
Non-Livestock Exhibito	ors /6	
4-H & FFA Non-Livestock Exhibits	000	
OPEN CLASS	5269	
Livestock Exhibitors	0	
OPEN CLASS	0	
Livestock Exhibits	0	
OPEN CLASS		
Non-Livestock Exhibito	ors 0	
OPEN CLASS		
Non-Livestock Exhibits	0	
Report verifi		
by followingofficers of the		
Association/Society		
President/s/I	Vike Stirlina	
0		
Secretary/s/k	karen Dilger	
Treasurer/s/k	karen Dilger	

PUBLIC NOTICE

Notice is hereby given that there will be a vacancy in the office of Mayor whose term was to end Dec. 31, 2021, (vacancy due to mayor resigning) which vacancy commenced on Oct. 20, 2020.

Residents are further informed that unless a petition signed by 40 electors (15 percent of those who voted at the last regular election for that office) in the City of Clarksville, lowa, is received within fourteen (14) days of the date of this notice, the City Council proposes to appoint a person to fill the position until the next city election. The Council, in fulfillment of its legal duty, will appoint a person only temporarily to the position if such petition is received and will call an election for a date to be set by the County Commissioner of Elections

By order of the City of Clarksville City Council.

Lori A. Peterson

City Clerk/Treasurer

CS-45

OFFICIAL PROCEEDINGS CITY OF CLARKSVILLE UNAPPROVED MINUTES NOVEMBER 2, 2020

The Clarksville City Council met in regular session on Nov. 2, 2020, in the City Council Chambers at 6:30 p.m., with Mayor Pro Tem Todd Fails in the chair and Council Members Brock Lodge and Larry Voigts present. Roger Doty was absent. Motion Lodge, Voigts, to adopt Resolution 20-736: A RESOLU-TION OF THE CITY COUNCIL OF CLARKSVILLE, IOWA, TO AP-POINT TO CITY COUNCIL.

WHEREAS, The City Council accepted the resignation of Diane Renning on Sept. 21, 2020; AND WHEREAS, Pursuant to Section 372.13(2) of the Code of Iowa, the Council has elected to fill vacancy by appointment: AND

WHEREAS, the City Council, by motion vote, has named Wendy Brooks as the appointee.

NOW, THEREFORE, BE IT RE-SOLVED that the City Council of Clarksville, Iowa, appoints Wendy Brooks to the Council seat vacated by Diane Renning. PASSED and ADOPTED this 2nd

PASSED and ADOPTED this 2nd day of November, 2020. RCV – Ayes: Fails, Lodge, and

Voigts. Nays: None. Absent: Doty. MC.

Motion Voigts, Lodge, to approve and adopt the items contained in the Consent Agenda: Motion to approve minutes (Oct. 5, 2020, and Oct. 19, 2020).

RCV – Ayes: Fails, Lodge, and Voigts. Nays: None. Absent: Doty. MC.

Motion Voigts, Lodge, to approve report from Larry Pump, CPA, for the annual examination pursuant to Chapter 11.6 of the Code of Iowa. RCV – Ayes: Fails, Lodge, and Voigts. Nays: None. Absent: Doty. MC.

Motion Lodge, Voigts, to approve public nuisance abatement proceedings for 314 S. Main St. Abatement clean up to be completed by Nov. 23, 2020.

RCV – Ayes: Fails, Lodge, and Voigts. Nays: None. Absent: Doty. MC.

Motion Voigts, Lodge, to approve Doc's Tap liquor license renewal. RCV – Ayes: Fails, Lodge, and Voigts. Nays: None. Absent: Doty.

MC. Motion Lodge, Voigts, to adopt Resolution 20-737: A RESOLU-TION AMENDING THE SALARIES FOR APPOINTED OFFICERS AND EMPLOYEES OF THE CITY OF CLARKSVILLE, IOWA, FOR THE FISCAL YEAR 2021.

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

A. To amend the following positions:

Maintenance Superintendent hourly wage set at \$19 per hour. B. This resolution shall be effec-

tive Nov. 9, 2020. PASSED and ADOPTED this 2nd

day of November, 2020. RCV – Ayes: Fails, Lodge, and Voigts. Nays: None. Absent: Doty.

MC. Motion Lodge, Voigts, to adopt Resolution 20-738: A RESOLU-TION OF THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, IOWA, TO ACCEPT RESIGNA-TION FROM MAYOR.

BE IT RESOLVED, by the City Council of the City of Clarksville, Iowa;

"WHEREAS Kenneth Smith has resigned as Mayor for the City of Clarksville, Iowa. Resignation is effective as of Oct. 20, 2020."

PASSED AND ADOPTED this 2nd day of November, 2020.

RCV – Ayes: Fails, Lodge, and Voigts. Nays: None. Absent: Doty. MC.

Motion Voigts, Lodge, to adopt first reading of Ordinance No. 289: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLARKSVILLE, IOWA, BY AMENDING PROVISIONS PERTAINING TO FLOODPLAIN REGULATIONS. plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

18. 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.

19. 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 cumulative ly increase the water surface elevation of the base flood by more than one (1) foot.

20. FLOODWAY FRINGE - Those portions of the Special Flood Hazard Area outside the floodway.

21. HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure

22. 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. 23. LOWEST FLOOR - The floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

24. MAXIMUM DAMAGE POTEN-TIAL DEVELOPMENT - Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

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

26. 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. 27. NEW FACTORY-BUILT HOME

27. 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 effective date of the first floodplain management regulations adopted by the community.

28. RECREATIONAL VEHICLE -

erwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

C. This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

3. Statement of Purpose

It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of the City of Clarksville 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 160.02(2)(A) of this Ordinance with provisions designed to: A. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially

B. 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.

C. 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.

D. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

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

160.03 - General Provisions

1. Lands to Which Ordinance Apply The provisions of this Ordinance shall apply to all lands and development which have significant flood hazards. The Flood Insurance Rate Map (FIRM) for Butler County and Incorporated Areas, City of Clarksville, Panel 19023C0216E and 218E, dated December 17, 2020, which were prepared as part of the Butler County Flood Insurance Study, shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the base flood shall be considered as having significant flood hazards.. The Flood Insurance Study for the County of Butler County is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.

2. Rules for Interpretation of Flood Hazard Boundaries

The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map. Where uncertainty exists with respect to the precise location of the base flood boundary, the location shall be determined on the basis of the base flood elevation at the particular site in question. When an interpretation is needed as to the exact location of a boundary, the City Clerk shall make the necessary interpretation. The City Council shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Clerk in the enforcement or administration of this Ordinance.

3. 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 Ordi-

4. Abrogation and Greater Restrictions

It is not intended by this Ordinance

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 Council.

D. 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 ap proved 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 appropri ate, 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.

160.05 - Floodplain Management Standards

1. General Floodplain Standards All development must be consis tent with the need to minimize flood damage and meet the following ap licable performance standards Where base flood elevations have not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one (1) foot. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where (i) the bridge or culvert is located on a stream that drains less than two (2) square miles, and (ii) the bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.

A. All development within the special flood hazard areas shall:

1) Be designed and adequately anchored to prevent flotation, collapse or lateral movement.

2) Use construction methods and practices that will minimize flood damage.

3) Use construction materials and utility equipment that are resistant to flood damage.

B. Residential structures - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points be no lower than 1.0 ft, above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed (subject to favorable consid eration by the City Council), 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 as-

sociated with flooding. 1) All new residential structures located in areas that would become

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 base flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the Spe-

cial Flood Hazard Area. 1. Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

K. Accessory Structures to Residential Uses

1) Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:

a. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the base flood elevation must be constructed of flood-resistant materials.

b. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

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 resist flotation, collapse and lateral movement.

e. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.

f. The structure's walls shall include openings that satisfy the provisions of 160.05(1)(D)(1) of this Ordinance.

2) Exemption from the base 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 160.05(1)(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 160.05(1)(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.

N. Maximum Damage Potential Development - All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, 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 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation 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. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, 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 deB. 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 City Councimay 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 con-

trols, sureties, and deed restrictions. D. Requirements for construction of channel modifications, dikes.

levees, and other protective mea-

sures, provided such are approved

by the Department of Natural Re-

sources and are deemed the only

practical alternative to achieving

be designed consistent with the

flood protection elevation for the

particular area, flood velocities,

duration, rate of rise, hydrostat-

ic and hydrodynamic forces, and other factors associated with the

regulatory flood. The Council shall

require that the applicant submit

a plan or document certified by a

registered professional engineer

that the floodproofing measures

are consistent with the regulatory

flood protection elevation and as-

sociated flood factors for the par-

160.07 - Nonconforming Uses

1. A structure or the use of a struc-

ture 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:

A. If such use is discontinued for

six (6) consecutive months, any fu-

ture use of the building premises

B. Uses or adjuncts thereof that

are or become nuisances shall not

be entitled to continue as noncon-

C. If any nonconforming use

or structure is destroyed by any

shall conform to this Ordinance.

ticular area.

forming uses.

the purpose of this Ordinance. E. Floodproofing measures shall

BE IT ENACTED by the City Council of the City of Clarksville, Iowa: SECTION 1. SECTION MODI-FIED. Chapter 160 of the Code of Ordinances of the City of Clarksville, Iowa, is repealed and the following adopted in lieu thereof: TABLE OF CONTENTS

160.01 Definitions 160.02 Statutory Authority, Findings of Facts and Purpose

1gs of Facts and Purpose 160.03 General Provisions

160.04 Administration

160.05 Floodplain Management

- Standards 160.06 Variance Procedures
- 160.07 Non-Conforming Uses
- 160.08 Penalties for Violations

160.09 Amendments FLOODPLAIN MANAGEMENT

- ORDINANCE
- 160.01 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.

1. APPURTENANT STRUCTURE – A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

2. BASE FLOOD - The flood having one (1) percent chance of being equaled or exceeded in any given year (Also commonly referred to as the "100-year flood").

3. BASE FLOOD ELEVATION (BFE) – The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

4. 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."

5. DEVELOPMENT - Any manmade change to improved or unimproved real estate, including but not limited to buildings 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 or grading.

 ENCLOSED AREA BELOW LOWEST FLOOR – The floor of the lowest enclosed area in a building when all the following criteria are met:

A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of 160.05(1)(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 base flood elevation, and

D. The enclosed area is not a "basement" as defined in this section.

7. 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.

8. EXÍSTING FACTÓRY-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 bef 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). 10. 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.

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.

29. 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 fin-

ish work; C. Basement sealing;

D. Repairing or replacing dam

aged or broken window panes; E. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

30. SPECIAL FLOOD HAZARD AREA (SFHA)- The land within a community subject to the "base flood". This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.

31. 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 im provement, 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.

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

33. SUBSTANTIAL DAMAGE -Damage of any origin sustained by a structure whereby the cost of restoring the structure to its be fore damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of re-

pair. 34. SUBSTANTIAL IMPROVE-MENT - Any improvement to a structure which satisfies either of the following criteria: A. Any repair, reconstruction or improvement of a structure taking place during a 10-year period, the cumulative 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 first improvement of the structure, 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 B. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of 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. 35. VARIANCE - A grant of relief

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.

5. 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. 6. 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 areas of significant flood hazard will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Clarksville 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. 7. 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. 160.04 - Administration

1. Appointment, Duties and Re-

sponsibilities of Local Official A. The City Clerk is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.

B. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:

1) Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.

2) 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.

3) Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved buildings or (ii) the elevation to which new or substantially improved structures have been floodproofed.

4) 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.

5) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

6) Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.

 Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.

8) Review subdivision proposals to insure such proposals are consistent with the purpose of this ordinance and advise the City Council of potential conflict.

9) Maintain the accuracy of the community's Flood Insurance Rate Maps when;

a. Development placed within the Floodway results in any of the following: (I) An increase in the Base Flood

Elevations, or (II) Alteration to the floodway

boundary b. Development placed in Zones isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3),

Iowa Administrative Code C. Non-residential structures All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the base flood elevation, 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 base flood: and that the structure below the base flood elevation 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 (2) openings, with positioning on at least two (2) walls, 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.

d. Where the distance between the floor and ceiling of the fully enclosed area below the "lowest floor" is (FIVE (5)) feet or more, the applicant shall be required to sign and record with the Butler County Recorder a Non-Conversion Agreement that ensures the lower enclosed area remains compliant with the criteria outlined in 160.05(1)(D)(1).

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 shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities (including ductwork) elevated or floodproofed to a minimum of one (1) foot above the base flood elevation.

E. Factory-built homes:

1) All new and substantially improved 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 base flood elevation.

2) All new and substantially improved 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. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.

terminations. 2. Special Floodway Provisions

In addition to the General Floodplain Standards, development within the floodway must meet the following applicable standards. The floodway is that portion of the floodplain which must be protected from developmental encroachment to allow the free flow of flood waters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway. Where no floodway data has been provided, the Department of Natural Resources shall be contacted to provide a floodway delineation. The applicant will be responsible for providing the Department of Natural Resources with sufficient tech nical information to make such de-

termination. A. No development shall be permitted in the floodway that would result in any increase in the base flood elevation. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

B. All development within the floodway shall:1) Be consistent with the need to

 Be consistent with the need to minimize flood damage.
Use construction methods and practices that will minimize flood

damage. 3) Use construction materials and

utility equipment that are resistant to flood damage. C. No development shall affect

the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.

D. Structures, buildings, recreational vehicles, and sanitary and utility systems, if permitted, shall meet the applicable General Floodplain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.

E. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

F. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the floodway within the time available after flood warning.

G. Watercourse alterations or relocations (channel changes and modifications) 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.

H. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited

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

2. Except as provided in 160.07(1) (B), any use which has been permitted as a Variance shall be considered a conforming use.

160.08 - 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 \$500.00 (FIVE HUNDRED DOLLARS) or mprisoned for not more than 30 (thirty) days. Nothing herein contained prevent the City of Clarksville from taking such other lawful action as is necessary to prevent or remedy violation.

160.09 - 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.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the City Council of the City of Clarksville, Iowa, the 2nd day of November, 2020.

RCV – Ayes: Fails, Lodge, and Voigts. Nays: None. Absent: Doty. MC.

First reading passed.

Motion Lodge, Voigts, to adopt first reading of Ordinance No. 290: AN ORDINANCE AMENDING CHAPTER 65, STOP OR YIELD REQUIRED.

BE IT ENACTED by the City Council of the City of Clarksville, Iowa: BE IT ENACTED by the City Coun-

cil of the City of Clarksville, Iowa: SECTION 1. 65.02 STOP RE-QUIRED. The Code of Ordinances of the City of Clarksville is hereby amended by adding the following

section: "22. Ely Street. Vehicles traveling on Ely Street shall stop at Jefferson Street." SECTION 2. SUBSECTION RE-

PEALED. The Code of Ordinanc-

es of the City of Clarksville, Iowa, is

hereby amended by repealing Sec-

tion 65.02, Subsection 18, which

required vehicles traveling on Mather Street to stop at Weare Street.

SECTION 3. 65.03 FOUR-WAY

STOP INTERSECTIONS. The

Code of Ordinances of the City of

Clarksville is hereby amended by adding the following section: "12. Intersection of Mather Street

SECTION 4. REPEALER. All or-

dinances or parts of ordinances in

conflict with the provisions of this

SECTION 5. SEVERABILITY

CLAUSE. If any section, provision,

or part of this ordinance shall be

judged invalid or unconstitutional,

such as adjudication shall not af-

fect the validity of the ordinance as

a whole or any section, provision, or part thereof not adjudged invalid

Section 6. WHEN EFFECTIVE

This ordinance shall be in effect

ordinance are hereby repealed.

and Weare Street

or unconstitutional.

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

12 FIVE HUNDRED (500) YEAR FLOOD – A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.

13 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.

14. 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.

15. FLOOD INSURANCE STUDY (FIS) – A report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

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

17. FLOODPLAIN MANAGE-MENT - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood35. VARIANCE - A grant of relief by a community from the terms of the floodplain management regulations.

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

160.02 - Statutory Authority, Findings of Fact and Purpose

1. The Legislature of the State of Iowa has in Chapter 364, Code of Iowa, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.

2. Findings of Fact

A. The flood hazard areas of the City of Clarksville 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.

B. 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 othA, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or

c. Development relocates or alters the channel.

Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

10) Perform site inspections to ensure compliance with the standards of this Ordinance.

11) Forward all requests for Variances to the City Council for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the City Council.

2. Floodplain Development Permit A. 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, storage of materials and equipment, or drilling operations), including the placement of factory-built homes. B. Application for Permit - Appli-

B. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:

1) Description of the work to be covered by the permit for which application is to be made.

2) 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.

3) Location and dimensions of all structures and additions.

4) Indication of the use or occupancy for which the proposed work is intended.

5) Elevation of the base flood.

6) Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of buildings or of the level to which a structure is to be floodproofed.

7) For structures being improved or rebuilt, the estimated cost of improvements and market value of the structure prior to the improvements.

8) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.

C. Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the 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 base 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 base 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 base flood elevation. 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 the base 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 to the minimum amount necessary.

 Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

160.06 – Variance Procedures

1. The City Council 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 not be issued within any designated floodway if any increase in flood levels during the base flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. 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.

E. All variances granted shall have the concurrence or approval of the Department of Natural Resources. 2. Factors Upon Which the Decision of the City Council Shall be Based - In passing upon applications for Variances, the Council 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 encroachfrom and after its final passage, approval, and publication as provided by law.

Passed by the City Council of the City of Clarksville, Iowa, the 2nd day of November, 2020.

RCV – Ayes: Fails, Lodge, and Voigts. Nays: None. Absent: Doty. MC.

First reading passed.

Motion Voigts, Lodge, to adopt Resolution 20-739: A RESOLU-TION MODIFYING THE CITY OF CLARKSVILLE PERSONNEL POLICY FOR EMPLOYMENT PURPOSES.

WHEREAS, the City of Clarksville, lowa has previously approved a personnel policy governing all employees; and

WHEREAS, the City Council has determined it is appropriate to modify said personnel policy to more accommodate the City's current needs; and

WHEREAS, the City Council desires to modify the policy to clarify all employees are at will employees; and

WHEREAS, the City Council has modified the personnel policy accordingly and it is in the best interest of the City to modify the personnel policy as indicated by these changes; and

WHEREAS, the modified personnel policy is attached and incorporated by reference herein.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City of Clarksville, Iowa, hereby approves and ratifies implementation of the changes to the personnel policy and indicates that this personnel policy approved tonight shall be in full force and effect commencing immediately, all previous personnel policies are hereby revoked in their entirety and approves the attached personnel policy as of this date.

PASSED and ADOPTED this 2nd day of November, 2020.

RCV – Ayes: Fails, Lodge, and Voigts. Nays: None. Absent: Doty. MC.

Motion Lodge, Voigts, to approve renewal with Wellmark Blue Cross Blue Shield for City employees' health care coverage, effective Jan. 1, 2021.

RCV – Ayes: Fails, Lodge, and Voigts. Nays: None. Absent: Doty. MC.

Motion Voigts, to adjourn the regular City Council meeting at 7:12 p.m.

ATTEST:

Todd Fails,Mayor Pro Tem Lori A. Peterson, City Clerk/Treasurer

CS45

PROBATE

NOTICE OF PROBATE OF WILL, OF APPOINTMENT OF EXECUTOR,

AND NOTICE TO CREDITORS CASE NO. ESPR017120

THE IOWA DISTRICT COURT BUTLER COUNTY

IN THE MATTER OF THE ES-TATE OF STEVE A. DEMARK, Deceased.

To All Persons Interested in the Estate of Steve A. DeMark, Deceased, who died on or about Jan. 2, 2017:

You are hereby notified that on the 28th day of October, 2020, the last will and testament of Steve A. De-Mark, deceased, bearing the date of the 3rd day of October, 1995, was admitted to probate in the above named court and that Eric DeMark was appointed executor of the estate. Any action to set aside the will must be brought in the district court of said county within the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice to all heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, or thereafter be forever barred.

Notice is further given that all persons indebted to the estate are requested to make immediate payment to the undersigned, and creditors having claims against the estate shall file them with the clerk of the above named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of four months from the second publication of this notice or one month from the date of mailing of this notice (unless otherwise allowed or paid) a claim is thereafter forever barred.

Dated this 28^{th} day of October, 2020

Eric DeMark 1672 Wilton Rd. Tacoma, WA 98465 Executor of Estate

Joseph P. Braun ICIS#: AT0001120 Attorney for Executor Elwood, O'Donohoe, Braun & White, LLP 217 N Elm St., P.O. Box 377 Cresco, IA 52136

Date of second publication 12th day of November, 2020.

CS-45, 46

PROBATE

NOTICE OF PROOF OF WILL WITHOUT ADMINISTRATION CASE NO. ESPR017111

THE IOWA DISTRICT COURT BUTLER COUNTY

IN THE MATTER OF THE ES-TATE OF DENNIS EDWARD MILL-ER, Deceased.

To All Persons Interested in the Estate of Dennis Edward Miller, Deceased, who died on or about August 17, 2020:

You are hereby notified that on the 19th day of October, 2020, the last will and testament of Dennis Edward Miller, deceased, bearing the date of the 15th day of April. 1986, was admitted to probate in the above named court and there will be no present administration of the estate. Any action to set aside the will must be brought in the district court of said county within the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice to all heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, or thereafter be forever barred.

Dated this 19th day of October, 2020

Brenda K Miller, Proponent

Scott D. Brown, ICIS#: AT0001207 Brown, Kinsey, Funkhouser & Lander, P.L.C.

214 N Adams, P.O. Box 679 Mason City, IA 50402-0679

Date of second publication 5th day of November, 2020.

TJ-44, 45

PROBATE

NOTICE OF APPOINTMENT OF ADMINISTRATOR,

AND NOTICE TO CREDITORS CASE NO. ESPR017116

THE IOWA DISTRICT COURT BUTLER COUNTY

IN THE MATTER OF THE ES-TATE OF SCOTT WAYNE DRAKE, Deceased.

To All Persons Interested in the Estate of Scott Wayne Drake, Deceased, who died on or about Oct. 1, 2020:

You are hereby notified that on the 22nd day of October, 2020, the undersigned was appointed administrator of the estate.

Notice is further given that all persons indebted to the estate are requested to make immediate pavment to the undersigned, and creditors having claims against the estate shall file them with the clerk of the above named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of four months from the second publication of this notice or one month from the date of mailing of this notice (unless otherwise allowed or paid) a claim is thereafter forever barred

Dated this 22nd day of October, 2020

Parker Dralle 325 State St. Ackley, IA 50601 Administrator of Estate

Taylor Nederhoff, ICIS#: AT0012340 Attorney for Administrator Stockdale Law, PLC 412 Washington Ave. P.O. Box 786 Iowa Falls, IA 50126

Date of second publication 12th day of November, 2020.

CS-45, 46

TRUST NOTICE

IN THE MATTER OF THE TRUST: THE KRAMER FAMILY LIVING TRUST

DATED APRIL 16, 2003

To all persons regarding Elsena Kramer, deceased, who died on or about Aug. 29, 2020. You are hereby notified that Diane Fave Renning is the trustee of The Kramer Family Living Trust dated on April 16, 2003. Any action to contest the validity of the trust must be brought in the District Court of Butler County, Iowa, within the later to occur of four (4) months from the date of second publication of this notice or thirty (30) days from the date of mailing this notice to all heirs of the decedent settlor and the spouse of the decedent settlor whose identities are reasonably ascertainable. Any suit not filed within this period shall be forever barred.

Notice is further given that any person or entity possessing a claim against the trust must mail proof of the claim to the trustee at the address listed below via certified mail, return receipt requested, by the later to occur of four (4) months from the second publication of this notice or thirty (30) days from the date of mailing this notice if required or the claim shall be forever barred unless paid or otherwise satisfied.

Dated on October 19, 2020. Diane Faye Renning, Trustee 647 W Greene, P.O. Box 686 Clarksville, IA 50619

Ethan D Epley, #AT0010211, Attorney for Trustee Stumme, Collins, Gritters & Epley, PLLC 303 First Ave. NE, P.O. Box 836 Waverly, IA 50677

Date of second publication 5th day of November, 2020.

TJ-44, 45