PROCEEDINGS

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 Building at 1002 Seventh Street. Council members present: Bangasser, Carlson, Davis, Henning, Heuer. Also present were: Bethany Car-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. 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 Pit-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. 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 -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. Aves: 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 dis-

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=N0s4NmNhZytEVINqNk8xYStVWWhYUT09

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.

PROCEEDINGS

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 lowa 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."

practical."

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 Ordinance Title VI, No. 7 to rezone 237 acres +/- located in the N½ NW¼, the SW½ NW¼, the Nfrl½ NEfrl¼, and the E½ SE½ NE¾ 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, lowa 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:	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 appropriat-
RECEIPTS Fair Income\$42,573.48	ed funds received were used for in- frastructure purposes only.
Non-Fair Income+\$132,940.93	STATEMENT OF CASH
County Funding +\$20,000.00 Grants+\$0.00	PREMIUMS 4-H & FFA DEPARTMENTS
State Funding +\$10,134.74	Beef\$533.60
Money Borrowed+\$52,907.48	Dairy\$22.08
TOTAL RECEIPTS	Dog\$0.00
= \$258,556.63	Goats\$242.88
EXPENSES Fair Expenses\$56,837.37	Horse\$743.36 Poultry\$93.84
Non-Fair Expenses+\$18,356.43	Rabbit\$180.32
Capitol Improvements	Sheep\$228.16
+\$200,782.64	Swine\$850.08
Equipment Purchases+\$0.00	Other
Payments To Debts+\$16,250.00 TOTAL EXPENSES	Static Exhibits (Building Projects)\$234.50
= \$292,226.44	TOTAL\$3,161.94
SIMPLE CASH	OPEN CLASS DEPARTMENTS
RECONCILIATION	Beef\$0.00
Beginning Cash Balance (first day of fiscal year)	Dairy\$0.00 Sheep\$0.00
\$158,247.97	Swine\$0.00
Plus Total Receipts	Other Livestock\$0.00
+\$258,556.63	Arts & Crafts, Textiles & Related
Less Total Expenses\$292,226.44	\$0.00 Culinary & Related\$0.00
Ending Cash Balance	Flowers/Plants\$0.00
(last day of fiscal year)	Other Non-Livestock\$0.00
=\$124,578.16	TOTAL\$0.00
Less Total Indebtedness	NUMBER OF
(balance of loans payable) 	EXHIBITORS AND EXHIBITS 4-H & FFA
Net Ending Cash Standing (as of last day of fiscal year)	Livestock Exhibitors103 4-H & FFA
PREMIUMS PAID AFFIDAVIT	Livestock Exhibits
FAIR: BUTLER COUNTY FAIR	Non-Livestock Exhibitors 76 4-H & FFA
We, the undersigned President, Secretary and Treasurer of	Non-Livestock Exhibits269
the above stated Fair, being duly	OPEN CLASS
sworn on oath depose and say	Livestock Exhibitors0
the said Association/Society, be-	OPEN CLASS
ing duly incorporated under the	Livestock Exhibits0
laws of the Sate Of Iowa held a Fair known as the Butler County Fair on	OPEN CLASS Non-Livestock Exhibitors0
these days of June 24-28, 2020,	OPEN CLASS
in or near the city of Allison, Iowa	Non-Livestock Exhibits0
and said Fair consists of a true ex-	Report verified
hibition of livestock, together with agricultural products and farm im-	by followingofficers of the Association/Society

plements as contemplated by law (either Section 174.1 or 174.10).

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

CS-45

President...../s/Mike Stirling

Secretary...../s/Karen Dilger Treasurer...../s/Kathy Meyer

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 Flections

By order of the City of Clarksville City Council.

Lori A. Peterson City Clerk/Treasurer

applicable standards of this Or-

dinance and shall approve or dis-

approve the application. For dis-

approvals, the applicant shall be

informed, in writing, of the specif-

ic reasons therefore. The Admin-

istrator shall not issue permits for

variances except as directed by the

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 con-

struction. Any use, arrangement

or construction at variance with

that authorized shall be deemed a

violation of this Ordinance. The ap-

plicant shall be required to submit

certification by a professional engi-

neer 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 ac-

complished in compliance with the

provisions of this Ordinance, pri-

or to the use or occupancy of any

160.05 - Floodplain Management

1. General Floodplain Standards

All development must be consis-

tent with the need to minimize flood

olicable performance standards

Where base flood elevations have

not been provided in the Flood In-

surance Study, the Iowa Depart-

ment of Natural Resources shall be

contacted to determine (i) whether

the land involved is either wholly or

partly within the floodway or flood-

way fringe and (ii) the base flood el-

evation. Until a regulatory floodway

is designated, no development may

increase the Base Flood Elevation

more than one (1) foot. The appli-

cant will be responsible for provid-

ing the Department of Natural Re-

sources with sufficient technical

information to make such determi-

Review by the Iowa Department of

Natural Resources is not required

for the proposed construction of

new or replacement bridges or cul-

verts 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 asso-

ciated with a channel modification

that constitutes a channel change

as specified in 567-71.2(2), Iowa

A. All development within the spe-

1) Be designed and adequately

anchored to prevent flotation, col-

2) Use construction methods and

practices that will minimize flood

3) Use construction materials and

utility equipment that are resistant

B. Residential structures - All new

or substantially improved residen-

tial structures shall have the low-

est floor, including basement, el-

evated a minimum of one (1) foot

above the base flood elevation.

Construction shall be upon com-

pacted 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 meth-

ods of elevating (such as piers or

extended foundations) may be al-

lowed (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-

1) All new residential structures lo-

cated in areas that would become

isolated due to flooding of sur-

rounding ground shall be provid

ed 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 proper

ty. When estimating flood warning

time, consideration shall be given

to the criteria listed in 567-75.2(3).

C. Non-residential structures

All new or substantially improved

fy that the floodproofing methods

used are adequate to withstand the

flood depths, pressures, velocities,

impact and uplift forces and other

Iowa Administrative Code

sociated with flooding.

cial flood hazard areas shall:

lapse or lateral movement.

Administrative Code.

damage.

to flood damage.

damage and meet the following ap-

structure.

Standards

nation.

City Council.

and shall have adequate drainage

provided to reduce exposure to

flood damage. Development asso-

ciated with subdivision proposals

(including the installation of pub-

lic utilities) shall meet the applica-

ble performance standards of this

Ordinance, Subdivision proposals

K. Accessory Structures to Resi-

similar structures that are inciden-

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 struc-

ture located less than 1 foot above

the base flood elevation must be

constructed of flood-resistant ma-

sistance to the flow of floodwaters.

d. The structure shall be firmly an-

chored to resist flotation, collapse

e. The structure's service facilities such as electrical and heat-

ing equipment shall be elevated

or floodproofed to at least one foot

f The structure's walls shall in-

clude openings that satisfy the pro-

visions of 160.05(1)(D)(1) of this Or-

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

1) Recreational vehicles are ex-

empt from the requirements of

160.05(1)(E) of this Ordinance re-

garding anchoring and elevation of factory-built homes when the fol-

be located on the site for less than

b. The recreational vehicle must

be fully licensed and ready for high-

way use. A recreational vehicle is

ready for highway use if it is on its

wheels or jacking system and is at-

tached to the site only by quick dis-

connect type utilities and security

devices and has no permanently

2) Recreational vehicles that are

located on the site for more than

180 consecutive days or are not

ready for highway use must satis

fv requirements of 160.05(1)(E) of

this Ordinance regarding anchor-

ing and elevation of factory-built

M. Pipeline river and stream

crossings shall be buried in the

streambed and banks, or other-

wise sufficiently protected to pre-

vent rupture due to channel degra-

N. Maximum Damage Potential

Development - All new or substan-

tially improved maximum damage

potential development shall have

the lowest floor (including base-

ment) elevated a minimum of one

(1) foot above the elevation of the

500-year flood, or together with

attendant utility and sanitary sys-

tems, be floodproofed to such a lev-

el. 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, im-

pact and uplift forces and other

factors associated with the 0.2%

annual chance flood; and that the

structure, below the 0.2% annu-

al chance flood elevation is water-

tight with walls substantially imper-

meable 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 Insur-

ance Study, the Iowa Department

of Natural Resources shall be con-

tacted to compute such data. The

applicant will be responsible for

providing the Department of Natu-

ral Resources with sufficient tech-

nical information to make such de-

2. Special Floodway Provisions

In addition to the General Flood-

plain Standards, development with-

in the floodway must meet the fol-

lowing applicable standards. The

floodway is that portion of the floodplain which must be protect-

ed from developmental encroach-

ment to allow the free flow of flood

waters. Where floodway data has

been provided in the Flood Insur-

ance Study, such data shall be

used to define the floodway. Where

no floodway data has been provid-

ed, the Department of Natural Re-

sources shall be contacted to pro-

vide a floodway delineation. The

applicant will be responsible for

providing the Department of Natu-

ral Resources with sufficient tech-

nical information to make such de-

A. No development shall be per-

mitted 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 de-

gree of development would be al-

B. All development within the

1) Be consistent with the need to

2) Use construction methods and

practices that will minimize flood

3) Use construction materials and

utility equipment that are resistant

C. No development shall affect

the capacity or conveyance of the

channel or floodway of any tribu-

tary to the main stream, drainage

ditch or any other drainage facility

D. Structures, buildings, recre-

ational vehicles, and sanitary and

utility systems, if permitted, shall

meet the applicable General Flood-

plain standards and shall be con-

structed or aligned to present the

minimum possible resistance to

lowed for similarly situated lands.

terminations.

termination.

floodway shall:

to flood damage.

minimize flood damage.

dation and meandering.

attached additions.

L. Recreational Vehicles

lowing criteria are satisfied: a. The recreational vehicle shall

180 consecutive days, and,

above the base flood elevation

and lateral movement.

cial Flood Hazard Area.

contents.

dential Uses

teria are satisfied:

habitation

dinance.

contents.

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 Motion Lodge, Voigts, to adopt

present. Roger Doty was absent. 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

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

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.

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.

Motion Lodge, Voigts, to approve

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

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, lowa: A. To amend the following posi-Maintenance Superintendent

hourly wage set at \$19 per hour. B. This resolution shall be effective Nov. 9. 2020. PASSED and ADOPTED this 2nd

day of November, 2020.

Voigts. Nays: None. Absent: Doty. Motion Lodge, Voigts, to adopt Resolution 20-738: A RESOLU-TION OF THE CITY COUNCIL OF THE CITY OF CLARKSVILLE.

RCV - Aves: Fails, Lodge, and

IOWA, TO ACCEPT RESIGNA-TION FROM MAYOR. BE IT RESOLVED, by the City Council of the City of Clarksville, "WHEREAS Kenneth Smith has resigned as Mayor for the City of Clarksville, Iowa. Resignation is ef-

fective as of Oct. 20, 2020.

PASSED AND ADOPTED this 2nd day of November, 2020. RCV - Ayes: Fails, Lodge, and Voigts. Nays: None. Absent: Doty. Motion Voigts, Lodge, to adopt first reading of Ordinance No. 289:

CODE OF ORDINANCES OF THE CITY OF CLARKSVILLE, IOWA BY AMENDING PROVISIONS PERTAINING TO FLOODPLAIN REGULATIONS

BE IT ENACTED by the City Coun-

ORDINANCE AMENDING THE

cil of the City of Clarksville, Iowa: SECTION 1. SECTION MODI-FIED. Chapter 160 of the Code of Ordinances of the City of Clarksville, lowa, is repealed and the following adopted in lieu thereof: TABLE OF CONTENTS 160.01 Definitions 160.02 Statutory Authority, Find-

160.03 General Provisions 160.04 Administration 160.05 Floodplain Management 160.06 Variance Procedures 160.07 Non-Conforming Uses

ings of Facts and Purpose

160.08 Penalties for Violations 160 09 Amendments FLOODPLAIN MANAGEMENT **ORDINANCE** 160 01 - Definitions Unless specifically defined below.

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 princiuse of which is incidental to the use

words or phrases used in this Ordi-

nance shall be interpreted so as to

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 - The elevation floodwa-

ters would reach at a particular site

during the occurrence of a base

of the principal structure.

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 man-

made 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 equip-

ment 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

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

one (1) foot above the base flood D. The enclosed area is not a "basement" as defined in this sec-

opted by the community

to be affixed (including at a mini-

mum, the installation of utilities, the

construction of streets, and either

plain management regulations adopted by the community. 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 high-

PARK OR SUBDIVISION - A parcel or contiguous parcels of land dihome lots for sale or lease. 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,

hundred (500) years. rary condition of partial or complete

waters from any source. MAP (FIRM) - The official map prepared as part of (but published

separately from) the Flood Insur-

Ordinance, and C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least

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

final site grading or the pouring of concrete pads) is completed bef the effective date of the first flood-EXPANSION OF EXISTING

way use. FACTORY-BUILT HOME vided into two or more factory-built 12 FIVE HUNDRED (500) YEAR

the floodplain management regulations. 36. VIOLATION - The failure of a structure or other development to be fully compliant with the community's floodplain management regon average, will be equaled or exulations. ceeded at least once every five 160.02 - Statutory Authority, Findings of Fact and Purpose 13 FLOOD - A general and tempo-1. The Legislature of the State of Iowa has in Chapter 364, Code

inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface 14. FLOOD INSURANCE RATE

ance Study which delineates both the flood hazard areas and the risk premium zones applicable to the 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 cor-

rective and preventive measures

for reducing flood damages and

promoting the wise use of flood-

plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations. 18. FLOODPROOFING - Anv

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

ard Area outside the floodway

walls of a structure

Any structure that is:

GRADE - The highest natural ele-

vation of the ground surface prior to

construction next to the proposed

22. HISTORIC STRUCTURE -

al Register of Historic Places, main-

tained by the Department of Interior,

or preliminarily determined by the

Secretary of the Interior as meeting

the requirements for individual list-

B. Certified or preliminarily deter-

mined by the Secretary of the Inte-

rior as contributing to the historical

significance of a registered historic

district or a district preliminarily de-

termined by the Secretary to qual-

ify as a registered historic district;

C. Individually listed on a state in

ventory of historic places in states

with historic preservation programs

which have been approved by the

D. Individually listed on a local in-

ventory of historic places in com-

munities with historic preservation

programs that have been certified

by either i) an approved state pro-

gram as determined by the Sec-

retary 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 ex-

cept when the criteria listed in the

definition of Enclosed Area below

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 ma-

terials dangerous to the public or

fuel storage facilities; power instal-

lations needed in emergency or

other buildings or building complex-

25. MINOR PROJECTS - Small

development activities (except for

filling, grading and excavating) val-

26. NEW CONSTRUCTION - (new

buildings, factory-built home parks)

Those structures or development

for which the start of construction

commenced on or after the effec-

tive date of the first floodplain man-

agement regulations adopted by

the community.
27. NEW FACTORY-BUILT HOME

PARK OR SUBDIVISION - A facto-

ry-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 instal-

lation 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

28. RECREATIONAL VEHICLE -

B. Four hundred (400) square feet

or less when measured at the larg-

or permanently towable by a light

D. Designed primarily not for use

as a permanent dwelling but as a

temporary living quarters for rec-

reational, camping, travel, or sea-

29. ROUTINE MAINTENANCE

OF EXISTING BUILDINGS AND

FACILITIES - Repairs necessary

to keep a structure in a safe and

habitable condition that do not trig-

ger a building permit, provided they

are not associated with a general

improvement of the structure or re-

pair of a damaged structure. Such

A. Normal maintenance of struc-

tures such as re-roofing, replacing

B. Exterior and interior painting

papering, tiling, carpeting, cabi-

nets, counter tops and similar fin-

D. Repairing or replacing dam-

E. Repairing plumbing systems,

electrical systems, heating or air

conditioning systems and repairing

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,

31. START OF CONSTRUCTION -

Includes substantial improvement,

and means the date the develop-

ment permit was issued, provided

the actual start of construction, re-

pair, 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 struc-

ture 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

factory-built home on a founda-

tion. 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 base-

ment, footings, piers, or founda-

tions or the erection of temporary

forms: nor does it include the instal-

lation 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 ac-

tual start of construction means the

first alteration of any wall, ceiling,

floor, or other structural part of the

building, whether or not that alter-

ation affects the external dimen-

32 STRUCTURE - Anything con-

structed or erected on the ground

or attached to the ground, includ-

ing, but not limited to. buildings.

factories, sheds, cabins, facto-

ry-built homes, storage tanks, grain

storage facilities and/or other simi-

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 in-

cluded in the estimated cost of re-

34. SUBSTANTIAL IMPROVE-

MENT - Any improvement to a

structure which satisfies either of

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 construc-

tion" of the first improvement of the

structure, or (ii) if the structure has

been "substantially damaged" and

is being restored, before the dam-

The term does not, however, in-

clude any project for improvement

of a structure to correct existing

violations of state or local health,

sanitary, or safety code specifica-

tions which have been identified by

the local code enforcement official

and which are the minimum nec-

essary to assure safe living con-

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 commu-

nity 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

by a community from the terms of

of Iowa, as amended, delegat-

ed the power to cities to exercise

any power and perform any func-

tect and preserve the rights, privi-

leges and property of the City or of

its residents, and to preserve and

improve the peace, safety, health,

welfare, comfort and convenience

A. The flood hazard areas of the

City of Clarksville are subject to pe-

riodic inundation which can result

in loss of life and property, health

and safety hazards, disruption of

commerce and governmental ser-

vices, extraordinary public expen-

ditures for flood protection and re-

lief, and impairment of the tax base

all of which adversely affect the

public health, safety and general

B. These flood losses, hazards,

and related adverse effects are

caused by: (i) The occupancy of

flood hazard areas by uses vulner-

able to flood damages which create

hazardous conditions as a result of

being inadequately elevated or oth-

welfare of the community.

of its residents.

2. Findings of Fact

it deems appropriate to pro-

the following criteria:

age occurred.

sions of the building.

lar uses

aged or broken window panes;

C. Basement sealing;

wells or septic systems

AO, AR, and/or A99.

roofing tiles and replacing siding;

adopted by the community.

A. Built on a single chassis;

est horizontal projection; C. Designed to be self-propelled

A vehicle which is:

duty truck; and

repairs include:

sonal use

es similar in nature or use

ued at less than \$500.

Lowest Floor are met

Secretary of the Interior; or

ing of the National Register;

Listed individually in the Nation-

HIGHEST ADJACENT

to protect and preserve the rights. privileges and property of the City the channel, which are reasonably of Clarksville and its residents and required to carry and discharge to preserve and improve the peace. flood waters or flood flows so that safety, health, welfare, and comfort confinement of flood flows to the and convenience of its residents by floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot. 20. FLOODWAY FRINGE - Those portions of the Special Flood Haz-

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

erwise protected from flooding and

(ii) the cumulative effect of obstruc-

tions on the floodplain causing in-

creases in flood heights and veloc-

C. This ordinance relies upon en-

gineering methodology for analyz-

ing flood hazards which is consis-

tent with the standards established

by the Department of Natural Re-

It is the purpose of this Ordinance

3. Statement of Purpose

ities.

sources.

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 sub-

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

stantial improvement.

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 develop-

ment 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 deter-

mined 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 par-

ticular site in question. When an in-

terpretation 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-

strictions 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 or-

dinances inconsistent with this

4. Abrogation and Greater Re-

Ordinance are hereby repealed to the extent of the inconsistency 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

eas 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. 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.

1. Appointment, Duties and Responsibilities 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 fol-

160.04 - Administration

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 gov-

ernmental agencies including ap-

proval when required from the De-

partment of Natural Resources for

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 ele vation to which new or substantially improved structures have been 4) Notify adjacent communities/

counties and the Department of

Natural Resources prior to any pro-

posed 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 Ordi-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 7) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries

of potential conflict. 9) Maintain the accuracy of the community's Flood Insurance Rate a. Development placed within the Floodway results in any of the fol-

(I) An increase in the Base Flood

8) Review subdivision proposals

to insure such proposals are con-

sistent with the purpose of this ordi-

nance and advise the City Council

Elevations, or (II) Alteration to the floodway boundary b. Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one

c. Development relocates or alters

Within 6 months of the completion

of the development, the applicant

foot in the base elevation; or

the channel.

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 Vari-

ances 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

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 - 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 ad-

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

dress or similar description) that

will readily identify and locate the

3) Location and dimensions of all

work to be done.

structures and additions.

proofed. 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 Ordi-

C. Action on Permit Application

The Administrator shall, within a

reasonable time, make a determi-

nation as to whether the proposed

floodplain development meets the

to which a structure is to be flood-

non-residential structures shall have the lowest floor (including basement) elevated a minimum of powers granted by State statutes. one (1) foot above the base flood 6. Warning and Disclaimer of Lielevation, or together with atten-The standards required by this Orbe floodproofed to such a level. dinance are considered reason-When floodproofing is utilized, a able for regulatory purposes. This Ordinance does not imply that arin the State of Iowa shall certi-

> 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 im-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

> > registered professional engineer or meet or exceed the following minia. 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 c. Openings may be equipped with

the entry and exit of floodwaters.

Designs for meeting this require-

ment must either be certified by a

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 Coun-Recorder a Non-Conversion Agreement that ensures the low-

er enclosed area remains com-

screens, louvers, valves, or other

coverings or devices provided they

permit the automatic entry and exit

d. Where the distance between

of floodwaters.

pliant 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, in cluding 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 ele-

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 im-

proved factory-built homes, in-

cluding those placed in existing

factory-built home parks or sub-

divisions, shall be anchored to re-

sist 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 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 de-

signed to minimize or eliminate in-

filtration of flood waters into the

system as well as the discharge of

effluent into flood waters. Waste-

water treatment facilities (other

than on-site systems) shall be pro-

vided with a level of flood protec-

tion 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 ele vated 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 move ment 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 ade-

quate interior drainage. In addition,

structural flood control works shall

be approved by the Department of

I. Watercourse alterations or relo-

cations must be designed to main-

tain the flood carrying capacity

within the altered or relocated por-

tion. In addition, such alterations

or relocations must be approved

by the Department of Natural Re-

J. Subdivisions (including factor

ry-built home parks and subdivi-

sions) shall be consistent with the

need to minimize flood damages

Natural Resources.

sources.

volves a lower level of flood protec-

Ordinance and:

flood flows. E. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habita-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 alowed 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

due to channel degradation and meandering or due to the action of flood flows. 160.06 - Variance Procedures . 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 applica-

A. Variances shall only be granted

upon: (i) a showing of good and suf-

ficient cause, (ii) a determination

that failure to grant the variance

would result in exceptional hard-

ble standards.

must be shown to have some ben-

eficial purpose and shall be limited

to the minimum amount necessary.

I. Pipeline river or stream cross-

ings shall be buried in the stream-

bed and banks or otherwise suffi-

ciently protected to prevent rupture

ship 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 in-

tion 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

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.

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 Ordinances 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. STOP INTERSECTIONS. The Code of Ordinances of the City of Clarksville is hereby amended by adding the following section: "12. Intersection of Mather Street and Weare Street

or unconstitutional.

ty of these systems to prevent disease, contamination and unsanitary conditions.

B. The danger that materials may

be swept on to other land or down-

sanitation systems and the abili-

stream to the injury of others. C. The proposed water supply and

intended for residential use shall The susceptibility of the proprovide all lots with a means of access which will be passable by posed facility and its contents to wheeled vehicles during the base flood damage and the effect of flood. Proposals for subdivisions such damage on the individual greater than five (5) acres or fifty owner. (50) lots (whichever is less) shall in-

E. The importance of the services clude base flood elevation data for provided by the proposed facility to those areas located within the Spethe City. F. The requirements of the facility

1. Exemption from the base flood for a floodplain location. elevation requirements for such a G. The availability of alternative lo-

structure may result in increased cations not subject to flooding for premium rates for flood insurance the proposed use H The compatibility of the procoverage of the structure and its

posed use with existing develop-

ment and development anticipated

in the foreseeable future 1) Detached garages, sheds, and I. The relationship of the proposed use to the comprehensive plan and tal to a residential use are exempt floodplain management program from the base flood elevation refor the area. J. The safety of access to the quirements where the following cri-

property in times of flood for ordinary and emergency vehicles. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site L. The cost of providing govern-

mental services during and after

flood conditions, including main-

b. The structure shall be used tenance and repair of public utilisolely for low flood damage potenties (sewer, gas, electrical and watial purposes such as vehicle parkter systems), facilities, streets and ing and limited storage. The strucbridges. M. Such other factors which are ture shall not be used for human relevant to the purpose of this Orc. The structure shall be condinance. 3. Conditions Attached to Variancstructed and placed on the building site so as to offer minimum re-

> necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to: A. Modification of waste disposal

> operation. C. Imposition of operational controls, sureties, and deed restrictions. D. Requirements for construction of channel modifications dikes levees, and other protective mea-

be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic 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 associated flood factors for the particular area. 160.07 - Nonconforming Uses 1. 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:

A. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance. 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 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

mitted 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

partment of Natural Resources.

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

BE IT ENACTED by the City Council of the City of Clarksville, Iowa: BE IT ENACTED by the City Council of the City of Clarksville, Iowa: SECTION 1. 65.02 STOP RE-QUIRED. The Code of Ordinances of the City of Clarksville is hereby

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. SECTION 5. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be judged invalid or unconstitutional, such as adjudication shall not affect 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 from and after its final passage, ap-

Jan. 1. 2021. MC p.m.

changes; and policy as of this date. day of November, 2020.

ees; and

rated by reference herein.

proval, and publication as provided Passed by the City Council of the City of Clarksville, Iowa, the 2nd day of November, 2020. RCV - Aves: Fails, Lodge, and Voigts. Nays: None. Absent: Doty. First reading passed.

plovees: and needs: and WHEREAS, the City Council desires to modify the policy to clarify all employees are at will employ-WHEREAS, the City Council has

cision 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 A. The danger to life and property due to increased flood heights or velocities caused by encroach-

E. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

Todd Fails, Mayor Pro Tem Lori A. Peterson.

City Clerk/Treasurer

es - Upon consideration of the fac tors listed above, the City Council may attach such conditions to the granting of variances as it deems and water supply facilities. B. Limitation of periods of use and

sures, 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 shall

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 per-

time to time be amended, supple mented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the De-SECTION 2. SEVERABILITY

CHAPTER 65, STOP OR YIELD REQUIRED.

CS45

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, Iowa has previously approved a personnel policy governing all em-WHEREAS, the City Council has determined it is appropriate to modify said personnel policy to more accommodate the City's current

modified the personnel policy accordingly and it is in the best interest of the City to modify the personnel policy as indicated by these

renewal with Wellmark Blue Cross Blue Shield for City employees' health care coverage, effective RCV - Ayes: Fails, Lodge, and Voigts. Nays: None. Absent: Doty. Motion Voigts, to adjourn the regular City Council meeting at 7:12

2. Factors Upon Which the De-

WHEREAS, the modified personnel policy is attached and incorpo-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 PASSED and ADOPTED this 2nd RCV - Ayes: Fails, Lodge, and Voigts. Nays: None. Absent: Doty. Motion Lodge, Voigts, to approve

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, De-

ceased, 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 thereaf-

sonably 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.

parred. Dated this 28th 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. ESPRO17111

THE IOWA DISTRICT COURT BUTLER COUNTY

IN THE MATTER OF THE ESTATE 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 ESTATE 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 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 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