

**Marshall County Board of Supervisors
Regular Session October 11, 2011, at 9:00 a.m.**

AGENDA

The Board met in regular session on Tuesday, October 11, 2011, at 9:00 a.m. in Council Chambers, 10 West State Street (Parks and Rec. Entrance), 2nd Floor, with all 3 members present.

Notice to the public--The Board of Supervisors welcomes comments from the public during the time allowed for discussion. You are requested to approach the microphone, state your name for the record and limit the time used to present your remarks in order that others may be given the opportunity to speak. The normal process on any agenda item is for the Chairperson to read the item from the agenda. The Board is given an opportunity to comment on the issue and/or place a motion on the floor. An opportunity for discussion may be presented at which time the public may participate and a roll call vote will follow.

1. Approval or Amendment of Agenda—

Motion by Adams, second by Thompson to approve adding agenda item #18 to the agenda and subsequently renumbering agenda items #19 and #20 and to discuss agenda item #12 before agenda item #3.

Roll call vote:	Grabenbauer-Aye	Adams-Aye	Thompson-Aye
	Chairman	Vice Chairman	Member

Motion by Adams, second by Thompson to approve the agenda as amended.

Roll call vote:	Grabenbauer-Aye	Adams-Aye	Thompson-Aye
	Chairman	Vice Chairman	Member

2. Years of Service Recognition- Josh Vander Ploeg-5 years, Diane Hall-25 years

3. Master Matrix-McDonald Hog, LLC, Application for Construction Permit of an Existing Confinement Feeding Operation, Public Hearing--

At the public hearing, any resident may present objections to or arguments in favor of a construction permit application for an existing permitted confinement feeding operation for McDonald Hog, LLC.

There were no written comments, questions, or objections on file in the County Auditor's Office of a construction permit application for an existing confinement feeding operation for McDonald Hog, LLC.

Of the 18 individual(s) attending the public hearing, no individual(s) presented oral comments, questions or objections.

Motion by Adams, second by Grabenbauer to close the hearing.

Roll call vote:	Grabenbauer-Aye	Adams-Aye	Thompson-Aye
	Chairman	Vice Chairman	Member

Resolution #2011-0031

4. RESOLUTION-Master Matrix –McDonald Hog, LLC, Application for Construction Permit of an Existing Confinement Feeding Operation—The notice for a construction permit application for an existing confinement feeding operation from McDonald Hog, LLC was published in the Marshalltown Times-Republican, Marshalltown, Iowa on September 28, 2011, and the Mid Iowa Enterprise, State Center, Iowa on September 29, 2011; and

There were no written comments, questions, or objections on file in the Auditor's Office and 18 individual(s) attended the public hearing. There was no comment(s), question(s), or objection(s) at the hearing.

Now, Therefore, Be It Resolved by the Marshall County Board of Supervisors to recommend approval by the Department of Natural Resources for a construction permit application for an existing confinement feeding operation from McDonald Hog, LLC

Dated at Marshalltown, Iowa this 11th day of October, 2011.

Motion by Adams, second by Grabenbauer to adopt this Resolution.

Roll call vote:	Grabenbauer-Aye	Adams-Aye	Thompson-Aye
	Chairman	Vice Chairman	Member

Denny Grabenbauer
Board of Supervisors, Chairman

Attest: _____
Dawn Williams
Marshall County
Auditor and Recorder

Consent Agenda:

- 5. Approve Minutes--**from Regular Session of September 27, 2011.
- 6. Manure Management Plan Update-** PAG L.C., id no. 59611, update report received and placed on file with no changes made to the MMP.
- 7. File District Court Report-9-11**
General Supplemental Fund 10% Surcharge - \$849.31
- 8. Accept Letter from Todd Kelley, Buildings and Grounds Superintendent**
- 9. Approve Personnel Actions:**
 - a) Change of Status and Change of Rate of Pay for **Rick L. Sawyer**, Secondary Roads, temporary part time seasonal Truck Driver to permanent full time Truck Driver 1, \$18.68/hr. to \$20.17/hr., effective October 15, 2011.
 - b) Change of Status and Change of Rate of Pay for **Joel R. Phillips**, Sheriff's Office, fulltime, Deputy Sheriff to Detective, \$24.12/hr. to \$25.98/hr., effective November 27, 2011.
- 10. Approve Band Shell Rental Agreement –** Central Iowa Fair has submitted a

rental agreement for the Mobile Band Shell to be placed at the Central Iowa Fairgrounds from Tuesday, July 10th through Sunday, July 15th, 2012 for the Central Iowa Fair.

- 11. Approve Claims**—as audited and authorize the County Auditor and Recorder to issue payment of same. The listing of claims paid at this meeting will be included with all claims paid for the month of October; the October list of claims will be a part of the first meeting in November.

Motion by Thompson, second by Adams to approve the consent agenda as printed above.

Roll call vote:	Grabenbauer-Aye	Adams-Aye	Thompson-Aye
	Chairman	Vice Chairman	Member

- 12. Request for Use of Courthouse Square-Holiday Light Display by Noon Optimists-** Discussion and possible action to approve the request from the Noon Optimist Club, “Pete” Peterson and Mary Holland representatives, to use the Courthouse square for the holiday light display.

Motion by Thompson, second by Adams, to approve the use of the courthouse square for a holiday light display by the Noon Optimist Club from November 19, 2011 through December 31, 2011.

Roll call vote:	Grabenbauer-Aye	Adams-Aye	Thompson-Ay
	Chairman	Vice Chairman	Member

13. Resolution #2011-0032

Resolution #2011-0032

Whereas, the Governmental Accounting Standards Board, GASB, has issued Statement 54 (GASB 54), a new standard for governmental fund balance reporting and governmental fund type definitions that became effective in governmental fiscal years starting after June 15, 2010, and

Whereas, the Marshall County Board of Supervisors is required to implement GASB 54 requirements and to apply such requirements to its financial statements beginning with the fiscal year 2010-2011; and

Now Therefore Be It Resolved That the Marshall County Board of Supervisors hereby adopts the following fund balance policy:

Fund balance measures the net financial resources available to finance expenditures of future periods.

The unassigned general fund balance may only be assigned by the Marshall County Board of Supervisors or the Marshall County Auditor.

Fund balances of Marshall County may be committed for a specific source by resolution of the Marshall County Board of Supervisors. Amendments, modifications or the discontinuance of the committed fund balance must also be approved by resolution of the Marshall County Board of Supervisors.

In circumstances where an expenditure is to be made for a purpose for which amounts are available in multiple fund balance classifications within the same fund, the order in which resources will be expended is as follows: restricted fund balance, followed by committed fund balance, assigned fund balance and lastly, unassigned fund balance.

The above resolution is adopted this 11th day of October, 2011.

Motion by Adams, second by Grabenbauer to adopt the above Resolution.

Roll call vote:	Grabenbauer-Aye	Adams-Aye	Thompson-Aye
	Chairman	Vice Chairman	Member

Denny Grabenbauer
Board of Supervisors, Chairman

Attest:

Dawn Williams
Marshall County
Auditor and Recorder

14. Resolution #2011-0033

Adopting the Marshall County Multi-jurisdictional Hazard Mitigation Plan Resolution #2011-0033

Whereas, the Marshall County Board of Supervisors, Marshall County, Iowa are seeking FEMA approval of hazard mitigation plan recognizes the threat that natural hazards pose to people and property within our community; and

Whereas, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

Whereas, the U.S. Congress passed the Disaster Mitigation Act of 2000 (“Disaster Mitigation Act”) emphasizing the need for pre-disaster mitigation of potential hazards;

Whereas, the Disaster Mitigation Act made available hazard mitigation grants to state and local governments; and

Whereas, an adopted Multi-Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple FEMA pre- and post-disaster mitigation grant programs; and

Whereas, the Marshall County Board of Supervisors, Marshall County, Iowa fully participated in the FEMA prescribed mitigation planning process to prepare this Multi-Hazard Mitigation Plan; and

Whereas, the Iowa Homeland Security and Emergency Management Division and the Federal Emergency Management Agency Region VII officials have reviewed the “Marshall County Multi-jurisdictional Hazard Mitigation Plan,” and approved it contingent upon this official adoption of the participating governing body; and

Whereas, the Marshall County Board of Supervisors, Marshall County, Iowa desires to comply with the requirements of the Disaster Mitigation Act and to augment its emergency planning efforts by formally adopting the Marshall County Multi-Hazard Mitigation Plan; and

Whereas, adoption by the governing body for the Marshall County Board of Supervisors, Marshall County, Iowa demonstrates the jurisdictions’ commitment to fulfilling the mitigation goals and objectives outlined in this Multi-Hazard Mitigation Plan.

Whereas, adoption of this legitimizes the plan and authorizes responsible agencies to carry out their responsibilities under the plan;

Now, therefore, be it resolved, that the Marshall County Board of Supervisors, Marshall County, Iowa adopts the “Marshall County Multi-jurisdictional Hazard Mitigation Plan” as an official plan; and

Be it further resolved, the Marshall County Board of Supervisors, Marshall County, Iowa will submit this Adoption Resolution to the Iowa Homeland Security and Emergency Management Division and Federal Emergency Management Agency Region VII officials to enable the plan’s final approval.

The above resolution is adopted this 11th day of October,

Motion by Thompson, second by Adams to adopt this Resolution.

Roll call vote:	Grabenbauer-Aye	Adams-Aye	Thompson-Aye
	Chairman	Vice Chairman	Member

Denny Grabenbauer
Board of Supervisors, Chairman

Attest:

Dawn Williams
Marshall County
Auditor and Recorder

15. Resolution #2011-0034

Resolution #2011-0034

WHEREAS, the Mid-Iowa Antique Power Association, Inc. leases property from Marshall County located at 2373 Jessup Avenue, Marshalltown, IA, also known as the Mid-Iowa Antique Power Association Show Grounds;

WHEREAS, said lease requires the Mid-Iowa Antique Power Association, Inc. to insure and maintain all buildings and facilities utilized by Mid-Iowa Antique Power Association, Inc.

WHEREAS, an insurance check was issued to Mid-Iowa Antique Power Association, Inc in the amount of \$18,000 for damage to Building #5 during a July 10, 2011 wind storm;

NOW THEREFORE BE IT RESOLVED, the proceeds from said insurance payment shall be held by Marshall County in the Capital Projects fund and exclusively used for capital improvements on a building available for use by the Mid-Iowa Antique Power Association, Inc. These proceeds will not be used for general operating expenses nor placed in the general operating fund. These proceeds will be held and dedicated only for the purposes recited in this paragraph;

Motion by Grabenbauer, second by Adams to table this Resolution until the October 25th Board of Supervisor meeting.

Roll call vote:	Grabenbauer-Aye	Adams-Aye	Thompson-Aye
	Chairman	Vice Chairman	Member

Attest:

Denny Grabenbauer
Board of Supervisors, Chairman

Dawn Williams
Marshall County Auditor

16. Weed Commissioner-Proposed Weed Assessment and Setting Time and Place for Meeting--Discussion on proposed weed assessment. The proposed assessment will include a base cost of \$240.75 for mowing of weeds, Marshall County Treasurer's administration fee \$5.00, and cost of service notice \$5.59. The amount of \$61.59 is equal to 25 percent of the base cost and cost of service notice, to compensate for the cost of supervision and administration on property described as:

THE NORTH 71 FEET OF LOTS SIX AND SEVEN IN BLOCK NINE IN THE TOWN OF GREEN MOUNTAIN, MARSHALL COUNTY, IOWA AND THE SOUTH ONE-HALF OF THE VACATED TWENTY FOOT ALLEY ADJOINING ON THE NORTH OF LOTS SIX AND SEVEN IN BLOCK NINE IN THE VILLAGE OF GREEN MOUNTAIN, IOWA:

Notice is being given that a schedule of the proposed assessment is on file with the Board of Supervisors and the Weed Commissioner, and the amounts as shown therein will be assessed against the parcel of ground described in said schedule at the time fixed for such hearing, unless objection is made thereto.

Motion by Adams, second by Grabenbauer to set October 25, 2011 at 9:00 a.m. in Council Chambers, 10 West State Street, 2nd Floor (Park and Rec entrance) as the time and place for the public hearing.

Roll call vote:	Grabenbauer-Aye	Adams-Aye	Thompson-Aye
	Chairman	Vice Chairman	Member

17. Second Reading of Proposed Amendment No. ZA-11-02 to Zoning Ordinance No. 3 of Marshall County, Iowa.

**ARTICLE XII
FLOODPLAIN DEVELOPMENT ORDINANCE**

SECTION 1 – STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE

Subsection A. The Legislature of the State of Iowa has in Chapter 335, Code of Iowa, as amended, delegated the power to counties to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

Subsection B. Findings of Fact.

(1) The flood hazard areas of Marshall County are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

(2) These flood losses, hazards, and related adverse effects are caused by:
(i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the flood plain causing increases in flood heights and velocities.

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

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

- (1) Reserve sufficient flood plain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
- (2) 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.
- (3) 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.
- (4) Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
- (5) Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

SECTION 2. GENERAL PROVISIONS

Subsection A. Lands to Which Ordinance Apply. The provisions of this Ordinance shall apply to all lands within the jurisdiction of Marshall County, Iowa, shown on the Official Flood Plain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Flood Plain and Shallow Flooding (Overlay) Districts, as established in Section III.

Subsection B. Establishment of Official Flood Plain Zoning Map. The Flood Insurance Rate Maps prepared as part of the Flood Insurance Study for Marshall County, Iowa, dated November 16, 2011, are hereby adopted by reference and declared to be the Official Flood Plain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this ordinance.

Subsection C. Rules for Interpretation of District Boundaries. The boundaries of the zoning district areas shall be determined by scaling distances on the Official Flood Plain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Administrator shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this Ordinance.

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

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

Subsection F. 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.

Subsection G. 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 Flood Plain (Overlay) District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Marshall County nor any officer or employee thereof for any flood damages that from reliance on this Ordinance or any administrative decision lawfully made thereunder.

Subsection H. 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.

SECTION 3. ESTABLISHMENT OF ZONING (OVERLAY) DISTRICTS. The flood plain areas within the jurisdiction of this ordinance are hereby divided into the following districts; (i) Floodway District (FW), (ii) Floodway Fringe District (FF), (iv) General Flood Plain District (FP) and (v) Shallow Flooding District (SF). The boundaries shall be as shown on the Official Flood Plain Zoning Map. Within these districts, all uses not allowed as Permitted Uses or permissible as Conditional Uses are prohibited unless a variance to the terms of this ordinance is granted after due consideration by the Board of Adjustment.

SECTION 4. FLOODWAY (OVERLAY) DISTRICT (FW)

Subsection A. Permitted Uses. The following uses shall be permitted within the Floodway District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction, the storage of material or equipment, excavation or alteration of a watercourse.

- (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
- (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.

- (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
- (4) Residential uses such as lawns, gardens, parking areas and play areas.
- (5) Such other open-space uses similar in nature to the above uses.

Subsection B. Conditional Uses. The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment, excavation or alteration of a watercourse may be permitted only upon issuance of a Special Use Permit by the Board of Adjustment as provided for in Section 8, Subsection C. Such uses must also meet the applicable provisions of the Floodway District Performance Standards.

- (1) Uses or structures accessory to open-space uses.
- (2) Circuses, carnivals, and similar transient amusement enterprises.
- (3) Drive-in theaters, new and used car lots, roadside stands, signs and billboards.
- (4) Extraction of sands, gravel and other materials.
- (5) Marinas, boat rentals, docks, piers and wharves.
- (6) Utility transmission lines and underground pipelines.
- (7) Other uses similar in nature to uses described in Section IV A or B which are consistent with the provisions of Section IV C and the general spirit and purpose of this ordinance.

Subsection C. Performance Standards. All Floodway District uses allowed as a Permitted or Special Use shall meet the following standards.

- (1) No use shall be permitted in the Floodway District that would result in any increase in the 100 year flood level. 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.
- (2) All uses within the Floodway District shall:

- (a) Be consistent with the need to minimize flood damage.
 - (b) Use construction methods and practices that will minimize flood damage.
 - (c) Use construction materials and utility equipment that are resistant to flood damage.
- (3) No use 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.
- (4) Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- (5) Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.
- (6) 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 District within the time available after flood warning.
- (7) 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.
- (8) Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
- (9) 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.

SECTION 5. FLOODWAY FRINGE (OVERLAY) DISTRICT (FF)

Subsection A. Permitted Uses. All uses within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

Subsection B. Performance Standards. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards.

(1) All structures shall:

- (a) Be adequately anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) Use construction methods and practices that will minimize flood damage.
- (c) Use construction materials and utility equipment that are resistant to flood damage.

(2) Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

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

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

(4) All new and substantially improved structures:

- (a) 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:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one foot above grade.
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

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

(b) 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.

(c) New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(5) Factory-built homes:

(a) All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

(b) All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(6) Utility and Sanitary Systems:

- (a) 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.
- (b) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.
- (c) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.
- (d) 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.
- (7) Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
- (8) Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.
- (9) 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.
- (10) Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this

Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Flood Plain (Overlay) District.

(11) Accessory Structures

(a) Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.

1. The structure shall not be used for human habitation.
2. The structure shall be designed to have low flood damage potential.
3. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
4. The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.

(b) Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

(12) Recreational Vehicles

(a) Recreational vehicles are exempt from the requirements of Section 4, Subsection B, (5) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

1. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
2. 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.

(b) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section 4, Subsection B, (5) of this Ordinance regarding anchoring and elevation of factory-built homes.

(13) 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.

SECTION 6. GENERAL FLOOD PLAIN (OVERLAY) DISTRICT (FP)

Subsection A. Permitted Uses. The following uses shall be permitted within the General Flood Plain District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstructions, the storage of materials or equipment, excavation or alteration of a watercourse.

(1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.

(2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.

(3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

(4) Residential uses such as lawns, gardens, parking areas and play areas.

Subsection B. Special Uses. Any uses which involve placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse may be allowed only upon issuance of a Special Use Permit by the Board of Adjustment as provided for in Section 8, Subsection C. All such uses shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the 100 year flood level. The applicant shall be responsible for providing

the Department of Natural Resources with sufficient technical information to make the determination.

Subsection C. Performance Standards.

(1) All conditional uses, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District (Section IV).

(2) All conditional uses, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District (Section V).

SECTION 7. SHALLOW FLOODING (OVERLAY) DISTRICT (SF)

Subsection A. Permitted Uses. All uses within the Shallow Flooding District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding District.

Subsection B. Performance Standards. The performance standards for the Shallow Flooding District shall be the same as the performance standards for the Floodway Fringe District with the following exceptions:

(1) In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of 2.0 ft. if no number is specified) above the highest natural grade adjacent to the structure.

(2) In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.

SECTION 8. ADMINISTRATION

Subsection A. Appointment, Duties and Responsibilities of Zoning Administrator

(1) The Marshall County Director of Planning and Zoning/Zoning Administrator is hereby appointed to implement and administer the

provisions of this Ordinance and will herein be referred to as the Administrator.

(2) Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:

(a) Review all flood plain development permit applications to assure that the provisions of this Ordinance will be satisfied.

(b) Review flood plain 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 flood plain construction.

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

(d) 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.

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

(f) 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.

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

(h) Review subdivision proposals to insure such proposals are consistent with the purpose of this ordinance and advise the Board of Supervisors of potential conflict.

Subsection B. Flood Plain Development Permit.

(1) Permit Required - A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any man-made change to improved and unimproved real estate, including but not

limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.

(2) Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:

- (a) Description of the work to be covered by the permit for which application is to be made.
- (b) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
- (c) Indication of the use or occupancy for which the proposed work is intended.
- (d) Elevation of the 100-year flood.
- (e) Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
- (f) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
- (g) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.

(3) Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the County Board of Adjustment.

(4) Construction and Use to be as Provided in Application and Plans - Flood Plain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall

be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

Subsection C. Special Uses, Appeals and Variances.

(1) Appointment and Duties of Board of Adjustment - A Board of Adjustment is hereby established which shall hear and decide (i) applications for Conditional Uses upon which the Board is authorized to pass under this ordinance, (ii) appeals, and (iii) requests for variances to the provisions of this ordinance, and shall take any other action which is required of the Board.

(2) Conditional Uses - Requests for Conditional Uses shall be submitted to the Administrator, who shall forward such to the Board of Adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

(3) Appeals - Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.

(4) Variance - The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.

(a) Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

- (b) Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year 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.
- (5) Hearings and Decisions of the Board of Adjustment
- (a) Hearings. Upon the filing with the Board of Adjustment of an Appeal, an application for a Conditional Use or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.
 - (b) Decisions. The Board shall arrive at a decision on an Appeal, Conditional Use or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Special Use or Variance, the board shall consider such factors as contained in this section and all other relevant sections of

this ordinance and may prescribe such conditions as contained in Section 8, Subsection C, (5)(b)(2).

1. Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:

- (a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- (b) The danger that materials may be swept on to other land or downstream to the injury of others.
- (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (e) The importance of the services provided by the proposed facility to the County.
- (f) The requirements of the facility for a flood plain 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 flood plain 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.

2. Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

(a) Modification of waste disposal and water supply facilities.

(b) Limitation of periods of use and operation.

(c) Imposition of operational controls, sureties, and deed restrictions.

(d) Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.

(e) Floodproofing measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment 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.

(6) Appeals to the Court - Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such

petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

SECTION 9. NONCONFORMING USES.

Subsection A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:

- (1) If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.
- (2) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
- (3) 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.

Subsection B. Except as provided in Section 9, Subsection A, (2), any use which has been permitted as a Special Use or Variance shall be considered a conforming use.

SECTION 10. PENALTIES FOR VIOLATION. Violations of the provisions of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Special Uses or Variances) shall constitute a misdemeanor and shall cause a County Infraction to be filed therefore. The penalties for such shall be as allowed in Article XXI of this Ordinance.

SECTION 11. 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 12. SITE PLAN.

Subsection A. Site Plan (if required) shall be in accordance with Article XVI.

SECTION 13. DEFINITIONS

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

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

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

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

EXISTING CONSTRUCTION - Any structure for which the "start of construction" commenced before the effective date of the community's Flood Insurance Rate Map. May also be referred to as "existing structure".

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

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

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

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

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

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

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

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

FLOOD PLAIN MANAGEMENT - An overall program of corrective 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 flood plain management regulations.

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

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

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

HISTORIC STRUCTURE - Any structure that is:

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

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

- a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section VI B4(a) of this Ordinance and

- b. The enclosed area is unfinished (not carpeted, dry-walled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
- c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and
- d. The enclosed area is not a "basement" as defined in this section.

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

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 Flood Insurance Rate Map. (Alternate Language - ... on or after January 2, 2003.)

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 flood plain management regulations adopted by the community.

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

RECREATIONAL VEHICLE - A vehicle which is:

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

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

START OF CONSTRUCTION - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair,

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

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

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

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

1. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement , or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".
2. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective dat 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.

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

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

Be It Further Resolved that such Ordinance shall not be effective until a public hearing is held at 9:00 a.m. on the 25th day of October 2011, with a notice of the public hearing published in the Marshalltown Times-Republican on September 28, 2011 and the Mid Iowa Enterprise on September 29, 2011, and the Board adopts the third reading of the proposed ordinance and the ordinance is published.

Dated at Marshalltown, Iowa this 11th day of October 2011.

Motion by Adams, second by Grabenbauer to approve this second reading of proposed Amendment No. ZA-11-02 to Zoning Ordinance No. 3 in Marshall County, Iowa.

Roll call vote:	Grabenbauer-Aye	Adams-Aye	Thompson-Aye
	Chairman	Vice Chairman	Member

Attest:

Denny Grabenbauer
Board of Supervisors, Chairman

Dawn Williams
Marshall County
Auditor and Recorder

18. Tabled from September 27, 2011 Board of Supervisor Meeting. Flu Shots for Marshall County Employees—Possible discussion and action--

Motion by Thompson, second by Adams to remove flu shot agenda item for discussion and possible action from table.

Roll call vote:	Grabenbauer-Aye	Adams-Aye	Thompson-Aye
	Chairman	Vice Chairman	Member

Motion by Thompson, second by Grabenbauer to pay 50% out of non-departmental fund and 50% employee responsibility.

Roll call vote:	Grabenbauer-Aye	Adams-Nay	Thompson-Aye
	Chairman	Vice Chairman	Member

19. Public Forum—Jarret Heil, County Treasurer, reported 22.3 million collected in property tax revenue. Motor Vehicle move scheduled for Nov. 21-23, 2011 and the office will be closed. The Motor Vehicle office will reopen Nov. 28, 2011 at the Marshall County Courthouse.

20. Adjournment--The next regular meeting is October 25, 2011, at 9:00 a.m. All business to be acted upon at that session should be submitted to the County Auditor and Recorder's Office or the Board of Supervisors' Office by Thursday, October 20, 2011, at 1:00 p.m. There being no further business to come before the Board, the meeting was adjourned at 10:10 a.m.

Board Meeting of
October 11, 2011
Revised October 13, 2011

Denny Grabenbauer
Board of Supervisors, Chairman

Attest:

Dawn Williams
Marshall County
Auditor and Recorder