

**REGULAR PLANNING BOARD MEETING**  
**Monday, July 13, 2015 – 7:00 P.M.**  
**City Hall - 950 Locust St., Carter Lake, Iowa**

Roll Call

Approval of the Agenda

1. Consent Agenda
  - a. Approve Planning Board Minutes – June 8, 2015.
  - b. Review City Council Minutes – June 15 and June 29, 2015.
  - c. Review Building Permits – June, 2015.
2. New Business
  - a. Williams Enterprises – 300 Locust St – Change zoning to allow for industrial distribution.
  - b. An Ordinance to amend the Unified Land Development Ordinances Section 309 and Table 4-1 Use Matrix.
  - c. Storm Water Ordinance.
3. Old Business (limit discussion 5 minutes per topic)
  - a. Storm Water Committee Update.
4. Special Meetings
5. Assignments
6. Comments

Adjourn

07-10-15

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City of Carter Lake  
City Hall – 950 Locust Street  
Proceedings: Regular Planning Board Meeting  
Monday, June 8, 2015 – 7:00 PM

This Planning Board Meeting was called to order at 7:00 PM by board chairman Ray Pauly.

Roll Call: Present: Ed Palandri, Kathy Dueling, Jay Gundersen, Ray Pauly, Jackie Wahl, and  
Karen Fisher  
Absent: Tim Podraza  
Also present: Deputy City Clerk Lisa Ruehle

Approval of the Agenda – Board member Gundersen had requested that water retention ponds be added to the agenda. Moved by board member Palandri seconded by board member Gundersen to approve the agenda with the addition. Ayes: Unanimous.

1. Consent Agenda – Board member Palandri requested that the Planning board minutes be pulled from the agenda. Typing errors were corrected on the April 13 and May 11 minutes. Moved by board member Dueling seconded by board member Gundersen to approve the consent agenda with the corrections to the minutes. Ayes: Unanimous.
2. New Business
  - a. Daniel Henrikus, the General Manager at Spearmint Rhino requested permission to install a second sign on the front of their building. The sign will be attached to the structure. The proposed sign appears to be within the sign requirements. Moved by board member Gundersen seconded by board member Pauly to approve the sign contingent upon the building inspector making sure that it is within the requirements of the code. Ayes: Unanimous. Mr. Henrikus was instructed to meet with the building inspector to get a sign permit.
  - b. Todd Hesson with Encompass Architects was present to represent OMA Lodging, LLC. He submitted a packet with the proposed construction documents for a Holiday Inn Express and Suites. They would like final design review from the board. The proposed Holiday Inn Express is a new prototype. There will be 85 guest rooms on four floors. There is a breakfast area, an outdoor area, a pool and a gym on the main floor. External material will be mainly eiffis and stone. It will have a flat roof and horizontal sun shades over certain parts of the building. At this time they are ready to submit the plans to the building inspector for a permit. Board member Palandri asked if they had reviewed the supplemental design specs and if any variances would be required. The architect thinks there are some minor differences in materials however, he believes the rest of the plans are in compliance with all other requirements. Board member Gundersen questioned if there is a site plan with a storm water solution. Mike Works explained that the owner has been able to purchase a strip of land on the west side of both of the properties for a detention pond that would serve only the hotels' storm water. The development agreement will include a covenant to maintain the storm drainage. The new lot lines will also be taken care of and filed later in the week. There will be a geo pier system installed to address the first 15 to 20 feet of unstable ground/soil. Utilities will be run above the geo piers and the plumbing will be installed in new soil. Jay expressed some concerns over the ground settling and what the soil reports showed. Moved by board member Gundersen seconded by board member Fisher to approve the plans for a construction permit. Ayes:

Unanimous. Jay requested that the board get a copy of the maintenance agreement for the storm water pond from the attorney.

- c. Board member Gundersen would like to close the loophole in the ordinances so there are no more drainage pits. He would like underground detention swales on all new developments. He stated that the developers prefer the ponds simply as a cost saving measure. He would like to review the current ordinance so they can recommend changes for council approval. He believes that any building that comes into town should be required to put in an underground storm water solution. He requested Lisa to provide the board with a copy of the ordinance for the next meeting. He would also like this on the next agenda for discussion.

3. Old Business

- a. Board member Jackie Wahl reported that there was nothing new to report from the storm water committee.

4. Special Meetings - The board will meet if a special meeting is required.

5. Assignments - Board member Pauly will attend the next council meeting to submit a board report.

6. Comments

Board member Wahl thought the OMA Lodging presentation went well and she is looking forward to the new businesses.

Board member Dueling is also looking forward to the Abbott Drive development.

Board member Gundersen stated that businesses will spur other businesses and the hotels are a first class project. It is good to see them coming to Carter Lake.

Board member Palandri believes Jay is on the right track with the storm water issue and he would like to move forward to amend the ordinances. He thanked OMA Lodging for developing in Carter Lake. He thanked Lisa for her assistance to the Planning Board. Palandri commented that the parade and festival were nice events again this year.

Meeting adjourned at 7:28 PM.

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Lisa Ruehle, Deputy City Clerk

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Ray Pauly, Chairman

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#### The Pledge of Allegiance

The Mayor asked for a moment of silence in memory of Toni Sackett, Rosi Peck, Maggie Ferryman and Suzanne Liebe. They were all citizens who passed away in the past week or two.

Mayor Gerald Waltrip called the meeting to order at 7:00 PM.

- I. Roll Call: Present – Mayor Gerald Waltrip  
Council members Ed Aldmeyer, Barb Hawkins, Dave Huey, Ron Cumberledge, and Barb Melonis  
Absent – Attorney Joe Thornton  
Also present – City Clerk Doreen Mowery
- II. Approval of the Agenda – Approval of the cigarette permit for Shoreline Golf was added to the agenda. Kitty Buchanan was added under communications from the public. Moved by Council member Melonis seconded by council member Huey to approve the agenda with the additions. Ayes: Unanimous.
- III. Consent agenda – Moved by council member Hawkins seconded by council member Aldmeyer to approve the consent agenda as presented. Ayes: Unanimous.
- IV. New Business
  - A. Communications from the Public
    1. Cameron Burt from Holmes Murphy was present to review the ICAP insurance renewal for the City. Mr. Burt presented the council with some hand-outs that show the history of the City's premiums and exposures over the past five years. The City is a member of ICAP and IMWCA. Holmes Murphy has been working with the City for approximately 6 years. During that time our Workers' Comp modification factor has dropped from a high of 1.76 to the current 0.77. We have had four large loss claims over \$10,000. The four claims consist of two hail storms, one loss from a fire, and an equipment breakdown at a pump station.
    2. Darren Fife filled in for Grant Palmer with Barker Lemar. Barker Lemar is the State contractor for Underground Storage Tank sites. They have been assessing the property at 902 Locust and have identified that the protected ground water source is potentially at risk. The City has an ordinance restricting wells in areas where a potable water source is available. Due to the ground water contamination, Darren would recommend that the council consider adopting ordinances with tighter language so that drinking water wells cannot be installed in the area where the potential risk exists. Barker Lemar will provide the City with some examples of ordinances. The soil concentration levels are quite high at 902 Locust. The contract for this assessment work is being funded by the State. They have at least 16 sampling wells installed on the property. The goals are to cleanup contamination and make sure there is no issue to public health. Barker Lemar will be compiling

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a report of the work that has been completed and what still needs to be completed on the property. Mr. Fife will also do some follow-up work on another city site east of the 13<sup>th</sup> and Locust St. intersection.

3. Moved by council member Melonis seconded by council member Cumberledge to approve renewal of cigarette permits for Dollar General, Saries, Jump Start, Kwik Shop, CL Mini Mart, and Shoreline Golf. Ayes: Hawkins, Huey, Cumberledge, and Melonis. Nays: Aldmeyer. There are no inspections for these permits.
4. Rose Goodloff was back before the council to discuss the storm water runoff that runs into her yard from the new school. Her back yard is full of water due to all of the recent rains and she can't walk near her shed without sinking into the mud. Her neighbor cannot mow his lawn due to all of the rain water runoff. She thinks there needs to be some sort of drainage ditch installed. Mayor Waltrip met with the school's principal and the grounds manager. He stated the school has created quite a mess. The Mayor stated that the ground is about 4 1/2 feet above the original ground. When it rains water also runs off to the east and onto the new track. Mayor Waltrip has a meeting scheduled with the school superintendent. He will see to it that the school fixes the problem. Council members suggested that Ms. Goodloff get legal counsel to assist her with her claim. Council member Aldmeyer feels like the school and the architect caused this issue, not the City. Mrs. Goodloff's insurance agent instructed her to contact the City. The Mayor stated he would get it straightened out because some of this is the City's fault. He will be meeting with Dr. Bruckner next week.
5. Candice Bothwell requested a block party on Ave. K from 13<sup>th</sup> Street east to Lindwood. Moved by council member Melonis seconded by council member Cumberledge to approve the request. Ayes: Unanimous.
6. Kelli Brock requested permission for a block party on Ave. Q from 14<sup>th</sup> to 15<sup>th</sup> Street. The council is concerned that Ave. Q is a busy street and should not be blocked off. The council would prefer she block off 14<sup>th</sup> Street from Ave. Q to Ave. P. Moved by council member Hawkins seconded by council member Cumberledge to approve a block party for Ms. Brock if the Mayor talks with her and makes arrangements to keep it off of Ave. Q. Ayes: Unanimous. Council member Huey stated that if a bounce house is set up there still needs to be a way for emergency vehicles to get through the area.
7. Owen Webster and Jen Mincey were present to update the council on events on the tribal property on 13<sup>th</sup> and Locust. Mr. Webster is the care taker of the Omaha Tribe's property. He is also in charge of the Omaha Veteran's Association. There will be an event on the grounds on July 3, 4, and 5. There will be a memorial dinner on July 26<sup>th</sup>. Throughout the summer they plan on having small events and fund raisers on the Tribe's property. There was concern about the block party closing the street on the same day as the event on July 4<sup>th</sup>. Mr. Webster stated they access the property off of Locust so the block party is not a concern. The Mayor commended them for keeping their property mowed and cleaned. Council member Huey requested that they help divert traffic so that they do not run over the sidewalks. Mr. Webster has been

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in contact with the Open Door Mission because they have experienced some vandalism on the property and they have had issues with some of their patrons drinking on the property and littering the land. They have also had issues with neighbors dumping brush on the tribal property. Mrs. Mincey was present to represent Thomas Mincey and request permission to put up a haunted house, Mincey Manor, for Halloween night only. Volunteers and donors build and supply the haunted house. It would be located on the pow wow grounds. Moved by Council member Hawkins seconded by council member Cumberledge to approve the haunted house, contingent on a safety inspect prior to opening. Ayes: Hawkins, Huey, Cumberledge. Nays: Melonis, Aldmeyer.

8. Linda Jones was present to represent Stan Kasuva. Mr. Kasuva sets up Elvis shows in the area. They have several dates open that they could do a show in the area. They are looking for a place to have an event.
9. Kitty Buchanan told the Mayor and Council about her neighbor and friend, Denise Teeple. Mrs. Teeple is interested in volunteering to serve on the Board of Adjustments. She has over 15 years of experience working with developers, plat maps and marketing. She has served on various other boards. Kitty stated that the board members on the Board of Adjustments are in agreement that she would be an excellent addition to the board. The Mayor has talked to Hardy Brown and he is not sure if he is ready to be reappointed. He will go back and talked to Mrs. Teeple but there are other people that have lived in this town forever and they need a shot at volunteering on the board. The Mayor stated there is no law written that says he has to have a certain number of women or men on a board. It is his duty to supply a nomination. He will be happy to interview Ms. Teeple again, but he doesn't want anyone telling him they can pick board members better than he can. The board will get filled when the council approves someone he nominates. He will bring two nominations to the next board meeting.

B. Communications from the Departments

1. Moved by council member Melonis seconded by council member Hawkins to approve the application from Joshua Life to be a volunteer fire fighter. Ayes: Unanimous.
2. Board member Pauly reported that the Planning Board reviewed a request for a second sign at Spearmint Rhino. The sign would be on the south side of the building and would meet all of the current sign ordinances therefore the board recommended approval of the permit. The board also reviewed the final plans for the hotel projects and recommended approval of the plans. The detention pond for the project will be owned entirely by the hotels. The board would like to look at changing the ordinances to eliminate open detention ponds and require underground detention basins. Council member Cumberledge objects to passing the high costs of an underground detention pond onto the developers. He would prefer better enforcement on the above ground storage ponds.
3. Council member Aldmeyer stated that the Storm Water Committee met and discussed the new top soil regulations. They also discussed that they normally

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put storm water updates, reminders, and articles in the Insider. In order to keep up the publication they will put storm water information on the City website. The board is also seeking new members.

4. Mayor Waltrip
  - a. The Mayor stated that MUD is no longer charging the capital facility charges. The Mayor would like to revoke that fee in Carter Lake since we no longer have to pay MUD. The clerk will prepare a resolution for council approval at the next meeting to repeal the capital facility charge.
  - b. The Mayor stated there is a committee that he put together to determine the direction of the newsletter. Theresa Hawkins is assisting. They have discussed how to put the information together in a timely manner and save money. The newsletter is currently online. There are free templates to design your own newsletter that can look good. They also discussed the content that should be in the newsletter and how to avoid duplication. There will be another meeting this Friday. Their hope is to go electronic so that citizens will always have up to date information at their fingertips. They are also going to do some in-house printing of newsletters to post around town. Barb is willing to accept input on what people would like to see. There will not be a July 1 newsletter. The mayor stated that a newsletter would go out in July no matter how it has to be done even if he has to reach into his own pocket it will get done and the people will like it. The discussion was that the party in Lincoln would be replaced but it was never discussed that the newsletter would go away. The Mayor will get the paper back on its feet.
  - c. The Mayor stated there will be a golf tournament at Shoreline sponsored by Corpus Christi Churches on July 12, 2015. Bob Wahl stated that the event was to raise money for the churches. They have a lot of good sponsors but they will need golfers for various categories.
  - d. The Mayor stated that the Ave. K pump station has been rebuilt.
  - e. The Ave. Q and the 5<sup>th</sup> St. pump stations are going to be rebuilt in the near future. The one on Ave. Q needs to be bigger to handle the new home that have been hooked into the sewer in that area.
  - f. The sewer mains will be lined when all of the pumps are rebuilt.
5. Council member Cumberledge does not feel that the City has received much benefit from being a part of WIDA. He has not seen any communications from them and it costs the city \$7,750 per year. As a way to save money, he would like to discontinue paying for the contract. He stated that there are 5 or 6 properties listed on their web site. On June 24 council member Cumberledge is meeting with the Pottawattamie County Development Corporation and the National Development Council. Council member Aldmeyer stated that WIDA was instrumental in keeping PVS in Carter Lake. Council member Cumberledge stated that WIDA worked with General Manufacturing and McMullen Diesel and neither one of them rebuilt in Carter Lake. He believes there are other avenues for marketing the community, at no cost to Carter Lake. Additionally, there is a fund called Grow Pottawattamie County that can assist in future development. Council member Cumberledge

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stated that WIDA was supposed to be a marketing tool and all they are is an IT department that lists properties on a website. The Mayor stated he is not that familiar with WIDA but they are no different than Iowa West Foundation and all they do is back some grants. They have helped businesses in Omaha and he wants to find out when we can get that help in Carter Lake. The Mayor stated every time he turns around businesses are going into Omaha because Omaha gives them property. The Mayor would like to hold off on WIDA for 6 months. The Mayor will be meeting with Iowa West Foundation to see about funding. Moved by council member Cumberledge seconded by council member Melonis to terminate the contract with WIDA. The Mayor requested that they withdraw the motion and second for 6 months. Council member Huey would like to see a report from WIDA of what they have done for Carter Lake. Council member Cumberledge stated that a real estate agent brought us Lone Mountain, it was not WIDA. Council member Cumberledge will bring information to the council after his meeting with Pottawattamie County Development Corporation. Roll call on the original motion: Ayes: Cumberledge, Melonis. Nays: Aldmeyer, Hawkins, Huey.

6. City Clerk

- a. The clerk gave the council information on a vehicle that sustained damage. Council member Melonis would like to see another repair bid. The Mayor visited with Barry and the Mayor would like to take the vehicle to a Carter Lake vendor to see if they can repair the dent. The Mayor stated he will take care of the claim.
- b. The council was presented a sample of meeting rules. Council member Melonis would like the rules to be revised to meet Carter Lake's needs. Council member Aldmeyer would like the clerk to obtain a few other examples. The Mayor stated he will look at whatever is brought to him but he will not support guidelines that try to tie a mayor to some rules that sometimes you just can't follow. There is a thing in this country called freedom of speech and sometimes you have to protect that. He admits there have been a couple times the meetings have gotten out of whack a little, but things get out of whack with him in his office all of the time, but he just lets it slide off his back like water on a duck. But some people can't do that. Before the council starts passing rules and regulations he would like the council to let him try to work these things out and tighten up on somebody occasionally getting out of line. He stated it is a bad thing when you start sitting down and writing down what you are going to do when it affects the office of the Mayor. Council member Melonis said the rules could be used as a tool. The Mayor stated that rules and regulations are a whole different thing than guidelines.

V. Ordinances

- A. Moved by council member Hawkins seconded by council member Huey to approve an ordinance designating stops on the second consideration. Ayes: Unanimous.

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- B. Moved by council member Hawkins seconded by council member Aldmeyer to approve an ordinance amending the adoption of state building codes on the second consideration. Ayes: Aldmeyer, Hawkins, Huey, Melonis. Nays: Cumberledge. The Mayor is going to read some of these because some of these regulations should not be adopted and used in Carter Lake.
  - C. Jan Bell informed the council that she took her dog for a walk on 11<sup>th</sup> and Cachelin and two dogs attacked her dog. One of the dogs looked like a pit bull and the other was a terrier of some sort. There was a man that helped her get the dogs off of her dog. She filed a police report a couple of days after the incident. A few days later the dogs were at large again. She stated it is not safe to walk in the streets of Carter Lake. Council member Aldmeyer feels that the public would like to keep the pit bull ban ordinance. Council member Melonis would like to keep the pit bull ban and enforce the dangerous animal ordinance as well. The Mayor stated Carter Lake needs a strong, fair animal control ordinance that is enforced. The Mayor is looking at setting up a committee to make a recommendation to the council should regarding adopting various animal control ordinances. The Mayor stated that he no longer wants a committee, he believes the council should be able to address the ordinances. He will get with the Animal Control Officer. Council member Cumberledge stated that the majority of the people he talks to want to retain the pit bull ban. The Mayor stated the ordinances need to be enforced. Moved by council member Aldmeyer seconded by council member Hawkins to approve an ordinance amending Chapter 85, Animal Protection and Control on the second consideration. Ayes: Unanimous.
  - D. Moved by council member Melonis seconded by council member Huey to approve an ordinance amending Chapter 86 – Dog and Cat Licenses on the second consideration. Ayes: Unanimous.
- VI. Resolutions
- A. Moved by council member Hawkins seconded by council member Huey to adopt a resolution approving liens for unpaid utility bills. Ayes: Unanimous.
  - B. Moved by council member Aldmeyer to approve the resolution setting wages for FY 7-1-15 to 6-30-16. Based on the numbers provided, council member Melonis would like to freeze all department head wages without exceptions. Council member Huey stated that the department heads work hard and deserve a reward. Additionally there are other funds that do not balance and they are not concerned about them. Council member Aldmeyer withdrew his motion. He believes we should be concerned with abiding by all of the contracts. Moved by council member Melonis seconded by council member Cumberledge to freeze all department head wages and adopt the resolution. Ayes: Huey, Cumberledge, Melonis. Nays: Aldmeyer, Hawkins.
  - C. Moved by council member Hawkins seconded by council member Melonis to adopt a resolution approving fund balance transfers. Ayes: Unanimous.

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VII. Comments

Council member Melonis thanked everyone for attending. She extended sympathies to all families who are dealing with death and sickness. The annual Prayers and Pancakes in the Park will be held on July 11<sup>th</sup>. Everyone is welcome. Council member Cumberledge thanked all of the volunteers in the community. Council member Huey thanked all of the employees that did a good job with safety and helped lower the work comp rates. Maggie Ferryman had served 35 plus years on the department and she will be missed.

The clerk requested the council set a special meeting to review audit proposals and select an auditor. The council will meet on June 29<sup>th</sup> at 5:30 PM.

The meeting was adjourned at 9:45 PM.

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Doreen Mowery, City Clerk

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Gerald Waltrip, Mayor

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Special City Council Meeting  
Proceedings: Monday, June 29, 2015 – 5:30 PM

Mayor Gerald Waltrip called the Special City Council Meeting to order at 5:30 PM.

Roll Call: Present – Council members Ed Aldmeyer, Barb Hawkins, Barb Melonis and  
Ron Cumberledge  
Absent – Council member Dave Huey  
Also present –City Clerk Doreen Mowery

1. Moved by council member Aldmeyer seconded by council member Cumberledge to approve a resolution reaffirming the July 1, 2015 wages. Ayes: Aldmeyer, Cumberledge, Melonis. Nays: Hawkins
2. Moved by council member Melonis seconded by council member Hawkins to approve a resolution for Section 125 Premium Only Plan. Ayes: Unanimous.
3. The clerk opened audit proposals that were received from the State of Iowa, Hamilton and Asso., and Schroer and Associates. Council members reviewed the proposals and the staff resumes. The clerk then opened the proposed charges for each proposal. Moved by council member Cumberledge seconded by council member Hawkins to appoint the State of Iowa to perform the City audit for the next three years. Ayes: Hawkins, Cumberledge. Nays: Aldmeyer, Melonis. Council gave additional consideration to the proposals and price quotes. Moved by council member Aldmeyer seconded by council member Melonis to appoint Schroer and Associates as auditor for the next three years. Ayes: Aldmeyer, Hawkins, Melonis. Nays: Cumberledge.
4. Moved by council member Melonis seconded by council member Aldmeyer to approve a resolution appointing Schroer and Associates as auditor for FYE 6-30-15. Ayes: Aldmeyer, Hawkins, Melonis. Nays: Cumberledge.
5. The clerk submitted a proposed budget amendment to the council based on the information and changes that were discussed at the March 12, 2015 special city council meeting. The council agreed that the information included everything that was discussed. The clerk was instructed to publish the proposed budget amendment so that they can adopt it at the July 20, 2015 regular council meeting.

Special city council meeting was adjourned at 5:55 PM.

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Doreen Mowery, City Clerk

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Gerald Waltrip, Mayor

2015 June  
Residential Building Permits

Permit #	Date	Applicant	Applicant Phone	Address	Property Owner	Owner Phone	Description	Permit Amount	Date Paid	Recpt. #	Value of Permit	Permit Exp. Date	Dirt Haul Deposit
R89-15	6/8/2015	LaHood Const	402-553-2924	146 CLC	Michael Mulstead		Replace Roof	\$ 18.50	6/10/2015	14685	\$ 6,000.00	8/8/2015	
R90-15	6/8/2015	Gary Smith	402-213-7504	3510 N 9th #265	Gary Smith	402-213-7504	Replace Roof	\$ 18.50	6/10/2015	14682	\$ 2,000.00	9/8/2015	
R91-15	6/8/2015	Paul Christensen	712-347-6919	204 CLC	Paul Christensen	712-347-6919	Replace Deck	\$ 23.00	6/10/2015	14688	\$ 2,000.00	9/8/2015	
R92-15	6/8/2015	Gerri Siford	402-740-9492	1322 Mayper	Gerri Siford	402-740-9492	Replace Roof	\$ 18.50	6/10/2015	14687	\$ 4,000.00	6/8/2015	
R93-15	6/9/2015	Berens Const.	402-332-5100	750 Key Cr	Mike Story	402-669-1924	Replace Roof	\$ 18.50	6/24/2015	14795	\$ 40,000.00	9/8/2015	
R94-15	6/9/2015	Husker Underground		902 Silver Lane	Carol Stuck		Replace driveway & Sidewal	\$ 23.00	6/10/2015	14690	\$ 2,000.00	9/9/2015	
R95-15	6/9/2015	Wallingford Const	402-515-5307	220 Marina Crt	Chad Paar		Replace Roof	\$ 18.50	6/12/2015	14689	\$ 20,000.00	9/9/2015	
R96-15	6/10/2015	Champion Windows	402-896-4600	980 Key Cr	John Mann	402-517-0460	Replace Roof	\$ 18.50	6/12/2015	14702	\$ 30,000.00	9/10/2015	
R97-15	6/10/2015	Sandra Caddell	712-347-5001	625 Locust	Sandra Caddell	712-347-5001	Replace Roof	\$ 18.50	6/12/2015	14701	\$ 17,000.00	9/10/2015	
R98-15	6/10/2015	Andrew Pool		914 Hiatt	Andrew Pool		Privacy Fence	\$ 15.00	6/12/2015	14703	\$ 1,000.00	9/10/2015	
R99-15	6/11/2015	American Residential	402-935-6053	1106 Dorene Blvd	Heather Bong	402-238-8336	Replace Water Heater	\$ 25.00	6/12/2015	14704	\$ 1,785.00	9/11/2015	
R100-15	6/11/2015	Baker Cooling & A/C	402-827-5700	90 Marina Crt	Rick Rohan	402-968-2896	New Furnace/AC	\$ 68.50	6/12/2015	14705	\$ 9,850.00	9/11/2015	
R101-15	6/15/2015	Eugene Wrey III	402-689-8618	87 CLC	Eugene Wrey III	402-689-8618	Rear Entry / Windows	\$ 54.00	6/17/2015	14734	\$ 4,000.00	12/15/2015	
R102-15	6/16/2015	Jim Thompson	402-670-1938	4328 N 11th St	Rene Kincaid	402-714-0913	Enlarge Dormer	\$ 103.50			\$ 6,000.00	12/16/2015	
R103-15	6/16/2015	Annette Waddell	402-850-6906	1207 Cachelin	Annette Waddell	402-850-6906	Replace Roof	\$ 18.50	6/17/2015	14731	\$ 5,000.00	9/16/2015	
R104-15	6/17/2015	Burton Plumbing	402-504-6175	1326 Cachelin Dr	Dennis Jenkins	402-350-3559	Replace A/C Unit	\$ 28.50	6/17/2015	14735	\$ 4,000.00	9/17/2015	
R105-15	6/17/2015	Alfredo Reyes	402-335-0072	1207 Lindwood	Gilberto Reyes		Trench Drain	\$ 23.00	6/17/2015	14736	\$ 2,000.00	9/17/2015	
R106-15	6/17/2015	American Residential	402-935-6053	903 Cashelin	Jake McCloud	402-598-7768	Replace Furnace & A/C	\$ 42.00	6/19/2015	14750	\$ 4,000.00	9/17/2015	
R107-15	6/18/2015	Pat Smith	402-960-8531	3510 N 9th #175	Lakeside MHC	712-347-	Fence	\$ 15.00	6/19/2015	14745	\$ 1,000.00	9/18/2015	
R108-15	6/18/2015	Pyramid Roofing	402-502-9300	3200 N 11th	Mike Mecseja	402-955-6839	Replace Siding	\$ 13.50			\$ 2,000.00	9/18/2015	
R109-15	6/22/2015	Sol Const.	402-210-4129	1310 Mayper	Richard Brock		Replace Roof	\$ 18.50	6/24/2015	14791	\$ 3,200.00	9/22/2015	
R110-15	6/24/2015	TPC Const.	402-208-7904	1085 Waters Edge	Joel Adamson		Replace Deck	\$ 23.00	6/24/2015	14794	\$ 3,500.00	9/24/2015	
R111-15	6/25/2015	Lasco Home Improve	402-510-8240	24 CLC	Bobby Dunningham	712-347-6165	Replace Roof	\$ 18.50			\$ 8,700.00	9/25/2015	
R112-15	6/25/2015	Tim / Tammy Podraz	712-347-5310	1005 Willow	Tim / Tammy Podraza	712-347-5310	Replace Windows/Siding	\$ 27.00			\$ 7,000.00	12/25/2015	

Commercial

C10-15	6/6/2015	Spearmint Rhino	712-847-0179	2449 N 13th St	Spearmint Rhino	712-847-0179	Install Sign Above S. Door	\$ 45.00	6/16/2015	14792	\$ 2,000.00	9/6/2015	
C11-15	6/22/2015	Richard F Owen Com	816-753-4211	Owen Parkway	Richard F Owen Com	816-753-4211	Property Lines Adjustments	\$ 200.00	6/24/2015	14796	\$ 1.00	6/28/2015	

TOTAL: \$ 914.00 TOTAL: \$ 188,036.00

# Fax

***From***

Dan Williams, Williams  
Enterprises, LLC

***To***

Deputy City Clerk - Carter  
Lake

***Number of pages***

2

***Message***

Application for Planning Board - 300 E Locust St.  
Please send any correspondence to:  
cbrown@sagecapitalinvestments.com

FOR OFFICE USE: CASE # \_\_\_\_\_  
Z.B.A. Public Hearing: \_\_\_\_\_

Receipt # \_\_\_\_\_  
Amount \_\_\_\_\_

**CITY OF CARTER LAKE  
APPLICATION FOR PLANNING BOARD AGENDA**

1. APPLICANT: Williams Enterprises, LLC Phone: 402-740-2202  
Address: 17105 S. Hwy 50, Springfield, Ne 68059 \*Status: C.P.
2. REPRESENTED BY: Dan Williams Phone: 402-740-2202  
Address: Same
3. STREET ADDRESS/LOCATION: 300 E. Locust St. Carter Lake, IA
4. LEGAL DESCRIPTION: Carter Lake 20-75-44 AWD SUB SW NE PTLT 9 COMM NW COR  
TH E 614.91' SIDY' E 107.5' SIDY' E 72.1' S 375.5' W 824.98' N TO POB of N 10' LOCUST ST ADJ
5. OWNERS NAME: AFG Investments
6. OWNERS ADDRESS: 825 South Barrington Ave. Los Angeles, CA 90049
7. REASONS FOR REQUEST AND INTENDED USES: Change Zoning to allow for industrial distribution
8. ZONING DISTRICT: C-1
9. PRESENT USE: Unknown
10. COPY OF BLUEPRINTS OF INTENDED STRUCTURE: N/A
11. ADMINISTRATIVE DECISION ISSUED: \_\_\_\_\_

FOR OFFICE USE

12. ATTACHED TO THE APPLICATION ARE:  
a. Denied "Building Permit Application" Form..... \_\_\_\_\_  
b. Approves..... \_\_\_\_\_  
c. Restrictions..... \_\_\_\_\_

THE FACTS PRESENTED ABOVE ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

13. SIGNATURE: Dan E. Williams - member Date: 7/7/2015

TYPED OR PRINTED NAME: Dan E. Williams \*Status: C.P.

\*NOTE: P.O. = Property Owner C.P. = Contract Purchaser  
O.H. = Legal Optionholder A = Owner's authorized agent

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2. Enter Access Code:

aa84b4d770

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

**AN ORDINANCE TO AMEND THE UNIFIED LAND DEVELOPMENT ORDINANCES  
OF THE CITY OF CARTER LAKE, IOWA**

BE IT ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF CARTER LAKE, IOWA

Section 1. That, pursuant to Section 2904 of the Code of Ordinances of the City of Carter Lake, Iowa, the Unified Land Development Ordinances of the City of Carter Lake, Iowa, are hereby amended as follows:

A. Section 309 is amended to add the following new sub-section n:

“n. Warehousing (Enclosed-Limited)

Uses including storage, distribution, and handling of goods and materials that are enclosed in contained packaging, conducted within an enclosed structure, without noticeable odor effects across property lines, and without generating sound levels in excess of those specified in Table 2308 at the boundary of a residential district. The uses shall be conducted so that a total of not more than ten (10) trucks or other vehicles used to transport the goods and materials per day shall travel to or leave the facilities.”

B. Table 4-1: Use Matrix: Industrial and Transportation Uses is amended to read as per the attached Figure.

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

SECTION 3. Severability Clause. If any of the provisions of this Ordinance are for any reason declared illegal or void, the lawful provisions of this Ordinance which are severable from said unlawful provisions shall remain in full force and effect.

SECTION 4 Effective Date. This Ordinance shall be in full force and effect from and after its final passage and publication.

Attest:

PASSED  
AND \_\_\_\_\_, 2015  
APPROVED

\_\_\_\_\_  
DOREEN MOWERY, City Clerk

\_\_\_\_\_  
GERALD WALTRIP, Mayor

The undersigned as City Clerk of Carter Lake, Iowa does hereby certify that on \_\_\_\_\_, 2015, I posted true and exact copies of the foregoing ordinance in four public places to-wit:

\_\_\_\_\_  
all within the limits of the City of Carter Lake, Iowa.

\_\_\_\_\_  
DOREEN MOWERY, City Clerk

FIRST CONSIDERATION: \_\_\_\_\_

SECOND CONSIDERATION: \_\_\_\_\_

THIRD CONSIDERATION: \_\_\_\_\_

**Use Matrix: Industrial and Transportation Uses**

Use Types	R-1	R-2	R-3	R/CC	RM	C/L	C-1	C-2	TC	C/A	BP	M-1	M-2	Addl Reg
<b>Industrial Uses</b>														
Agricultural Industry*												C	C	
Auto rental/Sales*												C		
Construction Yards*												C	C	
Custom Manufacturing						C		C	C	C		P	P	
Equip rental/Sales												C	C	
Light Industry												P	P	
General Industry*												P	P	
Heavy Industry*													C	
Recycling Collection*													C	
Recycling Processing*													C	
Vehicle Storage (Long-term)*												C	C	
Warehousing (Enclosed)												P	P	
Warehousing (Enclosed-Limited)							P					P	P	
Warehousing (Open)*												C	C	
Aviation*											C	C	P	
Railroad Facilities													C	
Truck Terminal*												C	P	
Transportation Terminal*								P		P		P	P	
Alternative Energy Production Devices													C	
Amateur Radio Tower	C	C	C	C	C									
Communications Tower*												C	C	
WECS*													C	

**P** Permitted by right or by right subject to supplemental regulations.

**C** Permitted by Conditional Use Permit

\* Use Permitted after Site Plan Approval

**Blank** Use not permitted in zoning district, unless established as a lawful nonconforming use

**TITLE V – BUILDING AND PROPERTY REGULATIONS  
MISCELLANEOUS**

**CHAPTER 136**

**STORM WATER REGULATIONS**

**136.01 Purpose**  
**136.02 Applicability**  
**136.03 Permits**  
**136.04 Requirements**

**136.05 Detention Ponds (Surface)**  
**136.06 Detention Cells (Subsurface)**  
**136.07 Penalties**

**136.01 PURPOSE.** The purpose of this chapter is to provide guidance as well as govern the handling and treatment of storm water within the boundaries of the City.

**136.02 APPLICABILITY.** The provisions of this chapter apply to all new developments or construction projects that disturb any area of land.

**136.03 PERMITS.** No development or construction project shall be permitted without the submittal and approval of a post construction storm water plan and a construction site runoff control plan. The City Building Inspector and Maintenance Manager shall approve both the post construction storm water plan and construction site runoff control plan. In addition, the storm water plan shall also be provided to the City of Carter Lake Planning Board as part of the commercial or industrial project approval process. No construction, excavating, clearing, grubbing or other soil disturbing activity requiring a State of Iowa NPDES permit shall be allowed until a copy of the State permit is provided with the application for a City permit and the City approves the application.

**136.04 REQUIREMENTS.**

1. **Prohibited Discharge.** It is unlawful for the discharge of anything other than storm water or allowable non-storm water pollutants for which a NPDES permit has been granted into a storm water collection system. Floor drains and other potential sources of pollutants shall be considered discharges even if no actual pollutants have been observed entering the storm water system from such a source.
2. **Construction Site Runoff Control.** Any development or project that disturbs any area of land by clearing, grubbing, or excavation shall provide a plan for the control of runoff and sedimentation. The plan shall identify the best management practices (BMPs) to be used and detail their construction and placement. All control measures shall be maintained until any permanent storm water control measures are in place and established and/or operational for the development. The developer/contractor shall provide an adequate means or method for the control of construction waste. The control measure must ensure that solid building materials, chemicals, concrete truck wash out and sanitary waste are contained and disposed of in an approved manner. The City Building Inspector shall inspect the construction site runoff control measures at least every seven (7) days and within two (2) days of a ½-inch or greater rain event for compliance, adequacy, effectiveness and condition. Deficiencies or failure to maintain the construction control measures may result in a

“stop work order” until the deficiency or maintenance issue is resolved to the satisfaction of the inspector.

3. Post Construction Site Runoff Control. All developments of any area of land shall provide the City Planning Board, City Maintenance Manager and City Building Inspector engineering documents and calculations that detail the proposed means for accommodating post construction runoff, as established in the City of Carter Lake Storm Water Drainage Design Standards (January 2001). The design of the site sediment and erosion control plan and pollution prevention plan shall conform to the best management practices in the Environmental Protection Agencies (EPA) Storm Water Management for Construction Activities, EPA Document No. EPA-833-R-92-001 Chapter 3. The plan shall meet the following objectives:

- A. Prevent loss of soil during and after construction by storm water runoff and/or wind erosion, including protecting topsoil by stockpiling for reuse.
- B. Prevent sedimentation of storm sewers, receiving streams or lakes and/or air pollution with dust and particulate matter.
- C. Prevent the discharge of hazardous material into storm water systems.
- D. Prevent petroleum oils and lubricants discharge into storm water systems.
- E. Minimize the impact on the current City storm water systems.
- F. Minimize the area required for surface storm water storage areas.
- G. Maximize the percolation of the storm water into the water table.

All detention facilities must provide detention for an initial 2-inch of rainfall per impervious acre (paving or building roof) of storm water runoff for 24 hours. The storage volume shall be adequate to limit the post construction storm water discharge rate to the pre-construction discharge rate for the 5-, 10-, and 100-year storm water events. If necessary the storm water plan provided to the City of Carter Lake shall incorporate a means to accommodate or redirect existing storm water that may be entering the development or project site from adjacent property or streets. The City of Carter Lake Planning Board, Maintenance Manager, and Building Inspector shall approve the accommodation for the storm water from adjacent areas. The storm water plan for a development or project may not negatively impact an adjacent property or street.

**136.05 DETENTION PONDS (SURFACE).** Reference Appendix A to the ordinance codified in this chapter (Ordinance No. 626) for the City of Carter Lake Storm Water Drainage Design Standards (January 2001) and additional information regarding storage facilities. Any storm water detention pond or drainage swale shall be designed and constructed to provide an easily maintained bottom and side slopes. These areas shall be seeded or sodden with grass. The facility or swale shall be routinely mowed. Subsurface drains or other methods shall be used to dry the bottom of the detention area or swale to prevent ruts when mowing. The subsurface drains shall be designed to encourage infiltration. The percolation rate may be used in computing the capacity of the detention facility. The rate of infiltration shall be determined by the performance of no less than three percolation tests at spaced intervals in the area and at the depth that the in-ground storage facility will be constructed. The information will be provided as part of the documentation submitted with the plan submittal. The design of the storm water retention facilities may use the parking

surfaces for temporary impoundment provided the area is designed for this use. Any surface retention pond or storage facility used for the temporary holding of storm water shall be drained within a 24-hour period following a storm event. Any surface retention pond designed to contain a permanent quantity of water shall be provided with a means to control water-breeding insects either through chemical means, aeration equipment or pumping equipment. All retention ponds should be designed with a minimal slope of 4:12 to facilitate maintenance and access and egress from the holding area. If the detention area design or available area does not meet the recommended minimal slope then fencing or other means of security shall be provided around the entire detention area. A separate drawing sheet shall be provided depicting details of the detention ponds construction, level of water in the pond at the design rain events noted in the City of Carter Lake Storm Water Drainage Design Standards (January 2001). The drawing sheet(s) shall include the design criteria used as the basis of the design and document compliance with this chapter. An Iowa licensed professional engineer shall seal the drawing.

**136.06 DETENTION CELLS (SUBSURFACE).** The use of underground percolation wells or galleries and storage structures is encouraged. The capacity of the underground detention structure shall be the equivalent of an above ground detention structure. The percolation rate may be used in computing the capacity of the detention facility. The rate of infiltration shall be determined by the performance of no less than three percolation tests at spaced intervals in the area and at the depth that the in-ground storage facility will be constructed. The information will be provided as part of the documentation submitted with the plan submittal. A separate drawing sheet shall be provided depicting details of the underground detention cell construction, level of water in the cell at the design rain events noted in the City of Carter Lake Storm Water Drainage Design Standards (January 2001). The drawing sheet(s) shall include the design criteria used as the basis of the design and document compliance with this chapter. An Iowa licensed professional engineer shall seal the drawing.

**136.07 PENALTIES.** Any person violating any of the provisions of this chapter shall be guilty of a civil municipal infraction. The City, at its discretion, may perform maintenance on a storm water detention facility or swale such as to remove standing water, replace grass, mow, insect control, and remove sediment. Costs of the maintenance will be billed back to the landowner. A 24-hour notice will be given to the landowner prior to the City performing the required maintenance.

[The next page is 801]

ORDINANCE NO. 633

AN ORDINANCE TO AMEND CHAPTER 136, OF THE CODE OF  
ORDINANCES OF THE CITY OF CARTER LAKE

BE IT ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF CARTER LAKE, IOWA

Section 1. That Chapter 136, "Storm Water Control" of the Code of Ordinances of the City of Carter Lake, Iowa, is hereby repealed in its entirety and the following adopted in lieu thereof:

**PURPOSE.** To provide guidance as well as govern the handling and treatment of storm water within the boundaries of the City of Carter Lake, Iowa.

**PERMITS.**

No development or construction project shall be permitted without the submittal and approval of a construction site runoff control plan and a post-development storm water management plan that is adequate to serve, or unless there has been a determination by the Building Inspector and Maintenance Manager that such plans are not necessary.

The City of Carter Lake Building Inspector and Maintenance Manager shall approve both the construction site runoff control plan and a post-development storm water management plan. In addition, the storm water plans shall also be provided to the City of Carter Lake Planning Board as part of the Commercial or Industrial project approval process.

**CONSTRUCTION SITE RUN OFF CONTROL - Soil and Water Pollution Prevention Plan (SWPPP).**

Comply with all current minimum mandatory requirements for SWPPPs promulgated by the Iowa Department of Natural Resources in connection with the issuance of a State NPDES General Permit No.2. Projects less than one (1) acre must consult with Building Inspection Office and comply with City guidelines.

The City of Carter Lake building inspector shall inspect the construction site run off control measures at least every seven (7) days for compliance, adequacy, effectiveness and condition. Deficiencies or failure to maintain the construction control measures may result in a "stop work order" until the deficiency or maintenance issue is resolved to the satisfaction of the inspector.

**POST-DEVELOPMENT RUN OFF CONTROL - Storm Water Management Plan.**

- A. All areas within the proposed parcel(s) shall be developed to comply with Statewide Urban Design Standards (SUDAS) and shall manage water quality volume of 1.25 inches by infiltration processes according to the Iowa Stormwater Management Manual.
- B. The plan must be designed to prevent the post-development rate of runoff from the subdivision or site planned development from exceeding the predevelopment rate of runoff for a five-year to a 100 year, 24-hour storm as defined by the Iowa Stormwater Management Manual.

C. Adequate overland relief with a proper easement established for storms larger than a 100 year storm as defined by the Iowa Stormwater Management Manual shall be provided.

D. The design is to be completed and signed by a licensed engineer.

#### **WATER QUALITY CRITERIA**

A. Post-development runoff shall be captured and treated by water quality Best Management Practices (BMP), as recognized by the SUDAS and the Iowa Stormwater Management Manual, to prevent or minimize water quality impacts from land development. The applicant shall use the below information to comply with this criterion:

1. Structural and non-structural practices shall be designed to capture and treat the Water Volume (WQv). The WQv shall be computed as specified in the Iowa Stormwater Management Manual.

2. This criterion shall be met using practices from the Stormwater Technology section in the Iowa Stormwater Management Manual. BMPs or combinations of BMPs shall be selected that achieve the highest pollutant load reduction for the pollutants of concern.

B. The design is to be completed and signed by a licensed engineer.

The developer/contractor shall provide an adequate means or method for the control of construction waste. The control measure must ensure that solid building materials, chemicals, concrete truck wash out and sanitary waste are contained and disposed of in an approved manner.

No construction, excavating, clearing, grubbing or other soil disturbing activity requiring a State of Iowa NPDES permit shall be allowed until a copy of the State permit is provided with the application for a City permit and the City approves the application.

If necessary the storm water plan provided to the City of Carter Lake shall incorporate a means to accommodate or redirect existing storm water that may be entering the development or project site from adjacent property(s) or streets. The City of Carter Lake Planning Board, Maintenance Manager and Building Inspector shall approve the accommodation for the storm water from adjacent areas.

The storm water plan for a development or project may not negatively impact an adjacent property or street.

The City of Carter Lake building inspector and/or City Maintenance Supervisor shall inspect the post-development run off control measures annually for compliance, adequacy, effectiveness and condition.

#### **PENALTIES**

Any person violating any of the provisions of this chapter shall be guilty of a civil municipal infraction.

The City of Carter Lake at their discretion may perform maintenance on a storm water detention facility or swale such as to remove standing water, replace grass, mow, perform insect control and remove sediment. Costs of the maintenance will be

billed back to the landowner. A 24-hour notice will be give to the landowner prior to the City performing the required maintenance.

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

SECTION 3. Severability Clause. If any of the provisions of this Ordinance are for any reason declared illegal or void, the lawful provisions of this Ordinance which are severable from said unlawful provisions shall remain in full force and effect.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after its final passage and publication.

Attest:

PASSED  
AND July 15, 2013  
APPROVED

Doreen Mowery  
DOREEN MOWERY, City Clerk

Russell D Kramer  
RUSSELL KRAMER, Mayor

The undersigned as City Clerk of Carter Lake, Iowa does hereby certify that on Aug 7, 2013, I posted true and exact copies of the foregoing ordinance in four public places to-wit: City Hall, Carter Lake Senior Center, Peoples National Bank and Owen Memorial Library all within the limits of the City of Carter Lake, Iowa.

Doreen Mowery  
DOREEN MOWERY, City Clerk

FIRST CONSIDERATION: May 20, 2013  
SECOND CONSIDERATION: June 17, 2013  
THIRD CONSIDERATION: July 15, 2013

#### DEFINITIONS.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Article, shall have the meanings hereinafter designated.

Adequate /Adequacy means in compliance with original plan.

Best management practices (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the MS4 and waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

City means the City of Carter Lake, Iowa.

Construction Site Runoff Control Plan refers to SWPPP.

Discharge means any addition or introduction of any pollutant, storm water, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the United States.

Environmental Protection Agency or EPA means the United States Environmental Protection Agency, or any duly authorized official of said agency.

National Pollutant Discharge Elimination System means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the federal Clean Water Act.

NPDES means the National Pollutant Discharge Elimination System.

NPDES permit means a permit issued by EPA (or by the State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Pollutant means dredged spoil; solid waste; incinerator residue; sewage; garbage; sewage sludge; filter backwash; munitions; chemical wastes; biological materials; toxic materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; and industrial, municipal, recreational, and agricultural waste discharged into water or into the municipal separate storm sewer system.

Storm water means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt.

Storm water discharge associated with industrial activity means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR part 122. For the categories of industries identified in paragraphs (i) through (x) of this definition the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm

water. For the categories of industries identified in paragraph (xi) of this definition, the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally, State, or municipally owned or operated that meet the description of the facilities listed in this paragraphs (i)-(xi) of this definition) include those facilities designated under the provisions of 40 CFR §122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" :

SUDAS means Statewide Urban Design and Specifications

Development and Construction Project including clearing, grading and excavation activities except: operations that result in the disturbance of less than one acre of total land area which is not part of a larger common plan of development or sale:

SWPPP means storm water pollution prevention plan.

Water in the state means ground-water, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, wetlands, marshes, inlets, canals inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the bed and banks of all watercourses and bodies of surface water that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.