

ORDINANCE 478 SUMMARY

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA, BY ADDING A NEW CHAPTER PERTAINING TO URBAN CHICKENS

Below is a summary of ORDINANCE 478, a full copy of said ordinance may be obtained at City Hall 130 N Park Place Cresco, IA 52136

CHAPTER 57 URBAN CHICKENS

No more than four (4) chickens shall be kept or maintained per property at any time. Roosters are not allowed. An annual application and permit fee of \$10 is required. Random inspections will be conducted to ensure applicable conditions have been met.

Chickens must be confined in a coop, fowl house, or mobile coop not less than 18 inches in height. An area of 4 to 12 square feet per chicken is required and must be a minimum of 25 feet from any property line. It must be completely enclosed and designed to prevent entry of predators. It must be well ventilated and drained and kept clean and sanitary. Slaughtering of chickens or selling of eggs is forbidden.

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

WHEN EFFECTIVE. The foregoing Ordinance shall be in full force and effect from and after the date of passage and publication of this ordinance as provided by law.

Passed and adopted this ____ day of _____, 2019.

CITY OF CRESCO

ATTEST:

MARK BOHLE, MAYOR

MICHELLE GIROLAMO, CITY CLERK

1st Reading Summary _____ 2nd Reading Summary _____ 3rd Reading Summary _____

I certify that the foregoing was published as Summary of Ordinance No. 478 on the ____ day of _____, 2019.

City Clerk Michelle Girolamo

RESOLUTION NO: _____

**RESOLUTION WAIVING THE 3RD READING AND
CONSIDERATION OF ORDINANCE NUMBER 479**

WHEREAS, the City Council of the City of Cresco, Iowa, desires to pass Ordinance Number 479 which amends the Code of Ordinances of the City of Cresco, Iowa, by amending provisions pertaining to Fireworks.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Cresco, Iowa, that the 3rd reading and consideration of Ordinance Number 479, be waived according to Section 380.3 of the Code of Iowa and that a summary of Ordinance Number 479 be read and considered at the City Council meeting held June 3, 2019 in the City Council Chambers at City Hall.

Council member _____ moved the adoption of the foregoing resolution and council member _____ seconded said motion. Thereupon the Mayor called for a roll call vote and the following council members voted in favor of the foregoing resolution:

_____.

Council member _____ voted against the adoption of the foregoing resolution.

Council member _____ was absent.

The Mayor thereupon declared Resolution No. _____ duly passed and adopted by at least 3/4ths affirmative vote by the council members and Ordinance Number 479 is ready to be discussed and considered.

PASSED THIS _____ DAY OF _____, 2019.

Mayor Mark Bohle

ATTEST: _____

City Clerk Michelle Girolamo

ORDINANCE 478

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
CITY OF CRESCO, IOWA, BY ADDING A NEW CHAPTER
PERTAINING TO URBAN CHICKENS

BE IT ENACTED by the City Council of the City of Cresco, Iowa, as follows:

SECTION 1. NEW CHAPTER. The Code of Ordinances of the City of Cresco, Iowa, is amended by adding a new Chapter 57, entitled URBAN CHICKENS, which is hereby adopted to read as follows:

CHAPTER 57 URBAN CHICKENS

57.01 Purpose

57.02 Definitions

57.03 Where Permitted

57.04 Enclosure Requirements

57.05 Number of Chickens Permitted

57.06 Permit Requirements

57.01 PURPOSE. The purpose of this chapter is to protect the health, safety and welfare of the citizens within the City by allowing a process by which a property owner may keep a limited number of domesticated chickens on their property while observing minimum property standards.

57.02 DEFINITIONS. For use in this Chapter the following terms are defined:

1. "Chicken" means a member of the subspecies *Gallus gallus domesticus*, a domesticated fowl.
2. "Urban Chicken" means a chicken kept on a permitted tract of land pursuant to a permit issued under this Chapter.
3. "Coop" means a cage enclosure or building used for housing and protecting chickens from weather and predators.
4. "Pen" means an enclosure for chickens which allows freedom of movement but also prevents escape.
5. "Permittee" means an applicant who has been granted a permit to raise, harbor or keep chickens pursuant to this Chapter.

57.03 WHERE PERMITTED. Notwithstanding the provisions of this section, the keeping of domestic chickens (sub species *gallus gallus domesticus*), except roosters, shall be permitted in single family residential properties lying within residential zoning districts as shown on the City of Cresco official Zoning Map so long as such keeping is in compliance with this subsection and all other applicable City ordinances.

57.04 ENCLOSURE REQUIREMENTS. The following criteria shall be considered a minimum form of compliance for the City to consider issuing a permit allowing for the presence of any particular chickens unless allowing such chickens would endanger the health, safety, peace, quiet, comfort, enjoyment of, or otherwise become a public nuisance to nearby residents or occupants or places of business:

- A. Chickens must be confined in a coop, fowl house, or mobile coop, known as a chicken tractor, not less than 18 inches in height. In addition to be confined within a coop, a fenced pen area at a size outlined below shall be maintained. Chickens must be kept within the coop, the fowl house, or the fenced pen area at all times unless removed for a temporary time for the safety of the chicken.
- B. The coop, the fowl house, or the fenced pen area must be of such a design to be reasonably expected to prevent entry by dogs, cats, or other animals and shall be completely enclosed.
- C. The coop or fowl house must be used for chickens only and must be well ventilated.
- D. The coop, the fowl house, or the fenced pen area shall have a minimum of four (4) square feet of floor area for each chicken but shall not be any larger than twelve (12) square feet of area for each chicken.
- E. The coop, fowl house, or the fenced pen area shall be a minimum of twenty-five (25) feet from any neighboring dwelling property line at all times. In the event a zoning or other ordinance requires a greater distance, the more restrictive regulations shall apply.
- F. Any coop, fowl house, or fenced pen area must be well drained so there is no accumulation of moisture.
- G. Any coop, fowl house, or the fenced pen area shall be kept clean, sanitary and free from accumulation of chicken excrement and objectionable odors. All droppings and body excretions shall be either placed in fly-proof containers and double-bagged in plastic bags or, in the alternative, used as fertilizer on the same property or, with the owner's permission, on other property within the City, so long as the droppings and body excretions are spread and incorporated into the soil within twenty four (24) hours.
- H. In addition to the coop, fowl house, or fenced pen area, the permittee shall be responsible for sufficiently confining chickens to the permitted property and prevent chickens from entering upon any adjacent property.
- I. All chicken feed shall be stored in rodent-proof containers.
- J. All such chickens shall be hens; no roosters are permitted.

- K. The City shall not be liable for injury or death of chickens caused by dogs, cats, or other animals, domestic or wild, whether such animals are licensed by the City or not. Further, injury or death of a chicken caused by an animal is not, in and of itself, sufficient grounds for the City to determine that the animal is a vicious animal pursuant to this Code of Ordinances.
- L. Any dead chicken shall be disposed of immediately upon discovering said chicken in a manner so as to not cause a nuisance pursuant to this Code of Ordinances.
- M. Slaughtering of chickens or selling of eggs is forbidden.
- N. An owner or possessor of animals on property that is newly annexed or rezoned to a residential classification has ninety (90) days from the date of annexation or rezoning to bring the property into compliance required by this section.
- O. A violation of this subsection is a municipal infraction as provided in the Code of Ordinances.

57.05 NUMBER OF CHICKENS PERMITTED. No more than four (4) chickens shall be kept or maintained per property at any time. Roosters are not allowed.

57.06 PERMIT REQUIREMENTS. No person shall keep any chickens unless they possess a City of Cresco permit issued by the City Public Works Director or their designee.

- A. Fee. The fee for such permit shall be ten (\$10) dollars.
- B. Permits will be granted for one (1) year valid from January 1st through December 31st and shall not be pro-rated for partial year.
- C. Permits may be purchased at any time during the year but will be valid only through December 31st.
- D. Property owner shall notify the City upon discontinuance of housing chickens.
 - a. As part of discontinuing of housing chickens on the property, the pen and coop areas shall be cleaned in a timely manner so as to not provide a nuisance to neighboring property owners.
 - b. Fees shall not be refunded if the property owner removes the chickens from the premises.
- E. The permit may be suspended or revoked by the Public Works Director, or their designee, upon hearing and finding evidence that the permittee has violated the conditions of the permit listed in this Section of the Code.
 - a. All chickens must be removed from the premises and disposed of in accordance with public health practices upon revocation of the permit.

- b. There will be no refund of the permit fee.
- c. All associated costs of removal of the chickens shall be assessed back to the property owner.

F. By the granting of the permit to raise chickens and the application thereof, the permittee authorizes that the City or its agents have the right to go onto permittee's property any time for the limited purpose of inspection of the premises to ensure that all applicable conditions have been met.

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

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

Mayor Mark Bohle

ATTEST: _____
City Clerk Michelle Girolamo

I certify that the following summary of Ordinance No. 478 was published on the _____ day of _____, 2019 and the full copy was available at City Hall 130 N Park Place, Cresco, IA 52136.

ATTEST: _____
City Clerk Michelle Girolamo



City of Cresco
@cityofcrescoia

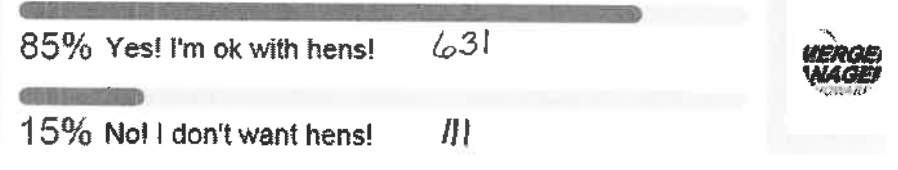
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City of Cresco created a poll. *742 votes*
May 7 at 12:16 PM

The City of Cresco is looking into allowing up to 4 laying hens in city limits. Permits would be required, along with certain restrictions. We are looking for your input if you would like to allow laying hens in town. Roosters will still not be allowed. Please take a minute to share your opinion. Comments will be reviewed and taken into consideration.



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Michael McIntyre People already have them anyway, like right down by the trailer park baseball park

Like Reply Message 2w

Kelly Huiskamp We have the ability to have 6 in Fort Collins and have always done so, I came home to talk to my parents about getting them and they told me y all hadn't approved this yet, how is Iowa behind Colorado in natural food procurement? Hens are quiet, great pets and the fresh egg quality is leaps and bounds ahead of the quality you get at the store. Please approve this, you will not be disappointed! And if anyone needs a quality chick hookup let us know!

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Tammy Hovey My concern with people getting hens in town, will the city enforce a policy on the type of coop or protocol to follow during winter months? Im sure that could get spendy for some that decide to get hens without thinking about the necessary equipment needed for raising them throughout the changing seasons

Like Reply Message 2w

Tammy Hovey Also how will this affect our local businesses that sell eggs?

Like Reply Message 2w

Nora Hensley There are a lot more in town that won't have chickens than do and even if someone has extra eggs, I'm sure it won't affect the selling of eggs. A lot more than just town people buy eggs

Like Reply Message 2w

Liked Following Share

Write a reply

Jennifer Wanker! Allowing hens can be one more small action we all can take toward reducing our impact on the environment. Please allow hens asap. Maybe even consider 6-8 hens?

Like Reply Message 2w

City of Cresco Thank you for your input. I will forward this to council when they review the proposed ordinance.

Like Reply 2w

Alex J. Ruroden So what will happen if a neighbors dog becomes loose and gets into my chicken coop? Who will pay for damages? What rights do I have to defend my coop?

Like Reply See Response 2w

City of Cresco The chicken owner would be responsible to make sure that the coop is made to protect the chickens from

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my coop if it is in the process of being "attacked?"

Like Reply See Response 2w

Tammy Hovey in my opinion as often as dogs get loose and as many stray cats there are if you're that worried about not having a suitable coop to defend against predators then dont get any hens. May have to build a fence around your property to keep out dogs but I'm sure a cat would still get in. However, I wouldnt think a lone cat would attack chickens.

Like Reply Message 2w

Nora Hensley Tammy Hovey Cat - if the hens are contained..... and the hens shouldn't be roaming all over anyway.

Like Reply Message 2w

Write a reply

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you.

Like Reply Message 3w

City of Cresco You are correct. The proposed ordinance states that they would have to be cooped at all times ..no free range.

Like Reply 3w

Ashten Louise Frana Yyeess bring on the chickens!!

Like Reply Message 3w

Cheryl Powers As long as they are properly contained

Like Reply Message 2w

Daisy Heins Travis Pankow Richard Farmer Alexandra Farmer

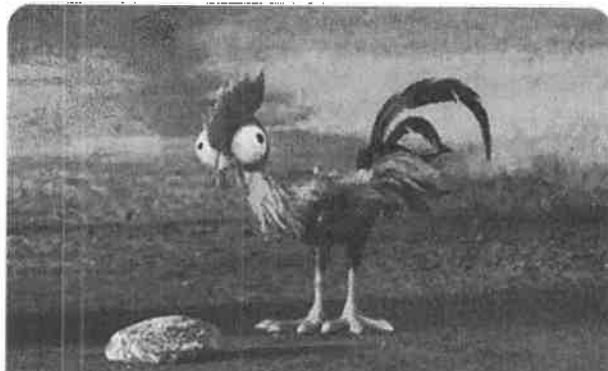
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Jeff Zak Emily Sandryll

Corey Baldwin Danielle Baldwin

Like Reply Message 3w

Daisy Heins Travis Pankow



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ORDINANCE NO. 477

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA, BY AMENDING PROVISIONS PERTAINING TO LIVESTOCK

BE IT ENACTED by the City Council of the City of Cresco, Iowa, as follows:

SECTION 1. Chapter 55, Section 05, of the Code of Ordinances of the City of Cresco, Iowa, is repealed and the following adopted in lieu thereof:

55.05 LIVESTOCK. It is unlawful for a person to keep livestock except chickens within the corporate limits of the City except in an area zoned for this purpose. Chickens are allowed by permit only and according to regulations in Chapter 57 of the Code of Ordinances. No roosters are allowed within corporate limits of the City.

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

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

THIS ____ DAY OF _____, 2019.

Mayor Mark Bohle

ATTEST: _____
City Clerk Michelle Girolamo

1st Reading _____ 2nd Reading _____ 3rd Reading _____

I certify that the foregoing was published as Ordinance No. 477 on the ____ day of _____, 2019.

City Clerk Michelle Girolamo

ORDINANCE NO. 475

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
CITY OF CRESCO, IOWA, BY AMENDING
PROVISIONS PERTAINING TO WATER RATES

BE IT ENACTED by the City Council of the City of Cresco, Iowa, as follows:

SECTION 1. Chapter 92, Section 02, of the Code of Ordinances of the City of Cresco, Iowa, is repealed and the following adopted in lieu thereof:

92.02 RATES FOR SERVICE. Water service shall be furnished at the following monthly rates within the City:

(Code of Iowa, Section 384.84)

1. Effective July 1, 2019:

- A. First 7,000 gallons used per month @ \$5.03 per 1000 gallons. (Minimum bill is \$7.55 based on 1,500 gallons.)
- B. Next 60,000 gallons used per month @ \$4.59 per 1000 gallons.
- C. All over 67,000 gallons used per month @ \$4.20 per 1000 gallons.

SECTION 2. Chapter 92, Section 03, of the Code of Ordinances of the City of Cresco, Iowa, is repealed and the following adopted in lieu thereof:

92.03 RATES OUTSIDE THE CITY: Water service shall be provided at the following monthly rates, based upon water used and furnished, outside the City limits and such rates shall apply to all cases except where there was in existence a pre-existing written contract:

(Code of Iowa, Section 384.84)

1. Effective July 1, 2019:

- A. First 7,000 gallons used per month @ \$10.06 per 1000 gallons. (Minimum Bill is \$15.09 based on 1,500 gallons.)
- B. Next 60,000 gallons used per month @ \$9.18 per 1000 gallons.
- C. All over 67,000 gallons used per month @ \$8.40 per 1000 gallons.

SECTION 3. Chapter 92, Section 10, of the Code of Ordinances of the City of Cresco, Iowa, is repealed and the following adopted in lieu thereof:

92.10 CUSTOMER DEPOSITS. There shall be required a deposit of \$80 from every residential, \$100 from every commercial, and \$200 from every industrial customer. The deposit is intended to guarantee the payment of bills for service. This deposit will be applied to the customer's account or refunded after three years with good credit history. The deposit will be applied to final water billing if services are discontinued.

(Code of Iowa, Section 384.84)

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED THIS _____ DAY OF _____, 2019.

Mayor Mark Bohle

ATTEST: _____
City Clerk Michelle Girolamo

1st Reading 5/16/19 2nd Reading 5/20/19 3rd Reading _____

I certify that the foregoing was published as Ordinance No. 475 on the _____ day of _____, 2019.

City Clerk Michelle Girolamo

ORDINANCE NO. 476

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
CITY OF CRESCO, IOWA, BY AMENDING
PROVISIONS PERTAINING TO SEWER SERVICE CHARGES

BE IT ENACTED by the City Council of the City of Cresco, Iowa, as follows:

SECTION 1. Chapter 99, Section 02, of the Code of Ordinances of the City of Cresco, Iowa, is repealed and the following adopted in lieu thereof:

99.02 RATES FOR SERVICE. Each customer shall pay a sewer service charge for the use of and for the service supplied by the municipal sanitary sewer system based upon the amount and rate of water consumed. Sewer service shall be furnished at the following monthly rates:
(Code of Iowa, Section 384.84)

1. Effective July 1, 2019:

- A. \$8.58 per 1,000 gallons within City limits. (Minimum bill is \$12.87 based on 1,500 gallons.)
- B. \$17.16 per 1,000 gallons outside City limits. (Minimum bill is \$25.74 based on 1,500 gallons.)
- C. \$3.50 per month for Capital Improvement fund for the extension and maintenance of the sewer, storm sewer and water lines.

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

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

PASSED THIS ____ DAY OF _____, 2019.

Mayor Mark Bohle

ATTEST: _____
City Clerk Michelle Girolamo

1st Reading 5/21/19 2nd Reading 5/20/19 3rd Reading _____

I certify that the foregoing was published as Ordinance No. 476 on the ____ day of _____, 2019.

City Clerk Michelle Girolamo

RESOLUTION NO. _____

**RESOLUTION APPROVING WAGE AND BENEFIT
AGREEMENT FOR FULL-TIME NONUNION EMPLOYEES**

WHEREAS, the Local 1068 American Federation of State, County and Municipal Employees have agreed to a four year wage and benefit package for July 1, 2018 – June 30, 2022; and

WHEREAS, City Council of Cresco, Iowa, has stated they will make the same wage and benefit package available for full-time nonunion employees; and

WHEREAS, the nonunion personnel affected by this agreement consist of the employees in the following positions: Chief of Police, Public Works Director, Street Superintendent, Water Superintendent, Wastewater Superintendent, City Clerk, Deputy City Clerk, Utility Billing Clerk, Park and Recreation Director, Fitness Center Director, Assistant Fitness Center Director, and Full Time Fitness Center Front Desk Supervisor; and

WHEREAS, part-time and temporary employees' wages will be approved from time to time by respective Boards and Commissions; and

WHEREAS, the City will implement a wage increase of 3% for full-time nonunion employees, listed above, effective July 1, 2019.

THEREFORE, BE IT RESOLVED, that the City Council and the full-time nonunion employees, with the exception of Library staff, agree to the wage adjustments listed above.

PASSED AND APPROVED THIS 3RD DAY OF JUNE, 2019.

Mayor Mark Bohle

Attest: _____
City Clerk Michelle Girolamo

RESOLUTION NO. _____

**RESOLUTION APPROVING WAGE INCREASE FOR SPECIFIED
PERMANENT PART-TIME EMPLOYEES**

WHEREAS, nonunion permanent part-time positions affected by this agreement consists of the employees in the following positions: City Hall/Library/Kessel Lodge Custodian; Fitness Center Front Desk Assistant; Airport Manager; and Fire Chief; and

WHEREAS, the City Council of Cresco, Iowa understands the value of these individuals serving in these capacities.

THEREFORE, BE IT RESOLVED, that the rate of pay will be increased 2% effective July 1, 2019 for the above mentioned positions.

PASSED AND APPROVED THIS 3RD DAY OF JUNE, 2019.

Mayor Mark Bohle

Attest: _____
City Clerk Michelle Girolamo

RESOLUTION NUMBER _____

RESOLUTION AUTHORIZING THE PUBLIC WORKS DIRECTOR
TO INCREASE THE CREDIT LIMIT FOR THE CREDIT CARD

WHEREAS, the City of Cresco has a Visa Credit Card in the name of the City of Cresco with Rodney Freidhof, Public Works Director, listed as the Authorized Business Officer; and

WHEREAS, the credit card is available for business purposes for the City of Cresco employees; and

WHEREAS, the City has a credit limit of \$3,500 on this credit card and \$4,000 on the Police credit card; and

WHEREAS, the low limit has prohibited the use of the card on several occasions.

THEREFORE, Council Person _____ moved the adoption of the foregoing Resolution Authorizing the Public Works Director, Rodney Freidhof to execute the application to apply for a credit line of \$10,000. The total Company Credit Line will be \$14,000 for the two combined credit cards. Council Person _____ seconded said motion. A roll call vote was requested by the Mayor and said roll call vote resulted as follows:

Ayes: _____

Nays: _____

Absent: _____

Thereupon, the Mayor declared said Resolution duly passed and announced that the application to apply for a Credit Line of \$10,000 with a total Company Credit Line of \$14,000 on behalf of the City of Cresco is approved and that the Public Works Director is authorized to execute the agreement on behalf of the City of Cresco.

PASSED AND APPROVED THIS 3RD DAY OF JUNE, 2019.

BY: _____
Mayor Mark Bohle

ATTEST: _____
City Clerk Michelle Girolamo

BEFORE THE CRESCO CITY COUNCIL

THE PUB
110 N. ELM STREET
CRESCO, IA 52136

BARBARA E. & JAMES D. HOLSTROM
108 A N. ELM STREET
CRESCO, IA 52136

30-DAY CIGARETTE/TOBACCO
SUSPENSION

On this _____ day of _____, 2019, the Cresco City Council suspends the retail cigarette/tobacco permit of The Pub for a second violation of Iowa Code section 453A.2(1), pursuant to their settlement agreement with the Attorney General's Office.

THEREFORE, the above-captioned permittee's cigarette/tobacco permit is suspended for a period of 30 consecutive days, beginning on _____, 2019, at 12:00 a.m. and ending on _____, 2019, at 12:00 a.m.

Mayor

THOMAS J. MILLER
ATTORNEY GENERAL

PAXTON J. WILLIAMS
ASSISTANT ATTORNEY GENERAL



IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
REVENUE DIVISION

1305 E. WALNUT ST.
DES MOINES, IA 50319
Main: 515-281-5846 • Direct: 515-281-5055
Email: paxton.williams@ag.iowa.gov
www.iowaattorneygeneral.gov

May 28, 2019

Cresco City Clerk
130 North Park Place
Cresco, Iowa 52136-1594

Dear City Clerk:

Enclosed is a copy of the Acknowledgment/Settlement Agreement signed by Barbara E. Holstrom and James D. Holstrom in which it is admitted that a clerk at The Pub provided tobacco to a minor in violation of Iowa Code sections 453A.2(1) and 453A.22(2)(b).

Ms. Holstrom and Mr. Holstrom have elected to have The Pub's retail cigarette/tobacco permit suspended for 30 days. See enclosed Acknowledgment/Settlement Agreement.

The Mayor must sign the enclosed 30-day Cigarette/Tobacco Suspension Order at the next city council meeting to enforce the suspension. Please forward an executed copy of the Suspension Order to Ms. Holstrom and Mr. Holstrom and me. Should the city discover that The Pub is selling tobacco during its suspension, please contact my office immediately.

Thank you very much for your assistance in this matter. If you have any questions, please feel free to contact me.

Sincerely,


PAXTON J. WILLIAMS
Assistant Attorney General

PJW:cml
Enclosures

STATE OF IOWA
BEFORE THE IOWA DEPARTMENT OF COMMERCE
ALCOHOLIC BEVERAGES DIVISION

The Pub
110 N Elm Street
Cresco, IA 52136

Barbara E. & James D. Holstrom
108 A N Elm Street
Cresco, IA 52136

ACKNOWLEDGMENT/SETTLEMENT AGREEMENT

1. The undersigned hereby knowingly and voluntarily acknowledge the following:

a. Barbara E. & James D. Holstrom and The Pub have received the Complaint in the above case.

b. The facts and allegations contained in the Complaint are true and correct.

c. Barbara E. & James D. Holstrom has the right to a hearing and voluntarily waives same and submits to the statutory penalties prescribed by Iowa law.

d. Barbara E. & James D. Holstrom or an employee of The Pub sold tobacco to a minor on 3/12/2018 in violation of Iowa Code section 453A.2 pursuant to Iowa Code section 453A.22.

e. The violation noted in paragraph "d" herein, will count as an official second violation of Iowa Code section 453A.2 pursuant to Iowa Code section 453A.22.

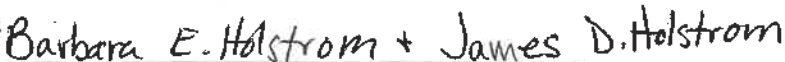
2. Please indicate your choice of the following two options in full settlement of the above-captioned matter:

\$1,500 fine -- check made payable to "Treasurer, State of Iowa"

30-day cigarette permit suspension

3. Barbara E. & James D. Holstrom acknowledges that in order to conclude this matter the Iowa Alcoholic Beverages Division must approve this settlement agreement.


Barbara E. & James D. Holstrom


Printed name of signatory

5-17-19
Date