

NOTICE AND CALL OF PUBLIC MEETING

GOVERNMENTAL BODY: THE CITY COUNCIL OF CRESCO, IOWA
DATE OF MEETING: JUNE 3, 2019
TIME AND PLACE OF MEETING: 7:00 P.M. AT CRESCO CITY HALL

PUBLIC NOTICE IS HEREBY GIVEN THAT THE ABOVE MENTIONED GOVERNMENTAL BODY WILL MEET AT THE DATE, TIME AND PLACE SET OUT ABOVE. THE TENTATIVE AGENDA FOR SAID MEETING IS AS FOLLOWS:

ROLL CALL: BRENNNO, McCARVILLE, FORTUNE, BOUSKA, CARMAN

ACT ON THE CONSENT AGENDA: All items listed under the consent agenda will be enacted by one motion. There will be no separate discussion of these items unless a request is made prior to the time council votes on the motion.

1. Approval of the Agenda
2. Approval of the Claims
3. Approval of Minutes from May 20, 2019
4. Approval of Minutes from May 20, 2019 Special Meeting at Theatre
5. Approval of Minutes from May 21, 2019 Joint Worksession with Park Board
6. Approval of Permit for Supervised Display of Fireworks by Alan Lewis on July 4, 2019
7. Approval of Cigarette/Tobacco Permits for:
 - a. Casey's Marketing dba Casey's General Store #2511;
 - b. Fareway Stores Inc. dba Fareway Store #815;
 - c. JAGDAMBE, LLC dba Cresco Mart;
 - d. Aaron & Sheila Wemark dba The Ox & Wren Spirits and Gifts;
 - e. Big Daddy Hideaway Corp. dba Hideaway Lounge;
 - f. Kwik Trip, Inc. dba Kwik Star #428;
 - g. James & Barb Holstrom dba The Pub
8. Approval of Pay Request #6 for \$98,611.90 to Cresco Building Service Inc for the City of Cresco Fire Department Storage Facility

STAFF REPORTS: There may be action taken on each of the items listed below.

1. Public Works
2. Police
3. Administration
4. Committee Updates

BUSINESS: There may be action taken on each of the items listed below.

1. Public Hearing for Proposed Ordinance No. 479 Pertaining to Fireworks
2. Second Reading of Summary of Ordinance No. 479 Pertaining to Fireworks
3. Resolution Waiving the 3rd Reading and Consideration of Ordinance Number 479
4. Approval of Ordinance No. 479 Pertaining to Fireworks
5. Nick Rissman, Howard County Engineer, to Discuss Vernon Road Project and Possible Motion for City to Commit to Rural Portion of the City Project

6. Mike Gooder to Discuss Expansion of Plantpeddler
7. Discuss Proposed Chicken Ordinance
8. Set Public Hearing for Ordinance No. 477 to Amend City of Cresco Code of Ordinances Chapter 55 Pertaining to Livestock in City Limits
9. Set Public Hearing for Ordinance No. 478 to Add Chapter 57 to the City of Cresco Code of Ordinances Pertaining to Urban Chickens
10. Third Reading of Ordinance No. 475 Pertaining to Water Rates
11. Approval of Ordinance 475 Pertaining to Water Rates
12. Third Reading of Ordinance No. 476 Pertaining to Sewer Service Charges
13. Approval of Ordinance 476 Pertaining to Sewer Service Charges
14. Resolution Approving Wage and Benefit Agreement for Full-Time Nonunion Employees
15. Resolution Approving Wage Increase for Specified Permanent Part-Time Employees
16. Resolution Authorizing the Public Works Director to Increase the Credit Limit for the Credit Card
17. Motion to Suspend the Retail Cigarette/Tobacco Permit for The Pub for 30 Days
18. Motion to Close City Hall on June 28, 2019 for End of Year Processing
19. Discuss Downtown Sidewalk Issues and Possible Motion to Proceed

COMMENTS FROM AUDIENCE:

ADJOURN:

THIS NOTICE IS GIVEN AT THE DIRECTION OF THE MAYOR PURSUANT TO CHAPTER 21, CODE OF IOWA AND THE LOCAL RULES OF SAID GOVERNMENTAL BODY. POSTED MAY 31, 2019.

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You are hereby notified that the City Council of the City of Cresco, Iowa, will hold a Public Hearing on the 3rd day of June, 2019, in Council Chambers at City Hall. At this meeting the Council proposes to amend ordinance chapter 41 section 13 regarding fireworks.

The proposed amendment may be viewed at Cresco City Hall during normal office hours. This hearing will be conducted during a regular Cresco City Council Meeting starting at 7:00 pm.

Any resident of Cresco wishing to be heard concerning the reasons for or objections to the amendment, must appear at said hearing and voice your opinions.

BY ORDER OF THE CITY COUNCIL OF CRESCO, IOWA


City Clerk Michelle Girolamo

Fireworks – a commercial property owner has been approached by a fireworks sale company to put a tent up to sell fireworks in Cresco. By state law, we need to allow this to be done. The proposed ordinance will still make it illegal to discharge fireworks within City limits. Sales are limited to June 13- July 8th for temporary vendors. Permanent structures can sell fireworks from June 1 – July 8 and Dec10 – Jan 3 as set by Iowa Code.

Vernon Road Project – Nick Rissman is proposing to the City to include the rural portion of Vernon Road (from the city limits to just before the first house) in the County's concrete replacement project. Since this portion is ag land, any assessments would be deferred anyways so we would not do this as an assessment project. We would have enough in the LOST and/or Street Funds to pay for this without borrowing.

Chickens – We had a resident request the Council amend the current Cresco Code of Ordinance that makes it illegal to have livestock (see definition) in city limits to allow egg laying hens in city limits. Council reviewed a proposed ordinance amendment but delayed action until they researched the proposal further and a Facebook survey could be conducted. The Facebook survey received 742 votes with 631 (85%) voting yes they were in favor of allowing 4 laying hens (note: not all votes were from residents of Cresco). Comments received on Facebook are enclosed. Please read the proposed ordinance 478 for all of the requirements that would need to be met by the applicant for a permit to be issued. We would also need to amend chapter 55 to make the exception to disallowing livestock for the chickens (See Ordinance #477). If Council decides to allow chickens then we will need to set public hearings for these two ordinances.

Raises – Personnel Committee recommends following the Union Contract for full-time employees (Except Library whose rates are set by the Library Board) to be a 3% raise on 7/1/19. They also recommend 2% for the four permanent part-time employees (note: the Boards set the part-time rates for the Theatre, Park, Fitness Center & Library).

Credit Limit – We have maxed out the credit card a few times. It is used for Water, Street, Sewer, Fire, City Hall, and Public Works Director. We keep it locked up and is checked out by the employee using it who then needs to provide us with invoices for any charges that are approved by the Dept Head and City Clerk. In order to increase the limit, we need to have a resolution authorizing Rod to increase it.

The Pub – the pub had its second violation for selling tobacco to a minor so therefore has chosen a 30-day suspension instead of paying a \$1,500 fine. The Council must approve the suspension and set the dates. I was thinking starting Monday June 10, 2019 through July 9, 2019 so that I have time to inform the Pub and the State.

Sidewalks – Daren from WHKS is recommending eliminating crosswalks on North Elm for all crossings except the intersections of 1st Ave, 2nd Ave and 3rd Ave. He is suggesting we remove the crosswalk from McGuire's corner & move it to the corner of Leutholds and mid-block of the courthouse sidewalk. This will make it easier to do the ped ramp in compliance with ADA. He is working on getting estimates for the half block from Leutholds to O'Henrys for removal of the colored concrete for the crosswalk and replacing it with regular concrete, replacing curb & gutter, and putting in one ADA compliant ped ramp at Leutholds corner. This does cause a problem by removing the crosswalk at McGuires we either have to put in a curb and replace the sidewalk behind it to remove the slanted ramp OR leave the ramp and just replace the concrete to the gutter. Problem is either way we will need to tear out the new concrete whenever we replace the crosswalk & ped ramp going north/south at that corner. It is hard to have a stopping point as each item adjoins another ped ramp or sidewalk.

Michelle

Mayor Bohle called the Cresco City Council meeting to order on May 20, 2019, at 7:00 pm at City Hall. Council Members Brenno, McCarville, Fortune, Bouska and Carman were present. No council members were absent.

Bouska made the motion to approve the consent agenda which included approval of the: agenda; claims; minutes of the May 6, 2019 meeting; permit for supervised display of fireworks for Upper Iowa Speedway on July 4, 2019 at the Howard County Fairgrounds; Class E Liquor License (LE), Class B Wine Permit and Class C Beer Permit (carryout beer) to Fareway Stores Inc. d/b/a Fareway Stores Inc. #815; Class E Liquor License (LE) to Fareway Stores Inc. d/b/a Fareway Stores Inc. #815 (change of ownership effective 6/21/19); Class C Liquor License (LC) (Commercial) to Howard County Agricultural Society d/b/a Mighty Howard County Fair – Howard County Expo (change of ownership effective 1/1/19); Class C Liquor License (LC) (Commercial) to Howard County Agricultural Society d/b/a Mighty Howard County Fair – Howard County Expo (change of ownership effective 1/1/20); Class C Beer Permit (BC) to DOLGENCORP, LLC d/b/a Dollar General Store #2400 (change of ownership effective 3/1/20); Pay Request #3 for \$210,104.85 to Croell Inc. for the 2nd Street East Reconstruction Project; Pay Request #7 (Final) for \$29,129.21 to Mehmert Tiling for the Downtown Alley Project. Carman seconded and it passed all ayes.

Public Works Director Freidhof reported: (a) planting boulevard trees this week; (b) all of the sludge has been hauled out; (c) 99 fire hydrants have been painted; (d) 2nd Street Project is progressing well. Hopefully it will get opened up for cross traffic but will remain closed to finish up some items. The elevation problems have been corrected on the north end.

City Clerk Girolamo reported: (a) Sheriff Miner invited everyone to a ribbon cutting and grand opening of the Howard County Sheriff's Office and Jail on Friday May 24th at 2 pm; (b) Upper Explorerland is working on the Housing Rehab project. Two houses have been inspected and waiting for radon results and then will be bid out. Four more houses are ready to be inspected.

McCarville reported the Airport Commission had Ron Garber from Kirkham Michel attend their meeting to come up with estimates on costs to build new hangars. A work session with Council may be planned after they get more information.

Library Director Kay reported three carpet cleaning quotes have been received and they are being reviewed. The fence project has turned out really good and will do a little landscaping as well. The concrete work done by Bob Tupy appears to be working well at keeping water out of the Library. There is another area of concrete to look at on the north side.

Brenno reported the Park Board will have a public meeting with Council at 5:30 pm on May 21st at NICC to review a potential expansion project.

Mayor Bohle opened the public hearing on the proposal to convey real property to Wemark Luxury Rentals, LLC (2019 Agreement). There were no written or oral comments and the public hearing was closed. Carman made the motion to approve the Resolution Approving and Authorizing the Conveyance of Real Property to Wemark Luxury Rentals, LLC (2019 Agreement). Bouska seconded and it passed all ayes.

Five quotes were received for the Library Alley Concrete Project: Scholbrock Masonry \$10,455; Midwest Concrete \$12,400; L&S Masonry \$15,700; Ollendieck Construction \$11,744; Mudslingers Construction \$10,990. McCarville made the motion to accept the low quote \$10,455 from Scholbrock Masonry and award the contract. Work will begin after July 1, 2019 and be completed by October 1, 2019. Fortune seconded and it passed all ayes.

Bouska made the motion to approve the Resolution Accepting Work for Construction of Downtown Alley Storm Reconstruction. Carman seconded and it passed all ayes.

Mayor Bohle performed the second reading of Ordinance No. 475 pertaining to water rates. Bouska made the motion to approve the second reading of Ordinance No. 475. Carman seconded and it passed all ayes.

Mayor Bohle performed the second reading of Ordinance No. 476 pertaining to sewer service charges. Carman made the motion to approve the second reading of Ordinance No. 476. Brenno seconded and it passed all ayes.

Bouska made the motion to approve a Resolution Establishing a Fund within the City's Accounts: Fund 186 – Park Tree Fund. Fortune seconded and it passed all ayes.

Carman made the motion to approve a Resolution Authorizing Transfer of Funds from the Theatre Trust Fund to Repay Local Option Sales Tax Fund for Marquee. McCarville seconded and it passed all ayes.

Council discussed changing the Cresco Ordinance to allow the sale of fireworks to be in compliance with State Code. All sellers of fireworks must be licensed by the Iowa State Fire Marshal and comply with State laws. Discharging of fireworks within city limits will not be allowed. Brenno made a motion to set a public hearing for June 3, 2019 for proposed Ordinance No. 479 pertaining to fireworks. Bouska seconded and it passed all ayes. Mayor Bohle performed the first reading of summary of Ordinance No. 479 pertaining to fireworks. Fortune made the motion to approve the first reading of summary Ordinance No. 479. Carman seconded and it passed all ayes.

Bouska made the motion to sell the double-wide trailer at 400 3rd St SW Lot 36 for \$1 to Horkheimer Enterprises Inc. of Hazelton, Iowa with the requirement that it be moved. Fortune seconded and it passed all ayes.

Council reviewed the proposed Request for Proposal (RFP) for Development of Real Estate Located at 400 3rd St SW. Bouska requested that a plan to control runoff be included in the proposal. McCarville made a motion to set the Issue Date for May 29, 2019 and Submission Deadline for noon on August 12, 2019 at noon. Fortune seconded and it passed all ayes. Carman made a motion to establish a Selection Committee to review the RFP's submitted and to make recommendations to Council but all proposals will be submitted to Council. Members will be Mayor Bohle, PWD Freidhof, Council Members Brenno and Fortune, and HCB&T Director Jason Passmore. Bouska seconded and it passed all ayes.

Estimated costs of replacing crosswalks, curb and gutter on North Elm were not available yet. WHKS is also working on making recommendations on where crosswalks with ADA compliant pedestrian ramps should be placed.

McCarville discussed complaints received due to sump pumps draining into the street where there is not a storm sewer intake close by. Concern was that by dumping into the yard will cause water damage and complaints among neighbors. Freidhof will review maps to determine if there are feasible options to redirecting the runoff.

Mayor asked for comments from the audience. Jason Passmore reported the Housing Study is available on the Chamber's website. A copy will be made available at City Hall.

Carman moved to adjourn at 7:51 pm. Brenno seconded and it passed all ayes. The next regular Cresco City Council meeting will be June 3, 2019 at 7:00 pm at Cresco City Hall.

Mayor Mark Bohle

City Clerk Michelle Girolamo

Following is a list of claims approved for payment:

ADVANCED SYS	Maint	132.10
ALLIANT	Electricity	1,475.09
AUTOMATIC SYS	Equip	942.33
BAKER&TAYLOR	Books	1,506.66
BC/BS	Ins	645.07
BOB'S ELEC	Srvc	238.06
BODENSTEINER IMP	Supp	517.17
BORN,MICHAEL	Reimb	32.27
BRUENING REC	Serv	105.00
BRUENING ROCK	Rock	2,950.47
CAMPSITE	Supp	8.97
CARDMEMBER SER	Supp	966.63
CARQUEST	Supp	360.40
CITY OF CRESCO	Util	40.93
CITY OF CRESCO	Ins	2,634.27
CITY LAUNDERING	Srvc	60.32
CPU	Supp	34.99
CORRIDOR TECH	Srvc	352.00
COURTNEY,CODY	Reimb	36.51
CR HEAT&VENT	Srvc	237.95
CR SHOPPER	Notices	612.65
CR SMALL ENG	Supp	57.70
CR TPD	Notices	264.13
CROELL	Srvc	210,614.60
DELUXE ECHOSTAR	Movie	559.30
DEMCO	Supp	433.19
DM STAMP	Stamp	16.05
DISNEY	Movie	263.40
DOLLAR GEN	Supp	11.50
DOUGH&JOE	Supp	52.40
ENVIRONMENTAL RES	Supp	285.83
FAREWAY	Supp	62.80
GODMAN,DAVID	Reimb	30.00
GROUP SERV	Fee	157.25
HANSON TIRE	Srvc	256.05
HAWKEYE SAN	Garb/Rec	50,756.03
HEALTHY CONTR	Fee	29.60
HEWETT	Concess	628.30
HEYING	Parts	128.00
HOVEY OIL	Diesel	516.00
HC BUS&TOUR	Grant	1,000.00
HC ENVIRON	Fee	388.00
HC HISTORICAL	Tourism	745.16
IA DIV LABR	Fee	160.00
IA FIN AUTH	Pmts	85,474.00
KEYSTONE LAB	Analys	1,614.85
K&W COATINGS	Srvc	2,100.00
KWIK TRIP	Gas	4,202.85
LIONS GATE	Movie	60.80
MCGEE,TERESA	Reimb	88.17
MEDIACOM	Phone	268.46
MEHMERT TILING	Srvc	29,409.21
MERCHANT SER	CC Fees	22.00
MIENERGY	Electricity	7,052.10
MOELLERS,KEN	Lease	125.00

MTS	Srvc	55.00
OLIVER,TODD	SpcEvt	850.40
PAYROLL		69,332.37
PETTY CASH	Postage	160.91
QUILL	Paper	73.96
REINDERS	Supp	264.05
RILEY'S	Supp	172.92
RUPPERT	Supp	756.30
SAFETY KLEEN	Supp	187.87
SANDRY FIRE	Equip	296.24
SCHUMACHER ELEV	Maint	156.69
SPAHN&ROSE	Supp	140.49
SQUARE	CC Fees	42.55
STAR EQUIP	Parts	259.18
STATE HYGIENIC	Analys	172.00
TREAS, ST IA	Taxes	5,601.00
UNITEDHEALTHCARE	Ins	24,755.43
UNITYPOINT	Srvc	42.00
UPPER EXPLR RPC	Fee	118.03
VISA	Supp	425.99
VOBR,RHONDA	Reimb	120.00
WELLS FARGO	Pmts	378,583.75
WILSON CUST TREE	Srvc	4,490.75
WINDRIDGE IMP	Parts	57.26
GENERAL		122,222.23
HOTEL/MOTEL		745.16
LOST		18,212.14
NUISANCE		317.19
FIRE STATION BLDG		60.94
MEDIACOM		690.86
CR COMM FIRE		852.35
ROAD USE		16,739.38
EMPLOYEE BEN		5,461.46
REHAB HOUSE		118.03
DEBT SRVC		396,064.75
STREET ASSESS		210,104.85
WATER		15,473.14
WATER EQUIP		2,100.00
SEWER OP		25,635.78
SEWER REPL		4,951.97
SEWER SNKG		67,993.00
CAP IMPR		9,906.95
YARDWASTE		1,187.53
EXPENDITURES		898,837.71
Revenues 5/7-5/20/19		269,460.10

Mayor Bohle called the Cresco City Council special meeting to order on May 20, 2019, at 6:00 pm at the Cresco Theatre. Council Members Brenno, McCarville, Fortune, Bouska and Carman were present. No council members were absent.

Theatre Manager Wendy Lickteig led a tour of the Theatre. They discussed the status of the front wall leak and where the water had been coming in. The seats were inspected showing the wear and discomfort. They discussed the need to replace the flooring underneath and address potential subfloor issues when seats are replaced. They also looked at the cracking in the floor near the exit door to the ramp.

The recently upgraded electrical projects were reviewed. Lickteig showed them the new PA system and discussed the benefits it adds to the building and how it has been used so far. A lengthy discussion ensued about the safety of the newer stairs from the green room to the stage. The liability and danger they present were a concern.

She pointed out many of the extensive remodeling and updates that have been made to Champlin Hall. Many of the improvements were done by the Theatre Commission (and spouses) volunteering their time to perform the work.

The meeting was adjourned at 6:35 pm. The next regular Cresco City Council meeting will be May 20, 2019 at 7:00 pm at Cresco City Hall.

Mayor Mark Bohle

City Clerk Michelle Girolamo

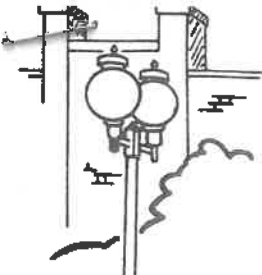
A joint meeting of the Cresco City Council and Park Board was held on May 21, 2019, at 5:30 pm at the NICC Cresco Campus. Council Members Brenno, McCarville, Fortune, Bouska and Carman were present. Park Board Members Riley, Wiley, Ernst, Rogne and O'Brien were present. No Council or Park Board members were absent. Several other members of the public were present.

Ron Fiscus, a City Planner from ~~Landscape~~ ^{PianScape} Partners, led a meeting to get input and ideas for the Proposed Thompson Pool Project. The Thompson family is interested in helping fund a project and are looking for input. Initial ideas include installing a Therapy Pool and/or a Splash Pad. A committee is being formed that would meet often and determine potential improvements and/or expansions to be made to the Fitness Center. Mr. Fiscus will follow up with some suggestions on how to proceed after listening to the ideas presented and concerns that were voiced.

The meeting ended at 7:14 pm.

Mayor Mark Bohle

City Clerk Michelle Girolamo



THE CITY OF Cresco IOWA

130 N. Park Place Cresco, IA 52136
(563) 547-3101 FAX (563) 547-4525
www.cityofcresco.com

PERMIT FOR SUPERVISED DISPLAY OF FIREWORKS

Application having been made in accordance with the laws of the State of Iowa.

Permission is hereby granted to Alan Lewis
(Your Organization)

to have a supervised display of fireworks at (give specific location)

808 Vernon Rd Cresco in the County of Howard and the State of Iowa

to be shown on July 4th, 2019. The competent

person authorized to conduct the display Alan Lewis
(Lead Shooter of J & M DISPLAYS)

Alan Lewis
Signature of applicant

Alan Lewis
Printed name of applicant Telephone number

808 Vernon Rd Cresco Ia 52136
Address of applicant

5/29/19
Date of application

This permit for supervised display of fireworks is granted this _____ day of _____, 20____.
9am-11pm

Signature of authorized person issuing permit

Name and title

APPLICATION AND CERTIFICATION FOR PAYMENT

CUSTOMER: City of Cresco
 130 N Park Pl
 Cresco, IA 52136

PROJECT: Cresco Fire Storage
 130 N Park Pl
 Cresco, IA 52136

APPLICATION NO: 6
 DISTRIBUTION VIA EMAIL:
 OWNER
 ARCHITECT
 CONTRACTOR

PERIOD TO: 5/24/2019

PROJECT NO:

CONTRACTOR: Cresco Building Service, Inc. VIA ARCHITECT:

521 2nd Ave SW
 PO Box 88
 Cresco, IA 52136

CONTRACT FOR:

CONTRACT DATE: 10/11/2018

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet Page 2, is attached.

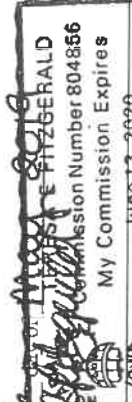
The undersigned Contractor certifies that to the best of the Contractor's Knowledge, information and belief the Work covered by this Application for payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

- | | |
|---|---------------|
| 1. ORIGINAL CONTACT SUM | \$ 536,142.00 |
| 2. Net change by Change Orders | 9,636.00 |
| 3. CONTRACT SUM TO DATE (Line 1+2) | 545,778.00 |
| 4. TOTAL COMPLETED & STORED TO DATE (Column G on G703) | 463,292.27 |
| 5. RETAINAGE: | |
| a. On Completed Work (Column D + E on G703) | \$ 23,164.61 |
| b. On Stored Material (Column F on G703) | 0.00 |
| Total Retainage (Line 5a + 5b or Total in Column I of G703) | 23,164.61 |
| 6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total) | 440,127.66 |
| 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) | 341,515.76 |
| 8. CURRENT PAYMENT DUE | 98,611.90 |
| 9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6) | 105,650.34 |

CONTRACTOR:

By: *Nattha D. Paine* Date: 5-24-19

State of: IA County of: Howard
 Subscribed and sworn to before me this 24th day of May, 2019
 Notary Public: Teresa E Fitzgerald
 My Commission Expires: 6/13/2020



ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

Amount Certified \$ 98,611.90

Change Order Summary	Additions	Deductions
Total Changes approved in previous months by Owner:	9,636.00	0.00
Total approved this Month	0.00	0.00
NET CHANGES by Change Order	\$ 9,636.00	

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT: Atura Architecture

BY: *Mark E. Koenig* Date: May 28, 2019

This certificate is not negotiable. The Amount Certified is payable only to the contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner of Contractor under this Contract.

CONTINUATION SHEET

Project: Cresco Fire Storage

Application and Certification for Payment

Application No: 6

containing contractor's signed Certification is attached.

Application Date: 5/24/2019

In tabulations below, amounts are stated to the nearest dollar.

Period To: 5/24/2019

Use Column I on Contracts where variable retainage for line items may apply.

Project No:

A Item No.	B Description of Work	C Scheduled Value	D Work Completed		E This Period	F Materials Presently Stored (Not in D or E)	G		H Balance To Finish (C-G)	I Retainage
			Previous Application	Total Completed and Stored to Date (D+E+F)			% (G/C)			
1500	Facilities & Temp	2,277.00	2,239.00	38.00	0.00	2,277.00	100	0.00	113.85	
3300	Cast in Place Concrete	80,730.00	24,657.00	51,056.00	0.00	75,713.00	94	5,017.00	3,785.65	
7200	Insulation	8,465.00	3,884.00	0.00	0.00	3,884.00	46	4,581.00	194.20	
7420	Panelized Stone Veneer	11,214.00	11,214.00	0.00	0.00	11,214.00	100	0.00	560.70	
7620	Flashing, Trim, Specialties	1,899.00	0.00	0.00	0.00	0.00	0	1,899.00	0.00	
8100	Doors/Hdw/Windows	5,780.00	5,224.00	556.00	0.00	5,780.00	100	0.00	289.00	
8361	Sectional Doors	19,100.00	19,100.00	0.00	0.00	19,100.00	100	0.00	955.00	
9000	Painting	1,177.00	0.00	0.00	0.00	0.00	0	1,177.00	0.00	
9211	Drywall Assemblies	3,296.00	0.00	936.00	0.00	936.00	28	2,360.00	46.80	
10440	Fire Protection Specialties	282.00	0.00	282.00	0.00	282.00	100	0.00	14.10	
13340	EPS Building	205,427.00	205,427.00	0.00	0.00	205,427.00	100	0.00	10,271.35	
26000	Electrical	22,826.00	0.00	0.00	0.00	0.00	0	22,826.00	0.00	
32000	Exterior Improv/Utilities	64,418.00	49,507.00	0.00	0.00	49,507.00	77	14,911.00	2,475.35	
01	Change Order 1 - Bond	4,852.00	4,852.00	0.00	0.00	4,852.00	100	0.00	242.60	
22001	Mechanical	109,251.00	28,602.27	50,934.00	0.00	79,536.27	73	29,714.73	3,976.81	
02	Change Order 02	4,784.00	4,784.00	0.00	0.00	4,784.00	100	0.00	239.20	
Totals		545,778.00	359,490.27	103,802.00	0.00	463,292.27	85	82,485.73	23,164.61	

ORDINANCE 479 SUMMARY

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA, BY AMENDING CHAPTER 41 PERTAINING TO FIREWORKS

Below is a summary of ORDINANCE 479, a full copy of said ordinance may be obtained at City Hall 130 N Park Place Cresco, IA 52136

CHAPTER 41.13 FIREWORKS

It is a misdemeanor for any person to discharge or explode firecrackers, rockets, torpedoes, Roman candles, or other fireworks designed and intended for pyrotechnic display within the city limits.

No person shall sell or offer for sale consumer grade fireworks without first securing a Retail Fireworks License through the State Fire Marshal's Office for the State of Iowa. Sales are only allowed in Commercial or Industrial Zones from June 13th (June 1st for permanent structures) through July 8th by licensed vendors.

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 June, 2019.

CITY OF CRESCO

ATTEST:

MARK BOHLE, MAYOR

MICHELLE GIROLAMO, CITY CLERK

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

I certify that the foregoing was published as Summary of Ordinance No. 479 on the ____ day of June, 2019.

City Clerk Michelle Girolamo

ORDINANCE NO. 479

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

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

SECTION 1. Chapter 41, Section 13, of the Code of Ordinances of the City of Cresco, Iowa, is repealed and the following adopted in lieu thereof:

41.13 FIREWORKS. The sale, use and exploding of fireworks within the City are subject to the following:

1. Definition. Consumer Fireworks shall have the same meanings as defined in Iowa Code section 727.2.

2. Unlawful Discharge. It is a misdemeanor for any person to discharge or explode firecrackers, rockets, torpedoes, Roman candles, or other fireworks designed and intended for pyrotechnic display within the city limits.

3. Exception. The city may, upon application in writing, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

- A. Personal Injury.....\$250,000 per person
- B. Property Damage.....\$50,000
- C. Total Exposure.....\$1,000,000

4. Other Exceptions. This section does not prohibit the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

5. Sales. No person shall sell or offer for sale consumer grade fireworks without first securing a Retail Fireworks License through the State Fire Marshal's Office for the State of Iowa.

- A. City Permit. An application must be filed with City Hall that includes:
 - 1. The location and dates for the sale of fireworks. Sales of consumer fireworks are allowed only within districts zoned as Commercial C-1 or C-2 and Industrial M-1.
 - 2. Proof of Licensing from the Office of the State Fire Marshal.
 - 3. Proof of Liability Insurance covering all aspects of consumer fireworks sales for a minimum amount per occurrence of \$1,000,000 and a minimum aggregate amount of \$2,000,000.

- 4. Sales within a permanent structure or building shall be allowed between June 1 and July 8 and from December 10 until January 3.
- 5. Approved temporary structure or stand sales shall be allowed between June 13 and July 8.

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. 479 on the ____ day of _____, 2019.

City Clerk Michelle Girolamo

APPLICATION FOR PERMIT FOR SALE OF FIREWORKS

Application is hereby made for the issuance of a Permit for Sale of Fireworks to the undersigned.

I certify that all statements herein are true.

1. **Name of Business** _____

2. **Name of Operator(s)** _____

3. **Permanent Address of Business** _____

4. **Business Telephone Number** _____

5. **Name of Insurance Company** _____

Public Liability Insurance Policy No. _____

Liability Insurance of at least \$1,000,000 per occurrence. Yes _____ No _____

Liability Insurance of at least \$2,000,000 aggregate amount. Yes _____ No _____

6. **Are you licensed with the Office of the State Fire Marshall?**
Yes _____ No _____ (A copy of valid license is required to be attached)

7. **Permanent Structure** _____ **Temporary Structure** _____

8. **Dates of Sales:** _____
Temporary Structures or Stand Sales are limited to June 13 through July 8
Permanent Structures are limited to June 1 through July 8 and December 10-January 3

8. **Location of Sales:** _____
Must be in a district zoned C-1, C-2 or M-1

9. **Emergency Contact:** _____

Date _____

Applicant's Signature

Permit Issued Date _____

Expiration Date _____

Permit Number _____

Approved By _____

727.2 Fireworks.

1. *Definitions.* For purposes of this section:

a. "*Consumer fireworks*" includes first-class consumer fireworks and second-class consumer fireworks as those terms are defined in section 100.19, subsection 1. "*Consumer fireworks*" does not include novelties enumerated in chapter 3 of the American pyrotechnics association's standard 87-1 or display fireworks enumerated in chapter 4 of the American pyrotechnics association's standard 87-1.

b. "*Display fireworks*" includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. "*Display fireworks*" does not include novelties or consumer fireworks enumerated in chapter 3 of the American pyrotechnics association's standard 87-1.

c. "*Novelties*" includes all novelties enumerated in chapter 3 of the American pyrotechnics association's standard 87-1, and that comply with the labeling regulations promulgated by the United States consumer product safety commission.

2. *Display fireworks.*

a. A person, firm, partnership, or corporation who offers for sale, exposes for sale, sells at retail, or uses or explodes any display fireworks, commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars. However, a city council of a city or a county board of supervisors may, upon application in writing, grant a permit for the display of display fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by the city or the county board of supervisors when the display fireworks will be handled by a competent operator; but no such permit shall be required for the display of display fireworks at the Iowa state fairgrounds by the Iowa state fair board, at incorporated county fairs, or at district fairs receiving state aid. Sales of display fireworks for such display may be made for that purpose only.

b. (1) A person who uses or explodes display fireworks while the use of such devices is prohibited or limited by an ordinance or resolution adopted by the county or city in which the firework is used commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

(2) A person who uses or explodes display fireworks while the use of such devices is suspended by an order of the state fire marshal commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

3. *Consumer fireworks and novelties.*

a. A person or a firm, partnership, or corporation may possess, use, or explode consumer fireworks in accordance with this subsection and subsection 4.

b. A person, firm, partnership, or corporation who sells consumer fireworks to a person who is less than eighteen years of age commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars. A person who is less than eighteen years of age who purchases consumer fireworks commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

c. (1) A person who uses or explodes consumer fireworks or novelties while the use of such devices is prohibited or limited by an ordinance adopted by the county or city in which the fireworks are used commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

(2) A person who uses or explodes consumer fireworks or novelties while the use of such devices is suspended by an order of the state fire marshal commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

4. *Limitations.*

a. A person shall not use or explode consumer fireworks on days other than June 1 through July 8 and December 10 through January 3 of each year, all dates inclusive.

b. A person shall not use or explode consumer fireworks at times other than between the hours of 9:00 a.m. and 10:00 p.m., except that on the following dates consumer fireworks shall not be used at times other than between the hours specified:

(1) Between the hours of 9:00 a.m. and 11:00 p.m. on July 4 and the Saturdays and Sundays immediately preceding and following July 4.

(2) Between the hours of 9:00 a.m. on December 31 and 12:30 a.m. on the immediately following day.

(3) Between the hours of 9:00 a.m. and 11:00 p.m. on the Saturdays and Sundays immediately preceding and following December 31.

c. A person shall not use consumer fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of consumer fireworks on that property.

d. A person who violates this subsection commits a simple misdemeanor. A court shall not order imprisonment for violation of this subsection.

5. *Applicability.*

a. This section does not prohibit the sale by a resident, dealer, manufacturer, or jobber of such fireworks as are not prohibited by this section, or the sale of any kind of fireworks if they are to be shipped out of the state, or the sale or use of blank cartridges for a show or the theater, or for signal purposes in athletic sports or by railroads or trucks, for signal purposes, or by a recognized military organization.

b. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

c. Unless specifically provided otherwise, this section does not apply to novelties.

[C39, §13245.08 – 13245.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §732.17 – 732.19; C79, 81, §727.2]

92 Acts, ch 1163, §120; 99 Acts, ch 153, §22; 2008 Acts, ch 1032, §106; 2017 Acts, ch 115, §10, 12

Referred to in §100.1, 101A.1, 331.301, 331.304, 364.2, 461A.42