

NOTICE AND CALL OF PUBLIC MEETING

GOVERNMENTAL BODY: THE CITY COUNCIL OF CRESCO, IOWA
DATE OF MEETING: OCTOBER 17, 2022
TIME AND PLACE OF MEETING: 5:30 P.M. CITY HALL, 130 N PARK PLACE

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: KRIENER, McCONNELL, 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 October 3, 2022
4. Approval of Minutes from October 12, 2022 Special Meeting
5. Approval of Street Closing Permit for Portions of 3rd Ave W, 2nd St W, Alley Between 3rd Ave W and 4th Ave W, and North Elm St for United Methodist Church Swiss Steak Dinner on November 21, 2022
6. Approval of Designated Snowmobile Trail in City Limits for December 1, 2022 through April 1, 2023
7. Approval of Owner-Occupied Housing Contractor Request for Payment #1 for \$11,782.35 for Arlyn Skoda – Skoda Home Improvement

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

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

COMMENTS FROM AUDIENCE: *(This portion of the agenda is for comments that are not related to one of the items listed on the agenda. Comments can only be received. No formal action by the Council can be taken. Those making public comments will be asked to state their name and address, and to speak from the podium.)*

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

1. WHKS to Present the Proposed Downtown Crosswalk Reconstruction Special Assessment Project
2. Resolution Authorizing the Mayor to Enter into an Engagement Agreement with Ahlers & Cooney, P.C. Regarding the Downtown Crosswalk Reconstruction Special Assessment Project
3. Preliminary Resolution for the Construction of Crosswalks, Sidewalks, Pedestrian Ramps and Other Public Improvements in the City of Cresco, State of Iowa
4. Resolution Fixing Values of Lots

5. Resolution Adopting Preliminary Plat and Schedule, Estimate of Cost and Proposed Plans and Specifications for the Construction of the Downtown Crosswalk Reconstruction
6. Resolution of Necessity (Proposed)
7. WHKS to Present the Proposed 7th Street West Reconstruction Special Assessment Project
8. Resolution Authorizing the Mayor to Enter into an Engagement Agreement with Ahlers & Cooney, P.C. Regarding the 7th Street West Reconstruction Special Assessment Project
9. Preliminary Resolution for the Construction of Street, Water, Sanitary Sewer, Storm Sewer and Other Public Improvements in the City of Cresco, State of Iowa
10. Resolution Fixing Values of Lots
11. Resolution Adopting Preliminary Plat and Schedule, Estimate of Cost and Proposed Plans and Specifications for the Construction of the 7th Street West Reconstruction
12. Resolution of Necessity (Proposed)
13. Motion to Award Contract to Dave's Home Improvement for \$52,379 under the Owner-Occupied Housing CDBG Grant
14. Discuss Proposed Eagle Scout Project on King's Road

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 OCTOBER 14, 2022.

Mayor Brenno called the Cresco City Council meeting to order on October 3, 2022, at 5:30 pm. Council Members Kriener, McConnell, Fortune, Bouska, and Carman were present. No council members were absent.

Carman made the motion to approve the consent agenda which included approval of the: agenda; claims; minutes from September 19, 2022. Bouska seconded and it passed all ayes.

Public Works Director Widell reported: (a) another watermain leak on 4th Street West on a short stub that is in very poor condition. Mehmert's is working on a quote to replace the 275 feet; (b) Water Department is flushing hydrants this week so there could be some rusty water around town; (c) today was the first day for the Fall yard waste pick up with four more dates ending November 14th.

Police Chief Ruroden presented the September call report and noted there have been raccoons with distemper. Officer trainings will be done in October. They are anxious for Officer Welper's graduation from the Academy next month.

City Clerk Elton reported: (a) the CIP should be ready this week to email to Council for ranking projects and then a worksession may be needed to discuss. Bouska reported October 13th a free all-day session in Calmar for electric vehicles aimed at business owners but also addressing individual concerns as well. October 17th at 5 pm there will be dedication of the City's new EV Charging Station in Fareway's parking lot before the regular Council meeting.

Brenno reported that he, Rich and Amy met with Bud Johnson at the Pickleball Courts to thank him for his \$20,000 grant for the project. Everyone is excited for how the project turned out and all the generous donations received.

Bouska reported that she and Niki both attended the Iowa League of Cities in Waterloo.

Mayor Brenno asked for comments from the audience. Deb Schmidt voiced concerns regarding the cost of recycling. Dodd Franklin addressed the problem when there is excess recycling that used to be dropped off at the recycling center. Mayor Brenno explained that the City and County are exploring options for recycling.

Hotel/Motel Tax of \$6,220.07 was received this quarter with three applications requesting \$4,500. McConnell made the motion to approve the recommendation of the Tourism Committee and award Hotel/Motel Tax Grant to: Cresco Chamber of Commerce \$1,000 for the Santa Parade; Cresco Theatre \$500 for Looney Lutheran's Christmas Show; Cresco Wildlife Club \$3,000 for new flooring. Kriener seconded and it passed all ayes.

McConnell made the motion to approve the resolution Establishing Electric Vehicle Charging Station Fees. Bouska seconded and it passed all ayes.

Carman made the motion to authorize the City Clerk to sign an Offer of Employment to Amber Yanes for the Billing Clerk Position. Bouska seconded and it passed all ayes.

Discussion was held regarding the Hawkeye Recycling proposal of a ten-year contract for \$4,000 per month from the City of Cresco and also from Howard County with a rate increase of 3% to 10% annually. Hawkeye Recycling would then open the drop-off site like it had been prior to closing the gate. If the proposal is rejected, Hawkeye Recycling will require payment for recycling to be dropped off at the Recycling Center. Curb-side pickup of recycling for residential and commercial accounts will continue regardless of the proposal decision per the agreement between the City and Hawkeye Sanitation. McConnell made the

motion to reject the proposal from Hawkeye Recycling. Bouska seconded and it passed all ayes.

Bouska made the motion to approve the Application for Authorized Collector for Dumpster Services of Non-Recyclable Waste Collection and Recyclable Waste for Commercial and Industrial Customers. Carman seconded and it passed all ayes.

Bouska made the motion to approve the vacation carryover request for Michelle Elton. Carman seconded and it passed all ayes.

Carman moved to adjourn at 6:08 pm. McConnell seconded and it passed all ayes. The next regular Cresco City Council meeting will be October 17, 2022, at 5:30 pm at Cresco City Hall.

Mayor David J. Brenno

City Clerk Michelle Elton

Following is a list of claims approved for payment:

AHLERS&COONEY	Attny	100.50	NEVCO SPORTS	Supp	343.65
ALLIANT	Elect	13,730.61	PATTERSON, KAYLA	DpApply	60.44
BINA, JUDI	DpApply	64.19	PAYROLL CHECKS		90,378.29
BLACK HILLS	Gas	1,762.98	PERRY NOVAK ELEC	Srvc	1,597.73
BLANKENSHIP, JOHN	DpApply	80.00	PETER, GAYLAND	DpApply	69.66
BROWN SUPPLY	Supp	288.00	PETERSON, KERRY	DpApply	61.69
BRUENING	Rock	428.95	POSTMASTER	Postage	829.18
BURGART, SHANAE	DpApply	55.93	POWERS, TINA	DpRf	80.00
CARRICO	Chemis	933.34	PREMIER LIFT	Srvc	450.00
CCT THEATRE	Srvc	200.00	RANCE, DARLA	DpRf	55.93
CITY OF CRESCO	Util	1,147.32	REICKS VIEW FARMS	DpRf	174.23
CPU	Supp	40.00	RUSTAD, CONNOR	DpRf	80.00
CR TPD	Notices	115.83	SANDRY FIRE	Rprs	155.94
CROELL	Concr	256.25	SCHRAMM, TOM	SpcEvt	585.60
CULLIGAN	Srvc	45.03	SOLAR PRO	Solar	4,862.02
DELUXE ECHOSTAR	Movie	160.00	SQUARE	Ccfees	10.41
ELTON, MICHELLE	Mileage	28.75	TEELING, KYLE	DpApply	80.00
EMPL BENE SYS	Fees	232.00	TRUCK COUNTRY	Parts	51.66
EVANS MEMORIAL	Ref	91.80	TURKEY RIVER WINDOW	Srvc	40.00
FLORES MONTERO	DpRf	80.00	VERIZON	Wireless	383.27
FLR SANDERS	Srvc	3,580.50	VERMEER, JUSTIN	Ref	211.82
FOLEY'S CONST	Srvc	736.06	VISA	Trng	41.69
FREIDHOF, KOLTER	DpApply	76.24	WILSON THEATER	Movie	150.00
FROST, TROY L	DpApply	5.54	WINDSTREAM	Phone	1,018.42
GILLETTE PEPSI	Conces	429.23			
GOODER, SIERRA	DpApply	64.11	GENERAL		72,731.05
GOSCH'S	Srvc	330.00	FIRE STATION BLDG		320.24
HAMMER, ASHLEY	DpRf	80.00	STREET TRUST		1,597.73
HEWETT	Conces	346.50	CRESCO COMM FIRE		9,304.37
HORNE, NEDRA	DpApply	80.00	ROAD USE TAX		14,083.44
HURST, JOE	DpApply	55.93	EMPLOYEE BENEFITS		310.75
IA DNR	Fees	115.00	RECREATION SUPPLY		3,580.50
IA DOT	Oil	705.00	WATER		16,540.72
KIRKWOOD	Trng	110.00	WATER DEPOSIT		1,463.75
LINGBECK, JEFFREY	DpApply	62.23	SEWER OPERATIONS		9,584.11
MARCO	Rprs	116.25	CAPITAL IMPROVE		21.97
MAYER, BRANDON	DpApply	55.93	YARDWASTE		202.69
MEINECKE, JEFF	Reimb	41.28			
METERING&TECH	Supp	1,036.90	Total Expenditures		129,741.32
NE IA MOTORS	Srvc	45.58	Revenues 9/20-10/3/2022		186,646.97
NEUZIL, KEVIN	DpApply	55.93			

Mayor Brenno called the Cresco City Council special meeting to order on October 12, 2022, at 5:15 pm. Council Members Kriener, McConnell, Fortune, Bouska, and Carman were present. No council members were absent.

Mayor Brenno asked for comments from the audience and there were none.

Paul Gamez introduced himself as the Attorney representing Hawkeye Sanitation and Ross, Julian and Lucas Merritt. He pointed out that the City of Cresco and Hawkeye Sanitation had a long relationship working together for more than 30 years. Attorney Gamez pointed out certain sections of the current agreement between the City of Cresco and Hawkeye Sanitation that he believes supports the notion that the agreement gives Hawkeye Sanitation exclusive rights to be the collector of all garbage and recycling in the City limits including heavy commercial waste. Attorney Gamez requested time to compile and submit financial information justifying the rate increases for the heavy commercial accounts. He also requested the Council to consider implementing a Dispute Resolution Mechanism with the assurance from Hawkeye Sanitation to participate. He requested that Council consider delaying approval of Permits for Authorized Collectors for Dumpster Services.

Discussion was held between the City Council, Hawkeye Sanitation, the City's Attorney John Anderson, and Hawkeye Sanitation Attorney Paul Gamez.

Bouska made a motion at 6:42 pm to go into closed session pursuant to Iowa Code 21.5(1)(c) to discuss strategy with counsel regarding potential litigation. McConnell seconded and it passed all ayes.

Fortune made a motion at 7:48 pm to go into open session. Bouska seconded and it passed all ayes. No formal action was taken during the closed session.

City Clerk Elton reported the selenium results for the sludge have been received so we are ready to start hauling the sludge out of the large storage tank. Bouska made a motion at 7:51 pm to go into closed session pursuant to Iowa Code 21.5(1)(c) to discuss strategy with counsel regarding potential litigation. Fortune seconded and it passed all ayes.

McConnell made a motion at 8:05 pm to go into open session. Kriener seconded and it passed all ayes. No formal action was taken during the closed session.

McConnell made a motion to table further action on the review and approval of permit applications for authorized collectors for dumpster services until the November 21, 2022 Council meeting. Bouska seconded and it passed all ayes.

Council discussed the CIP project listing and agreed to rank the projects individually. The City Clerk will compile the rankings and a worksession will be scheduled to discuss it further.

Carman moved to adjourn at 8:10 pm. Kriener seconded and it passed all ayes. The next regular Cresco City Council meeting will be October 17, 2022, at 5:30 pm at Cresco City Hall.

Mayor David J. Brenno

City Clerk Michelle Elton

STREET CLOSING/PARADE PERMIT

Application Date: 10/11/2022 Name: Cresco United Methodist Church

Mail to Address: 310 N. Elm St. Cresco, IA 52136

Phone Number: church-563-547-2782 or Melodee Balk-563-547-3314

List Streets to Close or Parade Route: See attached paper

Reason for Closure: See attached paper

Event Date: Nov. 21, 2022 Time: (from) 3:30 (to) 6:00 P.M.

Signature of Applicant: Melodee K. Balk

INCLUDE A MAP MARKING THE STREET OR STREETS YOU WISH TO HAVE CLOSED AND THE INDEMNITY AND HOLD HARMLESS AGREEMENT

PARADE REGULATIONS ARE LISTED BELOW.

60.08 PARADES REGULATED. No person shall conduct or cause any parade on any street except as provided herein:

1. "Parade" Defined. "Parade" means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.
2. Permit Required. No parade shall be conducted without first obtaining a written permit from the City Council. Such permit shall state the time and date for the parade to be held and the streets or general route therefor. Such written permit granted to the person organizing or sponsoring the parade shall be permission for all participants therein to parade when such participants have been invited by the permittee to participate therein. No fee shall be required for such permit. Permit forms are available at City Hall.
3. Parade Not a Street Obstruction. Any parade for which a permit has been issued as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.
4. Control by Police and Firefighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the Fire Department.

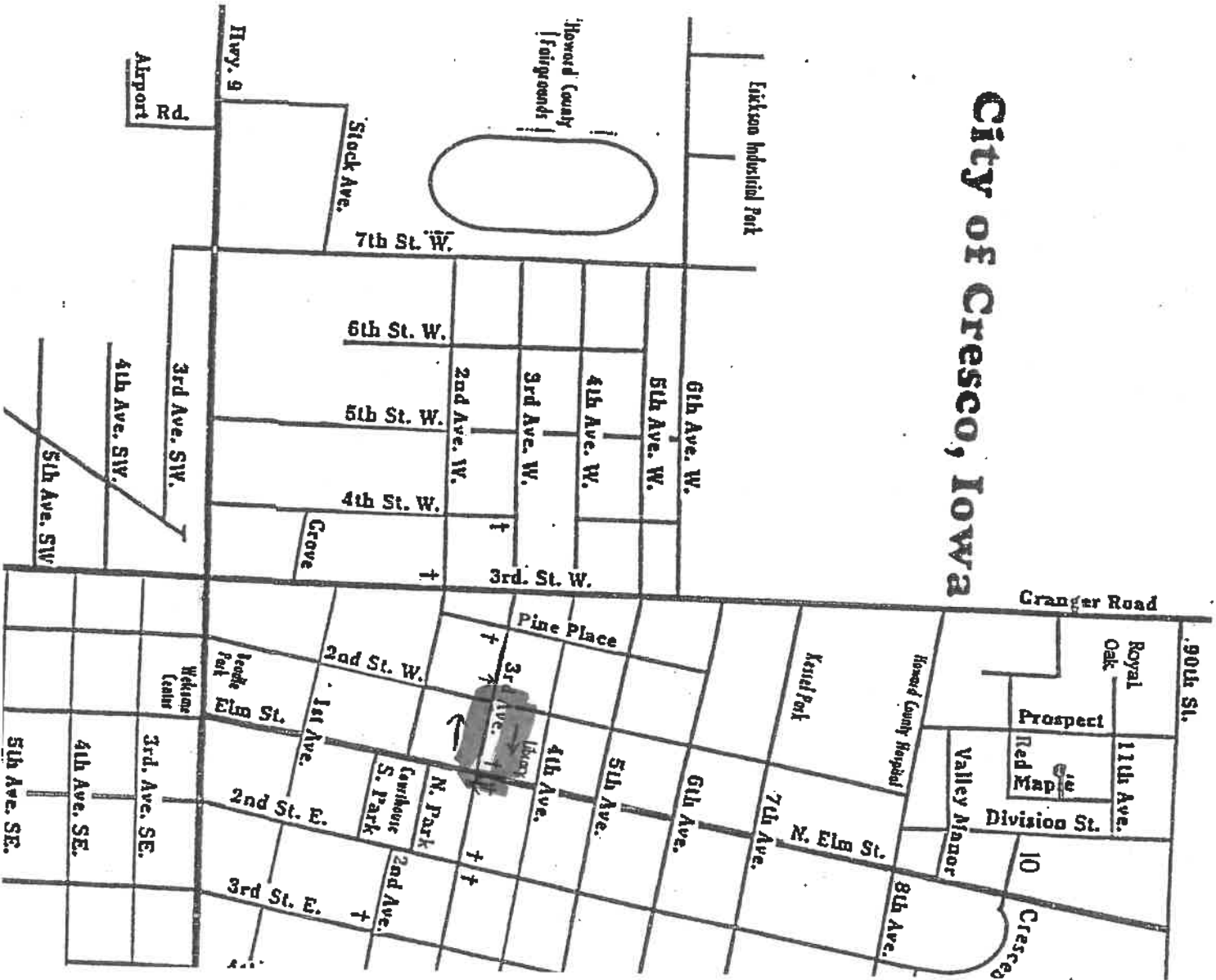
City Council

Date Approved: _____

Signature: _____

CC: Ambulance _____, Police Dept. _____, Fire Dept. _____, Street Dept. _____

CITY OF CRESCO, IOWA



Immanuel and First Lutheran Churches opted for a drive through or curbside pick up for their fall dinners again this year. We, the United Methodist Church, would also like to have a drive through for our fall dinner on Monday, November 21 from 3:30-6:00 P.M. Unlike the two Lutheran Churches who have large parking lots, we do not. So we are proposing an "Around the Corner and Through the Alley" Swiss Steak Dinner. It worked very well last year. The line would start at the corner of the Methodist Church (3rd Ave. & N. Elm), proceed west on 3rd Ave, north on 2nd St. W. and through the alley, and south on North Elm to pick up their dinners by our east entrance. We will have a person by the corner of the church to direct those who want the dinner or for those who want to travel on 3rd Ave. and a person directing traffic from the alley onto N. Elm.

STREET CLOSING/PARADE PERMIT

Application Date: 10/13/22 Name: Drifrunners, Inc.

Mail to Address: 617 4th Ave W; Cresco, IA; 52136

Phone Number: 563-605-0141

List Streets to Close or Parade Route: Permission for Designated Snowmobile Trail - From bike trail to Grove Ave on 4th St. W, then Grove Ave to 3rd St W, then Short Ave to 2nd St SW, then 2nd St SW south to alley by Lindstrom, then the alley east to Super 8 Motel. Also from 7th St W on Stock Ave to HWY 9, then South on Airport Road to the end and south until Vernon Road. Plus through the City Tree Dump Site on the North side of the property. We would also like to groom the bike trail by Fareway at times for sleds to use as a parking lot to get to downtown businesses.

Reason for Closure: Snowmobile Trail in the City of Cresco. The roads will not be closed to cars or trucks, just use for main route through Cresco.

Event Date: From: December 1, 2022 Times (from) _____ (to) April 1, 2023

Signature of Applicant: Brandon Platt 10/13/22

INCLUDE A MAP MARKING THE STREET OR STREETS YOU WISH TO HAVE CLOSED AND THE INDEMNITY AND HOLD HARMLESS AGREEMENT

PARADE REGULATIONS ARE LISTED BELOW.

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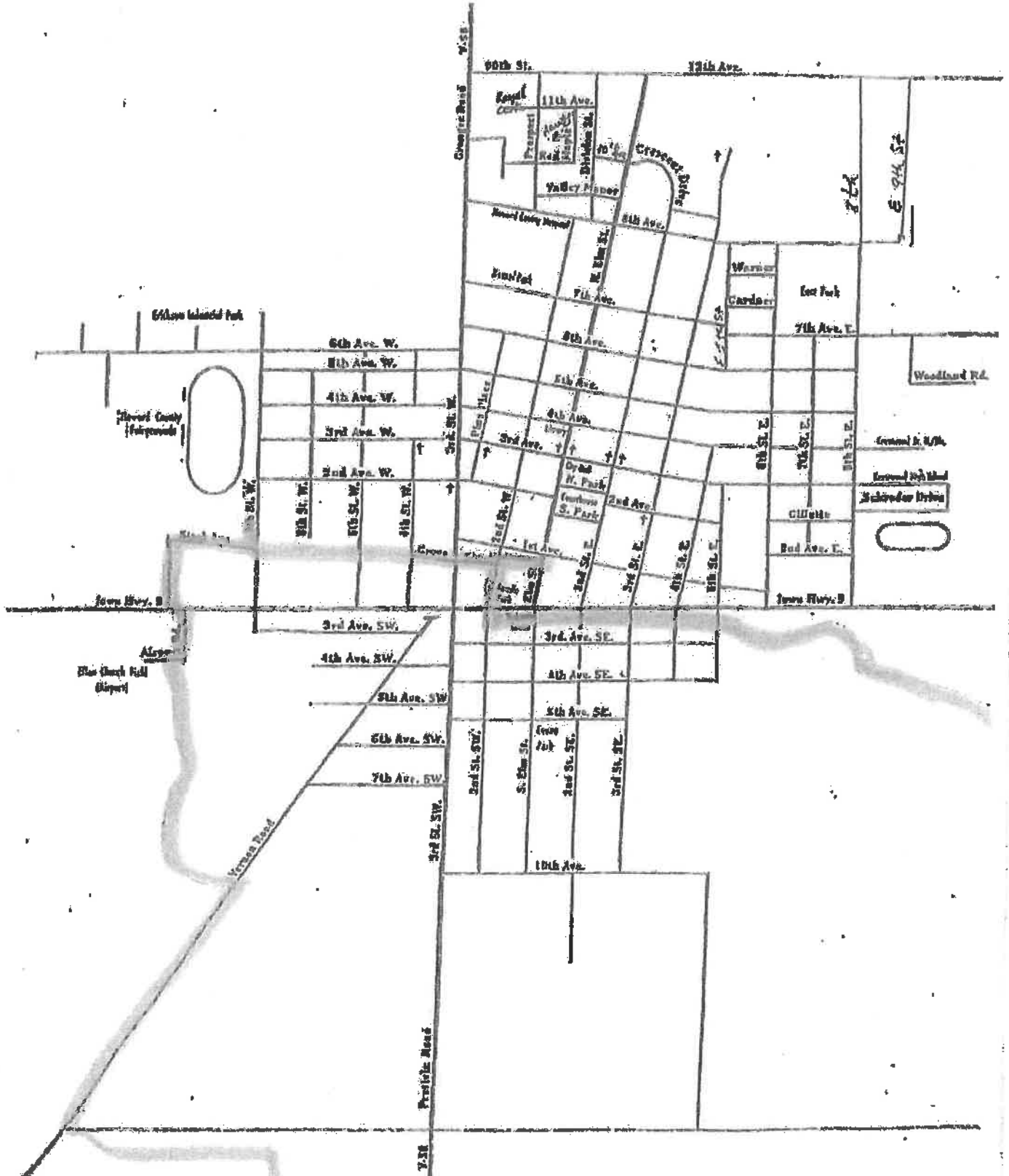
- 1. "Parade" Defined. "Parade" means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.
- 2. Permit Required. No parade shall be conducted without first obtaining a written permit from the City Council. Such permit shall state the time and date for the parade to be held and the streets or general route therefor. Such written permit granted to the person organizing or sponsoring the parade shall be permission for all participants therein to parade when such participants have been invited by the permittee to participate therein. No fee shall be required for such permit. Permit forms are available at City Hall.
- 3. Parade Not a Street Obstruction. Any parade for which a permit has been issued as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.
- 4. Control by Police and Firefighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the Fire Department.

City Council

Date Approved: _____ Signature: _____

CC: Ambulance _____, Police Dept. _____, Fire Dept. _____, Street Dept. _____

City of Cresco, Iowa



PAY REQUEST

TO: City of Cresco
PROJECT: _____

DATE: 10/6/21
PAY REQUEST NUMBER: 1

CONTRACT BREAKDOWN	ORIGINAL CONTRACT AMOUNT	CHANGE ORDERS	ADJUSTED CONTRACT AMOUNT	% COMP.	VALUE OF WORK COMPLETED
Cement Slope	\$ 355.00				
Roof	11,430.00	(Deduction if sheathing not needed on entire roof) *	10,039.00	100%	11,430 10,039.00
Rear Sloped Roof	498.00				
Trim	3,495.00	CO #1 - Delete (\$3,495.00)	0.00	---	0.00
Replacement Windows	3,170.00				
Window Removal	498.00				
Dryer Vent	100.00				
Electrical	6,105.00				
Lead Hazard Reduction	1.00			50%	3052.50
TOTAL	\$25,652.00				

Net Contract Amount to Date \$ 25,652.00 20,766.00
 Total Value of Work Completed \$ 14,482.50 13,091.50
 10% Retained (10% / Final-0%) \$ 1,448.25 1,309.15
 Value of Work Completed Less Retained \$ 13,034.25 11,782.35
 Less Total Previously Certified \$ 0.00
AMOUNT DUE THIS REQUEST \$ 13,034.25 11,782.35

Diane Peterson
 OWNER: Diane Peterson
Alyn Skoda
 CONTRACTOR: Alyn Skoda - Skoda Home Improvement
A. Hivajsw
 APPROVED: Program Inspector
 APPROVED: City of Cresco

(CITY: Please hold check until authorization received from Melanie to release. Thank you!)

* CO #2 - Sheathing not needed on entire roof. Deduction of \$1,391.00.

REQUEST FOR CHANGE ORDER - NO. 2

PROJECT _____

Owner: _____
Address: _____
Cresco IA 52136

Contractor: Skoda Home Improvement
Address: 611 - 3rd Ave. E.
Cresco IA 52136

TYPE OF REQUEST _____

CHANGE IN SPECS
 DECREASE IN CONTRACT AMOUNT \$1,391.00

REASON FOR REQUEST: Sheathing was not needed on entire roof. Contractor stated that he used two (2) square on south front in a couple rotted areas.
Bid provided was same price for both with sheathing and without sheathing. Bid documents state: If contractor does not provide Alternate cost, or a fair, reasonable cost without sheathing, Simmering-Cory will determine the cost based on area footage and current (average) sheathing cost.
Roof is 12.7 sq. We have seen average at \$114.00 - \$130.00 per sq for sheathing, therefore sheathing cost calculated at \$1,651.00. Payment authorized for two (2) square - \$260.00. Remainder of \$1,391.00 deducted.

Adjusted Contract Amount	\$	<u>22,157.00</u>
Decrease Amount	\$	<u>1,391.00</u>
Adjusted Contract Amount	\$	<u>20,766.00</u>

Contractor's Signature: _____ Date: _____

Inspector's Signature: _____ Date: _____

Owner's Signature: _____ Date: _____

City Signature: _____ Date: _____

**CITY OF CRESCO
CASH & INVESTMENT BY FUND
AS OF SEPTEMBER 30, 2022**

	CASH BALANCE	MONEY MKT BALANCE	CD BALANCE	OTHER BANK BALANCE	FUND BALANCE
001 General Fund	3,482.19	1,162,000.00	-	-	1,165,482.19
001 General Fund - Theatre	-	-	-	5,001.05	5,001.05
001 General Fund - Credit Card Processing	-	-	-	3,500.00	3,500.00
001 General Fund - RAGBRAI	-	-	9,043.61	-	9,043.61
002 General Fund-Hotel/Motel	124.93	31,000.00	-	-	31,124.93
022 Local Option Tax Project	3,771.93	1,833,000.00	-	-	1,836,771.93
060 EV Charging Station	462.26	9,000.00	-	-	9,462.26
065 Nuisance House Fund	179.00	11,000.00	-	-	11,179.00
078 Fire Station Building	16.61	4,000.00	-	-	4,016.61
087 Equipment Replace	373.20	34,000.00	-	-	34,373.20
090 Office/Computer Equip.	236.12	26,000.00	-	-	26,236.12
091 Street Equipment Trust	1,912.53	115,000.00	-	-	116,912.53
092 Theatre Trust	429.20	65,000.00	-	-	65,429.20
094 Airport Trust	924.55	85,000.00	-	-	85,924.55
098 Cresco Community Fire	944.79	71,000.00	-	-	71,944.79
110 Road Use Tax Fund	527.35	714,000.00	-	-	714,527.35
112 Employee Benefits Trust	1,918.72	740,000.00	-	-	741,918.72
119 Emergency Fund	320.74	3,000.00	-	-	3,320.74
160 CIDC/CityRevol.Loan-bus.	605.81	117,000.00	-	-	117,605.81
177 Police Forfeiture Fund	240.13	-	-	-	240.13
182 Rehab Housing	433.44	60,000.00	-	-	60,433.44
183 Equip.Repair-Fitness Ctr	748.05	44,000.00	-	-	44,748.05
184 City Park Trust	152.31	14,000.00	-	-	14,152.31
185 Recreation Supply	467.45	12,000.00	-	-	12,467.45
186 Park Tree Trust	643.60	4,000.00	-	-	4,643.60
188 Fire Equipment Trust	1,003.16	65,000.00	-	-	66,003.16
189 Library Trust	757.41	89,000.00	-	-	89,757.41
200 Debt Service Fund	947.54	134,000.00	-	-	134,947.54
322 Scene Shop Project Fund	716.10	13,000.00	-	-	13,716.10
323 ARPA Grant Project	1,061.97	450,000.00	-	-	451,061.97
324 Downtown Crosswalk Project	457.96	8,000.00	-	-	8,457.96
600 Water Utility Fund	1,396.82	468,000.00	-	-	469,396.82
601 Water Deposit Trust	567.25	33,000.00	-	-	33,567.25
602 Water Utility Replacement	1,087.24	426,000.00	-	-	427,087.24
610 MSSU Revenue	2,348.25	671,000.00	-	-	673,348.25
612 MSSU Operation/Maint	451.81	-	-	-	451.81
613 MSSU Replacement	2,379.31	1,141,000.00	-	-	1,143,379.31
614 MSSU Rev.Bond Int	281.05	36,000.00	-	-	36,281.05
620 Cap Imp Water, Sewer, Storm	720.27	139,000.00	-	-	139,720.27
670 Yard Waste Fund	1,017.23	83,000.00	-	-	84,017.23
820 Health Ins Partial Self Fund	-	-	70,000.00	67,281.24	137,281.24
Totals	34,108.28	8,910,000.00	79,043.61	75,782.29	9,098,934.18
	0%	98%	1%	1%	<u>9,098,934.18</u>

Checking - Cresco Bank & Trust (operating)	0.10%	34,108.28
Checking - CB&T (credit cards)	0.00%	3,500.00
Theatre Checking (CB&T)	0.00%	5,001.05
Money Market - Cresco Bank & Trust	2.02%	8,910,000.00
MMKT Hlth Ins Partial Self Funded	1.51%	67,281.24
CD RAGBRAI - 3 yr - matures 9/14/23 (CUSB)	0.65%	9,043.61
CD Safe-T-Fund -1 yr - matures 11/17/22	0.30%	70,000.00
CD - 1 year - matures 8/16/22 (CUSB)	0.35%	<u>0.00</u>

Eligible for Exchange Rate - 1 time higher interest rate

\$ 9,098,934.18

CITY OF CRESCO
 REVENUE REPORT
 CALENDAR 9/2022, FISCAL 3/2023

PCT OF FISCAL YTD 25.0%

ACCOUNT NUMBER	ACCOUNT TITLE	MTD BALANCE	YTD BALANCE	BUDGET	% RECEIVED
	GENERAL TOTAL	215,425.95	476,920.07	3,451,995.00	13.82
	HOTEL/MOTEL TAX TOTAL	.00	6,220.07	20,000.00	31.10
	LOST PROJECT TOTAL	102,146.28	199,685.72	538,000.00	37.12
	EV CHARGING STATION TOTAL	14.91	20,025.51	41,200.00	48.61
	NUISANCE HOUSE TOTAL	18.22	4,936.71	12,000.00	41.14
	FIRE STATION BUILDING TOTAL	127.92	6,967.23	13,900.00	50.12
	EQUIPMENT REPLACEMENT TOTAL	56.32	120.67	4,100.00	2.94
	OFFICE EQUIPMENT TOTAL	43.07	98.00	100.00	98.00
	STREET TRUST TOTAL	3,964.24	6,526.70	42,500.00	15.36
	THEATRE TRUST FUND TOTAL	957.68	1,158.56	74,300.00	1.56
	AIRPORT TRUST FUND TOTAL	99,771.81	99,771.81	130,250.00	76.60
	CRESCO COMMUNITY FIRE TOTAL	9,628.59	37,006.01	90,500.00	40.89
	ROAD USE TAX TOTAL	60,974.75	141,783.67	570,000.00	24.87
	EMPLOYEE BENEFITS TOTAL	50,672.73	63,905.55	645,900.00	9.89
	EMERGENCY FUND TOTAL	2,961.40	3,320.74	37,500.00	8.86
	LOCAL OPTION SALES TAX TOTAL	110,122.01	215,263.60	580,000.00	37.11
	REVOLVING LOAN TOTAL	3,271.15	9,558.58	50,500.00	18.93
	REHAB HOUSE TOTAL	2,599.39	2,668.12	.00	.00
	FITNESS CENTER TRUST TOTAL	1,272.87	14,172.61	17,400.00	81.45
	PARK TRUST TOTAL	111,123.19	131,917.37	242,300.00	54.44
	RECREATION SUPPLY TOTAL	19.88	34.02	10,000.00	.34
	PARK TREE TRUST TOTAL	6.63	11.34	.00	.00
	FIRE EQUIPMENT TOTAL	237.68	3,392.15	12,000.00	28.27
	LIBRARY TOTAL	147.43	5,162.12	9,900.00	52.14
	DEBT SERVICE TOTAL	32,970.39	46,441.71	340,500.00	13.64
	SCENE SHOP PROJECT TOTAL	21.54	36.86	.00	.00
	ARPA GRANT PROJECT FUND TOTAL	745.45	280,662.92	278,600.00	100.74
	DOWNTOWN CROSSWALKS TOTAL	13.25	26.21	600,000.00	.00
	WATER TOTAL	56,886.78	172,630.25	616,100.00	28.02
	WATER DEPOSIT TOTAL	1,120.00	3,580.00	13,000.00	27.54
	WATER EQUIPMENT REPLACE TOTAL	760.37	1,571.20	156,300.00	1.01
	SEWER TOTAL	76,856.15	278,776.25	1,021,300.00	27.30
	SEWER OPERATIONS TOTAL	95,000.00	261,000.00	949,800.00	27.48
	SEWER REPLACEMENT PROJ TOTAL	1,890.14	3,773.70	93,000.00	4.06
	SEWER SINKING TOTAL	59.64	134.85	29,000.00	.47
	PROPRIETARY CAP IMPROVE TOTAL	6,633.93	20,361.57	81,200.00	25.08
	YARDWASTE TOTAL	3,443.36	10,150.29	39,100.00	25.96
	SELF INSURANCE TOTAL	4,043.30	12,105.03	.00	.00
	TOTAL REVENUE BY FUND	1,056,008.40	2,541,877.77	10,812,245.00	23.51

CITY OF CRESCO
 BUDGET REPORT - *Expenses*
 CALENDAR 9/2022, FISCAL 3/2023

ACCOUNT NUMBER	ACCOUNT TITLE	MDT BALANCE	YTD BALANCE	BUDGET	% SPENT
	GENERAL TOTAL	449,916.65	928,528.41	3,676,500.00	25.26
	HOTEL/MOTEL TAX TOTAL	3,000.00	12,750.00	20,000.00	63.75
	LOST PROJECT TOTAL	35,836.00	90,119.00	643,000.00	14.02
	EV CHARGING STATION TOTAL	.00	10,563.25	31,200.00	33.86
	NUISANCE HOUSE TOTAL	831.57	879.57	12,000.00	7.33
	FIRE STATION BUILDING TOTAL	5,580.21	6,814.55	15,300.00	44.54
	EQUIPMENT REPLACEMENT TOTAL	.00	.00	1,000.00	.00
	OFFICE EQUIPMENT TOTAL	.00	.00	11,000.00	.00
	STREET TRUST TOTAL	1,621.45	1,621.45	25,000.00	6.49
	THEATRE TRUST FUND TOTAL	850.00	850.00	79,300.00	1.07
	AIRPORT TRUST FUND TOTAL	1,100.00	101,951.76	256,500.00	39.75
	CRESCO COMMUNITY FIRE TOTAL	30,859.24	32,875.88	95,500.00	34.43
	ROAD USE TAX TOTAL	48,071.46	137,230.66	576,400.00	23.81
	EMPLOYEE BENEFITS TOTAL	52,671.57	143,392.92	655,900.00	21.86
	EMERGENCY FUND TOTAL	.00	.00	37,500.00	.00
	LOCAL OPTION SALES TAX TOTAL	110,122.01	215,263.60	580,000.00	37.11
	REVOLVING LOAN TOTAL	.00	.00	50,000.00	.00
	REHAB HOUSE TOTAL	.00	2,663.13	74,000.00	3.60
	FITNESS CENTER TRUST TOTAL	5,000.00	5,000.00	25,000.00	20.00
	PARK TRUST TOTAL	117,786.17	121,133.69	241,000.00	50.26
	RECREATION SUPPLY TOTAL	.00	.00	10,000.00	.00
	PARK TREE TRUST TOTAL	.00	.00	1,800.00	.00
	FIRE EQUIPMENT TOTAL	.00	.00	10,000.00	.00
	LIBRARY TOTAL	.00	.00	7,000.00	.00
	DEBT SERVICE TOTAL	.00	750.00	340,500.00	.22
	DOWNTOWN CROSSWALKS TOTAL	2,904.70	5,310.70	600,000.00	.89
	WATER TOTAL	46,552.95	116,576.30	637,200.00	18.30
	WATER DEPOSIT TOTAL	1,167.49	3,453.90	13,000.00	26.57
	WATER EQUIPMENT REPLACE TOTAL	.00	17,121.10	133,100.00	12.86
	SEWER TOTAL	95,000.00	261,000.00	1,069,800.00	24.40
	SEWER OPERATIONS TOTAL	95,509.39	260,967.66	959,400.00	27.20
	SEWER REPLACEMENT PROJ TOTAL	43,982.24	49,913.35	127,000.00	39.30
	SEWER SINKING TOTAL	.00	.00	28,900.00	.00
	PROPRIETARY CAP IMPROVE TOTAL	15,244.53	26,733.33	41,900.00	63.80
	YARDWASTE TOTAL	17,421.69	18,776.20	38,900.00	48.27
	SELF INSURANCE TOTAL	2,912.18	8,105.90	.00	.00
	TOTAL EXPENSES BY FUND	1,183,941.50	2,580,346.31	11,124,600.00	23.19

RESOLUTION NUMBER _____

**RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN
ENGAGEMENT AGREEMENT WITH ALHERS & COONEY, P.C.
REGARDING THE DOWNTOWN CROSSWALK RECONSTRUCTION
SPECIAL ASSESSMENT PROJECT**

WHEREAS, the City of Cresco requests services to be rendered by Ahlers & Cooney, P.C. in representing the City of Cresco in connection with the Downtown Crosswalk Reconstruction Special Assessment Project.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor is authorized and directed to sign the Engagement Agreement with Ahlers & Cooney, PC in Des Moines, Iowa.

Council Person _____ moved the adoption of the foregoing Resolution and Council Person _____ seconded said Motion. Following discussion, a roll call vote was requested by Mayor and said roll call resulted as follows:

Ayes: _____

Nays: _____

Absent: _____

Thereupon, the Mayor declared said Resolution duly passed and announced that the Engagement Agreement between the City of Cresco and Ahlers & Cooney, PC for professional services relating to the project described as the Downtown Crosswalk Reconstruction Special Assessment Project is approved and that the Mayor is authorized to execute the agreement on behalf of the City of Cresco.

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

BY: _____
Mayor David J. Brenno

ATTEST: _____
City Clerk Michelle Elton



Ahlers & Cooney, P.C.
Attorneys at Law

100 Court Avenue, Suite 600
Des Moines, Iowa 50309-2231
Phone: 515-243-7611
Fax: 515-243-2149
www.ahlerslaw.com

Kristine Stone
515.246.0314
kstone@ahlerslaw.com

October 7, 2022

VIA EMAIL AND U.S. MAIL

Honorable Mayor and Members of the City Council
City of Cresco
130 North Park Place
Cresco, Iowa 52136-1594

**RE: Downtown Crosswalk Reconstruction
Special Assessment**

Dear Mayor and Members of the City Council:

The purpose of this Engagement Agreement ("Agreement") is to disclose and memorialize the terms and conditions under which services will be rendered by Ahlers & Cooney, P.C. in representing the City of Cresco (the "City") in connection with the above-referenced special assessment project.

I understand the City intends to reconstruct crosswalks, sidewalks and pedestrian ramps in the downtown area and assess certain costs associated with the project to the properties that are specially benefitted by the improvements.

SCOPE OF ENGAGEMENT

We will perform the following services:

1. Review the engineer's preliminary plat and schedule of assessments for compliance with Iowa law;
2. Prepare letters of instructions throughout the special assessment process;
3. Answer questions and advise City staff and Council throughout the special assessment process;

4. Prepare proceedings and documents for initiation of the special assessment project, including:
 - a. Notice of Meeting and partial agenda covering matters below under the open meetings law.
 - b. Proceedings to be acted upon by the City Council in order to commence formal action, including the following:
 - i. Preliminary resolution for construction of street improvements,
 - ii. Resolution fixing value of lots,
 - iii. Resolution adopting preliminary plat and schedule and estimate of costs,
 - iv. Resolution of necessity, and
 - v. Notice of hearing on resolution of necessity
 - c. Certificates to evidence:
 - i. Publication of the Notice to Property Owners.
 - ii. Mailing of the Notice to Property Owners.
5. Prepare proceedings for the hearing on the Resolution of Necessity, including the public meeting notice and separate instructions for its use;
6. Prepare resolution ordering bids, approving plans, specifications and form of contract and notice to bidders, fixing amount of bid security, and ordering the Clerk to publish notice and fixing a date for receiving same, and for a public hearing on plans, specifications, form of contract and estimate of costs;
7. Prepare Certificate for filing of assessment schedule and resolution of necessity with the County Treasurer after adoption of the Resolution of Necessity;
8. Prepare Certificate with respect to agricultural deferment (if applicable);
9. Prepare proceedings to cover the hearing on the plans, specifications and form of contract for the public improvements;
10. Review the Engineer's proposed final assessment plat and schedule for compliance with Iowa law;

11. Prepare proceedings for the final phase of the special assessment project, including:
 - a. Resolution accepting work;
 - b. Resolution ordering preparation of final plat and schedule of assessments;
 - c. Resolution adopting and levying final schedule of assessments;
 - d. Certificate of levy of assessments to be filed by the Clerk with the County Treasurer;
 - e. Notice of filing final Plat and Schedule of Assessments to be published and mailed to each property owner;
 - f. Certificate regarding publication of notice;
 - g. Certificate regarding mailing of notice;
 - h. Special Assessment Collection Statement; and
 - i. Mailing instructions.

Our duties under this particular engagement are limited to those expressly set forth above. Absent a separate engagement agreement regarding one or more of the following services, our duties under this Agreement do not include:

1. Defending any legal challenges to the special assessment;
2. Reviewing, revising, or negotiating the City's contract with its architect or engineer;
3. Reviewing and revising the terms and conditions of the City's contract for construction of the public improvements; and
4. Any bond (finance) related services.

ATTORNEY-CLIENT RELATIONSHIP

Upon execution of this Agreement, the City will be our client and an attorney-client relationship will exist between us for the above referenced special assessment project. Our services are limited to those contracted for in this letter and the City's execution of this Agreement will constitute an acknowledgement of those limitations. Our representation of the City and the attorney-client relationship established by this Agreement will be concluded upon payment of our final invoice.

FEES

We will charge a flat fee for services rendered under this Agreement. Our fee should not exceed \$7,540. If we determine that an adjustment of our fee is necessary, we will advise you. Such adjustment might be necessary in the event that (a) either the Project Engineer or City staff fails to comply with the requirements of Iowa Code Chapter 384; (b) there is insufficient cooperation and coordination from the project engineer; and / or (c) unusual or unforeseen circumstances arise which require a significant increase in the services rendered, such as personal attendance at meetings, significant travel, or unexpected revision of the above referenced documents. Typically, personal attendance at Council meetings is not necessary in order to provide the services outlined above. We will, however, attend Council meetings in the event that circumstances require.

In addition to the flat fee quoted above, we will bill the City for all expenses incurred on its behalf, such as travel cost reimbursement, photocopying, deliveries and other related expenses. We estimate that such charges will not exceed \$500. We will contact you prior to incurring expenses that exceed that amount.

Our statement for services and expenses will be sent after publication of the second notice of filing of the Final Plat and Schedule of Assessments. Payment is due and payable within thirty (30) days of receipt of the invoice.

If, for any reason, the City terminates the engagement governed by this Agreement before the special assessment is levied or, if the project is cancelled, we will bill the City for the services rendered as of the date of termination based on the hourly rates of those who provided services. The fees charged by the Firm for this representation will be based on the current hourly rate of the person performing the service at the time services are performed. We will also bill you for all expenses we have incurred as outlined above. My hourly rate for 2022 is \$260. Services performed on your behalf by legal assistants will be billed at \$125 per hour. The Firm's billing rates are reviewed, and sometimes revised, annually in January. Accordingly, these rates are subject to change in January of each year.

RECORDS

At the City's request, any documents furnished by the City will be returned promptly upon receipt of payment for outstanding fees and client charges. Our own files, including lawyer work product, pertaining to the above referenced project will be retained by us. For various reasons, including the minimization of unnecessary storage expenses, we reserve the right to dispose of any documents or other material retained by us after the termination of this engagement.

APPROVAL

Please carefully review the terms and conditions of this Agreement. If this Agreement accurately reflects the terms of this particular engagement, please obtain approval by your governing body, and execute, date and return to me the enclosed copy of this Agreement. Please retain the original for your file.

If you have questions regarding any aspect of the above or our representation, please do not hesitate to contact me. We appreciate the opportunity to represent the City of Cresco and we look forward to working with you on this matter.

Sincerely,

AHLERS & COONEY, P.C.

By */s/ Kristine Stone*

Kristine Stone

Accepted and approved on behalf of the City Council*

By: _____ Dated: _____
Title: Mayor

*Authorized by Roll Call _____ approved on _____, _____.

Council Member _____ introduced the following Resolution entitled "PRELIMINARY RESOLUTION FOR THE CONSTRUCTION OF CROSSWALKS, SIDEWALK, PEDESTRIAN RAMP AND OTHER PUBLIC IMPROVEMENTS IN THE CITY OF CRESCO, STATE OF IOWA", and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called, and the vote was:

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the Resolution duly adopted as follows:

PRELIMINARY RESOLUTION FOR THE CONSTRUCTION OF
CROSSWALKS, SIDEWALK, PEDESTRIAN RAMP AND
OTHER PUBLIC IMPROVEMENTS IN THE CITY OF CRESCO,
STATE OF IOWA

WHEREAS, this Council, after a study of the requirements, is of the opinion that it is necessary and desirable that crosswalks, sidewalk, pedestrian ramps and other public improvements be constructed within the City of Cresco, State of Iowa, as hereinafter described; and

WHEREAS, it is proposed that the project be constructed as a single improvement under the authority granted by Division IV of Chapter 384, Code of Iowa:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CRESCO, STATE OF IOWA:

Subdivision A. That the City of Cresco, State of Iowa, construct crosswalks, sidewalk, pedestrian ramps and other public improvements, as hereinafter described.

Removal of the colored crosswalks on Elm Street from 1st Avenue to 3rd Avenue. The crosswalk will be replaced with colored or non-colored concrete as directed by the City.

Removal of sidewalk from the existing building face to the curb and the removal of a two foot section of curb on Elm Street from 1st Avenue to 3rd Avenue. The curb and sidewalks will be reconstructed to be ADA compliant. Pedestrian ramps will also be constructed per ADA requirements at all intersections and crosswalks.

Storm Sewer intakes will be reconstructed or modified as needed to conform to ADA requirements.

Subdivision B. The beginning and terminal points of the improvements shall be as follows:

North Elm Street from 1st Avenue to 3rd Avenue

Subdivision C. That William K. Angerman, P.E. of Rochester, Minnesota, having been employed as Engineer to prepare plats, schedules, estimates, plans and specifications and otherwise to act in the capacity with respect to the project is hereby ordered to prepare and file with the Clerk preliminary plans and specifications and estimates of the total cost of the work and the plat and schedule of special assessments against benefited properties.

Subdivision D. That this Council hereby determines that all property within the area hereinafter described will be specially benefited by the improvements, to-wit:

All parcels abutting Elm Street beginning at the south right-of-way line of 1st Avenue and ending at the north right-of-way line of 3rd Avenue as shown on the preliminary assessment plat. The parcels are listed below:

S 25' LOTS 5 & 6 BLK 16 CRESCO PLAT INCL EASEMENT BK: 40PG: 619
N 25' S50' LOTS 5 & 6 BLK 16 CRESCO PLATEX EXCEPTION (SEE DEED)
N 25' S 1/2 LOTS 5 & 6 BLK 16 CRESCO PLAT
S 25' N 1/2 LOTS 5 & 6 BLK 16 CRESCO PLAT
LOTS 14, 15 & 16 BLK17 CRESCO PLAT
S 25' N 50' LOTS 5 & 6 BLK 16 CRESCO PLAT
N 25' LOTS 5 & 6 BLK 16 CRESCO PLAT
S 25' LOTS 1, 2 & 3 BLK 17 CRESCO PLAT
N 25' S 50' LOTS 1, 2 & 3 BLK 17 CRESCO PLAT
S 25' E 40' LOT 3 & S 22' LOT 4 BLK 16 CRESCO PLAT
N 25' S 1/2 LOTS 1, 2 & 3 BLK 17 CRESCO PLAT
S 52' LOTS 1 & 2; W 10' S 52' LOT 3; N 27' S 52' E 40' LOT 3 & N 30' S 52' LOT 4 BLK 16 CRESCO PLAT
S 25' N 1/2 LOTS 1 & 2 & S 23' N 1/2 LOT 3 BLK 17 CRESCO PLAT
N 25' S 77' LOTS 1, 2, 3, & 4 BLK 16 CRESCO PLAT
S 25' N 50' LOTS 1& 2 BLK 17 CRESCO PLAT
E 11' N 23' S 100' LOT 2 & N 23' S 100' LOTS 3 & 4 BLK 16 CRESCO PLAT
S 25' N 50' LOTS 2, 3 & 4 EX W 22' LOT 2 BLK 16 CRESCO PLAT
LOT A BLK 17 CRESCO PLAT
N 23' S 100' LOT 1; N 25' EX W 22', N 10' W 22' EX W 2' S 7' N 10' & N 23' W 39' S 100' LOT 2; N 25' LOTS 3 & 4 BLK 16 CRESCO PLAT
LOT 4 BLK 4 PARK ADDN
S 2/3 LOT 3 BLK 4 PARK ADDN
S 1/3 LOT 2 & N 1/3 LOT 3 EX W 27 1/2' BLK 4 PARK ADDN
N 2/3 LOT 2 BLK 4 EX W 27 1/2' N 16 2/3' PARK ADDN
E 122 1/2' LOT 1 BLK 4 PARK ADDN
S 2 1/2' LOT 3 EX W 15' & ALL LOT 4 EX W 15' BLK 3 PARK ADDN
N 22 1/2' LOT 3 EX W 15' BLK 3 PARK ADDN
LOT 1 EX W 15' & LOT 2 EX W 15' BLK 3PARK ADDN

S 50' LOTS 15 & 16 BLK 11 CRESCO PLAT
S 25' LOTS 9, 10 & 11 EX W 15' LOT 11 BLK 12 CRESCO PLAT
N 25' S 1/2 W 40' LOT 14 & N 25' S 1/2 LOTS 15 & 16 BLK 11 CRESCO PLAT
N 25' S 50' LOTS 9, 10 & 11 EX W 15' LOT 11 BLK 12 CRESCO PLAT
S 25' N 1/2 W 40' LOT 14 & S 25' N 1/2 LOTS 15 & 16 BLK 11 CRESCO PLAT
N 25' S 1/2 LOTS 9, 10 & 11 EX W 15' LOT 11 BLK 12 CRESCO PLAT
S 25' N 50' W 40' LOT 14 & S 25' N 50' LOTS 15 & 16 BLK 11 CRESCO PLAT
S 1/2 N 75' LOTS 9, 10 & 11 EX W 15' LOT 11 BLK 12 CRESCO PLAT
LOT A BLK 11 CRESCO PLAT
N 1/2 N 75' LOTS 9, 10 & 11 EX W 15' LOT 11 BLK 12 CRESCO PLAT
S 25' LOTS 1, 2 & 3 BLK 11 CRESCO PLAT
N 25' S 50' LOTS 1, 2 & 3 BLK 11 CRESCO PLAT
S 25' E 40' LOT 7 & S 25' LOT 8 BLK 12 CRESCO PLAT
N 25' S 1/2 1, 2 N 25' W 26' S 1/2 L 3 BLK 11 CRESCO PLAT
N 25' S 50' E 40' LOT 7 & N 25' S 50' LOT 8 BLK 12 CRESCO PLAT
N 25' S 1/2 E 40' LOT 7 & N 25' S 1/2 LOT 8 BLK 12 CRESCO PLAT
S 25' N 1/2 E 40' LOT 7 & S 25' N 1/2 LOT 8 BLK 12 CRESCO PLAT
S 50' N 1/2 LOTS 1 & 2 E 40' N 25' LOT 2 & W 26' N 1/2 LOT 3 BLK 11 CRESCO PLAT
N 25' LOT 1 & N 25' W 10' LOT 2 BLK 11 CRESCO PLAT
N 50' E 40' LOT 7 & N 50' LOT 8 BLK 12 CRESCO PLAT
HOWARD COUNTY COURTHOUSE

Subdivision E. The improvement shall be designated as the "Downtown Crosswalk Reconstruction", and such name shall be a sufficient designation to refer to the improvement in all subsequent proceedings.

PASSED AND APPROVED this 17th day of October, 2022.

Mayor

ATTEST:

City Clerk

Council Member _____ introduced the following Resolution entitled "RESOLUTION FIXING VALUES OF LOTS" and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called, and the vote was:

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the Resolution duly adopted as follows:

RESOLUTION FIXING VALUES OF LOTS

WHEREAS, this Council after full investigation, has arrived at a determination of the value of each lot located within the Downtown Crosswalk Reconstruction, the valuation being set forth in a preliminary schedule entitled "Downtown Crosswalk Reconstruction", under the column therein headed "Council Values":

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CRESCO, STATE OF IOWA:

That the schedule of values, hereinabove referred to, be and the same is adopted as the valuations of the lots, with the proposed public improvements completed, within the boundaries of the improvements and the Clerk is hereby directed to forthwith deliver the same to William K. Angerman, P.E., the Engineer, for the project, the Engineer to insert the values in the schedule of assessments which is to be prepared and filed with this Council.

PASSED AND APPROVED this 17th day of October, 2022.

Mayor

ATTEST:

City Clerk

Council Member _____ introduced the following Resolution entitled "RESOLUTION ADOPTING PRELIMINARY PLAT AND SCHEDULE, ESTIMATE OF COST AND PROPOSED PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE DOWNTOWN CROSSWALK RECONSTRUCTION" and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called, and the vote was:

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the Resolution duly adopted as follows:

RESOLUTION ADOPTING PRELIMINARY PLAT AND
SCHEDULE, ESTIMATE OF COST AND PROPOSED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
DOWNTOWN CROSSWALK RECONSTRUCTION

WHEREAS, this Council has caused to be prepared a preliminary plat, schedule and estimate of cost, together with plans and specifications, for the construction of the Downtown Crosswalk Reconstruction, and this Council has fixed the valuations of the property proposed to be assessed as shown therein; and

WHEREAS, the Council finds that each lot separately assessed in the schedule of assessments meets the definition of a lot as described in Section 384.37(10), Code of Iowa, or in the case of lots consisting of multiple parcels that the parcels have been assembled into a single unit for the purpose of use or development; and

WHEREAS, the plat and schedule, estimate of cost and plans and specifications appear to be proper for the purpose intended:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CRESCO, STATE OF IOWA:

That the plat and schedule, estimate of cost and plans and specifications be and the same are hereby adopted as the proposed plat, schedule, estimate of cost and plans and specifications for the improvements and are hereby ordered placed on file with the Clerk for public inspection.

BE IT FURTHER RESOLVED, that the boundaries of the District for the making of the improvements, as shown in the Engineer's plat, be and the same are hereby fixed as the boundaries for the Downtown Crosswalk Reconstruction.

PASSED AND APPROVED this 17th day of October, 2022.

Mayor

ATTEST:

City Clerk

Council Member _____ introduced the following Resolution entitled "RESOLUTION OF NECESSITY (PROPOSED)", and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called, and the vote was:

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the Resolution duly adopted as follows:

RESOLUTION OF NECESSITY (PROPOSED)

WHEREAS, preliminary plans and specifications and plat and schedule and estimate of cost are now on file in the office of the Clerk showing the boundaries of the District, containing the properties and lots to be assessed, locations of the improvements, each lot proposed to be assessed, together with a valuation of each lot as fixed by the Council, an estimate of the cost of the entire proposed improvements, stating the cost of each type of construction and kind of materials to be used, and an estimate of the amount proposed to be assessed against each lot, for the construction of the Downtown Crosswalk Reconstruction, as hereinafter described, in the City of Cresco, State of Iowa:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CRESCO, STATE OF IOWA:

That it is deemed desirable, advisable and necessary to construct as a single improvement the Downtown Crosswalk Reconstruction, in the City of Cresco, State of Iowa.

The District containing the properties to be assessed is set out and described in the following "Notice to Property Owners", set out in this Resolution.

The improvements within the District are located and described in the following "Notice to Property Owners", set out in this Resolution.

The method of construction shall be by contract.

Costs of the improvements will be assessed to the properties within the boundaries of the District. No property shall be assessed more than it is benefited by the improvements nor more than 25% of its value on the date of its assessment. The assessment may include a ten percent Default and Deficiency Fund, as authorized by Section 384.44, Code of Iowa.

A plat and schedule and estimate of costs are now on file in the office of the Clerk as required by law.

Any difference between the amount which is derived from cash payments made by property owners during the thirty day collection period and the sale of Improvement Bonds issued against assessments on benefited properties and the total cost of the improvements, shall be paid for from the proceeds derived from the issuance and sale of bonds as authorized by Section 384.25, Code of Iowa, and/or from such other funds of the Municipality as may be legally used for such purpose.

BE IT FURTHER RESOLVED, that this Council meet at 5:30 P.M., on the _____ day of November, 2022, in the Council Chambers, City Hall, 130 North Park Place, Cresco, Iowa, for the purpose of hearing property owners subject to assessment and interested parties for or against the improvement, its cost, the assessment, or the boundaries of the District. Unless a property owner files objections with the Clerk at the time of the hearing on this Resolution, he shall be deemed to have waived all objections pertaining to the regularity of the proceedings and the legality of using special assessment procedure.

BE IT FURTHER RESOLVED, that the Clerk is hereby instructed to cause notice to be published and mailed as required by law of the pendency of this Resolution and of the time and place of hearing objections thereto, and to the preliminary plans and specifications, estimate of costs and to the making of the improvements; the Notice to be in substantially the following form:

(Two publications required)

NOTICE TO PROPERTY OWNERS

Notice is hereby given that there is now on file for public inspection in the office of the Council of the City of Cresco, State of Iowa, a proposed Resolution of Necessity, an estimate of costs and plat and schedule showing the amounts proposed to be assessed against each lot and the valuation thereof within District as approved by the Council of the City of Cresco, State of Iowa, for the construction of crosswalks, sidewalk, pedestrian ramps and other public improvements, designated as the Downtown Crosswalk Reconstruction, of the types and in the location as follows:

Removal of the colored crosswalks on Elm Street from 1st Avenue to 3rd Avenue. The crosswalk will be replaced with colored or non-colored concrete as directed by the City.

Removal of sidewalk from the existing building face to the curb and the removal of a two foot section of curb on Elm Street from 1st Avenue to 3rd Avenue. The curb and sidewalks will be reconstructed to be ADA compliant. Pedestrian ramps will also be constructed per ADA requirements at all intersections and crosswalks.

Storm Sewer intakes will be reconstructed or modified as needed to conform to ADA requirements.

The location of the improvements is North Elm Street from 1st Avenue to 3rd Avenue.

That the proposed District to be benefited and subject to assessment for the cost of such improvements is described as follows:

All parcels abutting Elm Street beginning at the south right-of-way line of 1st Avenue and ending at the north right-of-way line of 3rd Avenue as shown on the preliminary assessment plat. The parcels are listed below:

S 25' LOTS 5 & 6 BLK 16 CRESCO PLAT INCL EASEMENT BK: 40PG: 619
N 25' S50' LOTS 5 & 6 BLK 16 CRESCO PLATEX EXCEPTION (SEE DEED)
N 25' S 1/2 LOTS 5 & 6 BLK 16 CRESCO PLAT
S 25' N 1/2 LOTS 5 & 6 BLK 16 CRESCO PLAT
LOTS 14, 15 & 16 BLK17 CRESCO PLAT
S 25' N 50' LOTS 5 & 6 BLK 16 CRESCO PLAT
N 25' LOTS 5 & 6 BLK 16 CRESCO PLAT
S 25' LOTS 1, 2 & 3 BLK 17 CRESCO PLAT
N 25' S 50' LOTS 1, 2 & 3 BLK 17 CRESCO PLAT
S 25' E 40' LOT 3 & S 22' LOT 4 BLK 16 CRESCO PLAT
N 25' S 1/2 LOTS 1, 2 & 3 BLK 17 CRESCO PLAT
S 52' LOTS 1 & 2; W 10' S 52' LOT 3; N 27' S 52' E 40' LOT 3 & N 30' S 52' LOT 4 BLK 16 CRESCO PLAT
S 25' N 1/2 LOTS 1 & 2 & S 23' N 1/2 LOT 3 BLK 17 CRESCO PLAT

N 25' S 77' LOTS 1, 2, 3, & 4 BLK 16 CRESCO PLAT
S 25' N 50' LOTS 1& 2 BLK 17 CRESCO PLAT
E 11' N 23' S 100' LOT 2 & N 23' S 100' LOTS 3 & 4 BLK 16 CRESCO PLAT
S 25' N 50' LOTS 2, 3 & 4 EX W 22' LOT 2 BLK 16 CRESCO PLAT
LOT A BLK 17 CRESCO PLAT
N 23' S 100' LOT 1; N 25' EX W 22', N 10' W 22' EX W 2' S 7' N 10' & N 23' W 39' S 100' LOT 2; N 25' LOTS 3 & 4 BLK 16 CRESCO PLAT
LOT 4 BLK 4 PARK ADDN
S 2/3 LOT 3 BLK 4 PARK ADDN
S 1/3 LOT 2 & N 1/3 LOT 3 EX W 27 1/2' BLK 4 PARK ADDN
N 2/3 LOT 2 BLK 4 EX W 27 1/2' N 16 2/3' PARK ADDN
E 122 1/2' LOT 1 BLK 4 PARK ADDN
S 2 1/2' LOT 3 EX W 15' & ALL LOT 4 EX W 15' BLK 3 PARK ADDN
N 22 1/2' LOT 3 EX W 15' BLK 3 PARK ADDN
LOT 1 EX W 15' & LOT 2 EX W 15' BLK 3 PARK ADDN
S 50' LOTS 15 & 16 BLK 11 CRESCO PLAT
S 25' LOTS 9, 10 & 11 EX W 15' LOT 11 BLK 12 CRESCO PLAT
N 25' S 1/2 W 40' LOT 14 & N 25' S 1/2 LOTS 15 & 16 BLK 11 CRESCO PLAT
N 25' S 50' LOTS 9, 10 & 11 EX W 15' LOT 11 BLK 12 CRESCO PLAT
S 25' N 1/2 W 40' LOT 14 & S 25' N 1/2 LOTS 15 & 16 BLK 11 CRESCO PLAT
N 25' S 1/2 LOTS 9, 10 & 11 EX W 15' LOT 11 BLK 12 CRESCO PLAT
S 25' N 50' W 40' LOT 14 & S 25' N 50' LOTS 15 & 16 BLK 11 CRESCO PLAT
S 1/2 N 75' LOTS 9, 10 & 11 EX W 15' LOT 11 BLK 12 CRESCO PLAT
LOT A BLK 11 CRESCO PLAT
N 1/2 N 75' LOTS 9, 10 & 11 EX W 15' LOT 11 BLK 12 CRESCO PLAT
S 25' LOTS 1, 2 & 3 BLK 11 CRESCO PLAT
N 25' S 50' LOTS 1, 2 & 3 BLK 11 CRESCO PLAT
S 25' E 40' LOT 7 & S 25' LOT 8 BLK 12 CRESCO PLAT
N 25' S 1/2 1, 2 N 25' W 26' S 1/2 L 3 BLK 11 CRESCO PLAT
N 25' S 50' E 40' LOT 7 & N 25' S 50' LOT 8 BLK 12 CRESCO PLAT
N 25' S 1/2 E 40' LOT 7 & N 25' S 1/2 LOT 8 BLK 12 CRESCO PLAT
S 25' N 1/2 E 40' LOT 7 & S 25' N 1/2 LOT 8 BLK 12 CRESCO PLAT
S 50' N 1/2 LOTS 1 & 2 E 40' N 25' LOT 2 & W 26' N 1/2 LOT 3 BLK 11 CRESCO PLAT
N 25' LOT 1 & N 25' W 10' LOT 2 BLK 11 CRESCO PLAT
N 50' E 40' LOT 7 & N 50' LOT 8 BLK 12 CRESCO PLAT
HOWARD COUNTY COURTHOUSE

The Council will meet at 5:30 P.M., on the _____ day of November, 2022, at the Council Chambers, City Hall, 130 North Park Place, Cresco, Iowa, at which time the owners of property subject to assessment for the proposed improvements, or any other person having an interest in the matter may appear and be heard for or against the making of the improvement, the boundaries of

the District, the cost, the assessment against any lot, tract or parcel of land, or the final adoption of a Resolution of Necessity. A property owner will be deemed to have waived all objections unless at the time of Hearing he has filed objections with the Clerk.

This Notice is given by authority of the Council of the City of Cresco, State of Iowa.

City Clerk, City of Cresco, State of Iowa

(End of Notice)

INTRODUCED AND APPROVED at a meeting held on the 17th day of October, 2022.

Mayor

ATTEST:

City Clerk