

NOTICE AND CALL OF PUBLIC MEETING

GOVERNMENTAL BODY: THE CITY COUNCIL OF CRESCO, IOWA
DATE OF MEETING: NOVEMBER 7, 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 17, 2022
4. Approval of Minutes from October 17, 2022 Special Meeting
5. Approval of Minutes from November 1, 2022 Worksession

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 Project
2. Public Hearing on Proposed Resolution of Necessity for the Downtown Crosswalk Reconstruction Project
3. Resolution with Respect to the Adoption of the Resolution of Necessity Proposed for the Downtown Crosswalk Reconstruction
4. Resolution Directing Preparation of Detailed Plans and Specifications, Form of Contract and Notice to Bidders on the Downtown Crosswalk Reconstruction
5. Resolution Authorizing the Mayor to Enter into a Professional Services Agreement -- Amendment No. 1 with WHKS & CO. for the Downtown Crosswalk Reconstruction Project
6. Request for Sewer Adjustment for Water not Entering the Sanitary Sewer System from Anna Schmauss for Legacy Gym
7. Resolution Accepting Work for the Airport Runway Drainage Improvements Project

8. Resolution Authorizing the Mayor to Enter into an Engagement Agreement with Ahlers & Cooney, P.C. for Contract Review
9. WHKS to Present the Proposed 7th Street West Reconstruction Special Assessment Project
10. Resolution Authorizing the Mayor to Enter into an Engagement Agreement with Ahlers & Cooney, P.C. Regarding the 7th Street West Reconstruction Special Assessment Project
11. Preliminary Resolution for the Construction of Street, Water, Sanitary Sewer, Storm Sewer and Other Public Improvements in the City of Cresco, State of Iowa
12. Resolution Fixing Values of Lots for the 7th Street West Reconstruction Project
13. Resolution Adopting Preliminary Plat and Schedule, Estimate of Cost and Proposed Plans and Specifications for the Construction of the 7th Street West Reconstruction
14. Resolution of Necessity (Proposed) for the 7th Street West Reconstruction Project
15. Resolution Authorizing the City Clerk to Sign the Health Insurance Contract with Wellmark Blue Cross/Blue Shield
16. Resolution Authorizing the City Clerk to Enter into a Third Party Administration Service Agreement with Employee Benefit Systems "EBS"

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 NOVEMBER 4, 2022.

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 7th 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.

Michelle Elton
City Clerk, City of Cresco, State of Iowa

Mayor Brenno called the Cresco City Council meeting to order on October 17, 2022, at 5:30 pm. Council Members Kriener, McConnell, 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 from October 3rd and 12th, 2022; 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; designated snowmobile trail in city limits for December 1, 2022 through April 1, 2023; owner-occupied housing contractor request for payment #1 for \$11,782.35 for Arlyn Skoda – Skoda Home Improvement. Carman seconded and it passed all eyes.

Public Works Director Widell reported: (a) CIT repaired critical issues that were discovered during their inspection and cleaning of sanitary sewers; (b) applying for grant from Alliant Energy for boulevard trees. Property owners may request free trees by contacting city hall; (c) sand and salt have been hauled in to prepare for winter; (d) all departments are preparing for winter.

City Clerk Elton reported for the Police: (a) the new Charger is getting new equipment installed this week; (b) Officer Blake Welper graduates from the academy on the 21st and will be back to work on the 25th; (c) Officer Gatlin Keehner is half done with the long academy so he has eight more weeks.

Elton reported: (a) budget worksheets are being delivered to department heads; (b) Council is ranking CIP projects to be returned this week; (c) Amber Yanes started today as the new utility billing clerk; (d) most of the employee evaluations have been turned in and finishing up the remaining ones.

Fortune reported the Theatre Commission met and worked on the budget and reviewed the CIP projects submitted. The Scene Shop Committee met and are applying for an Emergency Theatre Community Catalyst Building and Remediation Program Grant. The State will be awarding five \$100,000 grants. The Theatre Trust has \$96,000 cash available and will be applying for grants from Alliant Energy, Black Hills, Walmart, and others. They will also do fundraising and already have a \$30,000 pledge. The project must be completed within one year if the grant is awarded.

McConnell reported the Airport Commission met and prepared their budget. The grant application for the second phase of the runway improvement project was denied.

Bouska reported she attended the “Get Charged Up EV Event” in Calmar. It was well attended and many owners brought their electric cars. They discussed charging infrastructure, funding, and how utilities are working on it.

Mayor Brenno asked for comments from the audience. Angela Bries requested the Council consider changing the ordinances to shorten the time owners have to deal with infractions on their properties and to enforce the ordinances city-wide. She also requested Council address people living in campers and tents in the city.

State Representative Mike Bergan introduced himself to the Council. He currently represents portions of Winneshiek, Fayette, and Clayton County. After redistricting, all of Winneshiek and Howard County and part of Fayette County will make up new District 63. He is running for re-election.

Scott Huneke from WHKS presented the proposed Downtown Crosswalk Reconstruction Special Assessment Project. Special assessment projects have several required steps to follow and the attorney has drafted the proposed resolutions. The proposed project is

located on North Elm Street from 1st Ave to 3rd Ave. The project consists of replacing the existing crosswalks, installing ADA compliant pedestrian ramps, and replacing all existing sidewalks, curbs, and gutters. The 8-inch watermain was installed in 1983 and is in good condition so that will not be replaced. Valve boxes will need to be replaced. Some storm sewer intakes may need to be moved if in conflict with the ramps. The street is in good condition and will not be replaced except the crosswalks which are in poor condition. The sidewalks are in fair condition but do not meet ADA requirements so will need to be replaced. The Engineer's opinion of probable construction costs is \$797,980 for the total project of which \$251,770 is assessable. The average assessment for the 48 properties is \$4,900. Costs for curb and gutter and street replacement is assessed at 50% and sidewalk replacement is recommended at 90%. The ordinance states that property owners must pay all of the cost for replacement, but since it is being done as an assessment project, the attorney has advised that it should be assessed less than 100%. The council will need to hold a public hearing and mail notices to each property owner. It is anticipated to go out for bids in April for work to be done in 2023.

Carman made the motion to approve the resolution authorizing the Mayor to enter into an Engagement Agreement with Ahlers & Cooney, P.C. regarding the Downtown Crosswalk Reconstruction Special Assessment Project. McConnell seconded and it passed all ayes.

Bouska made the motion to approve the preliminary resolution for the construction of crosswalks, sidewalks, pedestrian ramps and other public improvements in the City of Cresco, State of Iowa. Carman seconded and it passed all ayes.

McConnell made the motion to approve the resolution fixing values of lots for the Downtown Crosswalk Reconstruction Special Assessment Project. Kriener seconded and it passed all ayes.

Carman made the motion to approve the resolution adopting preliminary plat and schedule, estimate of cost and proposed plans and specifications for the construction of the Downtown Crosswalk Reconstruction. Kriener seconded and it passed all ayes.

Carman made the motion to approve the resolution of necessity (proposed) for the Downtown Crosswalk Reconstruction Special Assessment Project. The public hearing is set for 5:30 pm on November 7, 2022. Fortune seconded and it passed all ayes.

Daren Sikkink from WHKS presented the proposed 7th Street West Reconstruction Special Assessment Project. The proposed project is on 7th Street West from Highway 9 to 4th Avenue West. The project consists of replacing 4-inch watermain, clay sanitary sewer main, and some sanitary manholes. The proposed project also includes installing 48-inch storm sewer mains, capping the sinkhole, and constructing a stormwater filtration basin near the airport to control stormwater volume. The basin must not retain water for more than 48 hours due to FAA regulations since it is close to the runway. The recommendation is to narrow the street from 36-foot wide to 31-foot wide except the first 500 feet north of Highway 9. The City's standard width of city streets is 31-foot wide. The Engineer's opinion of probable construction costs is \$3,077,175 for the total project of which \$568,450 is assessable. Assessable costs do not include street intersections, water main, sanitary sewer, storm sewer, capping the sinkhole, and the basin construction. Council discussed the total cost increase of 15% from the September 2021 preliminary estimate. Council requested WHKS to get cost estimates if the project would be shortened to go from Highway 9 to just past 2nd Ave West.

Bouska made the motion to table any action on the proposed 7th Street West Reconstruction Special Assessment Project until revised costs for an amended project scope

can be reviewed. Kriener seconded and Bouska, Fortune, Kriener, and McConnell voted aye. Carman voted nay. The motion passed by majority vote and agenda item numbers 8 -12 were tabled.

Bouska made the motion to award a contract to Dave's Home Improvement from West Union for \$52,379 under the Owner-Occupied Housing CDBG Grant. Fortune seconded and it passed all ayes.

Ann Casper requested Council to consider allowing her son, Ethan, to present a proposal for an Eagle Scout Project on city-owned property on King's Road. Council was not aware of owning this property and since it is so far from the city, maintenance after the project would need to be figured out. Kriener will talk with the County or State to see if they would be interested in the property if the City were to donate it to them since it is surrounded by State-owned land. Council encouraged Ethan to prepare a proposal because the project could be done whether the City owns it or another governmental agency.

Carman moved to adjourn at 7:15 pm. Kriener seconded and it passed all ayes. The next regular Cresco City Council meeting will be November 7, 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:

PAYROLL CHECKS		79,522.67	IA LEAGUE	Trng	100.00
ANDERSON, WILMARTH	Attny	870.00	IA ONE CALL	OneCalls	69.30
BADGER METER	Srvc	11.16	IA WATER	Trng	105.00
BAKER&TAYLOR	Books	363.32	JD FIN	Supp	1,253.06
BC/BS	Ins	33,044.66	KEYSTONE LAB	Analys	2,544.00
BOB'S ELEC	Srvc	3,477.01	KWIK TRIP	Gas	5,528.19
BODENSTEINER	Oil	127.95	LICKTEIG LAWN	Srvc	280.71
BOUSKA, AMY	Training	220.00	MAGAZINE SUBSC	Subs	24.00
BRUENING	Rock	3,520.88	MCMASTER-CARR	Supp	49.25
CARDMEMBER SRVC	Supp	1,151.36	MEDIACOM	Phone	318.70
CARQUEST	Supp	131.45	MEHMERT TILING	Rprs	947.50
CERTIFIED LAB	Grease	805.80	MIENERGY	Elec	9,542.89
CITY LAUNDERING	Srvc	636.32	NAT'L ELEV	Fee	80.00
CITY OF CRESCO	Ins	3,961.27	NEVCO SPORTS	Supp	168.57
CITY OF CRESCO	Util	26.41	PLUNKETT'S	Srvc	132.00
COMPASS	Salt	5,267.48	PREMIER TECH	Srvc	1,900.00
CPU	Srvc	239.88	RUPPERT	Supp	155.58
COURTNEY LAWN	Srvc	280.00	SAFETY-KLEEN	Supp	186.75
CR HEAT&VENT	Srvc	101.61	SAM'S	Conc	436.35
CR SHOPPER	Ads	464.00	SIR, JOSEPH	SpcEvt	3,301.50
CR TPD	Ads	420.74	SKODA HOME IMPR	Rehab	11,782.35
CR METHODIST	Prog	75.00	SOLUTIONS	Equip	1,132.60
DC COMM	Phone	17.33	STATE HYGIENIC	Analys	1,056.50
DERLEIN SCALE	Srvc	120.00	TREAS,IA	Taxes	5,595.52
ELECTRIC PUMP	Rprs	1,039.39	VISA	Supp	4,771.04
ELWOOD...	Attny	600.00	VISU-SEWER	Srvc	22,759.85
FAREWAY	Conces	201.33	WALTON,TIMOTHY	Srvc	740.70
FARMERS WIN COOP	Chems	156.25			
FENCL OIL	Rent	50.00	BY FUND:		
FOLEY'S CONST	Srvc	4,388.50	GENERAL		150,705.23
FORTE PMT	Fees	229.00	LOST PROJECT		4,388.50
GILLUND	Supp	276.00	EV CHARG STATION		3,178.04
GORDON FLESCH	Copier	520.15	NUISANCE HOUSE		53.00
GOSCH'S	Srvc	180.00	OFFICE EQUIPMENT		1,084.75
GWORCS	Forms	186.68	CRESCO COMM FIRE		580.42
H&S MOTORS	Rprs	350.08	ROAD USE TAX		26,938.16
HANSON TIRE	Rprs	1,496.50	EMPLOYEE BENEFITS		9,584.48
HAWKEYE SAN	Gb/Rc	50,149.52	REHAB HOUSE		11,782.35
HAWKINS	Chems	5,500.92	WATER		26,594.36
HEARTLAND ASPH	ColdMix	590.40	SEWER OPERATIONS		56,957.80
HEROLD, TRACY	Srvc	300.00	CAP IMPROVE		11.45
HOW COUNTY	Shared LEC	8,190.10	YARDWASTE		1,027.72
IA MUNICIPAL	Dues	1,285.73			
IA DOT	Parts	727.50	Total Expenditures		292,886.26
IA LAW ACAD	Training	6,650.00	Revenue 10/4-10/17/22		1,103,833.85

The Cresco City Council met on October 17, 2022, at 5:00 pm for a special ribbon cutting ceremony for the City's new electric vehicle charger. Council Members Kriener, McConnell, Bouska, and Carman were present. Council member Fortune was absent.

Council Member Bouska thanked everyone for coming out for the ceremony. She also thanked Fareway for allowing the City to use two of their parking spaces for the EV Charging Station. She also thanked the Iowa Department of Transportation, Alliant Energy, Jason and Spiff with HCED/Chamber, Bob's Electric, and PWD Widell for working with her to get this project done. Most of the project will be paid by a grant through the Iowa DOT Volkswagon Settlement Environmental Mitigation Trust with the City of Cresco paying the remainder.

Bouska noted that the city wanted to install the charger so that EV owners would feel more comfortable coming to events in Cresco and to help make Howard County more inviting for EV owners, who will be an increasing share of travelers in coming years. Owners of two Teslas, one Chevrolet Bolt, and one Mitsubishi i-MiEV brought their electric cars for people to look at and they answered questions.

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

Mayor Brenno called the Cresco City Council worksession to order on November 1, 2022, at 5:30 pm. Council Members Kriener, McConnell, Fortune, Bouska, and Carman were present. No council members were absent.

Council reviewed the packet of information that Hawkeye Sanitation provided. It contained confidential financial information justifying the increase in rates. They also supplied documentation of rate increases by customer for heavy commercial accounts and a proposal for reduced rates. The Council has some follow up questions for Hawkeye Sanitation on the recycling and potential future rate increase calculations.

Discussion was held regarding the 7th Street West Reconstruction Project. Due to future increased costs, poor condition of watermains and storm sewers, and having to close 7th St W twice for reconstruction, Council agreed that the whole project should be completed at one time. Upon completion of the construction, this route will be closed for semi-truck traffic and the official truck route will be Valley Avenue and 6th Street West.

Council discussed the CIP project listings and rankings. The Downtown Crosswalks & Sidewalks Reconstruction, 7th Street West Reconstruction Project, Big Water Tower Repair and Fire Tanker Truck were the top 4 ranked projects. These projects will be in the FY24 budget. There was discussion on the Scene Shop being moved up in importance due to the Emergency Theatre Community Catalyst Building and Remediation Program Grant. Council will also consider a buyout of the PPA for the solar panels. Council requested more information on the solar buyout and Bouska agreed to prepare information to present at the budget worksession.

Carman moved to adjourn at 7:25 pm. Kriener seconded and it passed all ayes. The next regular Cresco City Council meeting will be November 7, 2022, at 5:30 pm at Cresco City Hall.

Mayor David J. Brenno

City Clerk Michelle Elton

Council Member _____ introduced the following Resolution entitled "RESOLUTION WITH RESPECT TO THE ADOPTION OF THE RESOLUTION OF NECESSITY PROPOSED FOR THE DOWNTOWN CROSSWALK RECONSTRUCTION" and moved that it be adopted. Council Member _____ seconded the motion to adopt. The roll was called, and the vote was:

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the following Resolution duly adopted:

**RESOLUTION WITH RESPECT TO THE ADOPTION OF THE
RESOLUTION OF NECESSITY PROPOSED FOR THE
DOWNTOWN CROSSWALK RECONSTRUCTION**

WHEREAS, this Council has proposed a Resolution of Necessity for the Downtown Crosswalk Reconstruction, has given notice of the public hearing thereon as required by law; and

WHEREAS, the public hearing has been held, all persons offering objections have been heard and consideration given to all objections and is pending before this Council; and

WHEREAS, this is the time and place set as provided for the taking of action on the proposed Resolution of Necessity;

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

Section 1. That the proposed Resolution of Necessity described above is hereby:

- Adopted, without amendment, and all objections filed or made having been duly considered are overruled.
- Adopted as amended by the Schedule of Amendments attached hereto as Exhibit A, and made a part hereof by reference. All objections filed or made having been duly considered are overruled.
- Deferred for later consideration to a Council meeting to be held on _____ day of _____, _____, at _____ .M, at this meeting place, with jurisdiction retained for further consideration and action at the adjourned meeting.
- Abandoned.

Section 2. That all written requests for agricultural deferment by property owners must be filed within ten (10) days following the date of adoption of this Resolution.

PASSED AND APPROVED this 7th day of November, 2022.

Mayor

ATTEST:

City Clerk

Council Member _____ introduced the following Resolution entitled "RESOLUTION DIRECTING PREPARATION OF DETAILED PLANS AND SPECIFICATIONS, FORM OF CONTRACT AND NOTICE TO BIDDERS ON THE DOWNTOWN CROSSWALK RECONSTRUCTION" and moved that it be adopted. Council Member _____ seconded the motion to adopt. The roll was called, and the vote was:

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION DIRECTING PREPARATION OF DETAILED
PLANS AND SPECIFICATIONS, FORM OF CONTRACT AND
NOTICE TO BIDDERS ON THE DOWNTOWN CROSSWALK
RECONSTRUCTION

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

That William K. Angerman, P.E., Engineer, is hereby ordered and directed to prepare and file with the Clerk detailed plans and specifications for the construction of the Downtown Crosswalk Reconstruction.

BE IT FURTHER RESOLVED that the Engineer is hereby ordered and directed to prepare and file with the Clerk a Notice to Bidders and form of contract for the construction of the Downtown Crosswalk Reconstruction.

PASSED AND APPROVED this 7th day of November, 2022.

Mayor

ATTEST:

City Clerk

RESOLUTION NUMBER _____

**RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO
A PROFESSIONAL SERVICES AGREEMENT – AMENDMENT NO. 1 WITH WHKS
& CO. FOR THE DOWNTOWN CROSSWALK RECONSTRUCTION PROJECT**

The City Council of the City of Cresco met in regular session on November 7, 2022 at 5:30 P.M. Council Member _____ moved the adoption of the foregoing Resolution Authorizing the Mayor to enter into a PROFESSIONAL SERVICES AGREEMENT – Amendment No. 1 with WHKS & Co. for professional services relating to the project described as the Downtown Crosswalk Reconstruction Project. Council Member _____ seconded said motion. A roll call vote was requested by the Mayor and said roll call vote resulted as follows:

Ayes: _____
Nays: _____
Absent: _____

Thereupon, the Mayor declared said Resolution duly passed and announced that the agreement dated _____, between the City of Cresco and WHKS & Co. is approved and that the Mayor is authorized to execute the agreement on behalf of the City of Cresco.

PASSED AND APPROVED THIS 7TH DAY OF JUNE, 2022.

BY: _____
Mayor David J. Brenno

ATTEST: _____
City Clerk Michelle Elton



**AMENDMENT NO. 1
TO PROFESSIONAL SERVICES AGREEMENT**

WHEREAS, **City of Cresco** (Client) and **WHKS & Co. (WHKS)** executed a Professional Services Agreement dated **June, 2022** for certain engineering services for **Downtown Crosswalk Reconstruction Project** (Project), and

WHEREAS, the Agreement described a scope of services and was based on completion of certain services, and

WHEREAS, the Client has requested **Design, Bid, and Construction phase Engineering** services for the **Downtown Crosswalk Reconstruction project** as described in more detail in attached Exhibit A, and

NOW THEREFORE, the Client and WHKS hereby agree the amended compensation for services shall be increased by the following:

Basis of Compensation

For the services described above, the Client shall remunerate WHKS as follows:

Items 1-2 - Lump Sum Fee of \$53,000 including Expenses. Permit fees to be billed separately

Items 3-4 - Billed Hourly with an Estimated Fee of \$56,000 including expenses.

Expenses billed at actual cost and mileage at the current published IRS rate per mile. External expenses include an administrative charge of 10 percent.

Executed this _____ day of _____, 2022

City of Cresco

WHKS & CO.

By: _____

By: _____

Printed Name: _____

Printed Name: William Angerman

Title: _____

Title: Exec. Vice President, COO



Exhibit A to Amendment No. 1

A. Project Description

The project consists of the preparation of plans and specifications, and construction services to reconstruct the downtown sidewalks along Elm Street between 1st Avenue West and 3rd Avenue West. The Roadway pavement will be left in place and sawcut approximately two feet in front of the existing curb. All curb and sidewalk between this point and the building faces (not including alcoves) will be reconstructed with concrete pavement. The existing colored street crosswalks along the corridor will be removed and replaced with non-colored concrete. Any existing sanitary sewer manholes, water system valves, hydrants, and curb stop boxes will be adjusted to the new finished grade. The storm sewer system will be evaluated and additional intakes may be added if necessary.

B. Scope of Services Provided Under This Agreement:

1. Topographic Survey and Research of Existing Conditions

- Perform additional site topographical surveys to supplement a previous topographic survey from 2017.
- Develop project control and base map for the project.
- Locate the existing underground utilities as located by the Iowa One Call locate system.
- Collect, obtain, and review relevant information from the Client.

2. Preliminary and Final Design

- Prepare preliminary and final plans and specifications to show the character and scope of work to be performed by contractors on the Project. Plans will follow Iowa DOT and SUDAS standards.
- Prepare forms of notice for bids, contractor's proposal, construction agreement, payment bond and performance bond for approval by the Client, subject to prior review and approval by Client's Attorney, Bond Counsel, and/or Fiscal Agent.
- Prepare opinion of probable construction cost on completed plans and specifications.
- Furnish one (1) original signed copies of the plans, specifications, and other contract documents as required to the Client.
- Furnish plans and specifications to bidders through the use of a web based plan room.
- Answer contractor's questions during the bidding phase.
- Prepare addendums to the contract documents prior to bid letting, if necessary.
- Assist in the receiving and tabulation of Contractors' proposals and assist in awarding construction contract.
- A Storm Water Pollution Prevention Plan (SWPPP) will be prepared.
- Conduct informational meeting.

3. Construction Administration

- Provide construction administration assistance during construction. Contract administration assistance activities conducted during project construction include clarification of design details, periodic visits to the construction site to observe the progress of work, review of shop drawings, review periodic payment estimates for completed construction work and recommend payments for processing, prepare change orders when required, and prepare the final summary of construction costs.
- Conduct a preconstruction meeting with Client, Contractor and Utility Owners.
- Provide construction staking.
- Prepare record drawings from Contractor provided "mark-ups" at the completion of the construction.
- Provide construction updates to the Client.

4. Construction Observation

- Provide resident project observation services during the construction of the Project. Resident observation is a part time function during construction. Duties are to provide on-site evaluations of the Project progress in accordance with the plans and specifications and report said progress to the Engineer. Additionally, the observer maintains a log book recording conditions at the job site, weather, record of visitors, summary of daily activities, actions taken, observations in general and assists in recording data for eventual preparation of Record Drawings. The observer duties do not include construction means, methods, procedures, and job-site safety. Fee based on 320 hours of observation and travel time.
- The testing of materials will be included in the bid package as a bid allowance to be paid by the Contractor.

Legacy Gym
 205 2nd Ave SW
 Cresco, Iowa 52136

To Whom it may concern,

It was brought to our attention that on or around October 12th that our boiler had broken causing a large amount of water in our basement. City workers Drew Zahasky and ^{Jason} Jeremy Miller were called to turn off main water into our building. All the water was then pumped out with sump pump and not ran through the sanitary. It would be greatly appreciated if our bill could be adjusted for this matter. Please call with any questions 563-380-1592.

Anna Schmauss

Thanks, Anna Schmauss

ACCOUNT NUMBER	STATUS	Active				
NAME	DARIN & ANNA SCHMAUSS					
PROPERTY	105 2ND AVE SW					
			14.34 +			
SV SERIAL #	MULTIPLIER DIGITS	INS DATE	SERV DATE	LOCATION NOTE		
SE 36377806	1.00000	9	2/17/2016		14.98 +	
WA 36377806	1.00000	9	2/17/2016	10001 D1	14.36 +	
					16.88 +	
					20.16 +	
BILL DATE	SERV READ DATE	PRBS	PREV EST	BILL CONS	CHARGE	26.72 +
10/31/2022	SE 10/20/2022	178531	163343	15188	145.20	24.09 +
9/30/2022	SE 9/20/2022	163343	162283	1060	14.34	20.84 +
8/31/2022	SE 8/19/2022	162283	160716	1567	14.98	21.84 +
7/31/2022	SE 7/20/2022	160716	159298	1418	14.34	18.18 +
6/30/2022	SE 6/20/2022	159298	157461	1837	16.88	18.18 +
5/31/2022	SE 5/20/2022	157461	155267	2194	20.16	13.79 +
4/30/2022	SE 4/20/2022	155267	152359	2908	26.72	
3/31/2022	SE 3/21/2022	152359	149738	2621	24.09	
2/28/2022	SE 2/21/2022	149738	147470	2268	20.84	224.34 *
1/31/2022	SE 1/20/2022	147470	145093	2377	21.84	
12/31/2021	SE 12/20/2021	145093	143115	1978	18.18	224.34 ÷
11/30/2021	SE 11/19/2021	143115	141137	1978	18.18	12.00 =
10/31/2021	SE 10/20/2021	141137	139731	1406	<u>13.79</u>	18.70 *
						0.0
						145.20 +
						18.70 -
						126.50 *

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RESOLUTION NUMBER _____

RESOLUTION ACCEPTING WORK FOR THE AIRPORT
RUNWAY DRAINAGE IMPROVEMENTS PROJECT

WHEREAS, on April 4, 2022, the City of Cresco, Iowa, entered into contract with Mehmert Tiling, Inc. of Lime Springs, Iowa, for the Airport Runway Drainage Improvements Project, within the City, as therein described; and

WHEREAS, the contractor has fully completed the construction of the improvements, known as the Airport Runway Drainage Improvements Project, in accordance with the terms and conditions of the contract and plans and specifications.

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

Section 1. That the report of the Engineer be and the same is hereby approved and adopted and the improvements are hereby accepted as having been fully completed in accordance with the plans, specifications and contract. The total contract cost of the improvements payable under said contract is hereby determined to be \$99,245.00 less change order #1 of \$10,230.00 and less change order #2 of \$1,600.00 plus change order #3 of \$5,902.64 for a net cost of \$93,317.64.

Section 2. The total project cost including construction, engineering, legal and administrative cost is determined to be \$127,896.51.

Council Member _____ moved the adoption of the foregoing Resolution Accepting Work for the Contract relating to the project described as Construction of Downtown Alley Storm Sewer Reconstruction. Council Member _____ seconded said motion. A roll call vote was requested by the Mayor and said roll call vote resulted as follows:

Ayes: _____

Nays: _____

Absent: _____

Thereupon, the Mayor declared said Resolution duly adopted: RESOLUTION ACCEPTING WORK FOR THE AIRPORT RUNWAY DRAINAGE IMPROVEMENTS PROJECT.

PASSED AND APPROVED THIS 7TH DAY OF NOVEMBER, 2022.

BY: _____
Mayor David J. Brenno

ATTEST: _____
City Clerk Michelle Elton

Engineer's Statement of Completion

**Project: Runway Drainage Improvements
Cresco Municipal Airport
Cresco, IA**

**Contractor: Mehmert Tiling Inc.
8635 Highway 9
Lime Springs, IA 52155**

To City of Cresco, Iowa:

I hereby state that the Runway Drainage Improvements project at the Cresco Municipal Airport by a Contract dated June 1st, 2022, has been substantially completed in general compliance with the terms, conditions, and stipulations of said Contract. The work was substantially completed within the specified contract working days for the project.

I further state that the total amount due to the Contractor for the fulfillment of said Contract is Ninety-Three Thousand, Three Hundred Seventeen and 64/100 dollars (\$93,317.64). The derivation of this total amount is tabulated on the attached sheets.

This contract was a sales tax exempt project so the Contractor did not pay sales tax and so a certification of the amount of sales tax paid was not required. Therefore, the remaining balance of the total amount earned, as detailed in the attached sheets, can now be paid upon authorization by the Council. The remaining balance shall be paid no sooner than thirty (30) days following acceptance of the project by the Council. The Contractor will receive interest on any unpaid balance at the maximum legal rate from and after forty (40) days following the initial thirty (30) day waiting period following acceptance of the project by the Council.

CLAPSADDLE-GARBER ASSOCIATES, INC.



Matt D. Garber, P.E.
Iowa License No. 14449

Date: November 4, 2022

Accepted by: _____
Resolution: _____ Date: _____

Distribution: Engineer
Contractor
FAA
City

Signed: _____

Attest: _____

**STATEMENT OF COMPLETION AND FINAL ACCEPTANCE OF WORK
AIRPORT PROJECTS**

Contract Number: 3384 Project Number: 9I220CJJ100

Airport Name: Cresco Municipal Airport

Airport Sponsor: City of Cresco

Type of Project: Airport Improvement Project
(Vertical Infrastructure or Airport Improvement Project)

Description of Project:
Runway Drainage Improvements at the Cresco Municipal Airport.

This project has been completed in substantial compliance with the project plans, specifications, project agreement, and laws of the State of Iowa and ordinances of the city or county where the work was performed. Final acceptance of the project is recommended.

Signature: (Project Engineer/Manager)

Date: November 4, 2022

This project is accepted on behalf of the city/aviation authority/airport commission. By signing below, the sponsor representative verifies that the project was completed in substantial compliance with the terms and conditions of the agreement with the Iowa Department of Transportation, and that the project was completed following all applicable laws of the State of Iowa.

Name: _____

Title: _____

Signature: _____
(Sponsor Representative)

Date: _____

Signature: _____
(Aviation Bureau Program Manager)

Date: _____

Return form to:

Attn.: Program Manager
Aviation Bureau
Iowa Department of Transportation
800 Lincoln Way
Ames, IA 50010

E-mail: shane.wright@iowadot.us
FAX: 515-233-7983
Phone: 515-239-1048

RESOLUTION NUMBER _____

**RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN
ENGAGEMENT AGREEMENT WITH ALHERS & COONEY, P.C.
FOR CONTRACT REVIEW**

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 review of a contract.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor is authorized and directed to sign the Engagement Agreement with Ahlers & Cooney, P.C. 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, P.C. for professional services relating to the project described as the Contract Review 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: 515-243-7811
Fax: 515-243-2149
www.ahlerslaw.com
Kristine Stone
515.246.0314
kstone@ahlerslaw.com

November 4, 2022

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

RE: Engagement Agreement - Contract Review

Dear Mayor and the Members of City Council:

The purpose of this engagement letter is to confirm the terms of our Firm's engagement and to explain our billing practices. Upon the City's acceptance, this letter will serve as a memorandum of the terms of the engagement of this Firm to serve as counsel for the City of Cresco in the above referenced matter. The legal services to be provided include review and analysis of a city contract.

We are pleased to undertake this representation. 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. The Firm's billing rates are reviewed, and sometimes revised, annually in January. I will be primarily responsible for this matter. My current hourly rate is \$260 per hour. Out-of-pocket expenses including, but not limited to, photocopying expenses, would be in addition to the hourly charges and will also be billed separately on our statements. We will forward itemized statements of services rendered on a monthly basis to your attention. If payment is not rendered in a timely fashion, the Firm reserves the right to immediately terminate its representation.

Please indicate your approval and acceptance of the above referenced terms and conditions of our engagement by signing, dating, and returning a copy of this letter to me. Should you have any questions or concerns about our proposed terms and conditions, please do not hesitate to contact me.


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 the City of Cresco, 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.

Sincerely,

AHLERS & COONEY, P.C.

By 
Kristine Stone

Accepted and approved on behalf of the City Council*

By: _____ Dated: _____
Title: Mayor

*Authorized by Resolution \ Motion _____ approved by the City Council on _____, 2022.