

NOTICE AND CALL OF PUBLIC MEETING

GOVERNMENTAL BODY: THE CITY COUNCIL OF CRESCO, IOWA
DATE OF MEETING: SEPTEMBER 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 August 15, 2022
4. Approval of Minutes from August 15, 2022 Worksession
5. Approval of Street Closing Permit for a Portion of 2nd Ave West and City Parking Lot for the Movie Night Fundrasier for the Cresco Police Department on September 17, 2022
6. Approval of Parade Permit for Portions of Schroder Drive, 3rd Ave East, and North Elm Street for the Homecoming Parade on September 23, 2022
7. Approval of Pay Request #1 for \$117,686.17 from Heartland Asphalt for the Pickleball Court Project

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. Public Hearing to Amend Chapter 75 in the City of Cresco Code of Ordinances Pertaining to All-Terrain Vehicles and Snowmobiles
2. Second Reading of Summary of Proposed Ordinance #498 to Amend Chapter 75 in the City of Cresco Code of Ordinances Pertaining to All-Terrain Vehicles and Snowmobiles
3. Resolution Waiving the Third Reading and Consideration of Ordinance Number 498 Pertaining to All-Terrain Vehicles and Snowmobiles
4. Approval of Ordinance #498 Pertaining to All-Terrain Vehicles and Snowmobiles

5. Public Hearing to Amend Chapter 74 in the City of Cresco Code of Ordinances Pertaining to Golf Carts and UTVs
6. First Reading of Summary of Proposed Ordinance #499 to Amend Chapter 74 in the City of Cresco Code of Ordinances Pertaining to Golf Carts and UTVs
7. Resolution Waiving the Second and Third Readings and Consideration of Ordinance Number 499 Pertaining to Golf Carts and UTVs
8. Approval of Ordinance #499 Pertaining to Golf Carts and UTVs
9. Public Hearing to Amend Chapter 41 in the City of Cresco Code of Ordinances Pertaining to Sale of Fireworks
10. Second Reading of Proposed Ordinance #500 to Amend Chapter 41 in the City of Cresco Code of Ordinances Pertaining to Sale of Fireworks
11. Resolution Waiving the Third Reading and Consideration of Ordinance Number 500 Pertaining to Sale of Fireworks
12. Approval of Ordinance #500 Pertaining to Sale of Fireworks
13. Request for Sewer Adjustment for Water not Entering the Sanitary Sewer System from Serapio Hernandez del Angel
14. Request for Sewer Adjustment for Water not Entering the Sanitary Sewer System from Glen Dillon
15. Resolution Approving the Street Finance Report
16. Motion to Set Public Hearing to Amend the Budget for Fiscal Year Ending June 30, 2023
17. Resolution Authorizing Transfer of Funds for Donations to the Park Trust Fund
18. Resolution Accepting the Annual Urban Renewal Report of the City of Cresco, Iowa for the Fiscal Year 2021-2022 and Directing the City Clerk to File the Report with the State of Iowa Department of Management
19. Resolution Authorizing the Mayor and City Clerk to Enter into an Agreement and Easement for Waterway Maintenance with Madonna R. Burgess and Kenneth Burgess
20. Discuss Late Payment Penalties Collected for Garbage and Recycling
21. Discuss Solid Waste Collection for Dumpsters
22. Appoint Members to the Personnel Advisory Committee
23. Discuss City Hall Vacant Position
24. Possible Motion to go into CLOSED SESSION pursuant to Iowa Code 21.5 (1) (i) to Discuss Applicants if Requested

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 SEPTEMBER 6, 2022.

NOTICE OF PUBLIC HEARINGS

TO WHOM IT MAY CONCERN:

You are hereby notified that the City Council of the City of Cresco, Iowa, will hold three Public Hearings on the 7th day of September, 2022, in Council Chambers at City Hall. At this meeting the Council proposes to amend City of Cresco Code of Ordinances: (1) Chapter 75 Sections 03, 05, and 08 pertaining to all-terrain vehicles and snowmobiles; (2) Chapter 74.05 (sections 2e and 2f), 74.06, and 74.10 (sections 2, 3.B, 4, 5, & 6) pertaining to golf carts and utility trail vehicles "UTVs"; (3) Chapter 41 Section 13 pertaining to sale of fireworks.

The proposed amendments may be viewed at Cresco City Hall during normal office hours or online at www.cityofcresco.com. These hearings will be conducted during a regular Cresco City Council Meeting starting at 5:30 pm.

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

BY ORDER OF THE CITY COUNCIL OF CRESCO, IOWA



City Clerk Michelle Elton

Mayor Brenno called the Cresco City Council meeting to order on August 15, 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 August 1, 2022; Class C Liquor License for Good Times Grill, LLC d/b/a Good Times Grill; Class C Beer Permit and Class B Wine Permit (BC) with Sunday service to Kwik Trip, Inc. d/b/a Kwik Star #428; Street Closing Permit for a portion of North Elm Street and 2nd Avenue West for the Norman Borlaug Harvest Fest on August 27, 2022 and the Southside Parking Lot August 24-August 28, 2022; Parade Permit for portions of 6th Avenue West and North Elm Street for the Norman Borlaug Harvest Fest Parade on August 27, 2022; Tax Abatement under the Urban Revitalization Plan for Richard Langreck and for Gene Wenthold; Pay Request #2 for \$2,137.50 to Mehmert Tiling, Inc for the Runway Drainage Improvements Project. Fortune seconded and it passed all ayes.

Public Works Director Widell reported: (a) the stoplight at the intersection of Elm Street and Highway 9 was run over last week. Replacement parts and pole will take a few months so a temporary light will be installed; (b) DNR water sanitary survey was conducted and the report shows a few minor things to look at but no deficiencies nor recommendations for our finished water; (c) samples were taken of the sludge storage tank. When results are received we will work with Aveka and submit a plan for disposal to the DNR for approval.

The July police report was submitted.

City Clerk Elton reported: (a) busy working on ordinances and agreements; (b) will start working on a budget amendment; (c) will update Capital Improvement Plan and sheets.

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

McConnell reported the CIDC meeting was last week and approved the audit report. Two new downtown upper-story apartment remodel projects will begin and could use some revolving loan money. August 17th is the Meet and Greet for the new doctors, school superintendent, and principal. Ribbon cuttings are coming up for Broken Road Bar and Good Times Grill.

Mayor Brenno opened the Public Hearing to amend Chapter 99 Sections 02 and 03 in the City of Cresco Code of Ordinances pertaining to sewer service charges. There were no oral or written comments and the public hearing was closed. Mayor Brenno performed the second reading of proposed Ordinance #496. Bouska made the motion to approve the second reading of proposed Ordinance #496. Carman seconded and it passed all ayes.

Carman made the motion to approve the resolution waiving the third reading and consideration of Ordinance #496 pertaining to sewer service charges. Bouska seconded and it passed all ayes.

Fortune made the motion to approve Ordinance #496 pertaining to sewer service charges. McConnell seconded and it passed all ayes.

McConnell made the motion to approve the resolution authorizing the Mayor and City Clerk to enter into an Industrial Sewer Rental Agreement with AVEKA Group, Cresco Facility. Bouska seconded and it passed all ayes.

Carman made the motion to change the September 5th council meeting date to Wednesday, September 7, 2022 due to the holiday. Kriener seconded and it passed all ayes.

Bouska made the motion to set a Public Hearing for September 7, 2022 to amend Chapter 75 in the City of Cresco Code of Ordinances pertaining to all-terrain vehicles and snowmobiles. Carman seconded and it passed all ayes.

Mayor Brenno performed the first reading of the summary of proposed Ordinance #498 pertaining to all-terrain vehicles and snowmobiles. Bouska made the motion to approve the first reading of the summary of proposed Ordinance #498. Carman seconded and it passed all ayes.

Mayor Brenno reported that he was approached by residents questioning the City's requirement for headlamps on UTVs but then only allowing them to be operated after sunrise and before sunset. The headlamp requirement was a new requirement in Iowa Code 321.387. Discussion was held whether or not to allow UTVs to operate after dark or before sunrise due to the number of people driving them to work. Council will consider the request and make a decision at the next meeting after hearing public comments. Bouska made the motion to set a Public Hearing for September 7, 2022 to amend Chapter 74 in the City of Cresco Code of Ordinances pertaining to golf carts and UTVs. McConnell seconded and it passed all ayes.

McConnell made the motion to approve the resolution approving Change Order #1 for a negative \$3,800 for the Pickleball Court Project for the City of Cresco. Fortune seconded and it passed all ayes.

Bouska made the motion to approve the resolution authorizing the Mayor and City Clerk to enter into an agreement with Blink Charging for processing EV charging station payments. Carman seconded and it passed all ayes.

Carman made the motion to set a Public Hearing for September 7, 2022 to amend Chapter 41 in the City of Cresco Code of Ordinances pertaining to sale of fireworks. McConnell seconded and it passed all ayes.

Mayor Brenno performed the first reading of proposed Ordinance #500 pertaining to sale of fireworks. Bouska made the motion to approve the first reading of proposed Ordinance #500 to Amend Chapter 41 in the City of Cresco Code of Ordinances pertaining to. Carman seconded and it passed all ayes.

Reinstating a Personnel Committee and appointing members was discussed. This item was tabled until the next meeting.

Carman moved to adjourn at 6:03 pm. McConnell seconded and it passed all ayes. The next regular Cresco City Council meeting will be Wednesday, September 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		80,577.14	METERING&TECH	Supp	7,521.10
ALLIANT	Elect	1,671.61	MIDWEST RADAR	Srvc	320.00
ANDERSON, WILMARTH	Attny	48.00	MIENERGY	Elec	7,617.00
BADGER METER	Srvc	11.16	MONTAG, CAROL	Sp Event	149.00
BAKER&TAYLOR	Books	819.16	MUDSLINGERS CONST	Srvc	651.00
BECHTEL'S CRITTER	Prog	71.68	NC LAB	Supp	256.81
BC/BS	Ins	33,044.66	NE IA MOTORS	Srvc	211.42
BOB'S ELEC	Srvc	6,353.20	PLUNKETT'S	Srvc	918.69
BRUENING	Rock	4,236.98	RELIANCE LIFE	Ins	210.40
CAMPSITE	LP	222.64	RS TECH	Softwr	500.00
CARDMEMBER SRVC	Supp	1,246.54	RUFFRIDGE JOHNSON	Supp	269.52
CARQUEST	Supp	56.10	RUPPERT	Supp	271.99
CITY LAUNDERING	Srvc	1,587.96	SAM'S	Supp	714.52
CITY OF CRESCO	Ins	3,961.27	SIMMERING-CORY	Admin	2,500.00
CITY OF CRESCO	Util	26.58	SKYLINE CONST	Rprs	1,107.00
COURTNEY LAWN	Srvc	300.00	SOLUTIONS	Srvc	204.45
CR FIRE SAFETY	Srvc	57.35	SONY	Movie	1,743.28
CR TPD	Ads	588.77	SPAHN&ROSE	Supp	346.14
DALCO	Supp	249.86	SQUARE	CC Fees	42.25
DELUXE ECHOSTAR	Movie	120.00	STANARD&ASSOC	Trng	59.50
DOLLAR GENERAL	Supp	8.83	STATE HYGIENIC	Analys	116.50
DRIFTRUNNERS	Tourism	4,000.00	TREAS,IA	Taxes	5,783.11
ELECTRIC PUMP	Equip	2,071.75	TRUCK COUNTRY	Parts	141.52
FAREWAY	Conces	718.25	VISA	Supp	1,370.17
FARMERS WINN	Chem	312.50	WARNER BROS	Movie	500.00
FENCO	Rprs	41.90			
FOLEY'S CONST	Srvc	457.80	BY FUND:		
FORTE PMT	Fees	238.50	GENERAL		149,123.64
GORDON FLESCH	Copier	145.19	HOTEL/MOTEL TAX		4,000.00
GOSCH'S	Equip	1,200.59	LOST PROJECT		457.80
HANSON TIRE	Part	47.00	NUISANCE HOUSE		48.00
HAUGLAND REFRIG	Srvc	75.00	FIRE STATION BUILDING		68.30
HAWKEYE CC	Trng	5,500.00	AIRPORT TRUST		2,137.50
HAWKEYE SAN	Gb/rc	47,131.23	CRESCO COMMUNITY FIRE		404.93
HAWKINS	Chems	5,970.04	ROAD USE TAX		20,352.30
HEWETT	Conces	1,005.70	EMPLOYEE BENEFITS		9,584.48
HOW COUNTY	ShrdLEC	6,322.20	REHAB HOUSE		2,552.00
HC RECORDER	Fees	52.00	WATER		24,185.27
IA RURAL WATER	Conf	170.00	WATER EQUIP REPLACE		7,521.10
JD FIN	Supp	572.67	SEWER OPERATIONS		31,918.18
KEYSTONE LAB	Analys	1,018.75	SEWER REPLACE PROJ		5,931.11
KWIK TRIP	Gas	6,508.57	PROPRIETARY CAP IMPROVE		11.93
LT MECH	Srvc	2,733.97	YARDWASTE		990.48
MARCO	Copier	1,712.55			
MARCO TECH	Rprs	38.75	Total Expenditures		259,287.02
MEDIACOM	Phone	319.75	Revenues 8/2 - 8/15/2022		204,219.09
MEHMERT TILING	Contract	2,137.50			

Mayor Brenno called the Cresco City Council worksession to order on August 15, 2022, at 6:03 pm. Council Members Kriener, McConnell, Fortune, Bouska, and Carman were present. No council members were absent.

Council discussed dumpster services for non-recyclable waste collection. Hawkeye Sanitation presented their justification for price increases for the dumpsters. The fact that they had not increased prices for several years plus the higher operating costs and payroll expenses caused prices for some business accounts to jump, although prices for some accounts decreased. Letters were sent to customers in March advising them of an increase in rates and they have only received one complaint. They were concerned with the City Council considering allowing other collectors to work in Cresco. They interpret the agreement with the City of Cresco give them exclusive rights for the 5-year term of the agreement. They also pointed out the pride they take in the community and their donations for City events. Council asked about recycling, specifically cardboard, since it cannot go to the landfill. Hawkeye stated that since they own the recycling center here, they would not be willing to accept non-customer recycling. Spectrum Recycling in Decorah is paid by Winneshiek County and is unwilling to accept items from Cresco. The issue of recycling, especially cardboard, was not resolved.

Shimek Sanitation reported they had been contacted by five businesses asking if they could contract with them for dumpster service.

The City consulted an attorney to determine if the agreement was exclusive to Hawkeye Sanitation for all waste collections services. It seems clear that the agreement is exclusive for residential and light-commercial (non-dumpster) accounts. However, it is not as clear whether the intent for dumpster customers is exclusive. It could be argued that, since these accounts are negotiated directly with the Collector, the City did not intend to regulate those accounts. Council could not come to an agreement whether or not the agreement is exclusive for dumpster accounts. The Council unanimously agreed that Hawkeye Sanitation needs to do more communication with their customers and to reach out to all of them to discuss the increase.

Bouska made a motion that the City has an exclusive contract for commercial account with Hawkeye Sanitation and instruct them to improve their communication with customers. Carman seconded the motion. Carman and Bouska voted aye. Fortune, McConnell, and Kriener voted nay. The motion failed by majority vote.

Further discussion was held with no other formal action taken. The subject will be discussed again at a future meeting.

The Council discussed duties and authority of a Personnel Committee. Bouska made a motion to form a Personnel Advisory Committee consisting of the Mayor and two Council members. McConnell seconded and it passed all ayes.

Personnel issues and the Employee Handbook were discussed regarding disciplinary procedures due to the increasing number of employees disregarding one of the rules. McConnell made the motion to implement a disciplinary course of action for violations of Section 3.16 of the Employee Handbook: 1st violation - a documented verbal warning; 2nd violation - written warning; 3rd violation - 1-day unpaid suspension; 4th violation - termination with four violations within 12 months of the first violation. An employee's record on this specific violation will be cleared at twelve months after a violation. Kriener seconded and it passed all ayes. This will be effective after the supervisors and employees have been informed of the new enforcement rules.

Carman moved to adjourn at 9:05 pm. Bouska seconded and it passed all ayes. The next regular Cresco City Council meeting will be Wednesday, September 7, 2022, at 5:30 pm at Cresco City Hall.

Mayor David J. Brenno

City Clerk Michelle Elton

STREET CLOSING/PARADE PERMIT

Application Date: 8-24-22 Name: Samuel J. Fotiadis

Mail to Address: 130 N. Park Pl. Cresco Police Department

Phone Number: 563-547-2424

List Streets to Close or Parade Route: City Parking Lot between Foley Chiropractor and Movie theater
and 2nd Ave West, Between 2nd St W and North Elm St.

Reason for Closure: Movie Night Fundraiser For Police Department

Event Date: 9-17-22 Time: (from) 15:00 (to) 00:00

Signature of Applicant: Samuel Fotiadis

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:

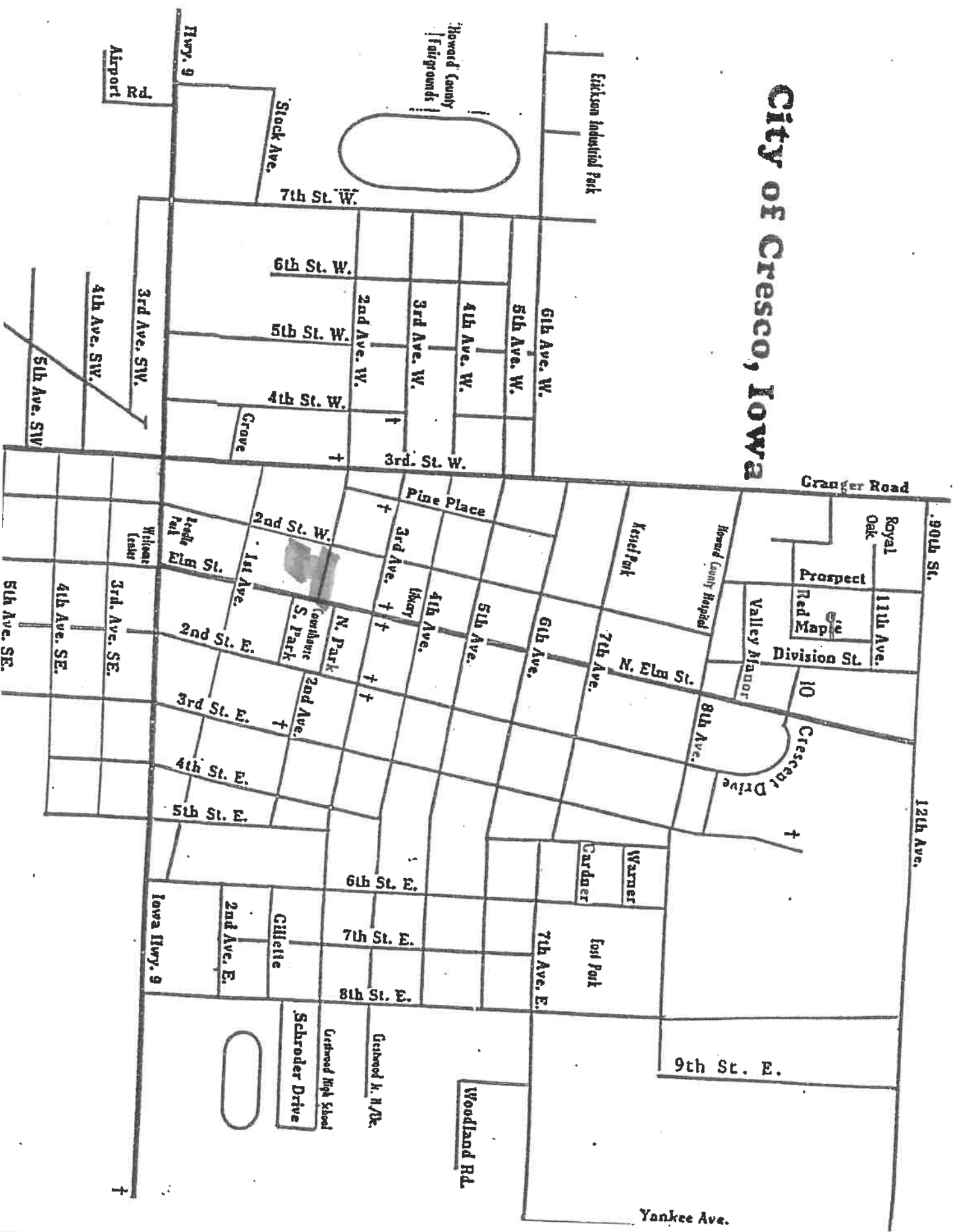
1. "Parade" Defined. "Parade" means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.
2. Permit Required. No parade shall 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



STREET CLOSING/PARADE PERMIT

Application Date: 9/6/22 Name: CHS Homecoming Parade
Mail to Address: 1000 Schroeder Drive Cresco IA 52136
Phone Number: (563) 451-6375 cell school (563) 547-2764

List Streets to Close or Parade Route: High School - Schroeder Drive
3rd Ave E to Elm
Elm From 3rd Ave To 1st Ave

Reason for Closure: Homecoming Parade

Event Date: 9/23/22 Time: (from) 2:15 (2:30 start)
(to) 3:15

Signature of Applicant: Lisa M. Dury

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

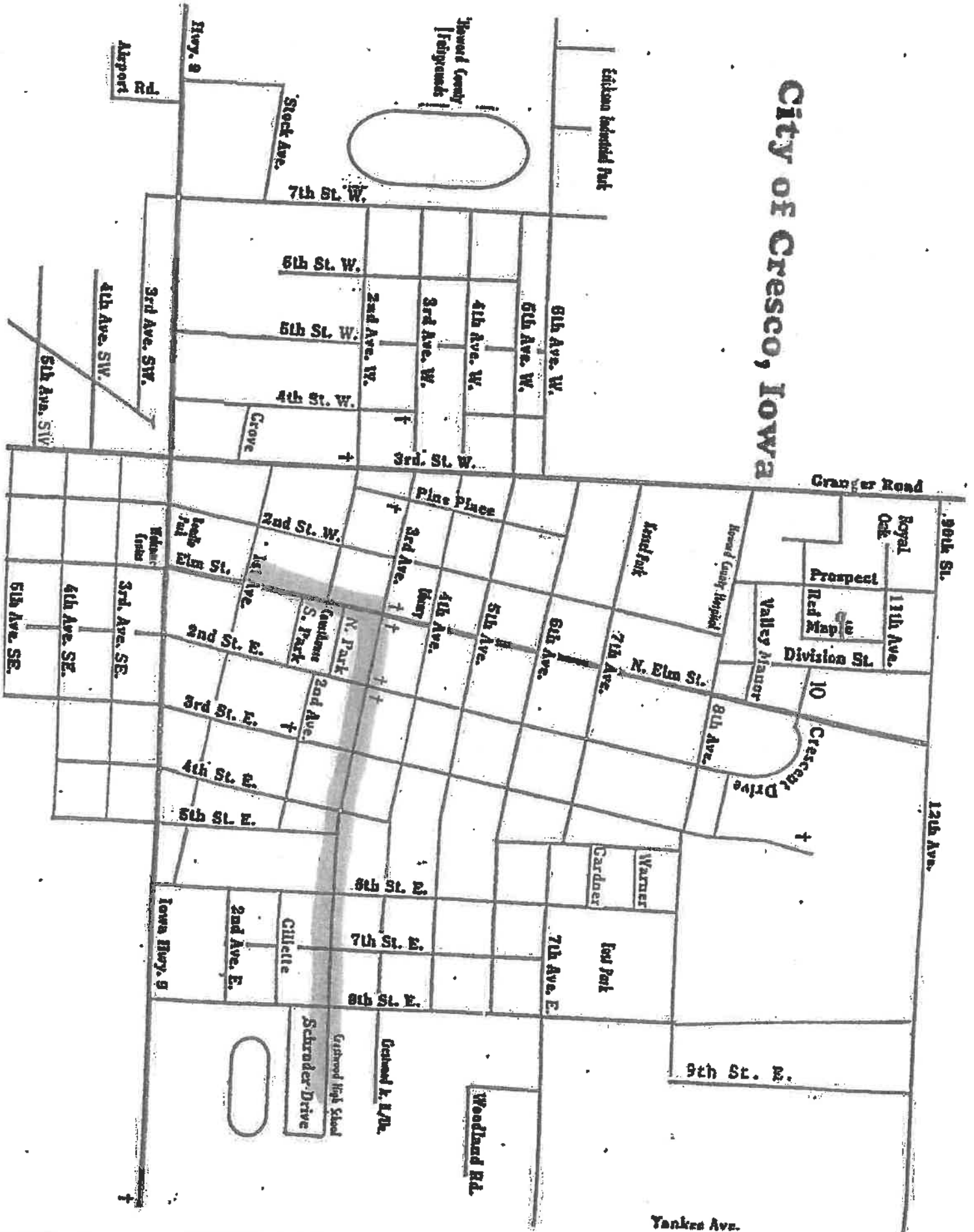
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1. "Parade" Defined. "Parade" means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the 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



Howard County
Fairgrounds

Woodland Park

Cranger Road

90th St.

Royal
Oak

Prospect
Red
Maple

Division St.

Valley Manor

Howard County Hospital

Kendall

N. Elm St.

6th Ave.

5th Ave.

4th Ave.

Pine Place

3rd Ave.

2nd St. W.

1st Ave.

Elm St.

Wood
Park

3rd Ave. SE.

4th Ave. SE.

5th Ave. SE.

12th Ave.

10
Crescent Drive

8th Ave.

Warner

Gardner

East Park

7th Ave. E.

9th St. S.

Woodland Rd.

General K. L. D.

Cedarwood High School
Schrader Drive

2nd Ave. E.

Iowa Hwy. 9

Yankee Ave.

Application and Certificate For Payment

To Owner: City of Cresco 130 North Park Place Cresco, IA 52136-1594	Project: Cresco Pickle Ball Courts Evens Park, S Elm Street Cresco, IA 55904	Application No: 1 Date: 09/02/2022 Period To: 09/02/22 Architect's Project No: Contract Date: 05/17/22
From (Contractor): Heartland Asphalt Inc. 2601 S Federal Ave Mason City, IA 50401	Contractor Job Number: 75517 Via (Architect): Contract For:	
Phone: 641 424-1733		

Contractor's Application For Payment

Change Order Summary	Additions	Deductions
Change orders approved in previous months by owner		-3,250.00
Change orders approved this month		
Totals		
Net change by change orders	-3,250.00	

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

Contractor:

By: _____ Date: _____

State of: _____ County of: _____

Subscribed and sworn to before me this _____ day of _____

(year), Notary public: _____

My commission expires _____

Original contract sum	128,826.70
Net change by change orders	-3,250.00
Contract sum to date	125,576.70
Total completed and stored to date	123,880.18
Retainage	
5.0% of completed work	6,194.01
0.0% of stored material	0.00
Total retainage	6,194.01
Total earned less retainage	117,686.17
Less previous certificates of payment	0.00
0.000% of taxable amount	0.00
Current sales tax	0.00
Current payment due	117,686.17
Balance to finish, including retainage	7,890.53

Architect's Certificate for Payment

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

Amount Certified: \$ _____

Architect:

By: _____ Date: _____

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

Application and Certificate For Payment -- page 2

To Owner: **City of Cresco** Application No: **1** Date: **09/02/22** Period To: **09/02/22**
 From (Contractor): **Heartland Asphalt Inc** Contractor's Job Number: **75517**
 Project: **Cresco Pickle Ball Courts** Architect's Project No:

Item Number	Description	Unit Price	Contract Quantity	UM	Scheduled Value	Work Completed Previous Application		Work Completed This Period		Completed and Stored To Date		Rebation	Memo
						Quantity	Amount	Quantity	Amount	Quantity	Amount		
01	Mobilization	0.0000	.000	LS	10,000.00	0.00 %	0.00	100.00 %	10,000.00	100.00 %	10,000.00	100.0	500.00
02	Remove Concrete Walk/Pavement	14.0000	54.000	SY	756.00	.000	0.00	54.000	756.00	100.0	756.00	100.0	37.80
03	Remove 10' High Fence	18.0000	118.000	LF	2,124.00	.000	0.00	118.000	2,124.00	100.0	2,124.00	100.0	106.20
04	Remove & Salvage 10' Fence	25.0000	118.000	LF	2,950.00	.000	0.00	118.000	2,950.00	100.0	2,950.00	100.0	147.50
05	Class 10 Excavation (F)	40.7000	31.000	CY	1,261.70	.000	0.00	47.000	1,912.90	151.6	1,912.90	151.6	96.85
06	Install Salvaged 10' Fence	56.0000	118.000	LF	6,644.00	.000	0.00	118.000	6,644.00	100.0	6,644.00	100.0	342.20
07	F&I 10' High Fence	95.0000	118.000	LF	11,210.00	.000	0.00	118.000	11,210.00	100.0	11,210.00	100.0	560.50
08	F&I 4' High Fence	53.0000	324.000	LF	12,312.00	.000	0.00	324.000	12,312.00	100.0	12,312.00	100.0	615.60
09	F&I Net System (Pickleball)	2,450.0000	.000	EA	0.00	.000	0.00	.000	0.00	0.00	0.00	0.0	0.00
09.1	F&I Net System-Pickleball	1,850.0000	4.000	EA	7,400.00	.000	0.00	4.000	7,400.00	100.0	7,400.00	100.0	370.00
10	Removes, Raintest, Net System	3,000.0000	.000	EA	0.00	.000	0.00	.000	0.00	0.00	0.00	0.0	0.00
10.1	Removes, Raintest, Net System	1,600.0000	1.000	EA	1,600.00	.000	0.00	1.000	1,600.00	100.0	1,600.00	100.0	80.00
11	Granular Subbase Class A (CY)	58.0000	22.000	CY	1,276.00	.000	0.00	38.000	2,098.00	163.6	2,098.00	163.6	104.40
12	Furnish/Install Mineral Fabric	2.0500	860.000	LF	1,763.00	.000	0.00	860.000	1,763.00	100.0	1,763.00	100.0	86.15
13	HMA Pavement/Leveling Course	186.0000	50.000	TN	9,300.00	.000	0.00	55.000	10,230.00	110.0	10,230.00	110.0	511.50
14	HMA Pavement Base Course	186.0000	20.000	TN	3,720.00	.000	0.00	20.000	3,720.00	100.0	3,720.00	100.0	186.00
15	HMA Pavement Wearing Course	173.0000	141.360	TN	24,455.28	.000	0.00	141.360	24,455.28	95.7	24,455.28	95.7	1,222.76
16	Turf Restoration	0.0000	.000	LS	950.00	0.00 %	0.00	900.00 %	900.00	100.0 %	900.00	100.0	47.60
17	Topsoil Borrow (LV)	135.0000	10.000	CY	1,350.00	.000	0.00	10.000	1,350.00	100.0	1,350.00	100.0	67.50
18	Painting and Striping	0.0000	.000	LS	21,665.00	0.00 %	0.00	100.00 %	21,665.00	100.0 %	21,665.00	100.0	1,083.25
Total					126,928.70		0.00		123,330.18		123,330.18		6,186.51
01 Contract Mod. # 01													
19	Locate & Paint Pickleball	275.0000	2.000	EA	550.00	.000	0.00	2.000	550.00	100.0	550.00	100.0	27.50
Total Contract Mod. # 01					550.00		0.00		550.00		550.00		27.50
Application Total					126,978.70		0.00		123,880.18		123,880.18		6,184.01

**CITY OF CRESCO
CASH & INVESTMENT BY FUND
AS OF AUGUST 31, 2022**

	CASH BALANCE	MONEY MKT BALANCE	CD BALANCE	OTHER BANK BALANCE	FUND BALANCE
001 General Fund	20,544.42	1,379,500.00	-	-	1,400,044.42
001 General Fund - Theatre	-	-	-	4,959.06	4,959.06
001 General Fund - Credit Card Processing	-	-	-	3,500.00	3,500.00
001 General Fund - RAGBRAI	-	-	9,014.07	-	9,014.07
002 General Fund-Hotel/Motel	124.93	34,000.00	-	-	34,124.93
022 Local Option Tax Project	1,461.65	1,769,000.00	-	-	1,770,461.65
060 EV Charging Station	447.35	9,000.00	-	-	9,447.35
065 Nuisance House Fund	992.35	11,000.00	-	-	11,992.35
078 Fire Station Building	468.90	9,000.00	-	-	9,468.90
087 Equipment Replace	316.88	34,000.00	-	-	34,316.88
090 Office/Computer Equip.	193.05	26,000.00	-	-	26,193.05
091 Street Equipment Trust	569.74	114,000.00	-	-	114,569.74
092 Theatre Trust	321.52	65,000.00	-	-	65,321.52
094 Airport Trust	(12,747.26)	-	-	-	(12,747.26)
098 Cresco Community Fire	175.44	93,000.00	-	-	93,175.44
110 Road Use Tax Fund	624.06	701,000.00	-	-	701,624.06
112 Employee Benefits Trust	917.56	743,000.00	-	-	743,917.56
119 Emergency Fund	359.34	-	-	-	359.34
160 CIDC/CityRevol.Loan-bus.	334.66	114,000.00	-	-	114,334.66
177 Police Forfeiture Fund	240.13	-	-	-	240.13
182 Rehab Housing	834.05	57,000.00	-	-	57,834.05
183 Equip.Repair-Fitness Ctr	475.18	48,000.00	-	-	48,475.18
184 City Park Trust	815.29	20,000.00	-	-	20,815.29
185 Recreation Supply	447.57	12,000.00	-	-	12,447.57
186 Park Tree Trust	636.97	4,000.00	-	-	4,636.97
188 Fire Equipment Trust	765.48	65,000.00	-	-	65,765.48
189 Library Trust	609.98	89,000.00	-	-	89,609.98
200 Debt Service Fund	977.15	101,000.00	-	-	101,977.15
322 Scene Shop Project Fund	694.56	13,000.00	-	-	13,694.56
323 ARPA Grant Project	316.52	450,000.00	-	-	450,316.52
324 Downtown Crosswalk Project	349.41	11,000.00	-	-	11,349.41
600 Water Utility Fund	5,062.99	454,000.00	-	-	459,062.99
601 Water Deposit Trust	614.74	33,000.00	-	-	33,614.74
602 Water Utility Replacement	326.87	426,000.00	-	-	426,326.87
610 MSSU Revenue	6,492.10	685,000.00	-	-	691,492.10
612 MSSU Operation/Maint	961.20	-	-	-	961.20
613 MSSU Replacement	1,471.41	1,184,000.00	-	-	1,185,471.41
614 MSSU Rev.Bond Int	221.41	36,000.00	-	-	36,221.41
620 Cap Imp Water, Sewer, Storm	1,330.87	147,000.00	-	-	148,330.87
670 Yard Waste Fund	995.56	97,000.00	-	-	97,995.56
820 Health Ins Partial Self Fund	-	-	70,000.00	66,150.12	136,150.12
Totals	39,744.03	9,033,500.00	79,014.07	74,609.18	9,226,867.28
	0%	98%	1%	1%	<u>9,226,867.28</u>

Checking - Cresco Bank & Trust (operating) 0.05% 39,744.03
 Checking - CB&T (credit cards) 0.00% 3,500.00
 Theatre Checking (CB&T) 0.00% 4,959.06

Money Market - Cresco Bank & Trust 1.00% 9,033,500.00
 MMKT Hlth Ins Partial Self Funded 0.70% 66,150.12

CD RAGBRAI - 3 yr - matures 9/14/23 (CUSB) 0.65% 9,014.07 Eligible for Exchange Rate - 1 time higher interest rate
 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% 0.00

\$ 9,226,867.28

CITY OF CRESCO
 REVENUE REPORT
 CALENDAR 8/2022, FISCAL 2/2023

ACCOUNT NUMBER	ACCOUNT TITLE	MTD BALANCE	YTD BALANCE	BUDGET	% RECEIVED
	GENERAL TOTAL	140,143.37	261,494.12	3,432,895.00	7.62
	HOTEL/MOTEL TAX TOTAL	6,220.07	6,220.07	20,000.00	31.10
	LOST PROJECT TOTAL	49,992.70	97,539.44	528,000.00	18.47
	EV CHARGING STATION TOTAL	5.91	20,010.60	26,200.00	76.38
	NUISANCE HOUSE TOTAL	7.23	4,918.49	12,000.00	40.99
	FIRE STATION BUILDING TOTAL	546.11	6,839.31	13,900.00	49.20
	EQUIPMENT REPLACEMENT TOTAL	57.05	64.35	4,100.00	1.57
	OFFICE EQUIPMENT TOTAL	51.80	54.93	100.00	54.93
	STREET TRUST TOTAL	1,232.36	2,562.46	30,000.00	8.54
	THEATRE TRUST FUND TOTAL	77.43	200.88	74,300.00	.27
	AIRPORT TRUST FUND TOTAL	.00	.00	130,250.00	.00
	CRESCO COMMUNITY FIRE TOTAL	4,284.04	27,377.42	90,500.00	30.25
	ROAD USE TAX TOTAL	39,667.43	80,808.92	570,000.00	14.18
	EMPLOYEE BENEFITS TOTAL	6,490.14	13,232.82	645,900.00	2.05
	EMERGENCY FUND TOTAL	137.53	359.34	37,500.00	.96
	LOCAL OPTION SALES TAX TOTAL	52,861.45	105,141.59	580,000.00	18.13
	REVOLVING LOAN TOTAL	3,152.25	6,287.43	50,500.00	12.45
	REHAB HOUSE TOTAL	37.46	68.73	.00	.00
	FITNESS CENTER TRUST TOTAL	12,231.52	12,899.74	17,400.00	74.14
	PARK TRUST TOTAL	20,043.14	20,794.18	220,000.00	9.45
	RECREATION SUPPLY TOTAL	7.89	14.14	10,000.00	.14
	PARK TREE TRUST TOTAL	2.63	4.71	.00	.00
	FIRE EQUIPMENT TOTAL	94.79	3,154.47	12,000.00	26.29
	LIBRARY TOTAL	93.20	5,014.69	5,000.00	100.29
	DEBT SERVICE TOTAL	6,423.92	13,471.32	340,500.00	3.96
	SCENE SHOP PROJECT TOTAL	8.54	15.32	.00	.00
	ARPA GRANT PROJECT FUND TOTAL	279,828.87	279,917.47	278,600.00	100.47
	DOWNTOWN CROSSWALKS TOTAL	7.23	12.96	600,000.00	.00
	WATER TOTAL	60,957.06	115,743.47	616,100.00	18.79
	WATER DEPOSIT TOTAL	840.00	2,460.00	13,000.00	18.92
	WATER EQUIPMENT REPLACE TOTAL	674.80	810.83	141,300.00	.57
	SEWER TOTAL	78,984.45	201,920.10	874,500.00	23.09
	SEWER OPERATIONS TOTAL	53,000.00	166,000.00	747,500.00	22.21
	SEWER REPLACEMENT PROJ TOTAL	1,472.34	1,883.56	93,000.00	2.03
	SEWER SINKING TOTAL	70.52	75.21	29,000.00	.26
	PROPRIETARY CAP IMPROVE TOTAL	7,068.47	13,727.64	81,200.00	16.91
	YARDWASTE TOTAL	3,476.24	6,706.93	39,100.00	17.15
	SELF INSURANCE TOTAL	4,075.84	8,061.73	.00	.00
	TOTAL REVENUE BY FUND	834,325.78	1,485,869.37	10,364,345.00	14.34

CITY OF CRESCO
 BUDGET REPORT
 CALENDAR 8/2022, FISCAL 2/2023

ACCOUNT NUMBER	ACCOUNT TITLE	MDT BALANCE	YTD BALANCE	BUDGET	% SPENT
	GENERAL TOTAL	252,042.57	478,611.76	3,429,600.00	13.96
	HOTEL/MOTEL TAX TOTAL	4,000.00	9,750.00	20,000.00	48.75
	LOST PROJECT TOTAL	.00	54,283.00	541,700.00	10.02
	EV CHARGING STATION TOTAL	.00	10,563.25	21,200.00	49.83
	NUISANCE HOUSE TOTAL	48.00	48.00	12,000.00	.40
	FIRE STATION BUILDING TOTAL	441.11	1,234.34	14,600.00	8.45
	EQUIPMENT REPLACEMENT TOTAL	.00	.00	1,000.00	.00
	OFFICE EQUIPMENT TOTAL	.00	.00	8,000.00	.00
	THEATRE TRUST FUND TOTAL	.00	.00	69,300.00	.00
	AIRPORT TRUST FUND TOTAL	2,137.50	100,851.76	145,000.00	69.55
	CRESCO COMMUNITY FIRE TOTAL	1,218.33	2,016.64	95,500.00	2.11
	ROAD USE TAX TOTAL	56,990.35	89,159.20	566,300.00	15.74
	EMPLOYEE BENEFITS TOTAL	45,969.29	90,721.35	645,900.00	14.05
	EMERGENCY FUND TOTAL	.00	.00	37,500.00	.00
	LOCAL OPTION SALES TAX TOTAL	52,861.45	105,141.59	580,000.00	18.13
	REVOLVING LOAN TOTAL	.00	.00	50,000.00	.00
	REHAB HOUSE TOTAL	2,577.00	2,663.13	.00	.00
	FITNESS CENTER TRUST TOTAL	.00	.00	20,000.00	.00
	PARK TRUST TOTAL	1,383.52	3,347.52	220,000.00	1.52
	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	.00	2,406.00	600,000.00	.40
	WATER TOTAL	40,093.80	70,023.35	616,300.00	11.36
	WATER DEPOSIT TOTAL	748.02	2,286.41	13,000.00	17.59
	WATER EQUIPMENT REPLACE TOTAL	17,121.10	17,121.10	95,000.00	18.02
	SEWER TOTAL	53,000.00	166,000.00	867,500.00	19.14
	SEWER OPERATIONS TOTAL	52,943.83	165,458.27	745,100.00	22.21
	SEWER REPLACEMENT PROJ TOTAL	5,931.11	5,931.11	30,000.00	19.77
	SEWER SINKING TOTAL	.00	.00	28,900.00	.00
	PROPRIETARY CAP IMPROVE TOTAL	44.18	11,488.80	41,900.00	27.42
	YARDWASTE TOTAL	1,060.06	1,354.51	32,900.00	4.12
	SELF INSURANCE TOTAL	3,951.60	5,193.72	.00	.00
	TOTAL EXPENSES BY FUND	594,562.82	1,396,404.81	9,917,500.00	14.08

SUMMARY OF ORDINANCE NO. 498

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
CITY OF CRESCO, IOWA, BY AMENDING PROVISIONS
PERTAINING TO ALL-TERRAIN VEHICLES "ATV" AND SNOWMOBILES

Below is a summary of ORDINANCE 498. A full copy of said Ordinance may be obtained between 8 am and 4:30 pm weekdays at City Hall, 130 North Park Place, Cresco, IA 52136 or on the City's website at www.cityofcresco.com.

SECTION 1. Chapter 75.03, 75.05, and 75.08 of the Code of Ordinances of the City of Cresco, Iowa, is amended as summarized below:

Iowa Code Section 321I.10 was amended to allow a city to designate which streets may be used for the operation of a registered ATV within city limits.

The City of Cresco does not allow for the operation of an ATV, off-road motorcycle, or snowmobile on any streets within the City. Exceptions and rules are listed in chapter 75 of the Code of Ordinances of the City of Cresco, Iowa, and include agricultural purposes and snow removal.

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

Mayor David J. Brenno

ATTEST:

City Clerk Michelle Elton

1st Reading Summary 8/15/22 2nd Reading Summary _____ 3rd Reading Summary _____

I certify that the foregoing was published as Ordinance No. 498 on the __ day of _____, 2022.

City Clerk Michelle Elton

ORDINANCE NO 498

ALL-TERRAIN VEHICLES AND SNOWMOBILES

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA BY AMENDING PROVISIONS PERTAINING TO ALL-TERRAIN VEHICLES "ATV" AND SNOWMOBILES

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

SECTION 1. SECTIONS MODIFIED. Sections 75.03, 75.05 and 75.08 of the Code of Ordinances of the City of Cresco, Iowa, are modified and the following adopted in lieu thereof:

75.03 GENERAL REGULATIONS.

Iowa Code Section 321I.10 subsection 3 states that a city may regulate the operation of registered ATVs and may designate streets under the jurisdiction of the city within its corporate limits, and two-lane primary and secondary road extensions in the city, which may be used for the operation of such vehicles.

The City of Cresco does not allow for the operation of an ATV, off-road motorcycle, or snowmobile on any streets within the City. Exceptions and rules are listed in sections 75.04 and 75.05.

75.05 OPERATION OF ALL-TERRAIN VEHICLES. The operators of ATVs shall comply with the following restrictions as to where ATVs may be operated within the City:

1. Streets. ATVs shall not be operated on a city street unless one or more of the following conditions apply:
 - a. The operation is between sunrise and sunset and is incidental to the vehicle's use for agricultural purposes. For purposes of this paragraph, "incidental to the vehicle's use for agricultural purposes" includes stopping in the course of agricultural use to obtain fuel for the ATV or to obtain food or a nonalcoholic beverage for the operator.
 - b. The operation is incidental to the vehicle's use for the purpose of surveying by a licensed engineer or land surveyor.
 - c. The ATV is operated by an employee or agent of a political subdivision or public utility for the purpose of construction or maintenance on or adjacent to the city street.
 - d. The ATV is operated by an employee or agent of a public agency as defined in Iowa Code Section 34.1 for the purpose of providing emergency services or rescue.
 - e. The ATV is operated for the purpose of mowing, installing approved trail signs, or providing maintenance on a snowmobile or ATV trail designated by the Department of Natural Resources.

- f. The ATV is operated for the purpose of snow removal and travels on the most direct route between properties or to obtain fuel.

The following paragraphs are added.

6. A person operating an ATV in the city pursuant to subsection 1, paragraphs "a" or "f", shall not operate upon any City street that is a primary road extension through the City. However, ATV's may cross such a primary road extension. Within the City of Cresco, "primary road extension" shall be taken to mean Highway 9 (2nd Avenue SE/SW), 3rd Street West (Granger), and 3rd Street SW (Protivin Road).

7. A person operating an ATV on a highway shall have a valid driver's license and operate the vehicle at speeds of thirty-five miles per hour or less. In addition, a person operating an ATV on a highway pursuant to subsection 1, paragraphs "b" through "f", shall be at least eighteen years of age and have financial liability coverage in effect for the vehicle and carry proof of such financial liability coverage in accordance with section 321.20B.

75.08 EQUIPMENT ON MOTOR VEHICLES. An ATV is a motor vehicle for purposes of this chapter. Therefore, an ATV operated on a highway shall be equipped with the parts, lamps, and other equipment in proper condition and adjustment as required under the Iowa Code chapter 321 for motor vehicles, including but not limited to the parts, lamps, and equipment required under Section 321.386 (headlamps), 321.387 (rear lamps), 321.404 (brake lights), 321.432 (horn), and 321.437 (mirror) of the *Code of Iowa*.

Every ATV shall be equipped with at least one and not more than two headlamps. An ATV shall display lighted headlamps at all times while the vehicle is operated on a city street.

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

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

ADOPTION OF ORDINANCE NO. 498

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

And the following Council members voted against the adoption of the foregoing Ordinance:

The Mayor thereupon declared the Ordinance passed and adopted by affirmative vote by the Council and Ordinance No. 498 is approved and adopted this ___ day of _____, 2022.

CITY OF CRESCO

BY _____
Mayor David J. Brenno

ATTEST:

BY _____
City Clerk Michelle Elton

Summary of Ordinance No. 498:

First Reading: 8/15/2022
Second Reading: _____
Third Reading: _____

I certify that a summary of the foregoing was published as Ordinance No. 498 on the ___ day of _____, 2022.

City Clerk Michelle Elton

RESOLUTION NO. _____

RESOLUTION WAIVING THE THIRD READING AND CONSIDERATION
OF ORDINANCE NUMBER 498 PERTAINING TO
ALL-TERRAIN VEHICLES "ATVs" AND SNOWMOBILES

WHEREAS, the City Council of the City of Cresco, Iowa, desires to pass Ordinance Number 498 which amends the Code of Ordinances of the City of Cresco, Iowa, by amending Chapter 75, Sections 03, 05 and 08, pertaining to all-terrain vehicles "ATVs" and snowmobiles.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Cresco, Iowa, that the third reading and consideration of Ordinance Number 498, be waived according to Section 380.3 of the Code of Iowa and that Ordinance Number 498 be read and considered at the City Council meeting held September 7, 2022, in the City Council Chambers at City Hall.

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

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

Council Member _____ was absent from the meeting.

The Mayor thereupon declared Resolution No. 498 duly passed and adopted by at least 3/4ths affirmative vote by the council members and Ordinance Number 498 is ready to be discussed and considered.

PASSED THIS _____ DAY OF _____, 2022

Mayor David J. Brenno

ATTEST: _____
City Clerk Michelle Elton

SUMMARY OF ORDINANCE NO. 499

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA, BY AMENDING PROVISIONS PERTAINING TO GOLF CARTS AND UTILITY TRAIL VEHICLES (UTVs)

Below is a summary of ORDINANCE 499. A full copy of said Ordinance may be obtained between 8 am and 4:30 pm weekdays at City Hall, 130 North Park Place, Cresco, IA 52136 or on the City's website at www.cityofcresco.com.

SECTION 1. Chapter 74.05, 74.06, and 74.10 of the Code of Ordinances of the City of Cresco, Iowa, is amended as summarized below:

The City will no longer inspect or issue City of Cresco permits to operate a UTV on a public street or alley within city limits. Additional equipment requirements were added per State Code for a horn and headlamps.

Golf carts still need to be inspected and to purchase a permit from the City annually.

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

Mayor David J. Brenno

ATTEST: _____
City Clerk Michelle Elton

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

I certify that the foregoing was published as Ordinance No. 499 on the __ day of _____, 2022.

City Clerk Michelle Elton

ORDINANCE NO. 499

GOLF CARTS AND UTVs (UTILITY TRAIL VEHICLES)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA BY AMENDING PROVISIONS PERTAINING TO GOLF CARTS AND UTILITY TRAIL VEHICLES (UTVs)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF CRESCO AS FOLLOWS:

SECTION 1. SECTIONS MODIFIED. Chapter 74.05 (section 2e and 2f), 74.06 and 74.10 (sections 2, 3.B, 4, 5, & 6) of the Code of Ordinances of the City of Cresco, Iowa, is amended and the following adopted in lieu thereof:

74.05 EQUIPMENT:

Section 2. UTV's operated upon City streets shall be equipped with at least the following:

(The following equipment is added under Section 2)

- E. Horn (Iowa Code 321.432)
- F. Headlamps (Iowa Code 321.387)

74.06 HOURS: Golf carts and UTV's may be operated on City streets only between sunrise and sunset, except that a UTV may be operated during prohibited hours to perform snow removal **or agricultural activities.**

74.10 PERMITS: No person shall operate a golf cart or UTV on any public street or alley for any purpose unless the operator possesses a City of Cresco permit to operate a golf cart or **DNR Registration to operate** a UTV on City Streets.

2. Golf cart ~~and UTV~~ owners need to apply for a permit from the City of Cresco Police Department to operate a golf cart ~~or UTV~~ on City streets.
3. A permit shall not be issued until the owner has provided the following:
 - B. Proof that the owner and all permitted operators have liability insurance covering operation of a golf cart ~~or UTV~~ on City Streets with limits of liability at least as great as those required by the Code of Iowa chapter 321A.1.11 as amended.
4. Any golf cart ~~or UTV~~ operated on the City streets shall display the City of Cresco permit sticker prominently on a rear fender or similar component.
5. All permits issued shall uniquely identify the name(s) and address(es) of the owner and all permitted operators and shall be for a specific golf cart ~~or UTV~~, as evidenced by its serial number.

6. The fee for such permits shall be twenty-five dollars (25.00) per year. The fee will not be pro-rated for permit's purchased during the year. The fee will not be refunded if the golf cart ~~or UTV~~ is sold, or the permit is suspended or revoked.

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

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

ADOPTION OF ORDINANCE NO. 499

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

And the following Council members voted against the adoption of the foregoing Ordinance:

The Mayor thereupon declared the Ordinance passed and adopted by affirmative vote by the Council and Ordinance No. 499 is approved and adopted this _____ day of _____, 2022

CITY OF CRESCO

BY _____
Mayor David J. Brenno

ATTEST:

BY _____
City Clerk Michelle Elton

First Reading: _____ Second Reading: _____ Third Reading: _____

I certify that the foregoing was published as Ordinance No. 499 on the ___ day of _____, 2022.

City Clerk Michelle Elton

SUMMARY OF ORDINANCE NO. 499

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA, BY AMENDING PROVISIONS PERTAINING TO GOLF CARTS AND UTILITY TRAIL VEHICLES (UTVs)

Below is a summary of ORDINANCE 499. A full copy of said Ordinance may be obtained between 8 am and 4:30 pm weekdays at City Hall, 130 North Park Place, Cresco, IA 52136 or on the City's website at www.cityofcresco.com.

SECTION 1. Chapter 74.05, 74.06, and 7410 of the Code of Ordinances of the City of Cresco, Iowa, is amended as summarized below:

The City will no longer inspect or issue City of Cresco permits to operate a UTV on a public street or alley within city limits. Additional equipment requirements were added per State Code for a horn and headlamps. UTV's may be operated after dark.

Golf carts still need to be inspected and to purchase a permit from the City annually. Golf carts may only be operated between sunrise and sunset.

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

Mayor David J. Brenno

ATTEST: _____
City Clerk Michelle Elton

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

I certify that the foregoing was published as Ordinance No. 499 on the __ day of _____, 2022.

City Clerk Michelle Elton

Alternative #2 – allows UTV to be operated anytime

ORDINANCE NO. 499

GOLF CARTS AND UTVs (UTILITY TRAIL VEHICLES)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA BY AMENDING PROVISIONS PERTAINING TO GOLF CARTS AND UTILITY TRAIL VEHICLES (UTVs)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF CRESCO AS FOLLOWS:

SECTION 1. SECTIONS MODIFIED. Chapter 74.05 (section 2e and 2f), 74.06 and 74.10 (sections 2, 3.B, 4, 5, & 6) of the Code of Ordinances of the City of Cresco, Iowa, is amended and the following adopted in lieu thereof:

74.05 EQUIPMENT:

Section 2. UTV's operated upon City streets shall be equipped with at least the following:

(The following equipment is added under Section 2)

- E. Horn (Iowa Code 321.432)**
- F. Headlamps (Iowa Code 321.387)**

74.06 HOURS: Golf carts ~~and UTV's~~ may be operated on City streets only between sunrise and sunset, ~~except that a UTV may be operated during prohibited hours to perform snow removal.~~

74.10 PERMITS: No person shall operate a golf cart or UTV on any public street or alley for any purpose unless the operator possesses a City of Cresco permit to operate a golf cart or **DNR Registration to operate** a UTV on City Streets.

2. Golf cart ~~and UTV~~ owners need to apply for a permit from the City of Cresco Police Department to operate a golf cart ~~or UTV~~ on City streets.

3. A permit shall not be issued until the owner has provided the following:

B. Proof that the owner and all permitted operators have liability insurance covering operation of a golf cart ~~or UTV~~ on City Streets with limits of liability at least as great as those required by the Code of Iowa chapter 321A.1.11 as amended.

4. Any golf cart ~~or UTV~~ operated on the City streets shall display the City of Cresco permit sticker prominently on a rear fender or similar component.

5. All permits issued shall uniquely identify the name(s) and address(es) of the owner and all permitted operators and shall be for a specific golf cart ~~or UTV~~, as evidenced by its serial number.

6. The fee for such permits shall be twenty-five dollars (25.00) per year. The fee will not be pro-rated for permit's purchased during the year. The fee will not be refunded if the golf cart ~~or UTV~~ is sold, or the permit is suspended or revoked.

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

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

ADOPTION OF ORDINANCE NO. 499

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

And the following Council members voted against the adoption of the foregoing Ordinance:

The Mayor thereupon declared the Ordinance passed and adopted by affirmative vote by the Council and Ordinance No. 499 is approved and adopted this _____ day of _____, 2022

CITY OF CRESCO

BY _____
Mayor David J. Brenno

ATTEST:

BY _____
City Clerk Michelle Elton

First Reading: _____ Second Reading: _____ Third Reading: _____

I certify that the foregoing was published as Ordinance No. 499 on the ___ day of _____, 2022.

City Clerk Michelle Elton

RESOLUTION NO. _____

**RESOLUTION WAIVING THE SECOND AND THIRD READINGS AND
CONSIDERATION OF ORDINANCE NUMBER 499 PERTAINING TO
GOLF CARTS AND UTILITY TRAIL VEHICLES "UTVs"**

WHEREAS, the City Council of the City of Cresco, Iowa, desires to pass Ordinance Number 499 which amends the Code of Ordinances of the City of Cresco, Iowa, by amending Chapter 74.05 (sections 2e and 2f), 74.06, and 74.10 (sections 2, 3.B, 4, 5, & 6) pertaining to golf carts and utility trail vehicles "UTVs".

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Cresco, Iowa, that the second and third reading and consideration of Ordinance Number 499, be waived according to Section 380.3 of the Code of Iowa and that Ordinance Number 499 be read and considered at the City Council meeting held September 7, 2022, in the City Council Chambers at City Hall.

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

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

Council Member _____ was absent from the meeting.

The Mayor thereupon declared Resolution No. 499 duly passed and adopted by at least 3/4ths affirmative vote by the council members and Ordinance Number 499 is ready to be discussed and considered.

PASSED THIS _____ DAY OF _____, 2022

Mayor David J. Brenno

ATTEST: _____
City Clerk Michelle Elton

ORDINANCE NO. 500

PUBLIC HEALTH AND SAFETY

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

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

SECTION 1. SECTIONS MODIFIED. Chapter 41.13, Section 5.A (1), of the Code of Ordinances of the City of Cresco, Iowa, are modified and the following adopted in lieu thereof:

41.13 FIREWORKS

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

A. City Permit. An application must be filed with City Hall that includes:

1. The location and dates for the sale of fireworks. ~~Sales of consumer fireworks are allowed only within districts zoned as Commercial C-1 or C-2 and Industrial M-1.~~

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

Mayor David J. Brenno

ATTEST: _____
City Clerk Michelle Elton

1st Reading 8/15/22 2nd Reading _____ 3rd Reading _____

I certify that the foregoing was published as Ordinance No. 500 on the ___ day of _____, 2022.

City Clerk Michelle Elton

RESOLUTION NO. _____

RESOLUTION WAIVING THE THIRD READING AND
CONSIDERATION OF ORDINANCE NUMBER 500 PERTAINING
TO SALE OF FIREWORKS

WHEREAS, the City Council of the City of Cresco, Iowa, desires to pass Ordinance Number 500 which amends the Code of Ordinances of the City of Cresco, Iowa, by amending Chapter 41 Section 13 pertaining to sale of fireworks.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Cresco, Iowa, that the third reading and consideration of Ordinance Number 500, be waived according to Section 380.3 of the Code of Iowa and that Ordinance Number 500 be read and considered at the City Council meeting held September 7, 2022, in the City Council Chambers at City Hall.

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

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

Council Member _____ was absent from the meeting.

The Mayor thereupon declared Resolution No. 500 duly passed and adopted by at least 3/4ths affirmative vote by the council members and Ordinance Number 500 is ready to be discussed and considered.

PASSED THIS 7TH DAY OF SEPTEMBER, 2022

Mayor David J. Brenno

ATTEST: _____
City Clerk Michelle Elton