

## NOTICE AND CALL OF PUBLIC MEETING

GOVERNMENTAL BODY: THE CITY COUNCIL OF CRESCO, IOWA  
DATE OF MEETING: MAY 17, 2021  
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: BRENNON, 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 May 3, 2021
4. Approval of Owner Occupied Housing Contractor Request for Payment #3 – Final for \$4,357.00 for Roy Prestsater
5. Approval of Pay Request for \$84,013.26 to CIT Sewer Solutions for Sewer Cleaning
6. Approval of Application for Tax Abatement under the Urban Revitalization Plan for Wemark Luxury Rentals LLC

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:

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

1. Public Hearing for Ordinance No. 489 Amending the Code of Ordinances of the City of Cresco, Iowa, by Amending Provisions Pertaining to Water Rates
2. Second Reading of Ordinance No. 489 Amending the Code of Ordinances of the City of Cresco, Iowa, by Amending Provisions Pertaining to Water Rates
3. Public Hearing for Ordinance No. 490 Amending the Code of Ordinances of the City of Cresco, Iowa, by Amending Provisions Pertaining to Sewer Service Charges
4. Second Reading of Ordinance No. 490 Amending the Code of Ordinances of the City of Cresco, Iowa, by Amending Provisions Pertaining to Sewer Service Charges

5. Discuss Request to Vacate Undeveloped Portion of 4<sup>th</sup> Ave SW and Possible Recommendation to Refer to the Planning & Zoning Commission to Study the Request and to Make a Recommendation to the Council
6. Spiff Slifka to Discuss the Farmer's Market and Possible Motion to Approve New Site
7. Hawkeye Sanitation to Discuss Garbage Pickups
8. Set Public Hearing for Budget Amendment #3 for Fiscal Year Ending June 30, 2021
9. Resolution Authorizing Transfer of Funds for FY 2021 (May Transfers)
10. Resolution Authorizing the Mayor to Sign an Agreement for Maintenance and Repair of Primary Roads in Municipalities with the Iowa Department of Transportation
11. Resolution Authorizing the Mayor to Sign an Engagement Letter for Amendment No. 1 to the Amended and Restated (2016) Cresco Urban Revitalization Plan with Ahlers & Cooney, PC
12. Discuss Potential Raises for July 1<sup>st</sup> for Fiscal Year 2022
13. Discuss Proposals for Capital Improvement Planning
14. Discuss the Proposed Plans for the 7th St SW and Hwy 9 Storm Sewer Project
15. Discuss Issues Regarding COVID-19 Pandemic

CLOSED SESSION pursuant to Iowa Code 21.5 (1) ( c ) to Discuss Potential Litigation Matters

OPEN SESSION

ADJOURN:

THIS NOTICE IS GIVEN AT THE DIRECTION OF THE MAYOR PURSUANT TO CHAPTER 21, CODE OF IOWA AND THE LOCAL RULES OF SAID GOVERNMENTAL BODY. POSTED MAY 14, 2021.

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You are hereby notified that the City Council of the City of Cresco, Iowa, will hold a Public Hearing on the 17<sup>th</sup> day of May, 2021, in Council Chambers at City Hall. At this meeting the Council proposes to amend ordinance chapter 92 sections 02 and 03 regarding water rates.

The proposed amendment may be viewed at Cresco City Hall during normal office hours or online at [www.cityofcresco.com](http://www.cityofcresco.com). This hearing 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 amendment, must appear at said hearing and voice your opinions.

BY ORDER OF THE CITY COUNCIL OF CRESCO, IOWA

  
\_\_\_\_\_  
City Clerk Michelle Girolamo

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You are hereby notified that the City Council of the City of Cresco, Iowa, will hold a Public Hearing on the 17<sup>th</sup> day of May, 2021, in Council Chambers at City Hall. At this meeting the Council proposes to amend ordinance chapter 99 section 02 regarding sewer service charges.

The proposed amendment may be viewed at Cresco City Hall during normal office hours or online at [www.cityofcresco.com](http://www.cityofcresco.com). This hearing 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 amendment, must appear at said hearing and voice your opinions.

BY ORDER OF THE CITY COUNCIL OF CRESCO, IOWA

  
\_\_\_\_\_  
City Clerk Michelle Girolamo

Mayor Bohle called the Cresco City Council meeting to order on May 3, 2021, at 5:30 pm. Council Members Brenno, 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 April 19, 2021 meeting; special Class C Liquor License (BW) (beer/wine) with outdoor service and Sunday sales to Atomic Pizza Pub LLC d/b/a Atomic Pizza Pub; Parade Permit for Class of 2021 Graduation Parade for portions of Schroder Dr, 3rd Ave E, and N Elm St on May 11, 2021; Owner Occupied Housing Contractor Request for Partial Payment #2 for \$11,478.00 for Roy Prestsater; applications for Tax Abatement under the Urban Revitalization Plan for: Tom & Bev O'Brien and Kevin & Julie Munkel. Bouska seconded and it passed all ayes. The Tax Abatement application from Wemark Luxury Rentals LLC was tabled to review the Development Agreement for possible conflicts.

Public Works Director Widell reported: (a) a Thank You goes out to Trees Forever and Alliant Energy Branching Out Grant Program for the \$3,000 grant and Janet Andera's \$2,000 donation for planting trees. Arbor Day was April 30th and we planted a tree at Kessel Lodge in memory of Bob Andera; (b) the 5th Ave SW watermain looping project will be done this week or next. A detour for 3rd St SW will hopefully only be needed for a day. They are also possibly replacing a manhole at the intersection of 3rd St SW and 6th Ave SW; (c) the chlorine injector on Well #3 was replaced. Northway Well and Pump will be here this week to start the recasing project on Well #3 so it will be down for approximately 6 weeks. An apartment building fire on Pine Place used 220,000 gallons of water this weekend so luckily both wells were running; (d) Neil Schafer is preparing plans for a waterway project on our easement across Kenny Burgess's property to address erosion issues. NRCS has a program that will fund 75% of the project since it is part of the Silver Creek Watershed; (e) CIT may be cleaning sewer mains an extra week due to equipment breakdowns and several mains that are in poor condition requiring heavier cleaning which takes more time and money.

Police Chief Ruroden submitted the April police report. Officer Hillyer will graduate from the Academy on May 21<sup>st</sup>. STEP program will be at the end of May with heightened traffic law awareness and will be working with the Sheriff's Department on a special project.

City Clerk Girolamo reported we had to cancel the Front Desk program which was the software program that allowed customers to log into their utility accounts online. We have had nothing but problems with it since it was implemented in March. There are only four other cities using it and we were the largest. They were also going to switch our customers paying by ACH to the new system which would charge \$1.75 per account per month. We have over 900 accounts on ACH that currently do not cost anything. We are working on getting a refund of at least a portion of the \$2,960 we paid. Their response was no refund because we signed a contract, but the program hasn't worked and was misrepresented to us in its capabilities. The Iowa Legislature is still considering removing the commercial backfill for property taxes and reducing City revenue for the Elderly Tax Credit that is currently funded by the State.

Bouska reported HCED met and was surprised to hear RHS report that the school is considering switching their athletic contract to Winneshiek Medical Center.

McConnell reported the Airport Commission received a pledge for a \$10,000 donation for the Airport Runway Reconstruction project.

Mayor Bohle asked for comments from the audience. Library Director Kay reported the Library Board is considering reducing the number of members from nine to seven. It will need to be put on the ballot for the November election.

Jason Passmore reported: there will be a ribbon cutting ceremony May 19<sup>th</sup> for the Cresco Family Pharmacy at the old Sterling Drug location; June 1<sup>st</sup> Open House for CPU at their new location next to the Chamber; Family Fun Night will be June 3<sup>rd</sup> with games and outdoor movie at the Fairgrounds.

Mayor Bohle opened the Public Hearing to rezone property from M-1 to C-2. There were no written or oral comments and the public hearing was closed. Council discussed the proposed retention pond and current setback requirements. The Planning and Zoning Commission unanimously recommended to the Council to approve the rezoning. Council tabled it until the end of the meeting at which time Bouska made the motion to approve the Resolution Authorizing Change of Zoning from M-1 Mixed Use Zoning to C-2 Central Business Commercial District. Carman seconded and it passed all ayes.

Park Board President Kris Riley reported they had several good, qualified applications for the Director position. The Park Board is recommending hiring Brandon Kerian. Brenno made the motion to approve the hiring of Brandon Kerian for the Fitness Center/Park & Rec Director Position. McConnell seconded and it passed all ayes.

Elizabeth Hanson from Midwest Municipal Consulting presented a proposal for Capital Improvement Planning for the City. This would create a long-term plan for prioritizing large projects and capitalizing borrowing capacity and the debt levy.

McConnell made the motion to approve a Letter of Support for the Howard County Conservation Board Grant Application for the Prairie Springs Trail and commit to funding 10% of the project if the grant is approved. Bouska seconded and it passed all ayes.

Bouska made the motion to approve a Letter of Support for the Howard County Conservation Board Grant Application for the Prairie Farmer Trail. Brenno seconded and it passed all ayes.

Bouska made the motion to set the Public Hearing for Ordinance No. 489 amending the Code of Ordinances of the City of Cresco, Iowa, by amending provisions pertaining to water rates for May 17, 2021. Brenno seconded and it passed all ayes.

Brenno made the motion to approve the first reading of Ordinance No. 489 amending the Code of Ordinances of the City of Cresco, Iowa, by amending provisions pertaining to water rates. Fortune seconded and it passed all ayes.

Brenno made the motion to set the Public Hearing for Ordinance No. 490 amending the Code of Ordinances of the City of Cresco, Iowa, by amending provisions pertaining to sewer service charges for May 17, 2021. McConnell seconded and it passed all ayes.

Bouska made the motion to approve the first reading of Ordinance No. 490 amending the Code of Ordinances of the City of Cresco, Iowa, by amending provisions pertaining to sewer service charges. Fortune seconded and it passed all ayes.

The City's tax abatement plan under the Cresco Urban Revitalization Plan was discussed. Council agreed to amend the plan: (a) expire December 31, 2026; (b) tax abatement on the first \$75,000 of value added for residential property for five years; (c) tax abatement on 100% of value added for commercial property for three years; (d) tax abatement on 50% of value added for residential property with three or more dwelling units for ten years.

Council discussed the proposed Airport Runway Renovation and Repair Project to clarify information from the last meeting. The Council clarified that they are willing to commit an extra 5% for the runway improvements portions that will cost \$145,000 with the City's 20% portion \$29,000 and the grant would pay \$116,000. The drainage improvements would cost \$130,000 with the City's 15% portion \$19,500. The joint and crack sealing would cost \$75,000 and is

currently not eligible for any grant funding. The Council agreed to commit to doing this part of the project in FY2026. Hopefully the additional local match and commitment for sealing will increase the possibility of the grant being approved. McConnell stated that hangar rent needs to be increased since the Council is committing to making improvements. Bouska requested a tracking of landings of airplanes and the name and purpose. Due to changes in the application, the resolution from last meeting will be rescinded and a new one approved. Bouska made the motion to approve the resolution to rescind Resolution No. 042103 authorizing the submission of applications for Iowa Airport Improvement Program and Certifying Eligibility Requirements. Brenno seconded and it passed all ayes. McConnell made the motion to approve the new resolution authorizing the submission of applications for Iowa Airport Improvement Program and Certifying Eligibility Requirements. Carman seconded and it passed all ayes.

Council discussed options for the 7th St SW drainage issues. PWD Widell contacted the Iowa DOT regarding the requirements for tapping another storm sewer into the existing storm sewer along Hwy 9. They said a permit would need to be applied for and a hydraulic study would need to be performed to determine if the existing pipe could handle the extra water. Widell also contacted Mehmert Tiling regarding options but they need to know what the Council is requesting. The problem is that this does not address the sinkhole issue nor flooding problems at the County Shop and other areas.

Carman reported RHS is still scheduling vaccinations for drive-thru clinics at the Fairgrounds and Kessel Lodge. Appointments can be made on RSHC Facebook page or online at rshc.com. Passmore is working with restaurants on grant applications for COVID relief.

Carman moved to adjourn the Council Meeting at 6:58 pm. Brenno seconded and it passed all ayes. The next regular Cresco City Council meeting will be May 17, 2021, at 5:30 pm at Cresco City Hall.

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Mayor Mark Bohle

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City Clerk Michelle Girolamo

Following is a list of claims approved for payment:

AHLERS&COONEY	Legal	5,254.00	NE IA MOTORS	Srvc	233.62
ALLIANT	Elect	9,678.16	NUWAY K&H	LP	281.73
AUTOMATED SYS	Srvc	350.00	O'HENRY'S	Unif	173.19
BLACK HILLS	Gas	3,638.17	PAYROLL		69,321.01
BOHR,WENDY	Trng	179.20	PERRY,LYLE	DpAp	14.39
BRUENING	BlkDirt	473.11	POSTMASTER	Post	610.94
BUSSEY,BAILE	DpRf	80.00	POTTER,HELEN	DpAp	80.00
CAMPSITE	Rprs	20.68	PRESTSATER,ROY	Rehab	11,478.00
CARRICO	Chem	575.00	PRINCIPAL LIFE	Ins	111.07
CITY OF CRESCO	Utlil	1,294.02	RHS	Srvc	36.00
COAST TO COAST	PR	139.26	RICHARDSON,PAUL	DpAp	4.97
CR FIRE SAFETY	Srvc	85.50	SANDRY FIRE	Equip	8,546.93
CR INS AGENCY	Ins	2,617.00	SIGNS&DESIGNS	Supp	24.00
CR SHOPPER	Ads	393.00	SOLAR PRO	Solar	4,207.91
CR TPD	Notices	586.60	STOREY KEN	Supp	330.95
CULLIGAN	Srvc	119.87	THOMPSON-COLEMAN,J	DpRf	80.00
CUST ALARM	Alarm	364.20	TRUCK COUNTRY	Rprs	2,936.22
DC COMM	Phone	31.01	VERIZON	Wireless	223.41
DELUXE ECHOSTAR	Movie	80.00	WILSON CUST TREE	Srvc	1,162.80
EMPL BENE SYS	Fees	224.00	WINDSTREAM	Phone	783.32
ENVIRON RES	Supp	298.30	ZARNOTH	Parts	520.65
ESR MODS	Fuel	520.00			
FOLEY'S CONST	Srvc	285.00	GENERAL		74,691.32
GILLETTE PEPSI	Conces	1,303.31	FIRE STATION BLDG		665.44
GOSCH'S	Srvc	63.00	CR COMM FIRE		9,580.69
HAWKINS	Equip	540.98	ROAD USE TAX		14,316.87
HILLYER,BEN	Trng	98.04	EMPLOYEE BENE		75.15
HO CO REC	Fees	12.00	REHAB HOUSE		11,478.00
IA PARKS&REC	Trng	740.00	WATER		11,421.84
KNOX,BRANDON	DpRf	80.00	WATER DEP		419.36
LEWIS,SHYANNE	DpAp	80.00	SEWER OP		8,768.48
MARCO	Copier	1,824.98	SEWER		1,514.00
MK SRVC	Supp	254.95	CAP IMPR		30.55
MTS	Srvc	55.00	YARDWASTE		2,933.68
NESS,MIKE	SpEvt	2,183.80			
NC LAB	Chem	212.13	TOTAL FUNDS		135,895.38
			Revenues 4/20-5/3/21		229,878.49

**CRESCO OWNER OCCUPIED HOUSING  
CONTRACTOR REQUEST FOR FINAL PAYMENT  
REHABILITATION & LHR CONTRACT**

Owner: Constance Bourassa  
402 2<sup>nd</sup> ST SE  
Cresco, IA 52136

Contractor: Roy Prestsater  
404 Decorah Ave  
Decorah, IA 52101

Forgivable Loan #4

Date: May 10, 2021

**REHAB CONTRACT**

**LHR CONTRACT**

Base Rehab. Contract	\$17,264.00	Total LSR Contract	\$1,460.00
Change Order #1	\$5,510.00	Change Order #1	\$365.00
Change Order #2	\$995.00		
Total Contract	\$23,769.00	Total Contract	\$1,825.00
Total Earned	\$1997.00	Total Earned	\$
Less 10% Retainage	\$	Less 10% Retainage	\$
Less Previous Payments	\$19594.00	Less Previous Payment	\$1,643.00
Amount Due	\$4,175.00	Amount Due	\$182.00

Total Funds Requested: \$4,175.00 (Rehab) & \$182.00 (LHR) = \$4,357.00

I have reviewed the request for payment and indicate approval of payment to Roy Prestsater in the amount of \$4,357.00, by the City. An inspection of the work specified in the Contract has been completed. All items for which payment is requested have been performed, and all materials used are acceptable.

\_\_\_\_\_  
Owner Date

\_\_\_\_\_  
CDBG Administrator Date

I, the undersigned, acknowledge the authorization of the above payment.

\_\_\_\_\_  
City Authorization Date

I, the undersigned, acknowledge the receipt of the above payment.

\_\_\_\_\_  
Contractor Date



APPLICATION FOR TAX ABATEMENT UNDER THE  
URBAN REVITALIZATION PLAN FOR

CRESCO, IOWA

Date 4/27/2021

Prior Approval for  
Intended Improvements \_\_\_\_\_

Approval of Improvements  
Completed \_\_\_\_\_

Address of Property: 108 5<sup>th</sup> Ave SE; Cresco, IA 52136

Legal Description: S 50' LOTS 14, 15 & 16 BLK 3 BEADLES  
ADDN

Title Holder or Contract Buyer: Wemark Luxury Rentals LLC

Address of Owner (if different than above): 16001 Saint Ave; Cresco, IA

Phone Number (to be reached during the day): [Redacted] 54

Property Use:  Residential \_\_\_\_\_ Multi-Residential \_\_\_\_\_ Commercial

Nature of Improvements:  New Construction \_\_\_\_\_ Rehab/Addition \_\_\_\_\_ General Improvements

Specify: New House Built

Estimated or Actual Cost of Improvements: [Redacted]

Estimated or Actual Date of Completion: April 1, 2020

If applicable, the name(s) of the tenants (if different than the owner) that occupied the property on November 3, 2008: \_\_\_\_\_

Signed: Carla Moser

Tax Exemption Schedule:

Residential: 100% exemption on the first \$75,000 of actual value added for 3 years.

Multi-Residential/Commercial: 100% exemption of actual value added for 3 years.

**CITY OF CRESCO  
CASH & INVESTMENT BY FUND  
AS OF APRIL 30, 2021**

	<b>CASH BALANCE</b>	<b>MONEY MKT BALANCE</b>	<b>CD BALANCE</b>	<b>OTHER BANK BALANCE</b>	<b>FUND BALANCE</b>	
001	General Fund	17,452.34	623,300.00	726,097.67	-	1,366,850.01
001	General Fund - Theatre	-	-	-	7,823.14	7,823.14
001	General Fund - Credit Card Processin	-	-	-	3,500.00	3,500.00
001	General Fund - RAGBRAI	-	-	8,955.76	-	8,955.76
002	General Fund-Hotel/Motel	343.31	20,000.00	10,000.00	-	30,343.31
022	Local Option Tax Project	288.72	395,000.00	1,103,695.52	-	1,498,984.24
065	Nuisance House Fund	813.84	3,000.00	-	-	3,813.84
078	Fire Station Building	994.10	9,000.00	-	-	9,994.10
087	Equipment Replace	520.48	2,000.00	28,033.78	-	30,554.26
090	Office/Computer Equip.	945.72	-	28,027.02	-	28,972.74
091	Street Equipment Trust	609.71	12,000.00	113,449.21	-	126,058.92
092	Theatre Trust	569.80	7,000.00	34,000.00	-	41,569.80
093	Drug Dog Fund	-	-	-	-	-
094	Airport Trust	61.55	2,000.00	45,060.80	-	47,122.35
098	Cresco Community Fire	108.22	43,000.00	52,101.33	-	95,209.55
110	Road Use Tax Fund	836.32	292,000.00	345,033.78	-	637,870.10
112	Employee Benefits Trust	738.19	187,000.00	660,540.41	-	848,278.60
119	Emergency Fund	718.71	15,000.00	18,000.00	-	33,718.71
160	CIDC/CityRevol.Loan-bus.	875.69	81,700.00	-	-	82,575.69
177	Police Forfeiture Fund	240.13	-	-	-	240.13
182	Rehab Housing	528.68	45,000.00	-	-	45,528.68
183	Equip.Repair-Fitness Ctr	221.32	1,000.00	100,033.78	-	101,255.10
184	City Park Trust	572.12	48,000.00	-	-	48,572.12
185	Recreation Supply	345.54	8,000.00	4,013.51	-	12,359.05
186	Park Tree Trust	499.91	-	5,016.89	-	5,516.80
188	Fire Equipment Trust	511.26	44,000.00	-	-	44,511.26
189	Library Trust	49.45	2,000.00	20,033.78	-	22,083.23
200	Debt Service Fund	756.89	273,000.00	50,168.88	-	323,925.77
322	Scene Shop Project Fund	613.69	5,000.00	8,000.00	-	13,613.69
600	Water Utility Fund	3,261.43	73,000.00	300,506.63	-	376,768.06
601	Water Deposit Trust	586.77	8,000.00	25,000.00	-	33,586.77
602	Water Utility Replacement	996.97	226,000.00	330,253.31	-	557,250.28
610	MSSU Revenue	4,419.43	206,000.00	525,624.84	-	736,044.27
612	MSSU Operation/Maint	56.96	-	-	-	56.96
613	MSSU Replacement	278.52	512,000.00	590,709.28	-	1,102,987.80
614	MSSU Rev.Bond Int	750.76	64,000.00	41,027.02	-	105,777.78
620	Cap Imp Water, Sewer, Storm	1,069.09	28,000.00	75,253.32	-	104,322.41
670	Yard Waste Fund	781.64	14,000.00	112,074.31	-	126,855.95
820	Health Ins Partial Self Fund	-	-	60,000.00	51,874.58	111,874.58
<b>Totals</b>		<b>42,417.26</b>	<b>3,249,000.00</b>	<b>5,420,710.83</b>	<b>63,197.72</b>	<b>8,775,325.81</b>
		<b>0%</b>	<b>37%</b>	<b>62%</b>	<b>1%</b>	<b>8,775,325.81</b>

Checking - Cresco Bank & Trust (operating) 0.05% 42,417.26  
 Checking - CB&T (credit cards) 0.00% 3,500.00  
 Theatre Checking (CB&T) 0.00% 7,823.14

Money Market - Cresco Bank & Trust 0.10% 3,249,000.00  
 MMKT Hlth Ins Partial Self Funded 0.05% 51,874.58

CD RAGBRAI - 3 yr - matures 9/14/23 (CUSE) 0.65% 8,955.76 Eligible for Exchange Rate - 1 time higher interest rate  
 CD Safe-T-Fund -12 mth - matures 5/15/21 0.35% 60,000.00  
 CD - 12 month - matures 5/15/21 (CUSB) 0.67% 2,006,755.07  
 CD - 6 month - matures 6/28/21 (CB&T) 0.45% 3,345,000.00

**\$ 8,775,325.81**

CITY OF CRESCO  
 REVENUE REPORT  
 CALENDAR 4/2021, FISCAL 10/2021

ACCOUNT NUMBER	ACCOUNT TITLE	MTD BALANCE	YTD BALANCE	BUDGET	% RECEIVED
	GENERAL TOTAL	680,751.50	2,647,965.35	3,414,450.00	77.55
	HOTEL/MOTEL TAX TOTAL	.00	14,594.02	22,000.00	66.34
	LOST PROJECT TOTAL	33,974.08	445,618.75	543,150.00	82.04
	NUISANCE HOUSE TOTAL	.22	1,266.38	22,600.00	5.60
	FIRE STATION BUILDING TOTAL	7,500.66	18,198.85	45,700.00	39.82
	EQUIPMENT REPLACEMENT TOTAL	.15	4,068.83	4,500.00	90.42
	OFFICE EQUIPMENT TOTAL	.00	62.84	100.00	62.84
	STREET TRUST TOTAL	1,650.20	54,171.32	55,300.00	97.96
	THEATRE TRUST FUND TOTAL	.51	30,269.87	34,100.00	88.77
	DRUG DOG TOTAL	.00	2.08	.00	.00
	AIRPORT TRUST FUND TOTAL	.15	101.23	6,950.00	1.46
	CRESCO COMMUNITY FIRE TOTAL	36.29	88,571.13	77,900.00	113.70
	ROAD USE TAX TOTAL	103,948.22	489,195.88	540,000.00	90.59
	EMPLOYEE BENEFITS TOTAL	210,628.68	522,929.01	556,413.00	93.98
	EMERGENCY FUND TOTAL	14,178.80	33,718.71	34,700.00	97.17
	LOCAL OPTION SALES TAX TOTAL	37,716.83	491,912.52	583,500.00	84.30
	REVOLVING LOAN TOTAL	1,362.53	23,953.41	20,000.00	119.77
	POLICE FORFBITURE FUND TOTAL	.00	125.00	.00	.00
	REHAB HOUSE TOTAL	3.30	57,171.61	191,200.00	29.90
	FITNESS CENTER TRUST TOTAL	200.05	89,395.90	89,200.00	100.22
	PARK TRUST TOTAL	4,003.52	52,988.06	91,600.00	57.85
	RECREATION SUPPLY TOTAL	.59	20.26	10,200.00	.20
	PARK TREE TRUST TOTAL	.00	16.89	.00	.00
	FIRE EQUIPMENT TOTAL	41,944.42	71,228.50	84,200.00	84.59
	LIBRARY TOTAL	.15	115.69	10,000.00	1.16
	DEBT SERVICE TOTAL	143,575.44	487,088.80	551,700.00	88.29
	STREET ASSESSMENT TOTAL	.00	.60	.00	.00
	SCENE SHOP PROJECT TOTAL	.37	43,166.82	40,000.00	107.92
	WATER TOTAL	42,258.05	477,954.69	602,800.00	79.29
	WATER DEPOSIT TOTAL	1,093.08	10,053.08	13,000.00	77.33
	WATER EQUIPMENT REPLACE TOTAL	17.14	312,125.38	315,600.00	98.90
	SEWER TOTAL	63,742.36	680,451.69	832,900.00	81.70
	SEWER OPERATIONS TOTAL	43,000.00	429,500.00	642,300.00	66.87
	SEWER REPLACEMENT PROJ TOTAL	37.50	401,512.87	509,000.00	78.88
	SEWER SINKING TOTAL	4.69	31,120.90	31,450.00	98.95
	PROPRIETARY CAP IMPROVE TOTAL	6,656.91	78,177.49	95,900.00	81.52
	YARDWASTE TOTAL	3,262.03	32,364.30	41,300.00	78.36
	SELF INSURANCE TOTAL	3,889.38	37,147.66	.00	.00
	TOTAL REVENUE BY FUND	1,445,437.80	8,158,326.37	10,113,713.00	80.67

CITY OF CRESCO  
 BUDGET REPORT  
 CALENDAR 4/2021, FISCAL 10/2021

ACCOUNT NUMBER	ACCOUNT TITLE	MDT BALANCE	YTD BALANCE	BUDGET	% SPENT
	GENERAL TOTAL	259,269.49	2,327,792.29	3,180,550.00	73.19
	HOTEL/MOTEL TAX TOTAL	2,500.00	13,218.24	22,000.00	60.08
	LOST PROJECT TOTAL	5,476.85	151,135.85	452,900.00	33.37
	NUISANCE HOUSE TOTAL	.00	50.00	22,400.00	.22
	FIRE STATION BUILDING TOTAL	2,880.16	13,981.68	47,900.00	29.19
	EQUIPMENT REPLACEMENT TOTAL	.00	397.84	1,000.00	39.78
	STREET TRUST TOTAL	.00	36,970.07	134,000.00	27.59
	THEATRE TRUST FUND TOTAL	.00	.00	7,000.00	.00
	DRUG DOG TOTAL	.00	3,687.97	3,700.00	99.67
	CRESCO COMMUNITY FIRE TOTAL	2,445.07	59,513.12	77,900.00	76.40
	ROAD USE TAX TOTAL	31,498.98	386,508.34	570,900.00	67.70
	EMPLOYEE BENEFITS TOTAL	50,173.60	433,260.62	593,650.00	72.98
	EMERGENCY FUND TOTAL	.00	.00	34,700.00	.00
	LOCAL OPTION SALES TAX TOTAL	37,716.83	491,912.52	583,500.00	84.30
	REVOLVING LOAN TOTAL	.00	12.00	20,000.00	.06
	REHAB HOUSE TOTAL	12,068.03	65,868.15	190,700.00	34.54
	FITNESS CENTER TRUST TOTAL	16,287.50	31,184.66	57,000.00	54.71
	PARK TRUST TOTAL	.00	10,409.72	63,500.00	16.39
	RECREATION SUPPLY TOTAL	.00	.00	10,000.00	.00
	PARK TREE TRUST TOTAL	.00	1,799.00	1,800.00	99.94
	FIRE EQUIPMENT TOTAL	16,500.55	55,967.55	78,000.00	71.75
	LIBRARY TOTAL	.00	2,015.31	2,200.00	91.61
	DEBT SERVICE TOTAL	.00	224,347.22	552,100.00	40.64
	STREET ASSESSMENT TOTAL	.00	7,093.04	7,100.00	99.90
	SCENE SHOP PROJECT TOTAL	.00	29,553.13	40,000.00	73.88
	WATER TOTAL	35,182.36	631,564.76	749,000.00	84.32
	WATER DEPOSIT TOTAL	195.00	7,652.65	13,000.00	58.87
	WATER EQUIPMENT REPLACE TOTAL	.00	21,190.00	253,200.00	8.37
	SEWER TOTAL	43,000.00	861,500.00	1,174,300.00	73.36
	SEWER OPERATIONS TOTAL	44,695.60	430,236.36	635,300.00	67.72
	SEWER REPLACEMENT PROJ TOTAL	6,703.80	11,616.80	501,000.00	2.32
	SEWER SINKING TOTAL	.00	4,735.00	76,450.00	6.19
	PROPRIETARY CAP IMPROVE TOTAL	9,914.71	52,825.20	80,300.00	65.78
	YARDWASTE TOTAL	9,695.57	31,702.23	39,200.00	80.87
	SELF INSURANCE TOTAL	2,949.23	42,949.23	.00	.00
	TOTAL EXPENSES BY FUND	589,153.33	6,442,650.55	10,276,250.00	62.69

ORDINANCE NO. 489

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

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

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

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

(Code of Iowa, Section 384.84)

1. Effective July 1, 2021:

- A. First 7,000 gallons used per month @ \$5.49 per 1,000 gallons. (Minimum bill is \$8.24 based on 1,500 gallons.)
- B. Next 60,000 gallons used per month @ \$5.01 per 1,000 gallons.
- C. All over 67,000 gallons used per month @ \$4.59 per 1,000 gallons.

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

**92.03 RATES OUTSIDE THE CITY:** Water service shall be provided at the following monthly rates, based upon water used and furnished, outside the City limits:

(Code of Iowa, Section 384.84)

1. Effective July 1, 2021:

- A. First 7,000 gallons used per month @ \$10.98 per 1,000 gallons. (Minimum Bill is \$16.47 based on 1,500 gallons.)
- B. Next 60,000 gallons used per month @ \$10.02 per 1,000 gallons.
- C. All over 67,000 gallons used per month @ \$9.18 per 1,000 gallons.

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

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

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor Mark Bohle

ATTEST: \_\_\_\_\_

City Clerk Michelle Girolamo

1<sup>st</sup> Reading 5/3/21

2<sup>nd</sup> Reading \_\_\_\_\_

3<sup>rd</sup> Reading \_\_\_\_\_

I certify that the foregoing was published as Ordinance No. 489 on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
City Clerk Michelle Girolamo

ORDINANCE NO. 490

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

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

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

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

- 1. Effective July 1, 2021:
A. \$9.19 per 1,000 gallons within City limits. (Minimum bill is \$13.79 based on 1,500 gallons.)
B. \$18.38 per 1,000 gallons outside City limits. (Minimum bill is \$27.57 based on 1,500 gallons.)
C. \$7.92 per 1,000 gallons for high volume users that are subject to Industrial Sewer Rental Agreements with the City.
D. \$3.50 per month for Capital Improvement fund for the extension and maintenance of the sewer, storm sewer and water lines.

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

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

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

Mayor Mark Bohle

ATTEST: City Clerk Michelle Girolamo

1st Reading 5/3/2021 2nd Reading 3rd Reading

I certify that the foregoing was published as Ordinance No. 490 on the \_\_\_ day of \_\_\_\_\_, 2021.

City Clerk Michelle Girolamo

To the City of Cresco,

As a resident at 406 Vernon Rd, I am coming to you in interest to possibly purchase the land north of my residence. The current right of way is dormant and I am willing to compensate for this property. If you vacate said property, my neighbor to the norths driveway can be plotted around to not interfere with his normal means of entrance. All adjacent neighbors to me agree this road serves no future purpose for the community. We as neighbors are willing to pay our portion. To acquire the land we have been maintaining.

- Thank you

A handwritten signature in black ink, appearing to be "Walter R.", written in a cursive style.

5.12.2021

Adam & Tiffany Barnes

508 5<sup>th</sup> St SW.

To the City of Cresco,

We are residents of 508 5<sup>th</sup> Ave SW. We are coming to you to ask you to vacate 4<sup>th</sup> Ave SW (west of Vernon Rd) as it is a dead end street that is plotted but what I can tell serves no future purpose. We have talked to all the neighbors and we have all the same interest in the properties that are adjacent to our own properties. If you vacate this property we will continue maintaining it as we would like to clean it up some more and plant more trees in this area. If you vacate the land we will pay our portion of all the legal fees with no charge to the city.

Thank you for your time and consideration,

Adam & Tiffany Barnes

A handwritten signature in black ink, appearing to be 'Adam Barnes', written in a cursive style.

Tiffany Barnes



5.13.2021

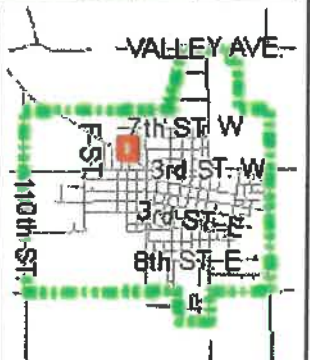
City of Cresco,

We have lived at 430 5<sup>th</sup> Ave SW going on 55 years in September. We made the yard what it is today. It used to be wild plum trees, big rag weeds and lots of trees. We would very much like the city to vacate the far back yard so we could own it.

Thank you for your consideration, we would appreciate it very much if we could own it, as we have kept it up all these years.

*Frank McConnell*  
*Mary McConnell*

# Cresco, IA



- Legend**
- Manhole
  - Lift Station
  - Sewer Tap
  - Gravity Main
  - Force Main
  - Sewer Lateral Line
  - Hydrant
  - System Valve
  - Network Structure
  - Water Main
  - Lateral Line
  - Inlet
  - Storm Manhole
  - Culvert
  - Outfall
  - Storm Gravity Main
  - Open Drain
  - Road
  - Parcel
  - Corporate Limit

**Notes**

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

Cresco Farmers Market  
Tuesdays and Fridays  
2-5:30pm

Proposed site

South end of south parking lot along highway 9.

This would allow for a more visible market and safer parking options for senior and families. Customers would also be able to use the sidewalk to access the market.

Proposed time to block off site

1-6pm

Register

Vendors may register at the Welcome Center or City Hall.

Applications and market card will be provided at both locations.

Fee: \$55/season

Who is a vendor?

Anyone selling at the Tuesday/Friday market days.

Anyone selling on public property, i.e. out of their vehicles along Beadle Park.

If selling on private commercial or residential property, I recommend we not address this issue in 2021, but visit with those businesses (Casey's, Kwik Star) and get them on board for the 2022 season to allow vending on their property, but vendors will have to register and pay like everyone else.

And...

Currently we have four vendors for the 2021 season

HCED will pay for advertising to market the upcoming schedule and invite more vendors to participate. Social media will be also be used.

Revenue Account	Fund Description	Reason	Revenue	Expense	Fund Description	Expense Account
001-660-4013	Gen - Insurance	Insurance (Prop Tax Levy) / (WC reallocation)	(41,780)	(52,140)	General - Insurance	001-660-6408
001-110-4013	Gen - Police	Insurance (Prop Tax Levy) / (WC reallocation)	10,100	10,100	Gen - Police	001-110-6409
001-210-4013	Gen - Street	Insurance (Prop Tax Levy) / (WC reallocation)	11,400	11,400	Gen - Street	001-210-6409
001-270-4013	Gen - Street (Cleaning)	Insurance (Prop Tax Levy) / (WC reallocation)	1,300	1,300	Gen - Street (Cleaning)	001-270-6409
001-287-4013	Gen - Street (Trees)	Insurance (Prop Tax Levy) / (WC reallocation)	900	900	Gen - Street (Trees)	001-287-6409
001-410-4013	Gen - Library	Insurance (Prop Tax Levy) / (WC reallocation)	550	550	Gen - Library	001-410-6409
001-420-4013	Gen - Theatre	Insurance (Prop Tax Levy) / (WC reallocation)	530	530	Gen - Theatre	001-420-6409
001-430-4013	Gen - Parks	Insurance (Prop Tax Levy) / (WC reallocation)	1,650	1,650	Gen - Parks	001-430-6409
001-443-4013	Gen - FC	Insurance (Prop Tax Levy) / (WC reallocation)	1,900	1,900	Gen - FC	001-443-6409
001-620-4013	Gen - Admin/PWD	Insurance (Prop Tax Levy) / (WC reallocation)	1,900	1,900	Gen - Admin/PWD	001-620-6409
001-650-4013	Gen - City Hall	Insurance (Prop Tax Levy) / (WC reallocation)	500	500	Gen - City Hall	001-650-6409
098-150-4015	Fire - Operating	Insurance (Prop Tax Levy) / (WC reallocation)	11,050	11,050	Fire - Operating	098-150-6409
		Insurance (Bldg Ins)		3,100	Gen - City Hall	001-650-6408
		Insurance (WC reallocation)		3,600	Water Operating	600-810-6409
		Insurance (WC reallocation)		2,700	Sewer Operating	612-815-6409
		Insurance (WC reallocation)		960	Yardwaste	670-840-6409
001-150-4000	Gen - Fire	Recode Fire prop tax from Gen to #098 & #078	(41,550)			
098-150-4000	Fire - Operating	Recode Fire prop tax from Gen to #098 & #078	29,600			
098-150-4013	Fire - Operating	Recode Fire prop tax from Gen to #098 & #078	6,650			
078-150-4000	Fire - Building	Recode Fire prop tax from Gen to #098 & #078	430			
078-150-4013	Fire - Building	Recode Fire prop tax from Gen to #098 & #078	4,870			
001-660-4013	Gen - Insurance	Recode Insurance (Prop Tax Levy) for Fire	(11,520)			
001-650-4000	Gen - Property Tax	Recode Insurance (Prop Tax Levy) for Fire	11,520			
<b>TOTALS</b>			<b>0</b>	<b>0</b>		
078-150-4705	Fire - Building	HC Comm Found Grant - New Doors	7,500	7,500	Fire - Building	078-150-6750
098-150-4450	Fire - Operating	IA DNR Grant for Pants & Coats	3,500	3,500	Fire - Operating	098-150-6504
001-620-4400	Gen - Admin	FEMA Grant for COVID-19 Expenses	7,500	7,500	Gen Admin	001-620-6506
184-430-4705	Park Trust	Kessel Dugouts (HCCF Grant)	3,000	3,000	Park Trust	184-430-6499
<b>TOTALS</b>			<b>21,500</b>	<b>21,500</b>		
098-150-4830	Fire - Operating	Delete TR for Fire Property Taxes	(36,250)	(36,250)	Gen - Fire	001-150-6910
078-150-4830	Fire - Building	Delete TR for Fire Property Taxes	(5,300)	(5,300)	Gen - Fire	001-150-6912
612-815-4830	Sewer - Operating	TR Sewer Revenue to Operating	23,000	23,000	Sewer - Revenue	610-815-6910
001-620-4833	Gen - Admin	TR Employee Benefits - Admin	1,500	1,500	Gen - Admin	112-620-6910
001-280-4630	Gen - Airport	TR Airport Trust to Operating	2,000	2,000	Airport Trust	084-280-6910
094-280-4630	Airport Trust	TR Airport Revenue to Trust	2,000	2,000	Gen - Airport	001-280-6910
<b>TOTALS</b>			<b>(13,050)</b>	<b>(13,050)</b>		
		Street - Thumb for Backhoe		7,000	LOST - Street	022-210-6727
		Admin Wages - Revised Hours & Rates		14,000	Gen - Admin	001-620-6010
		Admin IPERS - Revised Hours & Rates		1,500	Gen - Admin	001-620-6130
		Insurance Premiums - higher than budgeted		10,000	Gen - Insurance	001-660-6408
		FC - Replace Boilers (4)		32,000	Fitness Center Trust	183-443-6310
		Debt - Early Payoff of Loan		4,300	Debt - Principal	200-110-6801
		Sewer Main Cleaning (heavy cleaning req'd)		20,000	Sewer Operating	612-815-6399
		Engineering - 7th St W Drainage Project		15,000	Capital Improvements Fund	620-899-6490
<b>TOTALS</b>			<b>0</b>	<b>103,800</b>		
<b>TOTALS</b>			<b>0</b>	<b>103,800</b>		

Corrections/Reallocations

Revenue & Expense

Transfers

Increased Expenses

Original Budget Net Income (Loss) (174,837)  
 Amend #1 Net Income (Loss) (237,100)  
 Amend #2 Net Income (Loss) 249,400  
 Amended Net Income (Loss) (266,337)

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR FY 2021  
MAY TRANSFERS

WHEREAS, the City of Cresco authorizes the transfer between funds in the budget based on estimated revenues and expenses; and

WHEREAS, the transfers were included in the current budget as adopted and amended for the 2020/2021 Fiscal Year; and

WHEREAS, to increase the transparency of the transfers, they are listed below:

<u>From Fund</u>	<u>To Fund</u>	<u>Amount</u>	<u>Description</u>
#022 LOST Fund principal payments (2013 bond for equipment & projects – final)	#200 Debt Service	\$19,015	Transfer interest and
#602 Water Project Fund principal payments (2013 bond for projects - final)	#200 Debt Service	\$9,508	Transfer interest and
#620 Capital Improve Fund principal payments (2013 bond for projects - final)	#200 Debt Service	\$19,015	Transfer interest and
#112 Employee Benefits benefits including FICA, IPERS, and Health Insurance (additional per budget amendment)	#001 General Fund	\$14,800	Transfer employee
#121 Local Opt Sales Tax LOST received to the Project Fund for projects & equipment (increase per budget amendment)	#022 Local Opt Tax Project	\$93,150	Transfer 90% of
#121 Local Opt Sales Tax LOST received for debt payments to reduce property tax asking (increase per budget amendment)	#200 Debt Service Fund	\$10,350	Transfer 10% of
#022 LOST Fund for East Park Bleacher Project	#184 Park Trust Fund	\$15,000	Transfer from LOST
#610 Sewer Revenue Fund the revenue fund as needed for sewer operating expenses (increased per budget amendment)	#612 Sewer Operating Fund	\$35,300	Transfer funds from

BE IT THEREFORE RESOLVED, that the City of Cresco is allowing the transfer of funds indicated above and all are included in the budget as amended for FYE June 30, 2021.

PASSED AND APPROVED THIS 17<sup>TH</sup> DAY OF MAY, 2021

\_\_\_\_\_  
Mayor Mark Bohle

Attest: \_\_\_\_\_  
City Clerk Michelle Girolamo

RESOLUTION NUMBER \_\_\_\_\_

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR  
MAINTENANCE AND REPAIR OF PRIMARY ROADS IN MUNICIPALITIES WITH  
THE IOWA DEPARTMENT OF TRANSPORTATION**

WHEREAS, the City of Cresco and the Iowa DOT have agreed to the maintenance, repair, and minor reconstruction of the primary roads within the boundaries of the City of Cresco; and

WHEREAS, the Agreement is in accordance with Provisions of Chapter 28E, the Code of Iowa, and the Iowa Administrative Rules.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor is authorized and directed to sign the Agreement with the Iowa Department of Transportation.

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 Agreement between the City of Cresco and the Iowa Department of Transportation 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 \_\_\_\_\_, 2021.

BY: \_\_\_\_\_  
Mayor Mark Bohle

ATTEST: \_\_\_\_\_  
City Clerk Michelle Girolamo



# Iowa Department of Transportation

## Agreement for Maintenance and Repair of Primary Roads in Municipalities

This Agreement made and entered into by and between the Municipality of Cresco, Howard County, Iowa, hereinafter referred to as the Municipality, and the Iowa Department of Transportation, Ames, Iowa, hereinafter referred to as the Department.

### AGREEMENT:

In accord with Provisions of Chapter 28E, Sections 306.3, 306.4, 313.3-5, 313.21-23, 313.27, 313.36, 314.5, 321.348 and 384.76 of the Code of Iowa and the Iowa Administrative Rules 761 – Chapter 150 (IAC) the Municipality and Department enter into the following agreement regarding maintenance, repair and minor reconstruction of the primary roads within the boundaries of the Municipality.

#### I. The Department shall maintain and repair:

##### A. Freeways (functionally classified and constructed)

1. Maintain highway features including ramps and repairs to bridges.
2. Provide bridge inspection.
3. Highway lighting.

##### B. Primary Highways – Urban Cross-Section (curbed) (See Sec. II.A)

1. Pavement: Maintain and repair pavement and subgrade from face of curb to face of curb (excluding parking lanes, drainage structures, intakes, manholes, public or private utilities, sanitary sewers and storm sewers).
2. Traffic Services: Provide primary road signing for moving traffic, pavement marking for traffic lanes, guardrail, and stop signs at intersecting streets.
3. Drainage: Maintain surface drainage within the limits of pavement maintenance described in I.B.1 above.
4. Snow and Ice Removal: Plow traffic lanes of pavement and bridges and treat pursuant to the Department's policy.
5. Vehicular Bridges: Structural maintenance and painting as necessary.
6. Provide bridge inspection.

##### C. Primary Highways – Rural Cross-Section (uncurbed) (See II.B)

1. Maintain, to Department standards for rural roads, excluding tree removal, sidewalks, and repairs due to utility construction and maintenance.

##### D. City Streets Crossing Freeway Rights of Way (See II.C)

1. Roadsides within the limits of the freeway fence.
2. Surface drainage of right of way.
3. Traffic signs and pavement markings required for freeway operation.
4. Guardrail at piers and bridge approaches.
5. Bridges including deck repair, structural repair, berm slope protection and painting.
6. Pavement expansion relief joints and leveling of bridge approach panels.

#### II. The Municipality shall maintain and repair:

##### A. Primary Highways – Urban Cross-Section (curbed) (See Sec. I.B)

1. Pavement: Maintain and repair pavement in parking lanes, intersections beyond the limits of state pavement maintenance; curbs used to contain drainage; and repairs to all pavement due to utility construction, maintenance and repair.
2. Traffic Services: Paint parking stalls, stop lines and crosswalks. Maintain, repair and provide energy to traffic signals and street lighting.
3. Drainage: Maintain storm sewers, manholes, intakes, catch basins and culverts used for collection and disposal of surface drainage.
4. Snow and ice removal: Remove snow windrowed by state plowing operations, remove snow and ice from all areas outside the traffic lanes and load or haul snow which the Municipality considers necessary. Remove

snow and ice from sidewalks on bridges used for pedestrian traffic.

- 5. Maintain sidewalks, retaining walls and all areas between curb and right-of-way line. This includes the removal of trees as necessary and the trimming of tree branches as necessary.
- 6. Clean, sweep and wash streets when considered necessary by the Municipality.
- 7. Maintain and repair pedestrian overpasses and underpasses including snow removal, painting and structural repairs.

B. Primary Highways – Rural Cross-Section (uncurbed) (See Sec. I.C)

- 1. Maintain and repair highway facilities due to utility construction and maintenance.
- 2. Removal of trees as necessary and the trimming of tree branches as necessary.
- 3. Maintain sidewalks.

C. City Streets Crossing Freeway Rights of Way (See I.D)

- 1. All pavement, subgrade and shoulder maintenance on cross streets except expansion relief joints and bridge approach panel leveling.
- 2. Mark traffic lanes on the cross street.
- 3. Remove snow on the cross street, including bridges over the freeway.
- 4. Clean and sweep bridge decks on streets crossing over freeway.
- 5. Maintain all roadside areas outside the freeway fence.
- 6. Maintain pedestrian overpasses and underpasses including snow removal, painting, lighting and structural repair.

III. The Municipality further agrees:

- A. That all traffic control devices placed by the Municipality on primary roads within the Municipal boundaries shall conform to the "Manual on Uniform Traffic Control Devices for Streets and Highways."
  - B. To prevent encroachment or obstruction within the right of way, the erection of any private signs on the right of way, or on private property which may overhang the right of way and which could obstruct the view of any portion of the road or the traffic signs or traffic control devices contrary to Section 318.11 of the Code of Iowa.
  - C. To comply with all current statutes and regulations pertaining to overlength and overweight vehicles using the primary roads, and to issue special permits for overlength and overweight vehicles only with approval of the Department.
  - D. To comply with the current Utility Accommodation Policy of the Department.
  - E. To comply with the access control policy of the Department by obtaining prior approval of the Department for any changes to existing entrances or for the construction of new entrances.
- IV. Drainage district assessments levied against the primary road within the Municipality shall be shared equally by the Department and the Municipality.
- V. Major construction initiated by the Department and all construction initiated by the Municipality shall be covered by separate agreements.
- VI. The Department and the Municipality may by a separate annual Supplemental Agreement, reallocate any of the responsibilities covered in Section I of this agreement.
- VII. This Agreement shall be in effect for a five year period from July 1, 2021 to June 30, 2026

IN WITNESS WHEREOF, The Parties hereto have set their hands, for the purposes herein expressed, on the dates indicated below.

Cresco  
MUNICIPALITY

IOWA DEPARTMENT OF TRANSPORTATION

By \_\_\_\_\_

BY \_\_\_\_\_  
District Maintenance Manager

Date \_\_\_\_\_

Date \_\_\_\_\_



RESOLUTION NUMBER \_\_\_\_\_

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN ENGAGEMENT LETTER FOR AMENDMENT NO. 1 TO THE AMENDED AND RESTATED (2016) CRESCO URBAN REVITALIZATION PLAN WITH ALHERS & COONEY, PC**

WHEREAS, the City of Cresco desires to amend the 2016 Cresco Urban Revitalization Plan; and

WHEREAS, Ahlers & Cooney, PC, Attorneys at Law, shall prepare the Amendment and Notices of Meetings, Resolutions, Public Hearing procedures, and advise staff and Council throughout the process.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor is authorized and directed to sign the Engagement Letter to Amend the 2016 Cresco Urban Revitalization Plan with Ahlers & Cooney, PC in Des Moines, Iowa.

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

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Absent: \_\_\_\_\_

Thereupon, the Mayor declared said Resolution duly passed and announced that the Engagement Letter between the City of Cresco and Ahlers & Cooney, PC 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 \_\_\_\_\_, 2021.

BY: \_\_\_\_\_  
Mayor Mark Bohle

ATTEST: \_\_\_\_\_  
City Clerk Michelle Girolamo



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May 6, 2021

Email: [cityclerk@cityofcresco.com](mailto:cityclerk@cityofcresco.com)

Michelle Girolamo  
City Clerk  
City of Cresco  
130 North Park Place  
Cresco, IA 52136

RE: Engagement Letter – Amendment No. 1 to the Amended and Restated  
(2016) Cresco Urban Revitalization Plan

Dear Michelle:

The purpose of this Engagement Agreement ("Agreement") is to disclose and memorialize the terms and conditions under which Ahlers & Cooney, P.C. will represent the City of Cresco, Iowa (the "City") in connection with its adoption of Amendment No. 1 to the Amended and Restated (2016) Cresco Urban Revitalization Plan.

#### **SCOPE OF ENGAGEMENT**

We agree to perform the following services for the fees we charge under this Agreement:

1. Prepare an Amendment No. 1 to the Amended and Restated (2016) Cresco Urban Revitalization Plan ("Amendment"), in accordance with Iowa Code Chapter 404;
2. Prepare letters of instructions for Council proceedings;
3. Prepare Notices of Meetings and partial agendas;
4. Prepare proceedings for a resolution setting a public hearing on the Amendment, and to be used on the date fixed for public hearing and adoption of the Amendment;
5. Answer questions and advise City staff and the Council throughout the adoption process for the Amendment; and

6. Any other work related to the adoption of the Amendment.

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

1. Preparing the legal description to be used in the Amendment;
2. Defending any legal challenges to or arising out of the Amendment;
3. Acting in a financial advisory role; or
4. Any bond (finance) related services.

It is not anticipated that it will be necessary for us to personally attend Council meetings in order to accomplish our work. We will be coordinating our services with you and other City staff, as directed by the City. In the event that public hearings or litigation should occur in the course of this matter, we would expect the same to be handled by the City Attorney, unless special arrangements are made for our participation.

#### **ATTORNEY-CLIENT RELATIONSHIP**

As confirmed by the execution of this Agreement, the City will be our client and an attorney-client relationship will exist between us for preparation and review of the Amendment for which the City staff requests our assistance. Our services are limited to those contracted for in this letter and the City's execution of this Agreement will constitute an acknowledgement of those limitations. The Firm's engagement under this Agreement will end when the Amendment is adopted/approved by the Council and our final invoice has been paid.

#### **FEES**

We will be the attorneys chiefly responsible for providing you with these legal services. However, if efficient and appropriate, we may call on other attorneys and legal assistants from time to time. The fees will be based on the hours worked by firm personnel at their hourly rates in effect at the time the work is performed. Our rates are generally adjusted on an annual basis, beginning January 1 of each year. Mr. Overberg's current hourly rate is \$310, Ms. Bishop's rate is \$210, and our legal assistant's rate is \$125. It is difficult to estimate the total cost for the work, because we charge by the hour and there are many variables that impact the number of hours spent on the work. Expenses will be billed at the amount incurred. Our statement for services and expenses will be due and payable upon receipt of the invoice, which in most instances, is monthly. Should you have any questions about a statement or a fee, please do not hesitate to call. We do reserve the right to withdraw from representation for any reason, including failure to pay the monthly statement in accordance with this policy. If, for any reason, the City terminates the engagement governed by this Agreement before the completion of the services described herein, we will bill the City for the services rendered as of the date of termination based on the hourly rates of those who provided services.

**RECORDS**

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

**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 Council, and execute, date, and return to us a 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 us. As always, we appreciate the opportunity to represent the City and we look forward to working with you on this project.


Ahlers & Cooney, P.C.

Sincerely,

By:

  
Nathan J. Overberg

By:

  
Jenna H. Bishop

Accepted and approved on behalf of the City Council of Cresco, Iowa\*

By: \_\_\_\_\_ Dated: \_\_\_\_\_

Title: \_\_\_\_\_

\*Authorized by action of the governing body, approved on \_\_\_\_\_, 2021.