

NOTICE AND CALL OF PUBLIC MEETING

GOVERNMENTAL BODY: THE CITY COUNCIL OF CRESCO, IOWA
DATE OF MEETING: DECEMBER 6, 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: BRENNO, 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 November 15, 2021
4. Approval of Class C Liquor License (LC) with Sunday Service to Big Daddy Hideaway Corp d/b/a Sweeney's Lounge
5. Approval of Application for Tax Abatement under the Urban Revitalization Plan for Kip and Amanda Powers
6. Approval of Designated Snowmobile Trail in City Limits for December 20, 2021 through April 1, 2022
7. Approval of Tree Surgeon Licenses for:
 - a. Tarzan Tree Service LLC
 - b. Total Tree Care LLC
 - c. Wilson Custom Tree Trimmers LLC
 - d. Tim Walton d/b/a Tim Walton Tree Service
8. Approval of Excavator License for:
 - a. Mehmert Tiling Inc
 - b. Skyline Construction Inc
 - c. Mudslingers Inc
 - d. MB Inc

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 on the Matter of the Adoption of a Proposed Amendment No. 1 to the Amended and Restated (2016) Cresco Urban Revitalization Plan for the Cresco Urban Revitalization Area
2. Resolution Adopting Amendment No. 1 to the Amended and Restated (2016) Cresco Urban Revitalization Plan for the Cresco Urban Revitalization Area
3. Public Hearing to Amend Chapters 105.10, 105.14, 106.02, and 106.08(1) in the City of Cresco Code of Ordinances Pertaining to Fees for Recyclable and Non-Recyclable Waste
4. Second Reading of Summary of Proposed Ordinance 492 Amending the Code of Ordinances of the City of Cresco, Iowa, Pertaining to Fees for Recyclable and Non-Recyclable Waste
5. Public Hearing to Amend Chapter 3.01(2), 3.02 and 3.03 in the City of Cresco Code of Ordinances Pertaining to Voting Precincts and Wards
6. Second Reading of Summary of Proposed Ordinance 493 Amending the Code of Ordinances of the City of Cresco, Iowa, Establishing New Voting Precincts and Wards within the City of Cresco, Iowa
7. Resolution Waiving the Third Reading and Consideration of Ordinance 493 Establishing New Voting Precincts and Wards within the City of Cresco, Iowa
8. Approval of Ordinance 493 Amending the Code of Ordinances of the City of Cresco, Iowa, by Amending Chapter 3.01(2), 3.02 and 3.03 Establishing New Voting Precincts and Wards within the City of Cresco, Iowa
9. Request from Leon Langreck to Change the City Limits
10. Application for Tax Abatement under the Urban Revitalization Plan for Leon Langreck d/b/a Valley Storage LLC
11. Motion to Declare a Public Purpose for the \$3,868 Payment to Northeast Iowa Community Action in Accordance with the 28E Agreement
12. Resolution Authorizing the Mayor and City Clerk to Enter into a 28E Agreement with Helping Services
13. Resolution Authorizing the Mayor and Fire Chief to Enter into a Memorandum of Understanding with the Iowa Department of Natural Resources for the 2021 Volunteer Fire Assistance (VFA) Grants Program
14. Discuss Budget Worksessions
15. Discuss Rescheduling January Council Meetings to January 10th and January 24th
16. Discuss Issues Regarding COVID-19 Pandemic

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 DECEMBER 3, 2021.

NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF CRESCO, IOWA, ON THE MATTER OF THE ADOPTION OF A PROPOSED AMENDMENT NO. 1 TO THE AMENDED AND RESTATED (2016) CRESCO URBAN REVITALIZATION PLAN FOR THE CRESCO URBAN REVITALIZATION AREA

Public notice is hereby given that the City Council of the City of Cresco, Iowa, will hold a public hearing on December 6, 2021, in the Council Chambers, City Hall, 130 North Park Place, Cresco, Iowa, at 5:30 P.M., at which meeting the Council proposes to take action on the adoption of an Amendment No. 1 ("Amendment") to the Amended and Restated (2016) Cresco Urban Revitalization Plan ("Plan") for the Cresco Urban Revitalization Area ("Area") described therein, under the authority of Chapter 404 of the Code of Iowa, as amended.

The purpose of the Amendment is to (i) extend the duration of eligibility under the Plan; (ii) increase the exemption schedule for properties assessed as "residential"; (iii) add an exemption schedule for properties with three or more dwelling units that are assessed as "residential" under Iowa Code Section 441.21(14)(a)(6) on or after January 1, 2022 (in response to the elimination of the multiresidential property assessment classification for assessments imposed on or after January 1, 2022); and (iv) make other updates in the Plan.

Any persons interested may appear at said meeting of the Council and present evidence for or against the adoption of the Amendment. The proposed Amendment is on file in the office of the City Clerk and available for public inspection or copying during ordinary business hours.

This notice is given by order of the City Council of the City of Cresco, Iowa, pursuant to Section 404.2(6) of the Code of Iowa, 2021, as amended.

Dated this 15th day of November, 2021.



City Clerk, City of Cresco, Iowa

(End of Notice)

01961407-1\10349-102124

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 6th day of December, 2021, in Council Chambers at City Hall. At this meeting the Council proposes to amend Ordinance Chapters 105.10, 105.14, 106.02, and 106.08(1) in the City of Cresco Code of Ordinances pertaining to storage containers and fees for recyclable and non-recyclable waste.

The proposed amendment may be viewed at Cresco City Hall during normal office hours or online at 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 Elton

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 6th day of December, 2021, in Council Chambers at City Hall. At this meeting, the Council proposes to amend Chapter 3.01(2), 3.02 and 3.03 in the City of Cresco Code of Ordinances establishing new voting precincts and wards within the City of Cresco, Iowa.

The proposed amendment may be viewed at Cresco City Hall during normal office hours or online at 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 Elton

Mayor Pro-Tem Bouska called the Cresco City Council meeting to order on November 15, 2021, at 5:30 pm. Council Members Brenno, McConnell, Fortune, Bouska, and Carman were present. No council members were absent.

Mayor Pro-Tem Bouska administered the Oath of Office to Richard McConnell who was elected on November 2, 2021 to the City Council to replace the appointed position he had held.

Carman made the motion to approve the consent agenda which included approval of the agenda; claims; minutes from the November 1, 2021 meeting; Tax Abatement under the Urban Revitalization Plan for Shay Curtin; Parade Permit for portions of 3rd Avenue and North Elm Street for the Santa's Holiday Parade on November 26, 2021. Fortune seconded and it passed all ayes.

Public Works Director Widell reported (a) River City Fence started replacing the fence at the wastewater treatment plant. They will get as much done as they can, but it will be finished in the spring; (b) the first watermain break was repaired today just east of City Hall; (c) the gravel shed has been finished and filled. Hopefully, this keeps the rock pile from freezing this winter; (d) everyone is busy preparing for winter and getting equipment ready; (e) reminder today was the last day for yardwaste pick up until April.

Police Chief Ruroden reported the initial conditional offer has been put on hold pending further documentation. A conditional offer was made and accepted for the second position pending further testing and background checks.

City Clerk Elton reported (a) budget worksheets have been distributed to department heads; (b) another budget amendment will be required for increased transfers due to the Local Option Sales Tax received being over \$160,000 more than budgeted; (c) Teresa and I are attending the Iowa League of Cities Budget Workshop in Waverly tomorrow.

Fortune reported the Theatre Commission met and they are reviewing rental agreements for the Theatre. The Luther Opera Group will be performing at the Theatre.

Mayor Pro-Tem Bouska asked for comments from the audience. Jason Passmore invited everyone to attend or participate in the Santa Parade on November 26th at 4 pm. The Chamber/CIDC Banquet is November 19th at 5 pm to recognize Hanson Tire and H&S Motors as Businesses of the Year. Quilts of Valor is Organization of the Year. Jingle in your Pocket is running until December 9th to encourage shopping locally. Banks are sponsoring 40 prizes of \$100 each. Thanks to the Boys and Girls Basketball teams for putting up Christmas lights. Theatre is having free movies. A ribbon cutting will be held for Alanda Meyer's Preferred Appraisal Services on November 18th. Cresco Holiday Open Houses are Sunday November 21st for local businesses with a ribbon cutting at Salon Synergy as well. Hopefully additional ribbon cuttings in December for Precision Overhead Doors and for Sweeney's Lounge.

Mayor Pro-Tem Bouska opened the Public Hearing to enter into a new five-year contract with Hawkeye Sanitation for Solid Waste Disposal and Recycling Services. Bouska questioned how light commercial properties with no space for a cart (tote) and multiplex properties with multiple carts would be handled. Lucas Merritt explained that they would work with the business owners to pick up their bags. Multiplex dwellings may require a garbage dumpster and a recycling dumpster based on the number of units. There were no other written or oral comments and the public hearing was closed. Fortune made a motion to approve the resolution authorizing the Mayor and City Clerk to enter into an Agreement for Recyclable and Non-Recyclable Waste Collection Services with Hawkeye Sanitation Inc. Brenno seconded and it passed all ayes.

Wayne Maas and Amanda discussed a proposal to build a cement pad and underground holding tank at the Cresco Airport. They have been utilizing the Cresco Airport for the past ten years for aerial spraying and cover crops. They did about 19,000 acres around Cresco and contract directly with local coops instead of individual farmers. They are looking for a

permanent loading zone and tie-downs. They would work with local contractors and are already using A&J Construction and Mehmert Tiling at other airports. McConnell made a motion to approve the recommendation of the Airport Commission to allow Midwest Custom Ag Aerial Applicators to perform an Environmental Impact Study. A lease agreement will be negotiated after the study is completed. Fortune seconded and it passed all ayes.

Four bids were received for the rental of farmland at the Airport based on a per acre basis for approximately 79 acres: Steven Mlady \$251; Matt Miner \$270; Eric Vobr \$203; Bryan Schmitt \$320. Carman made a motion to accept the highest bid from Bryan Schmitt for \$320 per acre for three years. McConnell seconded and it passed all ayes. McConnell made a motion to approve a resolution authorizing the Mayor and City Clerk to enter into a Farm Lease Agreement with Bryan Schmitt. Carman seconded and it passed all ayes.

Carman made a motion to approve a resolution authorizing the Mayor to sign an Engineering Services Agreement with Clapsaddle-Garber Associates, Inc. Brenno seconded and it passed all ayes.

Two quotes for new air conditioners at the Fitness Center were reviewed: LT Mechanical \$75,744.00 for four 10-ton condensing units excluding electrical; Cresco Heat and Vent \$45,236.78 for two 20-ton condensing units including electrical. Concern was voiced on the difference in quotes. Both contractors looked at the project and were given three weeks to submit a quote. Carman made the motion to accept the lower quote from Cresco Heat and Vent. Bouska seconded and it passed all ayes.

The Abstract of Votes as certified by the Howard County Supervisors for the recent election were read: Mayor David Brenno 631, Troy Cleveland 115, Kelly Gosch 159; City Council At-Large Richard McConnell 806, 16 scattering; City Council Ward 2 Amy Bouska 307, 10 scattering; Public Measure to decrease Library Board of Trustees from nine to seven members 771 yes, 116 no; Public Measure to reduce Library Board of Trustees term length from six to three years 823 yes, 70 no; Public Measure to limit Library Board of Trustees consecutive terms from unlimited to three terms 776 yes, 115 no. The Board of Supervisors of Howard County duly nominated for the office of the City of Cresco: David Brenno Mayor; Richard McConnell City Council At-Large; Amy Bouska City Council Ward 2; all three Public Measures to be adopted.

David Brenno submitted his letter of resignation from the Cresco City Council At-Large effective 12/31/21 due to his election to the Mayor position.

The open council position can be filled by a special election or Council can appoint the position. The appointment will be effective until the next City election unless a written petition is filed requesting a special election. Applications would be due December 10th and candidates will be interviewed by Council prior to the December 20th Council meeting, at which, the appointment will be approved for January 1, 2022. Fortune made a motion to publish a Notice of Intent to Fill the Council Position by Appointment. Brenno seconded and it passed all ayes.

City Clerk asked the Council if Ms. Bouska should be compensated for filling in for the Mayor Pro-Tem position. McConnell made the motion to pay Ms. Bouska her regular council wages through October 31, 2021 and to pay the Mayoral wages of \$433.34 per month for November and December 2021. Carman seconded and Fortune, Brenno, Carman, and McConnell voted aye. Bouska abstained. The motion passed by majority vote.

Carman made a motion to approve a resolution approving the City Street Finance Report and Authorizing the City Clerk to File with the Iowa Department of Transportation. Brenno seconded and it passed all ayes.

The current tax abatement plan expires December 31, 2021. The proposed changes would (a) extend the plan until December 31, 2026; (b) increase the exemption for residential properties

to five-years for 100%, up to \$75,000, of value added; (c) properties having 3+ separate dwelling units will have an exemption of 10 years for 50% of value added. Bouska made a motion to approve a resolution determining the necessity and fixing date for a public hearing on the matter of the adoption of a proposed Amendment No. 1 to the Amended and Restated (2016) Cresco Urban Revitalization Plan for the Cresco Urban Revitalization Area for December 6, 2021. Brenno seconded and it passed all ayes.

McConnell made the motion to approve a resolution authorizing the Mayor to sign an Engagement Letter with the Law Offices of Anderson, Wilmarth, Van Der Maaten, Belay, Fretheim, Gipp, Evelsizer Olson, Lynch & Zahasky. Fortune seconded and it passed all ayes.

Carman made a motion to approve a resolution authorizing the Mayor to enter into an Information Technology Services Agreement - Statement of Work with Solutions, Inc. McConnell seconded and it passed all ayes.

Carman made a motion to approve a resolution authorizing the Mayor and City Clerk to enter into a 28E Agreement with Northeast Iowa Community Action Corporation. Bouska seconded and it passed all ayes.

McConnell made a motion to set a Public Hearing to Amend Chapters 105.10, 105.14, 106.02, and 106.08(1) in the City of Cresco Code of Ordinances pertaining to fees for recyclable and non-recyclable waste for December 6, 2021. Brenno seconded and it passed all ayes.

Bouska performed the first reading of summary of proposed Ordinance 492 amending the Code of Ordinances of the City of Cresco, Iowa, by amending Chapters 105.10, 105.14, 106.02, and 106.08(1) pertaining to fees for recyclable and non-recyclable waste. Brenno made the motion to approve the first reading. Fortune seconded and it passed all ayes.

Precinct and City Ward boundaries changed slightly due to the Cresco census. A revised map is available on the City's website or at City Hall. McConnell made the motion to approve the Memorandum of Agreement between the City of Cresco and Howard County regarding changes in precinct and ward boundaries. Carman seconded and it passed all ayes.

Bouska made a motion to set a Public Hearing to amend Chapter 3.01(2), 3.02 and 3.03 in the City of Cresco Code of Ordinances pertaining to voting precincts and wards for December 6, 2021. Brenno seconded and it passed all ayes.

Bouska performed the first reading of summary of proposed Ordinance 493 amending the Code of Ordinances of the City of Cresco, Iowa, by amending Chapter 3.01(2), 3.02 and 3.03 establishing new voting precincts and wards within the City of Cresco, Iowa. Carman made the motion to approve the first reading. Brenno seconded and it passed all ayes.

Carman reported that the positivity rate for Howard County is higher than all the surrounding counties at 10% for COVID-19. Vaccination and booster clinics continue. Iowa reports 64.1% vaccinated and Howard County has 59.9%. Pediatric vaccination clinics will start Saturday. Elton reported that the City may need to follow the Federal mandate if the court system approves the OSHA mandate to track unvaccinated employees which requires weekly testing and mask mandates. We will wait for further guidance depending on the court's rulings.

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

Mayor Pro-Tem Amy Bouska

City Clerk Michelle Elton

Following is a list of claims approved for payment:

A&J'S CONST	Srvc	8,976.00	MOORE,JORDYN	Mileage	215.04
AHLERS&COONEY	Legal	475.00	O'HENRY'S	Unif	293.00
ALLIANT	Elect	12,010.74	PAYROLL		69,550.91
BAKER&TAYLOR	Books	509.05	PETTY CASH	Postage	130.86
BECKER,RYAN	Mow	225.00	RILEY'S	Supp	337.13
BC/BS	Ins	32,063.89	RUPPERT	Supp	258.79
BOB'S ELEC	Srvc	4,559.53	SAM'S	Supp	1,601.32
BROWN SUPPLY	Supp	546.80	SOLAR PRO	Solar	3,003.51
BRUENING	Dirt	336.95	SOLUTIONS	Srvc	143.75
CARDMEMBER SRVC	Supp	1,056.10	SPAHN&ROSE	Equip	669.64
CARQUEST	Part	14.71	SQUARE	Fees	18.84
CITY LAUNDERING	Srvc	1,036.22	STATE HYGIENIC	Analys	87.50
CITY OF CRESCO	Util	25.53	STOREY KEN	Supp	248.58
CORRIDOR TECH	Srvc	352.00	TREAS,JA	Taxes	6,428.00
CR BLDG SRVC	Srvc	160.00	VISA	Equip	3,867.26
CR TPD	Notices	319.60	WELLS FARGO	Int	31,725.00
DALCO	Supp	568.66	WILSON TREE	Srvc	611.55
DELUXE ECHOSTAR	Movie	80.00	WINDRIDGE IMP	Parts	242.67
FAREWAY	Supp	199.97	WINDSTREAM	Phone	59.61
FENCL OIL	Rent	75.00	ZIEGLER	Supp	189.16
FOLEY'S CONST	Srvc	1,327.50			
FORTE PMT	Fees	237.25	GENERAL		149,606.52
GOSCH'S	Srvc	587.29	LOST PROJ		8,976.00
GWORKS	Lic	16,008.23	FIRE STATION BLDG		177.85
HANSON TIRE	Srvc	1,306.65	STREET TRUST		2,208.05
HAWKEYE SAN	GbRc	52,877.81	CR COMM FIRE		226.42
HOW CO	ShrdLEC	6,714.03	ROAD USE TAX		15,879.57
HOW CO EXT	Trng	35.00	EMPLOYEE BENE		7,664.45
IA FIN AUTH	Int	2,345.00	PARK TRUST		2,251.48
IA LAW ACAD	Eval	200.00	DEBT SRVC		31,725.00
IA POETRY	Book	9.00	WATER		26,922.39
IA RURAL WATER	Dues	325.00	SEWER OP		30,428.68
JD FIN	Supp	1,371.07	SEWER PROJ		611.55
KEYSTONE LAB	Analys	1,132.70	SEWER		2,345.00
KWIK TRIP	Gas	4,372.05	CAP IMPR		552.87
LEXIPOL	Trng	693.00	YARDWASTE		1,365.11
MARCO	Copier	1,608.52			
MEDIACOM	Phone	309.27	TOTAL FUNDS		280,940.94
MIENERGY	Elect	6,208.70	Revenues 11/2-11/15/21		407,407.75



Applicant

NAME OF LEGAL ENTITY: Big Daddy Hideaway Corp.
NAME OF BUSINESS(DBA): Sweeney's Lounge
BUSINESS: (563) 547-3422

ADDRESS OF PREMISES: 212 S Elm St
CITY: Cresco
COUNTY: Howard
STATE: Iowa
ZIP: 52136-0000

MAILING ADDRESS: 212 South Elm Street
CITY: Cresco
STATE: Iowa
ZIP: 52136-0000

Contact Person

NAME: Cooper Sweeney
PHONE: (563) 547-3422
EMAIL: coopersweeney.14@gmail.com

License Information

LICENSE NUMBER: LC0021677
LICENSE/PERMIT TYPE: Class C Liquor License
TERM: 12 Month
STATUS: Submitted to Local Authority

EFFECTIVE DATE: Jan 12, 2022
EXPIRATION DATE: Jan 11, 2023
LAST DAY OF BUSINESS

SUB-PERMITS: Class C Liquor License

Status of Business

BUSINESS TYPE: Privately Held Corporation

Ownership

No Ownership Information found

Insurance Company Information

INSURANCE COMPANY: Illinois Casualty Co
POLICY EFFECTIVE DATE: Oct 1, 2021
POLICY EXPIRATION DATE: Oct 1, 2022

DRAM CANCEL DATE
BOND EFFECTIVE DATE
OUTDOOR SERVICE EFFECTIVE DATE
TEMP TRANSFER EFFECTIVE DATE
OUTDOOR SERVICE EXPIRATION DATE
TEMP TRANSFER EXPIRATION DATE

APPLICATION FOR TAX ABATEMENT UNDER THE
URBAN REVITALIZATION PLAN FOR

CRESCO, IOWA

Date 11/19/21

____ Prior Approval for
Intended Improvements

____ Approval of Improvements
Completed

Address of Property: 1233 CAMBRIDGE COURT

Legal Description: LOT 5 & S 1/2 LOT 6 BLOCK 3 WEBSTER'S FOURTH ADDN

Title Holder or Contract Buyer: KIP & AMANDA POWERS

Address of Owner (if different than above): _____

Phone Number (to be reached during the day): _____

Property Use: Residential Multi-Residential Commercial

Nature of Improvements: New Construction Rehab/Addition General Improvements

Specify: _____

Estimated or Actual Cost of Improvement: _____

Estimated or Actual Date of Completion: 10/28/21

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

Signed: Kip Powers

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.

STREET CLOSING/PARADE PERMIT

Application Date: 11/23/2021 Name: Driftrunners, Inc.

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

Phone Number: 563-605-0141

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

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

Event Date: From: December 20, 2021 ~~Time (from)~~ (to) April 1, 2022

Signature of Applicant: Brandon Platt 11/23/2021

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
CASH & INVESTMENT BY FUND
AS OF NOVEMBER 30, 2021**

	CASH BALANCE	MONEY MKT BALANCE	CD BALANCE	OTHER BANK BALANCE	FUND BALANCE
001	General Fund	20,291.64	820,400.00	700,000.00	1,540,691.64
001	General Fund - Theatre	-	-	5,177.51	5,177.51
001	General Fund - Credit Card Processing	-	-	3,500.00	3,500.00
001	General Fund - RAGBRAI	-	8,985.11	-	8,985.11
002	General Fund-Hotel/Motel	224.99	17,000.00	10,000.00	27,224.99
022	Local Option Tax Project	47,916.93	982,000.00	723,000.00	1,752,916.93
065	Nuisance House Fund	287.16	3,000.00	-	3,287.16
078	Fire Station Building	629.18	3,000.00	-	3,629.18
087	Equipment Replace	534.32	10,000.00	20,000.00	30,534.32
090	Office/Computer Equip.	61.95	9,000.00	20,000.00	29,061.95
091	Street Equipment Trust	719.85	73,000.00	30,000.00	103,719.85
092	Theatre Trust	872.06	22,000.00	20,000.00	42,872.06
094	Airport Trust	868.84	70,000.00	-	70,868.84
098	Cresco Community Fire	118.00	48,000.00	35,000.00	83,118.00
110	Road Use Tax Fund	270.51	366,000.00	300,000.00	666,270.51
112	Employee Benefits Trust	701.23	483,000.00	350,000.00	833,701.23
119	Emergency Fund	952.84	16,000.00	-	16,952.84
160	CIDC/CityRevol.Loan-bus.	499.29	47,000.00	-	47,499.29
177	Police Forfeiture Fund	240.13	-	-	240.13
182	Rehab Housing	905.08	60,000.00	-	60,905.08
183	Equip.Repair-Fitness Ctr	871.35	84,000.00	-	84,871.35
184	City Park Trust	869.37	2,000.00	-	2,869.37
185	Recreation Supply	403.05	12,000.00	-	12,403.05
186	Park Tree Trust	222.15	4,000.00	-	4,222.15
188	Fire Equipment Trust	444.77	14,000.00	30,000.00	44,444.77
189	Library Trust	304.65	37,000.00	20,000.00	57,304.65
200	Debt Service Fund	5,425.07	171,000.00	35,000.00	211,425.07
322	Scene Shop Project Fund	646.33	13,000.00	-	13,646.33
323	ARPA Grant Project	1,747.17	278,000.00	-	279,747.17
600	Water Utility Fund	5,931.56	348,000.00	150,000.00	503,931.56
601	Water Deposit Trust	1,157.78	17,000.00	15,000.00	33,157.78
602	Water Utility Replacement	351.77	309,000.00	200,000.00	509,351.77
610	MSSU Revenue	7,489.75	516,000.00	220,000.00	743,489.75
612	MSSU Operation/Maint	499.52	-	-	499.52
613	MSSU Replacement	690.08	724,000.00	400,000.00	1,124,690.08
614	MSSU Rev.Bond Int	551.67	3,000.00	27,000.00	30,551.67
620	Cap Imp Water, Sewer, Storm	830.56	60,000.00	50,000.00	110,830.56
670	Yard Waste Fund	1,081.61	90,000.00	45,000.00	136,081.61
820	Health Ins Partial Self Fund	-	-	70,000.00	58,719.53
	Totals	105,612.21	5,711,400.00	3,478,985.11	67,397.04
		1%	61%	37%	1%
					<u>9,363,394.36</u>

Checking - Cresco Bank & Trust (operating) 0.05% 105,612.21
 Checking - CB&T (credit cards) 0.00% 3,500.00
 Theatre Checking (CB&T) 0.00% 5,177.51

Money Market - Cresco Bank & Trust 0.25% 5,711,400.00
 MMKT Hlth Ins Partial Self Funded 0.15% 58,719.53

CD RAGBRAI - 3 yr - matures 9/14/23 (CUSB) 0.65% 8,985.11 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% 3,400,000.00

\$ 9,363,394.36

CITY OF CRESCO
 REVENUE REPORT
 CALENDAR 11/2021, FISCAL 5/2022

PCT OF FISCAL YTD 41.6%

ACCOUNT NUMBER	ACCOUNT TITLE	MTD BALANCE	YTD BALANCE	BUDGET	% RECEIVED
	GENERAL TOTAL	242,673.77	1,436,585.17	3,215,988.00	44.67
	HOTEL/MOTEL TAX TOTAL	.00	5,820.40	20,000.00	29.10
	LOST PROJECT TOTAL	134,361.66	310,067.26	485,500.00	63.87
	NUISANCE HOUSE TOTAL	.62	2.57	17,400.00	.01
	FIRE STATION BUILDING TOTAL	.62	9,327.62	73,900.00	12.62
	EQUIPMENT REPLACEMENT TOTAL	2.06	18.02	4,300.00	.42
	OFFICE EQUIPMENT TOTAL	1.85	16.68	100.00	16.68
	STREET TRUST TOTAL	4,072.83	71,308.21	53,500.00	133.29
	THEATRE TRUST FUND TOTAL	1,004.53	1,199.84	7,000.00	17.14
	AIRPORT TRUST FUND TOTAL	14.42	78.66	116,675.00	.07
	CRESCO COMMUNITY FIRE TOTAL	43.43	44,942.41	89,000.00	50.50
	ROAD USE TAX TOTAL	34,125.56	238,447.54	520,000.00	45.86
	EMPLOYEE BENEFITS TOTAL	17,072.67	273,646.66	598,867.00	45.69
	EMERGENCY FUND TOTAL	933.40	16,952.84	35,600.00	47.62
	LOCAL OPTION SALES TAX TOTAL	149,065.98	343,166.14	525,000.00	65.36
	REVOLVING LOAN TOTAL	6,491.23	13,204.27	50,500.00	26.15
	REHAB HOUSE TOTAL	12.36	18,924.05	75,000.00	25.23
	FITNESS CENTER TRUST TOTAL	217.28	32,290.62	43,700.00	73.89
	PARK TRUST TOTAL	75.41	12,441.77	22,100.00	56.30
	RECREATION SUPPLY TOTAL	2.47	2,440.26	10,000.00	24.40
	PARK TREE TRUST TOTAL	.82	843.51	1,800.00	46.86
	FIRE EQUIPMENT TOTAL	1,002.88	3,132.57	9,000.00	34.81
	LIBRARY TOTAL	207.62	29,857.17	28,300.00	105.50
	DEBT SERVICE TOTAL	22,680.55	180,089.12	355,025.00	50.73
	SCENE SHOP PROJECT TOTAL	2.68	14.13	.00	.00
	ARPA GRANT PROJECT FUND TOTAL	990.68	279,747.17	278,600.00	100.41
	WATER TOTAL	52,633.90	266,385.04	609,500.00	43.71
	WATER DEPOSIT TOTAL	960.00	5,146.56	13,000.00	39.59
	WATER EQUIPMENT REPLACE TOTAL	67.15	423.83	178,300.00	.24
	SEWER TOTAL	73,100.86	369,962.90	853,900.00	43.33
	SEWER OPERATIONS TOTAL	43,000.00	253,000.00	770,000.00	32.86
	SEWER REPLACEMENT PROJ TOTAL	149.14	981.52	156,000.00	.63
	SEWER SINKING TOTAL	.62	14.18	31,800.00	.04
	PROPRIETARY CAP IMPROVE TOTAL	6,898.97	33,643.98	81,700.00	41.18
	YARDWASTE TOTAL	3,533.91	16,651.30	39,600.00	42.05
	SELF INSURANCE TOTAL	4,167.90	30,833.87	.00	.00
	TOTAL REVENUE BY FUND	799,569.83	4,301,607.84	9,370,655.00	45.91

CITY OF CRESCO
 BUDGET REPORT (Expenses)
 CALENDAR 11/2021, FISCAL 5/2022

PCT OF FISCAL YTD 41.6%

ACCOUNT NUMBER	ACCOUNT TITLE	MDT BALANCE	YTD BALANCE	BUDGET	% SPENT
	GENERAL TOTAL	203,635.76	1,264,716.92	3,118,850.00	40.55
	HOTEL/MOTEL TAX TOTAL	2,000.00	12,950.00	20,000.00	64.75
	LOST PROJECT TOTAL	15,876.00	42,976.25	294,000.00	14.62
	NUISANCE HOUSE TOTAL	1.55	613.55	12,400.00	4.95
	FIRE STATION BUILDING TOTAL	306.53	10,266.20	73,900.00	13.89
	EQUIPMENT REPLACEMENT TOTAL	.00	.00	1,000.00	.00
	OFFICE EQUIPMENT TOTAL	.00	.00	3,500.00	.00
	STREET TRUST TOTAL	2,208.05	3,344.13	14,000.00	23.89
	THEATRE TRUST FUND TOTAL	.00	.00	2,000.00	.00
	AIRPORT TRUST FUND TOTAL	.00	.00	130,000.00	.00
	CRESCO COMMUNITY FIRE TOTAL	1,106.28	28,755.03	94,000.00	30.59
	ROAD USE TAX TOTAL	39,310.55	220,920.64	561,000.00	39.38
	EMPLOYEE BENEFITS TOTAL	42,002.47	224,342.60	599,150.00	37.44
	EMERGENCY FUND TOTAL	.00	.00	35,600.00	.00
	LOCAL OPTION SALES TAX TOTAL	149,065.98	343,166.14	525,000.00	65.36
	REVOLVING LOAN TOTAL	.00	50,500.00	50,000.00	101.00
	REHAB HOUSE TOTAL	.00	71.37	129,500.00	.06
	FITNESS CENTER TRUST TOTAL	15,078.92	15,078.92	75,000.00	20.11
	PARK TRUST TOTAL	4,751.48	17,383.43	26,000.00	66.86
	RECREATION SUPPLY TOTAL	.00	2,740.00	10,000.00	27.40
	PARK TREE TRUST TOTAL	.00	2,156.25	1,800.00	119.79
	FIRE EQUIPMENT TOTAL	.00	.00	3,000.00	.00
	LIBRARY TOTAL	.00	774.93	2,000.00	38.75
	DEBT SERVICE TOTAL	31,725.00	32,475.00	345,200.00	9.41
	WATER TOTAL	35,671.10	178,518.10	609,300.00	29.30
	WATER DEPOSIT TOTAL	536.01	5,554.98	13,000.00	42.73
	WATER EQUIPMENT REPLACE TOTAL	.00	10,615.44	302,100.00	3.51
	SEWER TOTAL	43,000.00	253,000.00	952,500.00	26.56
	SEWER OPERATIONS TOTAL	42,823.46	253,221.64	766,600.00	33.03
	SEWER REPLACEMENT PROJ TOTAL	1,751.55	51,505.60	372,000.00	13.85
	SEWER SINKING TOTAL	2,345.00	2,345.00	31,800.00	7.37
	PROPRIETARY CAP IMPROVE TOTAL	8,736.19	13,425.41	34,900.00	38.47
	YARDWASTE TOTAL	3,218.43	9,594.65	91,600.00	10.47
	SELF INSURANCE TOTAL	1,870.20	18,244.59	.00	.00
	TOTAL EXPENSES BY FUND	647,020.51	3,069,256.77	9,300,700.00	33.00

RESOLUTION NO. _____

RESOLUTION ADOPTING AMENDMENT NO. 1 TO THE
AMENDED AND RESTATED (2016) CRESCO URBAN
REVITALIZATION PLAN FOR THE CRESCO URBAN
REVITALIZATION AREA

WHEREAS, pursuant to the provisions of Iowa Code Chapter 404, by action of the City Council on March 21, 2016, the City of Cresco, Iowa (the "City") adopted the Amended and Restated (2016) Cresco Urban Revitalization Plan (the "Revitalization Plan" or "Plan") for the Cresco Urban Revitalization Area (the "Revitalization Area" or "Area"); and

WHEREAS, by the foregoing action, the Council has determined that the Urban Revitalization Area within the City can be revitalized as authorized by Code of Iowa Chapter 404 (the "Act"); and

WHEREAS, eligibility for tax abatement exemptions under the Revitalization Plan is scheduled to expire December 31, 2021; and

WHEREAS, the Revitalization Plan provides for tax abatement on eligible improvements on properties assessed as "multiresidential"; and

WHEREAS, in 2021, the Iowa legislature adopted legislation to eliminate the multiresidential property assessment classification starting January 1, 2022, and consequently many of the properties previously assessed as "multiresidential" will be reclassified as a subdivision of "residential" properties under the new Iowa Code Section 441.21(14)(a)(6); and

WHEREAS, a proposed Amendment No. 1 to the Plan ("Amendment") has been prepared, the purpose of which is to (i) extend the duration of eligibility under the Plan; (ii) increase the exemption schedule for properties assessed as "residential"; (iii) add an exemption schedule for properties with three or more dwelling units that are assessed as "residential" under Iowa Code Section 441.21(14)(a)(6) on or after January 1, 2022; and (iv) make other updates in the Plan; and

WHEREAS, after published notice was given, as required by the Act, the City Council held a public hearing at its meeting on November 15, 2021, on the Amendment and considered all objections, comments, and evidence presented.

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

Section 1. That all objections received, if any, at the public hearing referred to in the preamble above are found to be without sufficient merit to warrant amending the proposed Amendment.

Section 2. That the Amendment, attached hereto as Exhibit 1 and incorporated herein by reference, be and the same is hereby approved and adopted as "Amendment No. 1 to the Amended and Restated (2016) Cresco Urban Revitalization Plan for the City of Cresco, State of Iowa," and

that the Amendment is hereby in all respects approved. The City Clerk is hereby directed to file a certified copy of the Amendment, along with a copy of this Resolution, with the Recorder for Howard County, Iowa, to be recorded, and with the Assessor for Howard County, Iowa.

Section 3. That, notwithstanding any resolution, ordinance, plan, amendment, or other documents, the Amendment shall be in full force and effect from the date of this Resolution until the Council amends or repeals the Plan, as amended.

Section 4. That all other provisions of the Plan not affected or otherwise revised by the Amendment are hereby ratified, confirmed, and approved in all respects, and that all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed, to the extent of such conflict.

PASSED AND APPROVED this 6th day of December, 2021.

Mayor

ATTEST:

City Clerk

Exhibit 1

AMENDMENT NO. 1 TO THE AMENDED AND RESTATED (2016) CRESCO URBAN REVITALIZATION PLAN FOR THE CRESCO URBAN REVITALIZATION AREA

City of Cresco, Iowa

INTRODUCTION

The City of Cresco, Iowa (“City”) adopted the Amended and Restated (2016) Cresco Urban Revitalization Plan (“Amended and Restated Plan” or “Plan”) for the Cresco Urban Revitalization Area (the “Urban Revitalization Area” or “Area”) by action of the City Council on March 21, 2016. The Amended and Restated Plan replaced the original Cresco Urban Revitalization Plan, which had been adopted in 2008, to promote the revitalization of properties in the Area, by providing tax abatement on eligible improvements.

The City is amending the Plan with the adoption of this Amendment No. 1 to the Plan (“Amendment” or “Amendment No. 1”) to: (a) extend eligibility under the Plan; (b) increase the exemption schedule for properties assessed as “residential” generally; (c) add an exemption schedule for properties with three or more separate dwelling units assessed as “residential” properties under the new Iowa Code Section 441.21(14)(a); and (d) update language in the Plan to reflect recent legislative changes to available assessment categories.

The changes noted as (c) and (d) above are being prompted by a change in Iowa law. In 2021, the Iowa legislature adopted legislation to eliminate the multiresidential property assessment classification. Because of this legislation, after January 1, 2022, many of the properties previously assessed as “multiresidential” will be reclassified as “residential” properties. In particular, properties with three or more separate dwelling units will be assessed as “residential” properties under the new Iowa Code Section 441.21(14)(a) and will be eligible for the tax exemption schedule previously available to multiresidential properties with three or more separate dwelling units.

Except as modified by this Amendment No. 1, the provisions of the Amended and Restated Plan are hereby ratified, confirmed, and approved and shall remain in full force and effect as provided therein. All subsections of the Plan not mentioned in this Amendment shall continue to apply to the Plan and the Area. In case of any conflict or uncertainty, the terms of this Amendment No. 1 shall control and any parts of the Plan in conflict with this Amendment No. 1 are hereby repealed.

AMENDMENTS TO PLAN

This Amendment makes the following changes to the Plan:

1. **Section I of the Plan, “Eligible Improvements,” is hereby replaced in its entirety with the following:**

I. ELIGIBLE IMPROVEMENTS

Qualified real estate means property assessed as residential, multi-residential (prior to January 1, 2022), or commercial and located within the Area

Eligible improvements, as used in this Plan, include rehabilitation and additions to existing structures on qualified real estate. In addition, eligible improvements include new construction on vacant qualified real estate, or on qualified real estate with existing structures.

Actual value added by improvements, as used in this Plan, means the increase in assessed value added by the eligible improvements as of the first year for which the exemption was received. In order to be eligible for tax abatement, the increase in actual assessed value of the property from the eligible improvements must be at least 10%.

All improvements, in order to be considered eligible, must be completed in conformance with all applicable regulations for the City of Cresco and must be completed during the time the Area is designated as a revitalization area.

2. **Section J of the Plan, "Time Frame," is hereby replaced in its entirety with the following:**

J. TIME FRAME

Properties in the Area shall be eligible to apply for tax abatement under the Plan, as amended; on eligible improvements to qualified real estate that are completed on or before December 31, 2026, so that the assessor can make a full assessment as of January 1, 2027.

If, in the opinion of the City Council, the desired level of revitalization has been attained or economic conditions are such that the continuation of the exemption granted would cease to be of benefit to the City, the City Council may repeal the ordinance establishing the Revitalization Area, pursuant to Section 404.7 of the Code of Iowa. In the event the ordinance is repealed, all existing exemptions shall continue until their expiration. The City reserves the right to extend, amend, terminate, or repeal the Plan and/or the ordinance at any time to the extent allowed by law.

3. **With the adoption of this Amendment, the City is increasing the exemption for properties assessed as residential and is adding an exemption schedule for properties assessed on or after January 1, 2022 as residential with three or more dwelling units (in response to the elimination of the multiresidential property assessment classification for assessments imposed on or after January 1, 2022). Section K of the Plan is hereby repealed in its entirety and replaced with the following:**

K. EXEMPTIONS

Residential

All qualified real estate assessed as residential property is eligible to receive a one hundred percent (100%) exemption from taxation on the first seventy-five thousand dollars (\$75,000) of actual value added by the eligible improvements. The exemption is for a period of five (5) years.

Residential with Three or More Separate Dwelling Units

All qualified real estate assessed as residential property under Iowa Code Section 441.21(14)(a)(6) on or after January 1, 2022, having three or more separate dwelling units, is eligible to receive a fifty percent (50%) exemption from taxation on the actual value added by the improvements. The exemption is for a period of ten (10) years.

This exemption is available for this particular subset of residential property in lieu of the general residential property exemption set forth above, and is made available to further the City's planning objectives with respect to ensuring the availability of a variety of housing options and promoting the development of multi-family residential properties.

Commercial

All qualified real estate assessed as commercial property is eligible to receive a one hundred percent (100%) exemption on the actual value added by the eligible improvements. The exemption is for a period of three (3) years.

Multi-residential (Prior to January 1, 2022)

All qualified real estate assessed prior to January 1, 2022 as commercial property or multi-residential property, if the commercial or multi-residential property consists of three or more separate living quarters with at least seventy-five percent of the space used for residential purposes, is eligible to receive a one hundred percent (100%) exemption from taxation on the actual value added by the eligible improvements constructed prior to January 1, 2022. The exemption is for a period of three (3) years.

EFFECTIVE DATE OF AMENDMENT

This Amendment No. 1 shall become effective upon adoption by the City Council ("Effective Date"). The new or modified exemptions contained in this Amendment shall only be available for improvements completed on and after the Effective Date, subject to the terms of the Plan, as amended. All exemptions awarded prior to the Effective Date shall continue until their expiration.

The Plan, as amended, shall remain in effect until the City Council terminates and repeals the Plan and designating ordinance under the terms of the Plan and the provisions of Iowa Code Chapter 404.

SUMMARY OF ORDINANCE 492

Below is a summary of ORDINANCE 492. 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.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA, BY AMENDING CHAPTERS 105.10, 105.14, 106.02 AND 106.08 (1) PERTAINING TO WASTE STORAGE CONTAINERS & RECYCLING PROGRAM FOR SOLID WASTE CONTROL AND VEHICLES & FEES FOR RECYCLABLE AND NON-RECYCLABLE WASTE

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

SECTION 1. SECTIONS MODIFIED.

Chapter 105.10 – Describes the Container Specifications

Chapter 105.14 States that all recycling shall be comingled and shall not be separated by the use of paper sacks or plastic bags or other means. All food containers must be cleaned.

Chapter 106.02 States that each household will be furnished one cart for comingled recycling and one cart for non-recyclable waste. Light commercial accounts, that do not require a dumpster, will be furnished one cart for non-recyclable waste.

Chapter 106.08, Subsection 1 Lists the fees that will be charged:

	Effective January 1, 2022	Effective when carts furnished
Solid Waste (Residential)	\$18.56 per month*	\$21.35 per month*
Recycling (Residential)	\$5.14 per month	\$5.91 per month
Solid Waste (Light Commercial)	\$23.02 per month	\$26.47 per month
*Where at least one resident is 65 years of age or older	\$17.85 per month	\$20.53 per month

All rates will increase by 4% on January 1st for the next four years ending December 31, 2026.

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.

ORDINANCE 492

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
CITY OF CRESCO, IOWA, BY AMENDING CHAPTERS 105.10, 105.14, 106.02
AND 106.08 PERTAINING TO WASTE STORAGE CONTAINERS & RECYCLING
PROGRAM FOR SOLID WASTE CONTROL AND VEHICLES & FEES FOR
RECYCLABLE AND NON-RECYCLABLE WASTE**

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

SECTION 1. SECTION MODIFIED. Chapters 105.10, 105.14, 106.02 and 106.08 Subsection 1, of the Code of Ordinances of the City of Cresco, Iowa, is repealed and the following adopted in lieu thereof:

105.10 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing, or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. **Container Specifications.** Waste storage containers shall comply with the following specifications:
 - A. **Residential.** Residential waste containers shall be carts provided by hauler or designated collection bags. Disposable collection bags shall be securely fastened, and reusable carts shall be closed securely in order to be serviced.
 - B. **Commercial.** Every person owning, managing, operating, leasing or renting any commercial premises where an excessive amount of refuse accumulates and where its storage in one or two carts as required above is impractical, shall maintain bulk storage containers approved by the City and provided by the collector.
2. **Storage of Containers.** Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well-drained and fully accessible to collection equipment, public health personnel, and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.
3. **Location of Containers for Collection.** Carts or collection bags for the storage of solid waste awaiting collection shall be placed at the curb or alley line by the owner or occupant of the premises served. Carts, collection bags or other solid waste placed at the curb line shall not be so placed more than twelve (12) hours in

advance of the regularly scheduled collection day and shall be promptly removed from the curb line following collection.

4. **Nonconforming Containers.** Solid waste placed in containers that are not in compliance with the provisions of this section will not be collected.

105.14 RECYCLING PROGRAM. The City shall provide for the collection of recyclable material in accordance with the provisions of the contract between the City and the collector. All recycling shall be comingled and shall not be separated by the use of paper sacks or plastic bags or other means. All food containers must be cleaned. Recyclables shall be collected once every two weeks.

106.02 COLLECTION VEHICLES. Each household will be furnished one cart for comingled recycling and one cart for non-recyclable waste. Light commercial accounts, that do not require a dumpster, will be furnished one cart for non-recyclable waste. Property Owners shall keep carts cleaned to prevent nuisances, pollution, or insect breeding, and maintained in good repair. Each cart will have a unique serial number which is assigned to the residential or light commercial account.

(IAC, 567-104.9[455B])

106.08 COLLECTION FEES. The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees therefor in accordance with the following:

(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449)

1. **Fees.** The fees for solid waste collection and disposal service, to any property where water service is turned on, are:

Effective January 1, 2022	
Solid Waste (Residential)	\$18.56 per month per dwelling unit*
Recycling (Residential)	\$5.14 per month per dwelling unit
Solid Waste (Light Commercial)	\$23.02 per month
* Where at least one resident residing in a dwelling unit is 65 years of age or older, the fee is \$17.85 per month.	

Effective Upon 65-Gallon Carts Furnished to All Account Holders	
Solid Waste (Residential)	\$21.35 per month per dwelling unit*
Recycling (Residential)	\$5.91 per month per dwelling unit
Solid Waste (Light Commercial)	\$26.47 per month
* Where at least one resident residing in a dwelling unit is 65 years of age or older, the fee is \$20.53 per month.	

Effective January 1, 2023	
Solid Waste (Residential)	\$22.21 per month per dwelling unit*
Recycling (Residential)	\$6.15 per month per dwelling unit
Solid Waste (Light Commercial)	\$27.53 per month
* Where at least one resident residing in a dwelling unit is 65 years of age or older, the fee is \$21.35 per month.	

Effective January 1, 2024	
Solid Waste (Residential)	\$23.09 per month per dwelling unit*
Recycling (Residential)	\$6.39 per month per dwelling unit
Solid Waste (Light Commercial)	\$28.63 per month
* Where at least one resident residing in a dwelling unit is 65 years of age or older, the fee is \$22.21 per month.	

Effective January 1, 2025	
Solid Waste (Residential)	\$24.02 per month per dwelling unit*
Recycling (Residential)	\$6.65 per month per dwelling unit
Solid Waste (Light Commercial)	\$29.78 per month
* Where at least one resident residing in a dwelling unit is 65 years of age or older, the fee is \$23.09 per month.	

Effective January 1, 2026	
Solid Waste (Residential)	\$24.98 per month per dwelling unit*
Recycling (Residential)	\$6.91 per month per dwelling unit
Solid Waste (Light Commercial)	\$30.97 per month
* Where at least one resident residing in a dwelling unit is 65 years of age or older, the fee is \$24.02 per month.	

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 _____, 2021.

SUMMARY OF ORDINANCE 493

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA, BY AMENDING CHAPTERS 3.01(2), 3.02 AND 3.03 ESTABLISHING NEW VOTING PRECINCTS AND WARDS WITHIN THE CITY OF CRESCO, IOWA

Below is a summary of ORDINANCE 493. A full copy of said Ordinance and a map 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.

CHAPTER 3 of the Code of Ordinances of the City of Cresco, Iowa.

VOTING PRECINCTS AND WARDS

PURPOSE: Boundaries for the voting precincts and wards changed due to the 2020 census.

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 and effective for elections held after January 15, 2022.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021.

Mayor Pro-Tem Amy Bouska

ATTEST: _____
City Clerk Michelle Elton

1st Reading 11/15/2021 2nd Reading _____ 3rd Reading _____

I certify that the foregoing was published as Ordinance No. 493 on the _____ day of _____, 2021.

ATTEST: _____
City Clerk Michelle Elton

ORDINANCE 493

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA, BY AMENDING CHAPTERS 3.01(2), 3.02 AND 3.03 ESTABLISHING NEW VOTING PRECINCTS AND WARDS WITHIN THE CITY OF CRESCO, IOWA

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

SECTION 1. SECTIONS MODIFIED. Chapter 3.01(2), 3.02 and 3.03 of the Code of Ordinances of the City of Cresco, Iowa, is repealed and the following adopted in lieu thereof establishing precincts and wards within the City of Cresco, Iowa:

3.01 DEFINITIONS. For the purposes of this chapter, unless the context otherwise requires:

2. "Census Day" means April 1, 2020, the official date of the 2020 United States Decennial Census.

3.02 WARDS ESTABLISHED. The City is hereby divided into three Wards, as follows:

1. The First Ward shall consist of that territory bounded by a line as follows:

Beginning at the West Corporate Limit Line on 2nd Ave SW (State Highway 9), then East along 2nd Ave SW (State Highway 9) to the intersection of 2nd Ave SW (State Highway 9) and South Elm St, then North to the intersection of 1st Ave East and North Elm St, then continue North along North Elm St to the intersection of North Elm St and North Park Pl, then East along North Park Place to the intersection of North Park Place and 2nd St East, then South along 2nd St East to the intersection of 2nd St East and 2nd Ave East, then East along 2nd Ave East to the intersection of 2nd Ave East and 3rd St East, then North along 3rd St East to the intersection of 3rd St East and 3rd Ave East, then East along 3rd Ave East to the intersection of 3rd Ave East and 8th St East, then North along 8th St East to the intersection of 8th St East and 7th Ave East, then East along 7th Ave East to the Corporate Limit Line, then South along the Corporate Limit Line to the South Corporate Limit Line (110th St), then West along the Corporate Limit Line to the West Corporate Limit Line, then North along the West Corporate Limit Line to point of beginning on 2nd Ave SW (State Highway 9), all of which is part of the Iowa Senate District #32 and Iowa House District #63 and Congressional District #2.

2. The Second Ward shall consist of that territory bounded by a line as follows:

Beginning at the intersection of 12th Ave E and Division St, then South along Division St to the intersection of Division St and 10th Ave, then East along 10th Ave to the intersection of 10th Ave and North Elm St, then South along North Elm St to the intersection of North Elm St and North Park Place, then East along North Park Place to the intersection of North

Park Place and 2nd St East, then South along 2nd St East to the intersection of 2nd St East and 2nd Ave East, then East on 2nd Ave East to the intersection of 2nd Ave East and 3rd St East, then North on 3rd St East to the intersection of 3rd St East and 3rd Ave East, then East along 3rd Ave East to the intersection of 3rd Ave East and 8th St East, then North along 8th St East to the intersection of 8th St East and 7th Ave East, then East along 7th Ave East to Corporate Limit Line, then North along Corporate Limit Line to 12th Ave East, then West along 12th Ave East to the intersection of 12th Ave East and Division St being the point of beginning, all of which is part of the Iowa Senate District #32 and Iowa House District #63 and Congressional District #2.

3. The Third Ward shall consist of that territory bounded by a line as follows:

Beginning at the intersection of 12th Ave West and Division St, then South along Division St to the intersection of Division St and 10th Ave, then East along 10th Ave to the intersection of 10th Ave and North Elm St, then South along North Elm St to the intersection of North Elm St and 2nd Ave SW (State Highway 9), then West along 2nd Ave SW (State Highway 9) to the West corporate limits, then North along the West Corporate Limit Line to the North Corporate Limit Line, then East along the North Corporate Limit Line to the intersection of 12th Ave West and Division St, being the point of beginning, all of which is part of the Iowa Senate District #32 and Iowa House District #63 and Congressional District #2.

3.03 PRECINCTS ESTABLISHED. The City is hereby divided into four (4) Precincts as follows:

1. The First Ward is hereby divided into two (2) Precincts as follows:

- A. Precinct 1A shall consist of that territory bounded by a line as follows:

Beginning at the West Corporate Limit Line on 2nd Ave SW (State Highway 9), then East along 2nd Ave SW (State Highway 9) to the intersection of 2nd Ave SW (State Highway 9) and South Elm St, then North to the intersection of 1st Ave East and North Elm St, then continue North along North Elm St to the intersection of North Elm St and North Park Pl, then East along North Park Place to the intersection of North Park Place and 2nd St East, then South along 2nd St East to the intersection of 2nd St East and 2nd Ave East, then East along 2nd Ave East to the intersection of 2nd Ave East and 3rd St East, then North along 3rd St East to the intersection of 3rd St East and 3rd Ave East, then East along 3rd Ave East to the intersection of 3rd Ave East and 8th St East, then North along 8th St East to the intersection of 8th St East and 7th Ave East, then East along 7th Ave East to the Corporate Limit Line, then South along the Corporate Limit Line to 2nd Ave SE (State Highway 9), then West along 2nd Ave SE (State Highway 9) to the intersection of 2nd Ave SE (State Highway 9) and 5th St SE, then South along 5th St SE to the intersection of 5th St SE and 3rd Ave SE, then West along 3rd Ave SE

to the intersection of 3rd Ave SE and 3rd St SW, then South along 3rd St SW to the intersection of 3rd St SW and 4th Ave SW, then West along 4th Ave SW to the intersection of 4th Ave SW and the Vernon Road, then South along the Vernon Road to the West Corporate Limit Line, then North along the West Corporate Limit Line to 2nd Ave SW (State Highway 9) to the point of beginning.

B. Precinct 1B shall consist of that territory located in Ward 1 and not included in Precinct 1A.

2. Precinct 2 shall consist of all the area located in Ward 2.
3. Precinct 3 shall consist of all the area located in Ward 3.

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 and effective for elections held after January 15, 2022.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021.

Mayor Pro-Tem Amy Bouska

ATTEST: _____
City Clerk Michelle Elton

1st Reading 11/15/2021 2nd Reading _____ 3rd Reading _____

I certify that a summary of the foregoing was published as Ordinance No. 493 on the _____ day of _____, 2021.

ATTEST: _____
City Clerk Michelle Elton

RESOLUTION NO. _____

**RESOLUTION WAIVING THE THIRD READING AND
CONSIDERATION OF ORDINANCE NUMBER 493 ESTABLISHING NEW
VOTING PRECINCTS AND WARDS WITHIN THE CITY OF CRESCO, IOWA**

WHEREAS, the City Council of the City of Cresco, Iowa, desires to pass Ordinance Number 493 which amends the Code of Ordinances of the City of Cresco, Iowa, by amending provisions establishing new voting precincts and wards within the City of Cresco.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Cresco, Iowa, that the third reading and consideration of Ordinance Number 493, be waived according to Section 380.3 of the Code of Iowa and that Ordinance Number 493 be read and considered at the City Council meeting held December 6, 2021, 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:

The following council members voted against the adoption of the foregoing resolution:

The Mayor thereupon declared Resolution No. _____ duly passed and adopted by at least 3/4ths affirmative vote by the council members and Ordinance Number 493 is ready to be discussed and considered.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021.

Mayor Pro-Tem Amy Bouska

ATTEST: _____
City Clerk Michelle Elton

Valley Storage LLC
9314 Valley Avenue
Cresco, Iowa 52136
Ph. 563-547-5238 or 507-273-4158

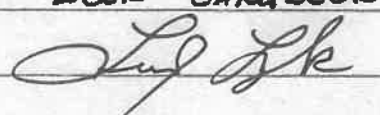
12-2-21

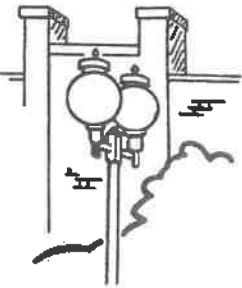
TO: COUNSEL MEMBERS

I AM REQUESTING THE ACRES OF LAND
PURCHASED FROM ERICKSON PROCHASKA IN
2018 BE "GRANDFATHERED IN" TO MY PRESENT
SITE WHICH IS LISTED AS "IN THE COUNTRY"

I AM REQUESTING A CHANGE OF THE CITY
LIMITS

I WOULD BE HAPPY TO SIT DOWN & TALK
WITH YOU ON THIS ISSUE!

SINCERELY
LEON LANGBECK




THE CITY OF
Cresco
I O W A

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

November 10, 2021

Leon Langreck
9314 Valley Ave
Cresco, IA 52136

Dear Mr. Langreck:

I am responding to your verbal request for the City to change its Corporate Limits to exclude the portion of your property that is currently inside the city limits of Cresco. The steps to pursue this request will require you to submit a written request to the Planning and Zoning Commission explaining what your request entails and the justification for making the change. There is a fee of \$100 for the P&Z to hold a public hearing and to consider the request. The P&Z will then make a recommendation to the Cresco City Council whether to approve or to deny such request. The City Council will then consider the request and the recommendation from the P&Z to determine whether it will approve or deny the request.

I want to remind you that any new buildings constructed within city limits requires a building permit. I have enclosed a permit for your convenience. The permit is supposed to be filed and approved before construction begins. If you have new buildings already constructed, please fill out the permit as soon as possible so we can verify that they meet the setback requirements and height restrictions.

New buildings would qualify for a tax abatement under the Cresco Urban Revitalization Plan. Commercial buildings are eligible for property tax abatement on 100% of the value for three years. The building must have a valid building permit and the application for abatement must be filed within two years of construction. I have also enclosed an application for tax abatement.

If you want to pursue the request to change the Corporate Limits, you will need to submit your written request and \$100 fee to City Hall. We would then schedule and notify you of the date and time for the public hearing for you to address the Planning & Zoning Commission. Keep in mind that the fee will be charged whether your request is approved or denied.

Sincerely,

Nate Widell
Public Works Director

APPLICATION FOR TAX ABATEMENT UNDER THE
URBAN REVITALIZATION PLAN FOR

CRESCO, IOWA

Date 12-1-21

Prior Approval for
Intended Improvements

Approval of Improvements
Completed

Address of Property: 9314 Valley Ave

Legal Description: SECT 022 Twp 099 Rng 011 Lot 5 SW NW

Title Holder or Contract Buyer: LEON LANGRECK, for VALLEY STORAGE LLC

Address of Owner (if different than above): SAME

Phone Number (to be reached during the day):

3

Property Use: Residential Multi-Residential Commercial

Nature of Improvements: New Construction Rehab/Addition General Improvements

Specify:

Estimated or Actual Cost of Improvement

Estimated or Actual Date of Completion: 2019

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

Signed: Leon J Langreck

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.

APPLICATION FOR TAX ABATEMENT UNDER THE
URBAN REVITALIZATION PLAN FOR

CRESCO, IOWA

Date 12-2-21

Prior Approval for
Intended Improvements

Approval of Improvements
Completed

Address of Property: 9314 Valley Ave

Legal Description: SE 1/4 022 T140 99 R14 011 Lot 5 SW NW

Title Holder or Contract Buyer: LEON LANGRICK, Valley Storage LLC

Address of Owner (if different than above): _____

Phone Number (to be reached during the day): _____

Property Use: Residential Multi-Residential Commercial

Nature of Improvements: New Construction Rehab/Addition General Improvements

Specify: 40 x 80 ADDITION TO 40 x 120

Estimated or Actual Cost of Improvements: _____

Estimated or Actual Date of Completion: 11-6-21

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

Signed: Leon Langrick

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.

**28E AGREEMENT FOR FUNDING FOR SERVICES
BETWEEN NORTHEAST IOWA COMMUNITY ACTION CORPORATION AND
THE CITY OF CRESCO, IOWA**

THIS AGREEMENT (hereinafter " Agreement ") is made and entered into pursuant to Iowa Code Chapter 28E, to be effective on the date herein provided, by and between Cresco, Iowa, organized and existing under the laws of the State of Iowa (hereinafter "City) and Northeast Iowa Community Action Corporation, an Iowa non-profit corporation (hereinafter "Agency") (collectively referred to herein as the "Parties"). This Agreement shall not create a separate entity.

WHEREAS the Agency is a private agency as defined in Iowa Code Section 28E.2, and is a nonprofit corporation duly formed and existing pursuant to the laws of the State of Iowa; and

WHEREAS the City is a political subdivision duly formed and existing pursuant to the laws of the State of Iowa and is a public agency as defined in Iowa Code Chapter 28E; and

WHEREAS Iowa Code Chapter 28E authorizes public agencies to enter into agreements for joint or cooperative action with public or private entities; and

WHEREAS Agency and the City have determined it to be in the best interest of the respective Parties to enter into a 28E Agreement to coordinate efforts to serve low-income individuals and families in Cresco, Iowa; and,

WHEREAS the Parties believe it is in their best interest to enter into a written agreement setting forth their respective rights and obligations with regard to this Agreement.

NOW THEREFORE, in consideration of the mutual promises and agreements hereincontained, and upon the following terms and conditions, Agency and the City agree as follows:

1. Purpose. The purpose of this Agreement shall be to provide for the joint exercise of the respective powers of the parties hereto in connection with achieving the goals of advancing community development and improving social and economic conditions for individuals and families with limited resources in Howard County and the City of Cresco, Iowa pursuant to the provisions of Chapter 28E of the Code of Iowa.
2. Administration. No separate legal or administrative entity or joint board will be established by this Agreement. The Cresco City Clerk and the Director of the Agency will be designated as the administrators of the Agreement for the purpose of Iowa Code Section 28E.6. No joint budget will be established or maintained for the purpose of carrying out the terms of this Agreement.
3. Duration. This Agreement shall be for a one-year term with an effective commencement date of July 1, 2021 and shall automatically renew for a one (1) year period under the same terms and conditions unless otherwise terminated as forth below in Paragraph 7.


\$3,868⁰⁰

RESOLUTION NUMBER _____

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO ENTER INTO A 28E AGREEMENT WITH HELPING SERVICES**

WHEREAS, the City of Cresco and Helping Services will jointly coordinate efforts to serve low-income individuals and families in City of Cresco; and

WHEREAS, the Director of Helping Services will determine and oversee the policies and activities; and

WHEREAS, the City of Cresco shall provide an annual payment to Helping Services, the amount determined annually by the City.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and City Clerk are authorized and directed to sign the written 28E Agreement with Helping Services to provide substance abuse and domestic abuse services to individuals and families in Cresco, Iowa.

Council Person _____ moved the adoption of the foregoing Resolution Authorizing the Mayor and City Clerk to enter into a 28E Agreement with Helping Services. Council Person _____ seconded said motion. A roll call vote was requested by the Mayor and said roll call vote resulted as follows:

Ayes: _____

Nays: _____

Absent: _____

Thereupon, the Mayor declared said Resolution duly passed and announced that the agreement dated _____, 2021, between the City of Cresco and Helping Services is approved and that the Mayor and City Clerk are authorized to execute the agreement on behalf of the City of Cresco.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021.

BY: _____
Mayor Pro-Tem Amy Bouska

ATTEST: _____
City Clerk Michelle Elton

**28E AGREEMENT FOR FUNDING FOR SERVICES
BETWEEN HELPING SERVICES AND THE CITY OF CRESCO, IOWA.**

THIS AGREEMENT (hereinafter "Agreement") is made and entered into pursuant to Iowa Code Chapter 28E, to be effective on the date herein provided, by and between Cresco, Iowa organized and existing under the laws of the State of Iowa (hereinafter "City") and Helping Services, an Iowa non-profit corporation (hereinafter "Agency") (collectively referred to herein as the "Parties"). This Agreement shall not create a separate entity.

WHEREAS the Agency is a private agency as defined in Iowa Code Section 28E.2, and is a nonprofit corporation duly formed and existing pursuant to the laws of the State of Iowa; and

WHEREAS the City is a political subdivision duly formed and existing pursuant to the laws of the State of Iowa and is a public agency as defined in Iowa Code Chapter 28E; and

WHEREAS Iowa Code Chapter 28E authorizes public agencies to enter into agreements for joint or cooperative action with public or private entities; and

WHEREAS Agency and the City have determined it to be in the best interest of the respective Parties to enter into a 28E Agreement to coordinate efforts to serve individuals and families with substance abuse and domestic abuse services in Cresco, Iowa; and,

WHEREAS the Parties believe it is in their best interest to enter into a written agreement setting forth their respective rights and obligations with regard to this Agreement.

NOW THEREFORE, in consideration of the mutual promises and agreements hereincontained, and upon the following terms and conditions, Agency and the City agree as follows:

1. **Purpose.** The purpose of this Agreement shall be to provide for the joint exercise of the respective powers of the parties hereto in connection with achieving the goals of providing substance abuse and domestic abuse services to individuals and families pursuant to the provisions of Chapter 28E of the Code of Iowa.
2. **Administration.** No separate legal or administrative entity or joint board will be established by this Agreement. The Cresco City Clerk and the Director of the Agency will be designated as the administrators of the Agreement for the purpose of Iowa Code Section 28E.6. No joint budget will be established or maintained for the purpose of carrying out the terms of this Agreement.
3. **Duration.** This Agreement shall be for a one-year term with an effective commencement date of July 1, 2021 and shall automatically renew for a one (1) year period under the same terms and conditions unless otherwise terminated as forth below in Paragraph 7.
4. **Goals Of Funding.** The goal of this joint action between the City and Agency shall be to serve youth and families in City through programs and services including: advocate resources, youth mentoring, domestic abuse advocacy, family educators and substance abuse prevention specialists to educate youth and adults.

5. Funding. The Agency shall in consideration of receiving an annual payment from City in an amount determined annually by City, provides direct services in the form of programs identified in paragraph 4, above, that impact the health and welfare of City residents.

Funding provided by City will be used for:

- A portion of Helping Services staffing, administrative and indirect costs in City/County. Services include helping to support healthier and safer families and communities through mentoring programs, family education and providing safety options for individuals who may be experiencing abuse in their relationships
- Local match requirements for Helping Services programs serving residents of City.
- Support for additional funding needs of Helping Services programs serving youth and families of City.

Expenditures will be tracked and be reported to City at its request. Agency will reimburse City for any funds paid to Agency that the Agency cannot document as having been used for the purposes described in this Agreement. Agency shall be audited annually by an independent auditor to include review of public purpose requirements.

6. Supervision. It is agreed that the policies and activities of the Agency shall be determined and overseen by the Board of Directors of the Agency.
7. Termination. This Agreement shall continue automatically for one (1) year, commencing from its effective date under the same terms and conditions unless the terms are modified in writing by the joint action of the parties or by written notice of termination provided by one party to the other thirty (30) days prior to the expiration of any one (1) year term. This Agreement may also be terminated by either party upon the breach of any provision of this Agreement by the other party. This Agreement shall remain in full force and effect to the end of the specified term or until terminated or cancelled pursuant to this Agreement.
8. Compliance. Each party agrees that it will comply with all Federal, State and Local laws and regulations applicable to its performance under this Agreement.
9. Status of the parties. It is expressly understood and agreed by the parties that nothing contained in this Agreement will be construed to create a partnership, association or other affiliation or like relationship between the parties, being specifically agreed that their relation is and will remain that of independent parties to a cooperative contractual relationship. In no event will either party be liable for the debts or obligations of the other party.
10. Notices. All notices and other communications to be given under this Agreement will be deemed given when either personally delivered or mailed by first class mail, postage prepaid, with proper address to the following addresses until otherwise notified:

To the Agency:
Helping Services
Attn: Executive Director
PO Box 372
Decorah, IA 52101

To the City:
City of Cresco
Attn: City Clerk
130 N Park Pl
Cresco, IA 52136

11. Construction. This Agreement shall be construed so as to comply with the requirements of the laws of the State of Iowa. The provisions of this Agreement and all paragraphs and sections under it are to be construed with a view to affect its objects and to promote the intent of the parties who have fixed their signatures herein.
12. Forum/Law. The Parties consent to the jurisdiction of the Iowa District Court in and for City of Cresco for all matters relating to this Agreement and agree that this Agreement will be governed by the laws of the State of Iowa.
13. Severability. If any provision of this Agreement is held illegal or invalid, the illegality or invalidity of such provision will not affect any of the remaining provisions and this Agreement will be construed and enforced as if such illegal or invalid provision had not been contained herein.
14. Waiver. The failure of either of the parties to enforce any right or provision under this Agreement will not constitute a waiver of such right or provision unless acknowledged and agreed to by such party in writing. In addition, no waiver of a party's right or remedy will affect the other provisions of this Agreement.
15. Force Majeure. Notwithstanding anything contained in this Agreement to the contrary, neither party will be liable to the other for failure to comply with any obligation under this Agreement if such party is prevented from doing so by reason of events beyond the reasonable control of the party.
16. Assignment. Neither party may assign any right or obligation under this Agreement, in whole or in part, without the other party's prior written consent. This Agreement will be binding upon and will inure to the benefit of the parties and their respective successors and permitted assignees.
17. No Third-Party Beneficiaries. This Agreement is entered into by and between the parties hereto for their benefit. There is no intent by any party to create, imply, or establish a third-party beneficiary or status or rights in any person except as expressly set forth in this Agreement, and no such third party will have any right to enforce any benefit created or established under this Agreement.
18. Method Of Approval. The parties hereto shall approve this Agreement by resolution, which respective resolutions shall authorize the representative of the Agency Board of Directors and the Cresco City Council to execute this Agreement.
19. Entire Agreement. With the exception of any prior 28E agreement for services, this Agreement supersedes all previous agreements, amendments, arrangements, and understandings between the parties with respect to the subject matter hereof and constitutes the entire agreement between the parties.

20. Amendments. This Agreement may be amended by a written instrument approved and executed by the Agency and the City and filed with the Iowa Secretary of State in accordance with Iowa Code Section 28E.8.

21. Agreement - Filing. When this Agreement has been approved by the parties hereto, it shall be filed with the Secretary of State of the State of Iowa in accordance with the provisions of the Iowa Code Section 28E.8.

22. Agreement - Effective Date. This Agreement shall be effective from, on and after the date which this Agreement is recorded and filed as herein provided.

IN WITNESS WHEREOF, this Agreement has been approved by appropriate action and duly executed by the parties on the dates written below.

DATED by Agency this ____ day of _____, 2021.

HELPING SERVICES

Carson Eggland, Executive Director

Jane Storlie, Administrative Secretary

DATED by City this ____ day of _____, 2021.

CITY OF CRESCO

Amy Bouska, Mayor Pro-Tem

Attest:

Michelle Elton, City Clerk

RESOLUTION NUMBER _____

RESOLUTION AUTHORIZING THE MAYOR AND FIRE CHIEF TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE IOWA DEPARTMENT OF NATURAL RESOURCES FOR THE 2021 VOLUNTEER FIRE ASSISTANCE (VFA) GRANTS PROGRAM

WHEREAS, the Cresco Community Fire Department is a department of the City of Cresco; and

WHEREAS, the Cresco Community Fire Department was awarded \$3,043 for the 2021 Volunteer Fire Assistance (VFA) Grant for six handheld/programmable radios; and

WHEREAS, the City of Cresco must agree to the terms, conditions, and obligations as set forth in the Memorandum of Understanding.

THEREFORE, Council Person _____ moved the adoption of the foregoing Resolution Authorizing the Mayor and Fire Chief to enter into an agreement with the Iowa Department of Natural Resources. Council Person _____ seconded said motion. A roll call vote was requested by the Mayor and said roll call vote resulted as follows:

Ayes: _____

Nays: _____

Absent: _____

Thereupon, the Mayor declared said Resolution duly passed and announced that the 2021 Volunteer Fire Assistance (VFA) Grants Program Memorandum of Understanding, between the City of Cresco and IOWA DEPARTMENT OF NATURAL RESOURCES is approved and that the Mayor and Fire Chief are authorized to execute the agreement on behalf of the City of Cresco.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021.

BY: _____
Mayor Pro-Tem Amy Bouska

ATTEST: _____
City Clerk Michelle Elton

2021 Volunteer Fire Assistance (VFA) Grants Program Memorandum of Understanding

This Memorandum of Understanding, is made and entered into this 18th day of November, 2021, by and between the Iowa Department of Natural Resources – Division of Conservation and Recreation – Forestry – Fire Program (hereinafter referred to as the “Forestry – Fire Program”) and the Cresco Community Fire Dept (hereinafter referred to as the “Grantee”).

WITNESSETH THAT:

WHEREAS, the Grantee protects a community of less than 10,000 citizens, and

WHEREAS, the control of timber, grass, and wildland fires in, and adjacent to, rural and suburban areas is essential to an effective fire control program, and

WHEREAS, the Grantee is actively engaged in the prevention and suppression of all fires in and adjacent to rural and suburban area, and

WHEREAS, the Grantee can more adequately carry out this function if additional equipment is available, and

WHEREAS, the Forestry – Fire Program is authorized by Congress to provide such protection agencies with Fiscal Year 2021 Grant Funds for the Volunteer Fire Assistance Program, and

WHEREAS, this VFA grant program provides up to 50% cost-share, not to exceed \$3500, for the following items requested in the 2021 VFA Application:

6 HANDHELD/PROGRAMMABLE RADIOS

Note: NO SINGLE ITEM PURCHASED AT \$5000 OR MORE IS ELIGIBLE!

The parties to this memorandum of understanding do hereby agree as follows:

THE FORESTRY - FIRE PROGRAM AGREES:

1. To make available, based upon the FY 2021 Grantee application, **\$ 3043** of **VFA Funds** to the Grantee.
2. Upon receipt of the appropriate Project Billing documentation, (to be received by the Forestry – Fire Program no later than **July 31, 2022**, the Forestry – Fire Program will release 50% of the approved project costs up to the amount of the allocation made above.

THE GRANTEE AGREES:

1. **That no single item will be purchased at \$5000 or more.**
2. To return to the DNR Forestry – Fire Program – Attn: Gail Kantik, DNR Fire Supervisor, 2404 South Duff Ave., Ames, IA 50010 a **signed copy of this Memorandum of Understanding by January 31, 2022.**
3. To submit documentation of only expenditures:
 - that are **less than \$5000** total value for a single item,
 - that have been paid in full,
 - that are identifiable and in accordance with the approved request and
 - that have been incurred **between October 1, 2020 and June 30, 2022.**
4. To submit the completed Project Billing Certification form, copies of **paid invoices** and evidence **that the invoice has been paid** in accordance with the approved application **no later than July 31, 2022.**
5. That the matching funds have not been derived from any federal source.

6. Grantee is not involved in any court litigation or lawsuits wherein it is alleged by private parties or the United States that persons were, on grounds of race, color, sex, or national origin excluded from participation in, denied benefits of, or otherwise subject to discrimination in the action or facilities of the Grantee.
7. Since VFA grants are federally funded through CFDA #10.664 from the US Department of Agriculture through the Forest Service Office, if your entity is required to have a single audit in accordance with OMB circular A-133, a copy of the audit report will be provided to the DNR if any findings noted are related to the award provided by the DNR. If no findings relate to the DNR award, a notification letter will be provided to the DNR stating findings noted did not relate to the DNR award.

IT IS MUTUALLY AGREED:

That if an item is purchased at \$5000 or more, that item will be considered ineligible and no percentage of it will be reimbursed.

That if the completed Project Billing documentation is not received by **July 31, 2022** the allocation will be cancelled and upon cancellation this memorandum of understanding will be null and void.

IN WITNESS WHEREOF, the parties by and through their duly qualified and acting officials have hereunto set their hands.

**FORESTRY – FIRE PROGRAM
DIVISION OF CONSERVATION AND RECREATION
IOWA DEPARTMENT OF NATURAL RESOURCES**

BY: 
Gail A. Kantak, DNR Fire Supervisor
For Jeff Goerndt, State Forester

Date: November 18, 2021

BY: _____
(Mayor or other official)

Phone: _____

Date: _____

BY: _____
(Fire Chief)

Phone: _____

Date: _____

E-Mail: _____