

NOTICE AND CALL OF PUBLIC MEETING

GOVERNMENTAL BODY: THE CITY COUNCIL OF CRESCO, IOWA
DATE OF MEETING: MAY 6, 2019
TIME AND PLACE OF MEETING: 7:00 P.M. AT CRESCO CITY HALL

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, McCARVILLE, 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 April 15, 2019
4. Approval of Minutes from April 24, 2019 Worksession
5. Approval of Class C Liquor License (LC) (Commercial) to M&M Lounge, LLC d/b/a M&M Lounge
6. Approval of Displaying Cadet Flags for Graduation Weekend around May 19, 2019
7. Approval of Displaying Cresco Flags for Tractorcade on June 9-12, 2019
8. Approval of Pay Request #5 for \$57,993.70 to Cresco Building Service Inc for the City of Cresco Fire Department Storage Facility

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

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

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

1. Public Hearing for Ordinance No. 475 Pertaining to Water Rates
2. First Reading of Ordinance No. 475 Pertaining to Water Rates
3. Public Hearing for Ordinance No. 476 Pertaining to Sewer Service Charges
4. First Reading of Ordinance No. 476 Pertaining to Sewer Service Charges
5. Resolution Fixing Date for a Public Hearing on the Proposal to Convey Real Property to Wemark Luxury Rentals, LLC (2019 Agreement)
6. Discuss Chicken Ordinance
7. Set Public Hearing for Ordinance No. 477 to Amend City of Cresco Code of Ordinances Chapter 55 Pertaining to Livestock in City Limits
8. Set Public Hearing for Ordinance No. 478 to Add Chapter 57 to the City of Cresco Code of Ordinances Pertaining to Urban Chickens
9. Discuss Downtown Sidewalk Issues

COMMENTS FROM AUDIENCE:

CLOSED SESSION pursuant to Iowa Code 21.5 (j) to Discuss Potential Purchase of Real Estate

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 3, 2019.

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 May, 2019, in Council Chambers at City Hall. At this meeting the Council proposes to amend ordinance chapter 92 sections 02, 03 and 10 regarding water rates.

The proposed amendment may be viewed at Cresco City Hall during normal office hours. This hearing will be conducted during a regular Cresco City Council Meeting starting at 7:00 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 6th day of May, 2019, in Council Chambers at City Hall. At this meeting the Council proposes to amend ordinance chapter 99 section 02 regarding sewer rental.

The proposed amendment may be viewed at Cresco City Hall during normal office hours. This hearing will be conducted during a regular Cresco City Council Meeting starting at 7:00 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 April 15, 2019, at 7:00 pm at City Hall. Council Members Brenno, McCarville, Fortune, Bouska and Carman were present. No council members were absent.

Bouska made the motion to approve the consent agenda which included approval of the: agenda; claims; minutes of the April 1, 2019 meeting; application for tax abatement under the Urban Revitalization Plan for Mark & Danna Kubik; Class C Beer Permit (BC) and Class B Wine Permit with Sunday sales to JAGDAMBE, LLC d/b/a Cresco Mart; special Class C Liquor License (BW) (beer/wine) with Sunday sales and outdoor service to Atomic Pizza, LLC d/b/a Atomic Pizza Pub. Carman seconded and it passed all ayes.

Public Works Director Freidhof reported: (a) busy sweeping streets and started the yard waste pickup route today; (b) we are receiving a \$2,500 matching grant for boulevard trees from Alliant Energy. We ordered 55 trees for a cost of about \$5,000; (c) 2nd Street East project weathered the winter well as the Proof Roll today shows it is firm. They will start pouring concrete tomorrow and hope to have it finished about mid-May; (d) tomorrow we will start demolishing the trailers we have titles for. Two trailers will be moved by the owners so the only one left will be Barbara Boyd's.

Police Chief Ruroden reported that March was busy with traffic and ice and snow. Last week Cresco Police Officers, Iowa State Patrol, Cresco Fire Department, and the Ambulance Service performed a mock crash at the high school. It was very educational and a good reminder of the risks of drinking and driving before prom. The staff and students gave a lot of positive feedback. A guest speaker from Davenport did a phenomenal job talking to the students.

City Clerk Girolamo reported: (a) the County Assessor updated the tax abatement values so we are sending out letters to the eligible residents. We have eleven new tax abatements for next year. Currently we have 33 active tax abatements with eight expiring after this year; (b) evaluating water and sewer rates to determine the rate increase needed for next year; (c) with only two months left in this fiscal year, we are evaluating projects that haven't been finished yet and will discuss with Department Heads to get them done; (d) one final amendment may be needed before yearend; (e) looking at creating a new trust fund for trees as businesses have come forward to sponsor and pay for treating ash trees in Beadle Park. A separate fund will enable us to track the revenue and expenses as treatment occurs over a ten year period; (f) applying for three grants to help pay for the demolition of the nuisance properties.

McCarville reported the Airport Commission met and discussed the land rental agreement and next year's budget. They will contact Kirkham Michel regarding new hangars and what we can put up and what we can do ourselves to save money. They also reviewed their five year plan.

Library Director Kay reported they had Bob Tupy come in to repair concrete issues to alleviate problems with water getting into the building. They are looking at how to paint or repair the walls in the children's amphitheater. The Genealogical Society has digitized old copies of the newspaper and are working on search engines and how to link them to the Library's website.

The Park Board met and reported businesses around Beadle Park have committed to sponsoring treatment of eight ash trees over a ten year period. Kris Riley reported a group is looking at adding on to the Fitness Center to install a splash pad and Lazy River (rehabilitation pool) which Scott Thomson is interested in funding a large portion of the project. An informational meeting will be held May 21st at NICC conference room at 5:30 pm for interested patrons, Council and Park Board. Scott Thomson has also offered to pay for resurfacing the pool and spa.

Mark Kubik and Roy Gorter addressed the Council regarding their desire to replace their sidewalk downtown. Phil Henry will also probably replace his sidewalk at the same time. The

curb and gutter are in poor shape and they were wondering if the City Council would work with them and replace the crosswalks and curb and gutter at the same time. Council was concerned with the cost to the City due to requirements to meet ADA requirements. The estimated cost to the City was about \$300,000 in 2017 to replace crosswalks and ADA compliance downtown. Council will look at eliminating some of the crosswalks and do the project in stages. Roy suggested assessing the project to the business owners. Council will look at the sidewalks and curbs and discuss the issue again at the May 6th meeting. Bouska mentioned that residential sidewalks were also in poor condition and should also be addressed.

Richard Farmer asked the Council to consider changing the Cresco Ordinance to allow laying hens within the city limits. The Council will look at other cities' ordinances and consider changing it with a permit required. No roosters will be allowed.

Barbara Boyd's application for a grant to move her double-wide trailer was denied. She is now requesting the Council to help. Council asked Rod and Jason Passmore to get a quote for moving it and looking at options.

Bouska made the motion to waive the Demolition Permit fee for City of Cresco property located at 321 4th Ave SW. Fortune seconded and it passed all ayes.

McCarville made the motion to waive the Demolition Permit fee for City of Cresco property located at 218 5th Ave East. Brenno seconded and it passed all ayes.

Brenno made the motion to write off the utility bill of \$426.58 per Purchase Agreement for property located at 218 5th Ave East. Bouska seconded and it passed all ayes.

Council discussed whether to do a Development Agreement or have a sale of property located at 218 5th Ave East. A public hearing will be scheduled so if there are any other interested parties for building a house on this property this would give them a chance to submit their proposals to Council. Bouska made the motion to proceed with a Development Agreement with Wemark unless other proposals are presented at the public hearing. Fortune seconded and it passed all ayes.

Fortune made the motion to discontinue the credit for running water for frozen service lines after the April 30, 2019 utility bills. Bouska seconded and it passed all ayes.

McCarville made the motion to set the Public Hearing for Ordinance No. 475 pertaining to water rates for May 6, 2019. Brenno seconded and it passed all ayes.

Bouska made the motion to set the Public Hearing for Ordinance No. 476 pertaining to sewer service charges for May 6, 2019. Fortune seconded and it passed all ayes.

Council discussed whether to pay for a city-wide cleanup this year or to discontinue doing this due to problems in the past and the rising costs to the City and the residents. Hawkeye Sanitation will pick up big items by scheduling it and paying for the service by individual residents. McCarville made the motion to schedule a Toxic Waste disposal after July 1, 2019. Bouska seconded and passed all ayes.

Mayor asked for comments from the audience. Brad Burke invited the City Council and the public to a Chamber ribbon cutting for the FIT Running Club at Burke Auction Service building on April 24, 2019 at 5:30 pm. They will also present donation checks from the Brew & Stew to the Cresco Fire Fighters and the Howard County EMS. A social run/walk will follow at 6 pm. They will have weekly group runs/walks Sunday afternoons at 1 pm.

Jason Passmore thanked everyone who attended the Howard County Business & Tourism banquet. Dan Gable presented an entertaining speech. The new Beadle Park marquee will be installed when the weather gets nice. They have been working with the statues in town. A request from John & Nancy Schmauss was received to install one in the boulevard in front of Cresco Bank & Trust they are donating in memory of Todd Schmauss next to the tree planted in his recognition. Council was in favor of allowing it but noted some statues need some work on the

bases. Kiwanis Club has been maintaining them the past year. Dale and Mary Ellen Turnmire started them more than 15 years ago and maintained them. Jason suggested the Council come up with a Request for Proposal (RFP) for the trailer park. Everyone agreed to let the developers propose plans for development of the property for multi-residential housing. A work session was scheduled for April 24, 2019 at 6 pm to draft the RFP or at least come up with a timeline.

The property owner was not present so the Council did not go into closed session pursuant to Iowa Code 21.5 (j) to discuss potential purchase of real estate.

Carman moved to adjourn at 8:15 pm. Bouska seconded and it passed all ayes. The next regular Cresco City Council meeting will be May 6, 2019 at 7:00 pm at Cresco City Hall.

Mayor Mark Bohle

City Clerk Michelle Girolamo

Following is a list of claims approved for payment:

ADVANCED SYS	Maint	282.41
ALLIANT	Electricity	1,316.39
BAKER&TAYLOR	Books	820.81
BILL'S AUTO	Tow	200.00
BC/BS	Ins	645.07
BOB'S ELEC	Srvc	1,015.28
BRUENING ROCK	Rock	522.40
CARDMEMBER SERV	Books	348.08
CARQUEST	Supp	729.78
CINEVIZION	Movie	40.00
CITY OF CRESCO	Util	36.81
CITY OF CRESCO	Ins	2,515.30
CITY LAUNDERING	Srvc	60.32
CORRIDOR TECH	Srvc	352.00
COURTNEY LAWN	Srvc	385.00
CRESCO INS	Ins	2,855.00
CR SHOPPER	Ads	762.60
CR TPD	Notices	572.92
DALCO	Supp	561.12
DELUXE ECHOSTAR	Movles	119.85
DM STAMP	Stamp	39.50
FAREWAY	Supp	784.13
FENCO	Supp	407.50
FOLEY'S CONST	Srvc	219.00
FURNITURE RE-DO	Srvc	35.00
GALLS	Unif	449.98
GOSCH'S	Srvc	1,687.19
GROUP SERV	Fee	157.25
GWORCS	Trng	95.00
HANSON TIRE	Tires	343.48
HAWKEYE SAN	Garb/Rec	48,986.96
HEWETT	Concess	756.40
HOW CO	Shared LEC	6,606.82
IA MUNICIPAL	Dues	1,184.31
IA PUB HEALTH	Fee	70.00
IA PARK&REC	Trng	300.00
KCZQ	Adv	150.00
KEYSTONE LAB	Analys	2,483.20
K&H OIL	LP	369.00
KWIK TRIP	Gas	5,362.64
LT MECH	Rprs	132.50
MEDIACOM	Telephone	268.46
MEHMERT TILING	Srvc	15,707.54
MERCHANT SERV	CC Fees	22.00
MIDWEST PIPE	Supp	2,096.00
MIENERGY	Electricity	7,898.10
MILLER,DEAN R	Srvc	668.66
MK SERV&REP	Supp	1,028.69
MOHAWK ELEC	Rprs	139.22
NE IA MOTORS	Rprs	1,560.18
O'HENRY'S	Supp	664.00
PAYROLL		66,481.52
PLUNKETT'S	Srvc	448.81
PRECISION OH	Rprs	97.50
PUSH PEDAL PULL	Parts	493.81

RILEY'S	Supp	176.82
RUPPERT	Supp	431.52
SANDRY FIRE	Equip	747.20
SPAHN&ROSE	Supp	80.98
STATE HYGIENIC	Analys	112.50
STOREY KEN	Supp	83.96
TREAS,ST IA	Taxes	6,543.00
TUPY CONST	Rprs	200.00
UNITEDHEALTHCARE	Ins	24,657.09
USA BLUE BOOK	Supp	340.63
VISA	Trng/Supp	1,786.44
VOBR,RHONDA	Reimb	73.08
ZARNOTH BRUSH	Parts	191.40

GENERAL		133,243.35
LOST		668.66
NUISANCE		15,000.04
FIRE STATION BLDG		40.45
MEDIACOM		664.03
THEATRE TRUST		514.03
DRUG DOG		823.51
CR COMM FIRE		181.62
ROAD USE		17,858.45
EMPLOYEE BEN		5,760.55
FIRE EQUIP		710.40
WATER		15,619.48
SEWER OP		25,751.42
CAP IMPR		6.58
YARDWASTE		917.54

EXPENDITURES		217,760.11
Revenues 4/2-4/15/19		922,564.92

Mayor Bohle called the Cresco City Council work session to order on April 24, 2019, at 6:00 pm at City Hall. Council Members Brenno, McCarville, Fortune, Bouska and Carman were present. No council members were absent. Also in attendance were Public Works Director Rod Freidhof, City Clerk Michelle Girolamo, Jason Passmore and Aaron Wemark,

Girolamo presented workpapers supporting the recommendation to increase water rates by 4% and sewer rates by 5% to reach budgeted revenue for fiscal year 2019/2020. This will increase the minimum bill by 92 cents per month. A public hearing and the first reading of the ordinance will be held at the regular council meeting on May 6, 2019.

Various nuisance properties were discussed and letters either have already been sent or will be sent. Barbara Boyd requested another extension for her eviction notice until May 30, 2019. The extension was approved but collection procedures will be started for the past due lot rent.

Council discussed items that should be included in the Request for Proposal (RFP) for housing development of the City-owned trailer park property. It will be kept as general as possible to allow developers to submit proposals of all different possibilities. The property will be sold for \$1 but will not be eligible for any property tax abatement programs. The rezoning to an R3 zone will allow multi-residential housing units to be constructed. Criteria was discussed and will be sent to Ahlers & Cooney to prepare the RFP. Council will review the drafted RFP before proceeding to publishing the RFP and holding public hearings. To replenish the Nuisance House Fund, Council agreed to allocate the first five years of property tax revenue from the developed property to this Fund.

Council inspected the sidewalks, crosswalks, curb and gutters from Leuthold's to O'Henry's. Mark Kubik and Roy Gorter attended the previous Council meeting to report they were planning to replace their sidewalks along with Phil Henry. They asked the Council if they would replace the abutting curb & gutter and possibly crosswalks. Council's concern is the high cost of making the crosswalk approaches ADA compatible and the City has not budgeted for any of these expenses. Estimated costs will be compiled for the May 6, 2019 Council meeting with different options including eliminating some of the crosswalks.

Bouska made the motion to adjourn at 7:52 pm. Carman seconded and it passed all ayes. The next regular Cresco City Council meeting will be May 6, 2019 at 7:00 pm at Cresco City Hall.

Mayor Mark Bohle

City Clerk Michelle Girolamo

Applicant License Application (LC0037630)

Name of Applicant:	<u>M&M Lounge LLC</u>		
Name of Business (DBA):	<u>M&M Lounge</u>		
Address of Premises:	<u>109-111 South Park Place</u>		
City	<u>Cresco</u>	County:	<u>Howard</u> Zip: <u>52136</u>
Business	<u>(563) 419-5306</u>		
Mailing	<u>109 South Park Place</u>		
City	<u>Cresco</u>	State	<u>IA</u> Zip: <u>52136</u>

Contact Person

Name	<u>Tammy Courtney</u>		
Phone:	<u>(563) 419-5306</u>	Email	<u>dntcourtney@hotmail.com</u>

Classification Class C Liquor License (LC) (Commercial)

Term: 12 months

Effective Date: 05/16/2019

Expiration Date: 05/15/2020

Privileges:

Class C Liquor License (LC) (Commercial)

Status of Business

BusinessType:	<u>Limited Liability Company</u>		
Corporate ID Number:	<u>XXXXXXXXXX</u>	Federal Employer ID	<u>XXXXXXXXXX</u>

Ownership

Tammy Courtney

First Name: Tammy **Last Name:** Courtney
City: Cresco **State:** Iowa **Zip:** 52136
Position: Owner
% of Ownership: 100.00% **U.S. Citizen:** Yes

Insurance Company Information

Insurance Company:	<u>Illinois Casualty Co</u>		
Policy Effective Date:	<u>05/16/2019</u>	Policy Expiration	<u>05/15/2020</u>
Bond Effective		Dram Cancel Date:	
Outdoor Service Effective		Outdoor Service Expiration	
Temp Transfer Effective		Temp Transfer Expiration Date:	

APPLICATION AND CERTIFICATION FOR PAYMENT

CUSTOMER: City of Cresco
 130 N Park Pl
 Cresco, IA 52136

PROJECT: Cresco Fire Storage
 130 N Park Pl
 Cresco, IA 52136

CONTRACTOR: Cresco Building Service, Inc.
 521 2nd Ave SW
 PO Box 88
 Cresco, IA 52136

APPLICATION NO: 5
 PERIOD TO: 4/23/2019
 PROJECT NO:
 CONTRACT DATE: 10/11/2018

Distribution Via Email:
 OWNER
 ARCHITECT
 CONTRACTOR

CONTRACTOR'S APPLICATION FOR PAYMENT

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet Page 2, is attached.

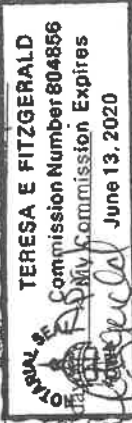
1. ORIGINAL CONTACT SUM \$ 536,142.00
2. Net change by Change Orders 9,636.00
3. CONTRACT SUM TO DATE (Line 1±2) 545,778.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703) 359,490.27
5. RETAINAGE:
 - a. On Completed Work (Column D + E on G703) \$ 17,974.51
 - b. On Stored Material (Column F on G703) 0.00
 - Total Retainage (Line 5a + 5b or Total in Column I of G703) 17,974.51
6. TOTAL EARNED LESS RETAINAGE 341,515.76
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) 283,522.06
8. CURRENT PAYMENT DUE 57,993.70
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6) 204,262.24

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

CONTRACTOR:

By: *Matthew J. Rose*

Date: *4-23-19*



State of: IA County of: Howard
 Subscribed and sworn to before me this *23* day of *April*
 Notary Public: Teresa E Fitzgerald
 My Commission Expires: 6/13/2020

ARCHITECT'S CERTIFICATE FOR PAYMENT

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

Amount Certified \$ 57,993.70

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT: ATURA Architecture

By: *Mark E. Rose* Date: April 25, 2019

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

Change Order Summary	Additions	Deductions
Total Changes approved in previous months by Owner:	9,636.00	0.00
Total approved this Month	0.00	0.00
NET CHANGES by Change Order:	\$ 9,636.00	

CONTINUATION SHEET

Project: Cresco Fire Storage

Application and Certification for Payment

Application No: 5

containing contractor's signed Certification is attached.

Application Date: 4/23/2019

In tabulations below, amounts are stated to the nearest dollar.

Period To: 4/23/2019

Use Column I on Contracts where variable retainage for line items may apply.

Project No:

A Item No.	B Description of Work	C Scheduled Value	D Work Completed		E This Period	F Materials Presently Stored (Not in D or E)	G		H Balance To Finish (C - G)	I Retainage
			Previous Application				Total Completed and Stored to Date (D+E+F)	% (G / C)		
1500	Facilities & Temp	2,277.00	2,014.00		225.00	0.00	2,239.00	98	38.00	111.95
3300	Cast in Place Concrete	80,730.00	24,657.00		0.00	0.00	24,657.00	31	56,073.00	1,232.85
7200	Insulation	8,465.00	2,544.00		1,340.00	0.00	3,884.00	46	4,581.00	194.20
7420	Panelized Stone Veneer	11,214.00	0.00		11,214.00	0.00	11,214.00	100	0.00	560.70
7620	Flashing, Trim, Specialties	1,899.00	0.00		0.00	0.00	0.00	0	1,899.00	0.00
8100	Doors/Hdw/Windows	5,780.00	2,639.00		2,585.00	0.00	5,224.00	90	556.00	261.20
8361	Sectional Doors	19,100.00	0.00		19,100.00	0.00	19,100.00	100	0.00	955.00
9000	Painting	1,177.00	0.00		0.00	0.00	0.00	0	1,177.00	0.00
9211	Drywall Assemblies	3,296.00	0.00		0.00	0.00	0.00	0	3,296.00	0.00
10440	Fire Protection Specialties	282.00	0.00		0.00	0.00	0.00	0	282.00	0.00
13340	EPS Building	205,427.00	182,238.00		23,189.00	0.00	205,427.00	100	0.00	10,271.35
26000	Electrical	22,826.00	0.00		0.00	0.00	0.00	0	22,826.00	0.00
32000	Exterior Improv/Utilities	64,418.00	49,507.00		0.00	0.00	49,507.00	77	14,911.00	2,475.35
01	Change Order 1 - Bond	4,852.00	4,852.00		0.00	0.00	4,852.00	100	0.00	242.60
22001	Mechanical	109,251.00	4,634.00		23,968.27	0.00	28,602.27	26	80,648.73	1,430.11
02	Change Order 02	4,784.00	4,784.00		0.00	0.00	4,784.00	100	0.00	239.20
Totals			277,869.00		81,621.27	0.00	359,490.27	66	186,287.73	17,974.51

ORDINANCE NO. 475

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, 2019:

- A. First 7,000 gallons used per month @ \$5.03 per 1000 gallons. (Minimum bill is \$7.55 based on 1,500 gallons.)
- B. Next 60,000 gallons used per month @ \$4.59 per 1000 gallons.
- C. All over 67,000 gallons used per month @ \$4.20 per 1000 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 and such rates shall apply to all cases except where there was in existence a pre-existing written contract:

(Code of Iowa, Section 384.84)

1. Effective July 1, 2019:

- A. First 7,000 gallons used per month @ \$10.06 per 1000 gallons. (Minimum Bill is \$15.09 based on 1,500 gallons.)
- B. Next 60,000 gallons used per month @ \$9.18 per 1000 gallons.
- C. All over 67,000 gallons used per month @ \$8.40 per 1000 gallons.

SECTION 3. Chapter 92, Section 10, of the Code of Ordinances of the City of Cresco, Iowa, is repealed and the following adopted in lieu thereof:

92.10 CUSTOMER DEPOSITS. There shall be required a deposit of \$80 from every residential, \$100 from every commercial, and \$200 from every industrial customer. The deposit is intended to guarantee the payment of bills for service. This deposit will be applied to the customer's account or refunded after three years with good credit history. The deposit will be applied to final water billing if services are discontinued.

(Code of Iowa, Section 384.84)

SECTION 4. 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 5. 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 _____, 2019.

Mayor Mark Bohle

ATTEST:

City Clerk Michelle Girolamo

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

I certify that the foregoing was published as Ordinance No. 475 on the _____ day of _____, 2019.

City Clerk Michelle Girolamo

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:

- 9 (Code of Iowa, Section 384.84)
- 1. Effective July 1, 2018:
 - A. First 7,000 gallons used per month @ \$4.84 per 1000 gallons. (Minimum bill is \$7.26 based on 1,500 gallons.) ⁵⁰³
 - B. Next 60,000 gallons used per month @ \$4.41 per 1000 gallons. ⁴⁵⁹
 - C. All over 67,000 gallons used per month @ \$4.04 per 1000 gallons. ⁷⁵⁵

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 and such rates shall apply to all cases except where there was in existence a pre-existing written contract: (Code of Iowa, Section 384.84)

- 1. Effective July 1, 2018:
 - A. First 7,000 gallons used per month @ \$9.68 per 1000 gallons. (Minimum Bill is \$14.52 based on 1,500 gallons.) ¹²⁰⁶
 - B. Next 60,000 gallons used per month @ \$8.82 per 1000 gallons. ⁹¹⁸
 - C. All over 67,000 gallons used per month @ \$8.08 per 1000 gallons. ⁸⁴⁰

add 12.10 apply deposit is based on refund

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 _____, 2018. ⁹

Mayor Mark Bohle
ATTEST: _____
City Clerk Michelle Girolamo

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

I certify that the foregoing was published as Ordinance No. ⁵ ~~471~~ on the _____ day of _____, 2018. ⁹

ORDINANCE NO. 476

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, 2019:
 - A. \$8.58 per 1,000 gallons within City limits. (Minimum bill is \$12.87 based on 1,500 gallons.)
 - B. \$17.16 per 1,000 gallons outside City limits. (Minimum bill is \$25.74 based on 1,500 gallons.)
 - C. \$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 _____, 2019.

Mayor Mark Bohle

ATTEST: _____
City Clerk Michelle Girolamo

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

I certify that the foregoing was published as Ordinance No. 476 on the ____ day of _____, 2019.

City Clerk Michelle Girolamo

Before Changes

56 Increase

ORDINANCE NO. ~~472~~ 476

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, 2018⁹:
 - A. ~~\$8.17~~ ^{8.58} per 1,000 gallons within City limits. (Minimum bill is \$12.26 based on 1,500 gallons.) ^{12.87}
 - B. ^{17.16} \$16.34 per 1,000 gallons outside City limits. (Minimum bill is \$24.51 based on 1,500 gallons.) ^{25.74}
 - C. \$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 ___, 2018.9

Mayor Mark Bohle

ATTEST: _____
City Clerk Michelle Girolamo

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

I certify that the foregoing was published as Ordinance No. ~~472~~ ⁴⁷⁶ on the ___ day of _____, 2018.9

City Clerk Michelle Girolamo

RESOLUTION NO. _____

RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON THE PROPOSAL TO CONVEY REAL PROPERTY TO WEMARK LUXURY RENTALS, LLC (2019 AGREEMENT), AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF

WHEREAS, the City Council of the City of Cresco (the "City") intends to consider a proposal in the form of a Purchase, Sale, and Development Agreement (the "Agreement") to convey certain City-owned land to Wemark Luxury Rentals, LLC (the "Developer") for \$1.00 and other consideration described in the Agreement, which property is legally described as follows:

Lot Twelve (12), Block Six (6), Beadle and Strong's Addition to Cresco, Howard County, Iowa

Parcel No. 320030612010000 in Howard County

WHEREAS, pursuant to the terms of the Agreement, the Developer would agree to construct certain Minimum Improvements (as defined in the Agreement), consisting of the construction of a single-family residential unit, together with all related site improvements, on the above described property as outlined in the proposed Agreement; and

WHEREAS, it is appropriate pursuant to Iowa Code Section 364.7 to publish a Notice of the proposed conveyance and of the hearing and to receive and consider objections and petitions.

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

Section 1. That this Council meet in the Council Chambers, City Hall, 130 North Park Place, Cresco, Iowa, at 7:00 P.M. on May 20, 2019, for the purpose of taking action on the matter of the proposal to convey real property to Wemark Luxury Rentals, LLC.

Section 2. That the City Clerk is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said City, said publication to be not less than four (4) clear days nor more than twenty (20) days before the date of said public meeting.

Section 3. The notice of the proposed action shall be in substantially the following form:

(One publication required)

**NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF
THE CITY OF CRESCO IN THE STATE OF IOWA, ON THE
MATTER OF THE PROPOSAL TO CONVEY REAL
PROPERTY TO WEMARK LUXURY RENTALS, LLC (2019
AGREEMENT), AND THE HEARING THEREON**

PUBLIC NOTICE is hereby given that the Council of the City of Cresco in the State of Iowa, will hold a public hearing on May 20, 2019, at 7:00 P.M. in the Council Chambers, City Hall, 130 North Park Place, Cresco, Iowa, at which meeting the Council proposes to take action on the proposal to convey real property to Wemark Luxury Rentals, LLC (the "Developer") under the terms of a proposed Purchase, Sale and Development Agreement (the "Agreement").

At the time and place set for the public hearing, interested individuals will be given the opportunity to express their views, both orally and in writing, on the following:

Proposal to convey real property to Wemark Luxury Rentals, LLC for \$1.00 and other consideration set forth in the Purchase, Sale, and Development Agreement. The property is legally described as follows:

Lot Twelve (12), Block Six (6), Beadle and Strong's Addition to Cresco, Howard County, Iowa

Parcel No. 320030612010000 in Howard County

The proposal may be subject to conditions as may be stated either in the proposal, the resolution of the City Council or documents entered into between the parties.

Pursuant to the terms of the Agreement, the Developer would agree to construct certain Minimum Improvements (as defined in the Agreement) consisting of the construction of a single-family residential unit, together with all related site improvements, on the real property legally described above, as outlined in the proposed Agreement.

A copy of the Agreement may be reviewed at the office of the City Clerk, located in the office of the City Clerk, City Hall, City of Cresco, Iowa.

After the public hearing, the Council may make a final determination to accept or reject the proposal as submitted, or upon condition that certain terms be changed, or the Council may defer action on any or all of the proposals until a subsequent meeting.

This notice is given by order of the City Council of the City of Cresco in the State of Iowa, as provided by Section 364.7 of the City Code of Iowa.

Dated this _____ day of _____, 2019.

City Clerk, City of Cresco in the State of Iowa

(End of Notice)

PASSED AND APPROVED this 6th day of May, 2019.

Mayor

ATTEST:

City Clerk

Sample from
Waverly, Iowa

CHAPTER 72
URBAN CHICKENS

Sections:

- 72.1 Purpose.
- 72.2 Definitions.
- 72.3 Where Permitted.
- 72.4 Enclosure Requirements.
- 72.5 Number of Chickens Permitted.
- 72.6 Permit Requirements.

Sec. 72.1 Purpose. The purpose of this chapter is to protect the health, safety and welfare of the citizens within the City by allowing a process by which a property owner may keep a limited number of domesticated chickens on their property while observing minimum property standards.

Sec. 72.2 Definitions. Definitions used in this chapter.

Chicken shall mean a member of the subspecies *Gallus gallus domesticus*, a domesticated fowl.

Urban chicken shall mean a chicken kept on a permitted tract of land pursuant to a permit issued under this Chapter.

Coop shall mean a cage, enclosure or building used for housing and protecting chickens from weather and predators.

Pen shall mean an enclosure for chickens which allows freedom of movement but also prevents escape.

Permittee shall mean an applicant who has been granted a permit to raise, harbor or keep chickens pursuant to this Chapter.

Sec. 72.3 Where Permitted. Notwithstanding the provisions of this section, the keeping of domestic chickens (sub species *gallus gallus domesticus*), except roosters, shall be permitted in single family residential properties lying within residential zoning districts as shown on the City of Waverly official Zoning Map so long as such keeping is in compliance with this subsection and all other applicable City ordinances.

Sec. 72.4 Enclosure Requirements. The following criteria shall be considered a minimum form of compliance for the City to consider issuing a permit allowing for the presence of any particular chickens unless allowing such chickens would endanger the health, safety, peace, quiet, comfort, enjoyment of, or otherwise become a public nuisance to nearby residents or occupants or places of business:

1. Chickens must be confined in a coop, fowl house, or mobile coop, known as a chicken tractor, not less than 18 inches in height. In addition to be confined within a coop, a fenced pen area at a size outlined below shall be maintained. Chickens must be kept within the coop, the fowl house, or the fenced pen area at all times unless removed for a temporary time for the safety of the chicken.
2. The coop, the fowl house, or the fenced pen area must be of such a design to be reasonably expected to prevent entry by dogs, cats, or other animals and shall be completely enclosed.
3. The coop or fowl house must be used for chickens only and must be well ventilated.
4. The coop, the fowl house, or the fenced pen area shall have a minimum of four (4) square feet of floor area for each chicken but shall not be any larger than twelve (12) square feet of area for each chicken. The coop, fowl house, or fenced pen area shall be a minimum of twenty-five (25) feet from any neighboring dwelling property line. Chicken tractors shall be a minimum of ~~ten (10)~~ twenty-five (25) feet from any property line at all times. In the event a zoning or other ordinance requires a greater distance, the more restrictive regulations shall apply.
5. Any coop, fowl house, or fenced pen area must be well drained so there is no accumulation of moisture.
6. Any coop, fowl house, or fenced pen area shall be kept clean, sanitary and free from accumulation of chicken excrement and objectionable odors. All droppings and body excretions shall be either placed in fly-proof containers and double-bagged in plastic bags or, in the alternative, used as fertilizer on the same property or, with the owner's permission, on other property within the City, so long as the droppings and body excretions are spread and incorporated into the soil within twenty four (24) hours.
7. In addition to the coop, fowl house, or fenced pen area, the permittee shall be responsible for sufficiently confining chickens to the permitted property and prevent chickens from entering upon any adjacent property.
8. All chicken feed shall be stored in rodent-proof containers.
9. All such chickens must be hens; no roosters are permitted.
10. The City shall not be liable for injury or death of chickens caused by dogs, cats, or other animals, domestic or wild, whether such animals are licensed by the City or not. Further, injury or death of a chicken caused by an animal is not, in and of itself, sufficient grounds for the City to determine that the animal is a vicious animal pursuant to this Code of Ordinances. Any dead chicken shall be disposed of immediately upon discovering said dead chicken in a manner so as to not cause a nuisance pursuant to this Code of Ordinances.
11. Slaughtering of chickens or selling of eggs are forbidden
12. An owner or possessor of animals on property that is newly annexed or rezoned to a residential classification has ninety (90) days from the date of annexation or rezoning to bring the property into compliance required by this section.
13. A violation of this subsection is a municipal infraction as provided in this Code of Ordinances.

Sec. 72.5 Number of Chickens Permitted.

1. No more than four (4) chickens shall be kept or maintained per property at any time.

Sec. 72.6 Permit Requirements. No person shall keep any chickens unless they possess a City of Waverly permit issued by the City Administrator or their designee.

1. Fee. The fee for such permit shall be ~~twenty-five \$25~~ thirty (\$30) dollars.
2. Permits will be granted for ~~one (1)~~ three (3) years valid from January 1 through until December 31 and shall not be pro-rated for partial year three years from the application year.

Permits may be purchased at any time during the year but will be valid only through December 31.

Property owner shall notify the City upon discontinuance of housing chickens.

a. As part of discontinuing of housing chickens on the property, the pen and coop areas shall be cleaned in a timely manner so as to not provide a nuisance to neighboring property owners.

Fees shall not be refunded if the property owner removes the chickens from the premises.

b. ~~b.d.~~ The permit may be suspended or revoked by the City Administrator or their designee upon hearing and finding evidence that the permittee has violated the conditions of the permit and listed in this Section of the Code. All chickens must be removed from the premises and disposed of in accordance with public health practices upon revocation of the permit. There will be no refund of the permit fee. All associated costs of removal of the chickens shall be assessed back to the property owner.

c. ~~c.e.~~ By the granting of the permit to raise chickens and the application thereof, the permittee authorizes that the City or its agents have the right to go onto permittee's property any time for the limited purpose of inspection of the premises to ensure that all applicable conditions have been met.

(Ord. 975 02-17-14)



URBAN CHICKEN (HEN) PERMIT APPLICATION

City of Waverly
Planning and Zoning Department
Phone: 319-352-9208



URBAN CHICKEN PERMIT #: _____

(PLEASE PRINT)

Permit Applicant: _____ Phone: _____

Is Permit Applicant also Property Owner? Yes / No (Please Circle)

Physical Address: _____
(Of Chickens) Street City State Zip

Mailing Address: _____
Street City State Zip

E-mail Address: _____ Secondary #: _____

Is this a Single Family Dwelling? YES ____ / NO ____ Is this dwelling a: ____ Rental Unit or ____ Owner Occupied

Pursuant to Chapter 72 of the City of Waverly Municipal Code--This application and supporting documents shall be submitted by the Permittee and approved by the City to raise, harbor or keep chickens (hens) within the city limits of Waverly. By signing this application, the applicant attests to having read and understood the requirements of this ordinance and affirms that all submitted information is true and correct. It is further understood the maximum of (4) hens are allowed and shall only be placed on the applicant occupied permitted address. Hen House/Chicken Tractor must be at least 25 feet from all property lines. If approved, this permit is good for (3) calendar years from the date of issuance for a fee of \$30.00 (ex: if issued 07/01/2014, permit will expire 12/31/2016). The applicant understands and agrees to not allow their hens to become a nuisance or burden on the community which violates this or other applicable city codes. Failure to comply with the provisions of this or related ordinances shall result in fees, fines, penalties and possible revocation in accordance to law. Checks shall be made payable to: City of Waverly.

Applicant Signature: _____ Date: _____

OFFICIAL USE ONLY

APPLICATION RECEIVED: _____ APPLICATION RECEIVED BY: _____ IS THIS A RENEWAL? Y / N
mm/dd/yyyy

DATE APPROVED: _____ LOGGED INTO DATABASE BY: _____ NOTARIZED LETTER RECEIVED IF RENTAL UNIT? Y / N
mm/dd/yyyy

ZONING OF PROPERTY: _____ PROPERTY INSPECTED BY: _____ PROPERTY INSPECTED DATE: _____

APPROVING SIGNATURE: _____ PERMIT EXPIRATION: _____