

NOTICE AND CALL OF PUBLIC MEETING

GOVERNMENTAL BODY: THE CITY COUNCIL OF CRESCO, IOWA
DATE OF MEETING: NOVEMBER 4, 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 October 21, 2019
4. Approval of Designated Snowmobile Trail for Driftrunners, Inc. from December 16, 2019 – April 1, 2020
5. Approval of Pay Request #2 for \$109,214.81 to Skyline Construction, Inc for the Vernon Road Watermain Improvements

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. Bill Caffrey and Rick McCarville to Present the Annual Report for the Parks and Fitness Center for Fiscal Year Ending June 30, 2019
2. Tessa Willie, from Helping Services, along with Cresco HEROES and Prevention 5, to Discuss Promoting a Healthy Lifestyle for our Youth
3. Review Quotes for Snow Removal on City Sidewalks for Weekends or Excessive Snowfall and Possible Award of Contract
4. Third Reading of Summary of Proposed Ordinance 480 Amending the Code of Ordinances of the City of Cresco, Iowa, by Adding a New Chapter Pertaining to Solar Energy Systems
5. Motion to Approve Ordinance 480 Amending the Code of Ordinances of the City of Cresco, Iowa, by Adding a New Chapter Pertaining to Solar Energy Systems
6. Resolution Authorizing Transfer of Funds for FY 2020 (November Transfers)

COMMENTS FROM AUDIENCE:

ADJOURN:

THIS NOTICE IS GIVEN AT THE DIRECTION OF THE MAYOR PURSUANT TO CHAPTER 21, CODE OF IOWA AND THE LOCAL RULES OF SAID GOVERNMENTAL BODY. POSTED NOVEMBER 1, 2019.

Mayor Bohle called the Cresco City Council meeting to order on October 21, 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 October 7, 2019 meeting; parade permit for Santa's Holiday Parade on November 29, 2019 for portions of 3rd Avenue and North Elm Street; pay request #1 for \$122,724.42 to Skyline Construction, Inc. for the Vernon Road Watermain Improvements; pay request #8 for \$14,263.04 to Cresco Building Service, Inc. for the City of Cresco Fire Department Storage Facility; pay request #9 - final to Cresco Building Service, Inc. for the City of Cresco Fire Department Storage Facility for \$27,288.90. Carman seconded and it passed all ayes.

Public Works Director Freidhof reported: (a) everyone is busy preparing for winter; (b) sand has been hauled in and salt will be delivered next week; (c) preparing plows and doing maintenance on the equipment; (d) still have a few services to connect on the watermain project; (e) the drainage portion of the Vernon Road project is about half done; (f) paving is scheduled to begin Thursday on the Vernon Road; (g) depending on the weather the drainage project may need to be finished in the spring.

City Clerk Girolamo reported (a) financial statements were included in the Council packet; (b) 2nd Street Assessment Letters were mailed to residents on 10/11/19 and notice will be published on 10/16 and 10/23 giving them until November 15th to pay assessments with no interest charges. Three of the 21 assessments have been paid; (c) November 4th I will attend an Employment Law Seminar in Des Moines hosted by Ahlers & Cooney attorneys; (d) November 12-13th I will attend GWorks Training in Des Moines for updates to our accounting software; (e) December 3rd Teresa and I will attend Budget Training in Cedar Falls.

Carman reported the kitchen flooring and appliances have been replaced in Champlin Hall thanks to a Howard County Community Foundation Grant. A lot of interest in people wanting to book live performances and Champlin Hall rentals are increasing dramatically.

Bouska reported there was an Economic Development meeting but she had to miss due to attending an Energy Efficiency Conference.

McCarville reported the Airport Commission meeting was cancelled due to lack of a quorum.

Brenno reported the Park Board is working on estimates for bleachers at East Park. The pool re-plastering project went good and they hope to have the pool open by the first of November.

Library Director Kay reported the silent auction is winding down. They are training a new staff person. The Library is partnering with the NE Iowa Humane Society on 11/2/19 for a pet adoption day. Storyteller Darrin Crow will present 'Morbid Curiosities: An Evening with Edgar Allen Poe' at the Cresco Theatre on 10/29/19.

Mayor Bohle opened the public hearing for Budget Amendment #2 for Fiscal Year Ending June 30, 2019. There were no written or oral comments and the public hearing was closed. Bouska made the motion to approve a resolution amending the current budget for the fiscal year ending June 30, 2019. Brenno seconded and it passed all ayes.

Mayor Bohle opened the public hearing on the proposal to convey real property to Jeremy and Laura Miller. The property at 119 5th Ave East was acquired through the nuisance abatement process. There were no written or oral comments and the public hearing was closed.

Carman made the motion to approve resolution approving and authorizing the conveyance of real property to Jeremy and Laura Miller. Fortune seconded and it passed all ayes.

Mayor Bohle opened the public hearing to amend the City of Cresco Code of Ordinances by adding a new chapter pertaining to Solar Energy Systems. There were no written or oral comments and the public hearing was closed. Mayor Bohle performed the second reading of a summary of proposed Ordinance 480 amending the Code of Ordinances of the City of Cresco, Iowa, by adding a new chapter pertaining to Solar Energy Systems. Carman made the motion to approve the second reading. Brenno seconded and it passed all ayes.

Diana Johnson from Upper Explorerland Regional Planning Commission discussed their wide array of services available to the City. Based on 2015 HUD numbers, Cresco is at 45.7% LMI and needs to be at 51% to be eligible to receive CDBG for big water or sewer projects. UERPC could conduct a new survey to get updated LMI figures. UERPC was established to be an extension of City staff so she encouraged the Council to utilize their services. She stressed the importance of promoting the census because many grants and opportunities are based on census information.

Two quotes to remove 69 Ash trees in the boulevard were received: Complete Tree Service \$18,078 and Wilson Custom Tree \$22,749.99. McCarville made the motion to approve the lower quote from Complete Tree Service and award the contract. Bouska seconded and it passed all ayes.

Carman made the motion to approve the resolution accepting the City of Cresco Fire Department Storage Facility for a total cost of \$575,670.60. Brenno seconded and it passed all ayes.

Bouska made the motion to approve the resolution accepting the Annual Financial Report of the City of Cresco, Iowa for the fiscal year 2018-2019 and directing the Clerk to file the report with the Iowa Auditor of State. Brenno seconded and it passed all ayes.

Bouska made a motion to approve the resolution reactivating a fund within the City's accounts – Fund 189 Library Trust Fund. Fortune seconded and it passed all ayes.

Carman made a motion to waive the water and sewer charges for filling the swimming pool at the Cresco Fitness Center because it is a department within the City. McCarville seconded and it passed all ayes.

Mayor Bohle asked for comments from the audience and thanked the Boy Scouts for attending the meeting. They asked what/who are the City Departments and Department Heads. The eleven departments and heads were listed. They also asked what is the purpose of the City Council. The Mayor explained they are elected to represent the community to determine the best ways to manage the revenues and expenditures of the City and to envision ways of improving the City.

Brenno moved to adjourn at 7:23 pm. Carman seconded and it passed all ayes. The next regular Cresco City Council meeting will be November 4, 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	282.14
AFLAC	Ins	18.20
ALLIANT	Elect	1,556.49
BAKER&TAYLOR	Books	1,491.83
BC/BS	Ins	641.04
BILLYMYER	Srvc	897.26
BROWN SUPPLY	Supp	1,361.25
BRUENING	Rock	502.48
CARDMEMBER SERV	DVDs	587.94
CENTER POINT LG PRT	Books	204.47
CITY OF CRESCO	Util	39.20
CITY OF CRESCO	Ins	2,804.25
CITY LAUNDERING	Srvc	65.27
CORRIDOR TECH	Srvc	352.00
CR BUILDING	Srvc	41,551.94
CR HEAT&VENT	Srvc	1,677.15
CR INS	Ins	178,795.00
CR SHOPPER	Ad	616.03
CR TPD	Notices	424.34
CROELL	Concr	838.00
DELUXE ECHOSTAR	Movie	159.80
DEMCO	Supp	245.39
DM REGISTER	Subscr	225.50
ENVIRO RES	Supp	131.83
ESR	Supp	120.00
FAREWAY	Supp	31.32
FENCO	Srvc	21.48
FSK'S	Supp	74.12
FOLEY'S CONST	Srvc	550.00
GALE/CENGAGE	Book	23.99
GOSCH'S	Srvc	1,359.28
GROUP SERV	Fee	157.25
GWORKS	Trng	165.00
HACH	Supp	79.56
HAWKEYE SAN	Garb/RC	50,002.15
HEALTHY CONTR	Fees	25.55
HEWETT	Concess	1,268.10
H&S MOTORS	Srvc	56.95
INTERSTATE PWR SYS	Supp	123.51
IAMU	Dues	1,184.31
IA LEAGUE	Trng	100.00
IA ONE CALL	OneCalls	114.30
IA PRISON IND	Signs	132.00
IA WRESTLING	Tourism	1,500.00
KEYSTONE LAB	Analys	1,521.20
KRIENER,MAKENZ	Unif	69.53
LT MECH	Srvc	800.59
MCMASTER-CARR	Srvc	201.79
MEDIACOM	Phone	280.71
MIENERGY	Elect	1,560.13
MTS	Srvc	120.00
O'HENRY'S	Supp	27.60
PAYROLL		70,220.44
PETTY CASH	Pstg	204.15
POOL TECH	Chem	586.00
POWERPLAN	Rprs	795.38

PUSH PEDAL PULL	Maint	200.00
REALLY GOOD STUFF	Supp	114.95
REG HEALTH	Srvc	36.00
RUPPERT	Supp	1,075.82
SANDRY FIRE	Equip	6,744.36
SIGNS&DESIGNS	Supp	188.00
SKYLINE CONST	Srvc	122,724.42
SOLAR PRO	Solar	3,519.02
SONY	Movie	217.99
SPAHN&ROSE	Supp	421.02
SQUARE	CC fees	21.68
STATE HYGIENIC	Analys	71.50
STOREY KEN	Supp	59.99
TRACHTA,ROD	Tree	125.00
TREAS ST IA	Taxes	6,305.00
TURKEY RIVER WINDW	Srvc	50.00
UHC	Ins	25,701.63
UPPER EXPL RPC	Fees	3,320.10
VISA	Trng	1,367.28
ZARNOTH	Parts	115.50

GENERAL	280,382.36
HOTEL/MOTEL	1,500.00
LOST	550.00
NUISANCE	44.63
FIRE STATION BLDG	7,012.51
MEDIACOM	716.26
EQUIP	44.95
THEATRE TRUST	993.37
CR COMM FIRE	10,717.98
ROAD USE	28,586.75
EMPLOYEE BENE	6,577.64
REHAB HOUSE	3,320.10
FC TRUST	27.60
FIRE EQUIP	3,000.00
WATER	26,284.29
WATER EQUIP	62,714.45
SEWER OP	47,163.04
CAP IMPROV	60,134.97
YARDWASTE	1,553.55

EXPENDITURES	541,324.45
Revenues 10/8-10/21/19	992,138.67

STREET CLOSING/PARADE PERMIT

Application Date: 11/1/2019 Name: Drifrunners, Inc.

Mail to Address: 617 4th Ave W

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 16, 2019 Time: (from) (to) April 1, 2020

Signature of applicant: Brandon Plakt 11/1/19

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

PARADE REGULATIONS ARE LISTED BELOW.

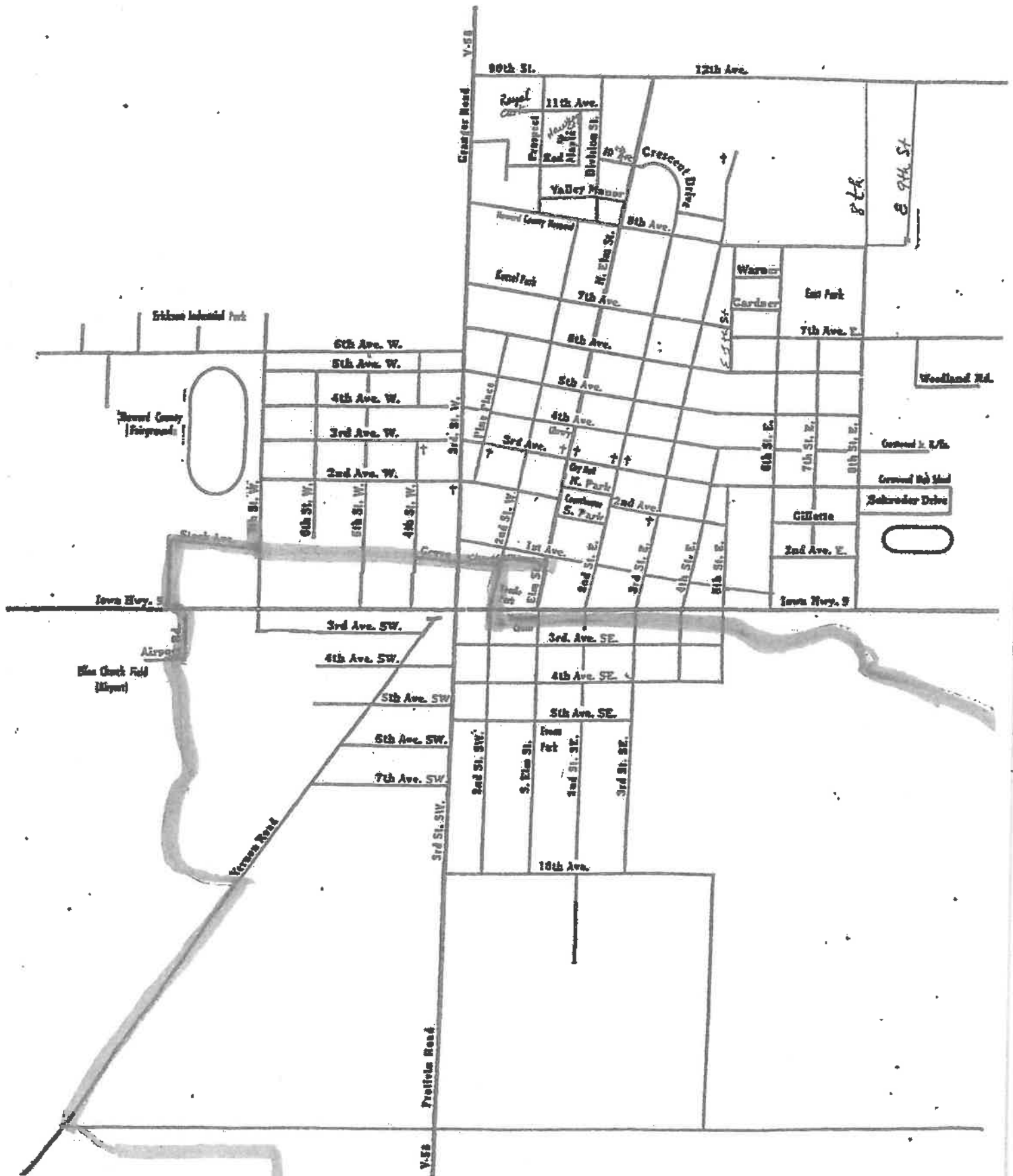
60.08 PARADES REGULATED. No person shall conduct or cause any parade on any street except as provided herein:

1. "Parade" Defined. "Parade" means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.
2. Permit Required. No parade shall be conducted without first obtaining a written permit from the City Council. Such permit shall state the time and date for the parade to be held and the streets or general route therefor. Such written permit granted to the person organizing or sponsoring the parade shall be permission for all participants therein to parade when such participants have been invited by the permittee to participate therein. No fee shall be required for such permit. Permit forms are available at City Hall.
3. Parade Not a Street Obstruction. Any parade for which a permit has been issued as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.
4. Control by Police and Firefighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the Fire Department.

City Council
Date Approved: _____ Signature: _____

CC: Ambulance _____, Police Dept. _____, Fire Dept. _____, Street Dept. _____

City of Cresco, Iowa



2905 South Broadway
Rochester, MN 55904-5515
Phone: 507.288.3923
Fax: 507.288.2675
Email: rochester@whks.com
Website: www.whks.com

whks

engineers + planners + land surveyors

October 31, 2019

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

RE: Cresco, IA
Vernon Road Watermain Improvements
Pay Request No. 2

Dear Michelle:

Enclosed is Pay Request No. 1 for work on the above referenced project. We recommend payment in the amount of \$109,214.81 to:

Skyline Construction, Inc.
900 Montgomery Street
Decorah, IA 52101

Please contact me if you have any questions.

Sincerely,

WHKS & co.



Daren D. Sikkink

DDS/jl: 8736

cc: Rod Freidhof, City of Cresco w/ enclosures
Jesse Delaney, Skyline Construction
Jim Loehr, WHKS (file)
Bill Angerman, WHKS

2905 South Broadway
 Rochester, MN 55904
 Phone: 507.288.3923



**PARTIAL PAYMENT ESTIMATE
 FOR CONSTRUCTION WORK COMPLETED**

Project: Vernon Road Watermain Improvements

Bid Price: \$ 329,295.43

Project No.: 8736

Date: 10/31/2019

Location: Cresco, IA

Estimate No.: 2

Contractor: Skyline Construction., Inc.

% Complete: 74.1%

Item No.	Item	Unit	Quantity	Unit Price	Quantity Completed Previous Estimate	Quantity Completed This Estimate	Quantity Completed to Date	Total to Date
1	Mobilization	LS	1	\$ 9,801.20	0.5	0.5	1	\$ 9,801.20
2	Clear & Grubbing	LS	1	\$ 6,750.00	1	0	1	\$ 6,750.00
3	Remove Pavement (Conc & HMA)	SY	462	\$ 10.00	462	0	462	\$ 4,620.00
4	Remove Storm Sewer	LF	24	\$ 15.00	0	24	24	\$ 360.00
5	Remove Manhole	Each	1	\$ 400.00	0	1	1	\$ 400.00
6	Remove Hydrant	Each	3	\$ 435.00	3	0	3	\$ 1,305.00
7	Remove Gate Valve	Each	4	\$ 460.50	3	0	3	\$ 1,381.50
8	Remove Watermain	LF	465	\$ 2.35	465	0	465	\$ 1,092.75
9	Class 12 Excavation	CY	20	\$ 100.00	0	0	0	\$ -
10	Topsoil Borrow	CY	250	\$ 35.00	0	0	0	\$ -
11	Granular Borrow-Subgrade Correction	CY	25	\$ 45.00	0	0	0	\$ -
12	Aggregate for Pipe Foundation	CY	20	\$ 40.00	0	0	0	\$ -
13	Aggregate Surfacing	Tons	100	\$ 30.00	0	159	159	\$ 4,770.00
14	Construction Rock Entrance	Each	1	\$ 1,375.00	0	0	0	\$ -
15	6" Concrete Pavement	SY	462	\$ 55.55	0	0	0	\$ -
16	6" Subdrain	LF	1,331	\$ 10.25	1331	0	1331	\$ 13,642.75
17	6" Hickenbottom Riser	Each	6	\$ 260.00	6	0	6	\$ 1,560.00
18	Salvage & Reinstall 12" Storm Sewer Pipe	LF	16	\$ 40.40	0	16	16	\$ 646.40
19	Storm Sewer Pipe 15"	LF	35	\$ 50.00	0	35	35	\$ 1,750.00
20	Storm Sewer Pipe 18"	LF	2,347	\$ 40.19	0	1884	1884	\$ 75,717.96
21	4" Insulation	SY	8	\$ 21.00	0	8	8	\$ 168.00
22	Storm Sewer Manhole	Each	7	\$ 2,850.00	0	6	6	\$ 17,100.00
23	6" CM Subdrain Apron	Each	1	\$ 450.00	1	0	1	\$ 450.00
24	15" Storm Sewer Apron	Each	3	\$ 300.00	0	3	3	\$ 900.00
25	18" Storm Sewer Apron	Each	1	\$ 350.00	0	1	1	\$ 350.00
26	Erosion Stone	CY	8	\$ 55.00	0	0	0	\$ -
27	Inlet Protection	Each	10	\$ 250.00	10	0	10	\$ 2,500.00
28	Silt Fence	LF	510	\$ 2.75	510	0	510	\$ 1,402.50
29	Traffic Control	LS	1	\$ 3,500.00	0.5	0	0.5	\$ 1,750.00
30	Seed	Acres	3.5	\$ 3,500.00	0	0	0	\$ -
31	6" Watermain	LF	1,010	\$ 32.00	1010	0	1010	\$ 32,320.00
32	8" Watermain	LF	428	\$ 36.60	428	0	428	\$ 15,664.80
33	Hydrant	Each	4	\$ 4,350.00	4	0	4	\$ 17,400.00
34	8" Gate Valve	Each	2	\$ 1,560.00	0	0	0	\$ -
35	6" Gate Valve	Each	6	\$ 1,230.00	7	0	7	\$ 8,610.00
36	Reconnect Water Service	Each	3	\$ 1,300.00	0	4	4	\$ 5,200.00

Item No.	Item	Unit	Quantity	Unit Price	Quantity Completed Previous Estimate	Quantity Completed This Estimate	Quantity Completed to Date	Total to Date
37	New Water Service	Each	3	\$ 1,350.00	0	2	2	\$ 2,700.00
38	Watermain Fittings	Lbs	724	\$ 10.00	724	0	724	\$ 7,240.00
39	Auto Water Flusher	Each	1	\$ 8,000.00	0	0	0	\$ -
40	Temporary Water System	LS	1.0	\$ 1,800.00	0	0	0	\$ -
41	New Sanitary Manhole Frame & Cover	Each	1	\$ 1,500.00	0	0	0	\$ -
42	Connect to Existing Watermain	Each	3	\$ 1,000.00	3	0	3	\$ 3,000.00
43	Exploratory Excavation	Hours	4	\$ 300.00	0	0	0	\$ -
44	Subdrain Unit Price Adjustment	LF	1,331	\$ 2.70	1331	0	1331	\$ 3,593.70

Total Work Completed \$ 244,146.56

Less 5% Retainage \$ (12,207.33)

Less Previous Estimates \$ (122,724.42)

Net Payment this Estimate \$ 109,214.81

10/2/19

Completed Projects to Date

Parks:

Beadle Park Marquee.
Paint Ice Rink.
Gaga Ball Court.
Small Shelter East.
Kessel Ballfield Fence / Scoreboard.
Ash Trees.

Lodge:

Fitness Center:

Resurface Pool & Spa.
Storage Shed Loft.
Locker Room Showers.

Recreation:

Swimming On-line Registration.
Lodge On-line Reservations.
Twins Bus Trip.

2018-19 LODGE

Rented 61 times.

Revenue: \$12,370

Local Option - (last 5 years)

Budget: \$489,600
Expend: \$428,632
Balance: \$60,968 (12.5%)
FC Transfer: \$56,167 (\$100,000 issued)
FC Profit/Loss: \$15,509 / \$40,658 Loss

Future Projects

Parks:

- Ash Trees.
Video Cameras

Evan's:

Replace ball field lights.

East:

- Bleachers.

Beadle:

Train Box Car & Ties.

Kessel:

Lodge:

- Paint. - \$5200.
Parking Lot / Driveway.

Fitness Center:

Acoustics for Pool. - \$22 K
Shower Rooms Floor Tile.
Locker Room Drains.
Paint Gym / Pool.
Outdoor Fitness Area.
Replace Counters: Desk & LG Room.
Splash Pad / Lazy River.
Pool Deck / Tile / Grates.
Heating System Study.
Latch Key. (24 hour)
Check in Computer / Software.
Demand Controller.
Update Video Cameras.

Equipment:

New Mower (2022/23)

ORDINANCE 480 SUMMARY

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA, BY ADDING CHAPTER 161 PERTAINING TO SOLAR ENERGY SYSTEMS

Below is a summary of ORDINANCE 480, a full copy of said ordinance may be obtained at City Hall 130 N Park Place Cresco, IA 52136.

CHAPTER 161 SOLAR ENERGY SYSTEMS

The purpose of this chapter is to allow safe, effective, and efficient use of solar energy conversion systems, and to identify the locations within the City where they may not be installed.

No approvals by the City of Cresco shall be required for building-integrated systems, wall-mount solar energy systems, parallel roof-mount solar energy systems, or roof-mount solar energy systems on flat roofs. Non-parallel roof-mount and ground-mount systems shall require a building permit.

New homeowners' agreements, covenants, common interest community standards, or other contracts between multiple property owners located within the City of Cresco shall not restrict or limit solar energy systems to a greater extent than the City of Cresco's solar energy standards.

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.

WHEN EFFECTIVE. The foregoing Ordinance shall be in full force and effect from and after the date of passage and publication of this ordinance as provided by law.

Passed and adopted this ____ day of _____, 2019.

CITY OF CRESCO

ATTEST:

MARK BOHLE, MAYOR

MICHELLE GIROLAMO, CITY CLERK

1st Reading Summary 10/7/19 2nd Reading Summary 10/21/19 3rd Reading Summary _____

I certify that the foregoing was published as Summary of Ordinance No. 480 on the ____ day of _____, 2019.

City Clerk Michelle Girolamo

ORDINANCE NO. 480

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA,
BY ADDING A NEW CHAPTER PERTAINING TO SOLAR ENERGY SYSTEMS

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

SECTION 1. NEW CHAPTER. The Code of Ordinances of the City of Cresco, Iowa, is amended by adding a new Chapter 161, entitled SOLAR ENERGY SYSTEMS, which is hereby adopted to read as follows:

CHAPTER 161 SOLAR ENERGY SYSTEMS

- 161.01 Purpose
- 161.02 Definitions
- 161.03 Permitted Accessory Use
- 161.04 Principal Uses
- 161.05 Restrictions on Solar Energy Systems Limited
- 161.06 Solar Access

161.01 PURPOSE. The purpose of this chapter is to allow safe, effective, and efficient use of solar energy conversion systems, and to identify the locations within the City where they may not be installed.

161.02 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Solar Energy System" means a device, array of devices, or structural design feature, the purpose of which is to provide for generation of electricity, the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating. Installation types are:
 2. "Building-integrated" means an integral part of a principal or accessory building. Building-integrated systems include but are not limited to photovoltaic or hot water systems that are contained within roofing materials, windows, skylights, and awnings.
 3. "Ground-mount" means a solar energy system mounted on a rack or pole that rests on or is attached to the ground. Ground-mount systems can be either accessory or principal uses.
 4. "Roof-mount" means a solar energy system mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems can be either accessory or principal uses.
 - A. "Parallel roof-mount" means a roof-mount solar energy system in which the solar panels are installed parallel to the roof underneath and no more than 12" from the surface of the roof. A parallel roof-mount system must not extend beyond the roof surface underneath it.
 5. "Wall-mount" means a solar energy system mounted on the side of a principal or accessory building, usually but not always for the purpose of providing direct supplemental space heating by heating and recirculating conditioned building air.
 6. "Solar Farm" means a commercial facility that converts sunlight into electricity by means of photovoltaics (PV) for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.
 7. "Solar Garden" means a commercial solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing or located off-site from the location of the solar energy system. A community solar system / solar garden is a principal use.

8. "Solar Resource" means a view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard Time on all days of the year.

9. "Solar Access" means unobstructed access to direct sunlight on a lot or building through the entire year including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

161.03 PERMITTED ACCESSORY USE: Solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below.

1. Height: Solar energy systems must meet the following height requirements:

A. Building- or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar energy systems other than building-integrated systems, shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment (see 165.42).

B. Ground- or pole-mounted solar energy systems shall not exceed 18 feet in height when oriented at maximum tilt.

2. Set-back: Solar energy systems must meet the accessory structure setback requirements for the zoning district and primary land use associated with the lot on which the system is located.

A. Roof- or building-mount solar energy systems: In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and set-back standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a back or side yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.

B. Ground-mount solar energy systems: Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.

3. Location and visibility:

A. Building-integrated and wall-mount solar energy systems: Building-integrated and wall-mount solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated or mounted meets all required set-back, land use, and performance standards for the district in which the building is located. The color of the solar collectors is not required to be consistent with other building materials.

B. Roof-mount solar energy systems: Roof-mount solar energy systems shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right-of-way other than an alley. Roof-mounted systems that are visible from the nearest edge of the street frontage right-of-way shall not have a highest finished pitch steeper than the roof pitch on which the system is mounted, and shall be no higher than twelve (12) inches above the roof. The color of the solar collectors is not required to be consistent with other roofing materials.

C. Ground-mount solar energy systems: Except as indicated in other parts of this chapter, ground-mount solar energy systems shall be treated as an accessory structure and shall

be subject to the requirements of an accessory structure. In particular, a ground-mount solar energy system may not be located in the required front yard of a lot.

D. Reflectors: No solar energy system using an external reflector to enhance solar production shall be installed within the city limits of the City of Cresco.

4. Coverage: Roof- or building-mount solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount systems shall be exempt from impervious surface calculations if the soil under the collector is maintained in vegetation and is not compacted. Foundations, gravel, and compacted soils are considered impervious.

5. Historic Buildings: Solar energy systems on historically designated buildings shall be installed only as allowed by the U.S. Department of Interior.

6. Plan approvals:

A. Building-integrated systems: No approvals by the City of Cresco shall be required for building-integrated systems beyond the normal building permit process.

B. Wall-mount, parallel roof-mount and roof-mount systems on flat roofs: No approvals by the City of Cresco shall be required for wall-mount solar energy systems, parallel roof-mount solar energy systems, or roof-mount solar energy systems on flat roofs.

C. Non-parallel roof-mount and ground-mount systems: Non-parallel roof-mount and ground-mount systems shall require a building permit, as described in Chapter 155 of the Code of Ordinances of the City of Cresco.

i. Plan applications for non-parallel roof-mounted systems shall indicate the height of the highest point on the solar collector relative to the roof directly under that point, along with drawings showing the location of the system on the building.

ii. Plan applications for ground-mount systems shall indicate the location of solar energy system on the parcel, the lot lines, and the set-backs required. In addition, they shall indicate the height of the installation at maximum tilt and the ground footprint at minimum tilt, along with a description of the ground cover to be used under the system.

7. Approved Solar Components: Electric solar energy system components must have a UL or equivalent listing and solar hot water systems must have an SRCC rating.

8. Compliance with Building Code: All solar energy systems shall be consistent with the State of Iowa Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.

9. Compliance with State Electric Code: All photovoltaic systems shall comply with the Iowa State Electric Code.

10. Compliance with State Plumbing Code: Solar hot water systems shall comply with applicable Iowa State Plumbing Code requirements.

11. Utility Notification: All solar energy systems that connect with an electric circuit serviced by the local electric utility (grid-tied systems) shall comply with the interconnection requirements of the electric utility. Systems not so connected (off-grid systems) are exempt from this requirement.

161.04 PRINCIPAL USES:

1. Solar garden: The City of Cresco permits the development of community solar gardens, subject to the following standards and requirements:

A. Rooftop solar gardens: Subject to the requirements of Section 1.03, rooftop solar gardens are permitted in all districts where buildings are permitted.

B. Ground-mount solar gardens: Ground-mount community solar energy systems must be less than two acres in total size, and are a conditional use in all districts.

C. Interconnection: An interconnection agreement must be in place with the local electric utility before work commences on installation of a solar garden.

D. Dimensional standards: All structures must comply with set-back, height, and coverage limitations for the district in which the system is located.

E. Site security: A solar garden located wholly or partly within the city limits of the City of Cresco must be completely surrounded by a chain link fence at least six feet high. All gates must be locked at all times unless personnel are on site. All components must be located at least four feet from the fence.

F. Other standards: Ground-mount systems must comply with all required standards for structures in the district in which the system is located.

G. Ground cover: The City of Cresco encourages (but does not require) owners of ground-mount solar gardens to plant the land underneath the solar collectors in pollinator friendly wildflowers. Such plantings must be maintained in such a way that they do not go to weeds or become predominantly grass, but afford passers-by a predominantly flower view during blooming season. Such plantings shall be considered flower beds and shall be exempt from the mowing requirements of Chapter 52. If wildflowers are not planted, the land underneath the collectors must be neatly maintained in compliance Chapter 52 of the Code of Ordinances of the City of Cresco.

H. Building permit: Development of a solar garden inside the city limits of the City of Cresco requires the issuance of a building permit, according to the process detailed in the City of Cresco Code of Ordinances Chapter 155.

I. Decommissioning: The City of Cresco requires that, as part of the construction permit application, a decommissioning plan shall be submitted to ensure that the facilities are properly removed after their useful life. Decommissioning of the solar garden must occur in the event it (or a majority part of it) is not in use for twelve consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of the soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site. Disposal of the solar panels, racks, and foundations must meet state requirements applicable at the time of decommissioning. The City of Cresco may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

2. Solar Farm: The City of Cresco permits the development of solar farms, subject to the following standards and requirements:

A. A solar farm may be developed only on land zoned A-1 (Agricultural) at the time of the development.

B. Stormwater and NPDES: If the City of Cresco has stormwater management, erosion and/or sediment control provisions, and/or NPDES permit requirements at the time of the development, solar farms shall be subject to those requirements.

C. Ground cover and buffer areas: Ground around and under solar arrays and in project buffer areas shall be planted and maintained in perennial vegetated ground cover, and meet the following standards:

i. Top soils shall not be removed during development, unless part of a remediation effort.

D. Soils shall be planted and maintained in perennial vegetation to prevent erosion, manage run off, and build soil. Seeds may include a mix of grasses and wildflowers, but shall be predominately wildflowers, ideally native to the region that will result in a short stature prairie with a diversity of forbs or flowering plants that bloom throughout the growing season. Blooming shrubs may be used in buffer areas as appropriate for visual screening. Seed mixes and maintenance practices should be consistent with recommendations made by qualified natural resource professionals such as those from the Iowa Department of Natural Resources, Howard County Soil and Water Conservation Service, or the Natural Resource Conservation Service. Plant material must not have been treated with systemic insecticides, particularly neonicotinoids. Such plantings must be maintained in such a way that they do not go to weeds or become predominantly grass, but afford passers-by a predominantly flower view during blooming season. Such plantings shall be considered flower beds and shall be exempt from the mowing requirements of Chapter 52. If wildflowers are not planted, the land underneath the collectors must be neatly maintained in compliance Chapter 52 of the Code of Ordinances of the City of Cresco.

E. Foundations: A qualified engineer shall certify that the foundation and design of the solar panels' racking and support is within accepted professional standards, given local soil and climate conditions.

F. Other standards and codes: All solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including the State of Iowa Uniform Building Code, as amended; and the National Electric Code, as amended.

G. Power and communication lines: Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the City of Cresco in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the City of Cresco's consulting engineer.

H. Site security: A solar farm located wholly or partly within the city limits of the City of Cresco must be completely surrounded by a chain link fence at least six feet high. All gates must be locked at all times unless personnel are on site. All components must be located at least four feet from the fence.

I. Site plan required: A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by the City of Cresco. The site plan shall also show all zoning districts.

J. Aviation protection: For solar farms located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

K. Agricultural protection: Solar farms must comply with site assessment or soil identification standards that are intended to protect agricultural soils.

L. Decommissioning: A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of the installation must occur in the event that a majority of the solar panels are not in use for twelve consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and

vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of the solar panels, racks, and foundations must meet state requirements applicable at the time of decommissioning. The City of Cresco will require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

161.05 RESTRICTIONS ON SOLAR ENERGY SYSTEMS LIMITED: As of the effective date of this ordinance, new homeowners' agreements, covenants, common interest community standards, or other contracts between multiple property owners located within the City of Cresco shall not restrict or limit solar energy systems to a greater extent than the City of Cresco's solar energy standards.

161.06 SOLAR ACCESS: The City of Cresco encourages protection of solar access in all new subdivisions and allows for solar resources to be protected consistent with Iowa Statutes.

1. Solar easements allowed: The City of Cresco allows solar easements to be filed, consistent with Iowa State Code 564A.7. Any property owner can purchase an easement across neighboring properties to protect access to sunlight. The easement can apply to buildings, trees, or other structures that would diminish solar access. In situations where the easements are not voluntarily agreed to, the District Court, acting as the solar access regulatory board, may determine whether or not granting an easement is appropriate, consistent with Iowa Statutes 564A.3.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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 AND APPROVED THIS _____ DAY OF _____, 2019.

Mayor Mark Bohle

ATTEST: _____
City Clerk Michelle Girolamo

I certify that the following summary of Ordinance No. 480 was published on the ____ day of _____, 2019 and the full copy was available at City Hall 130 N Park Place, Cresco, IA 52136.

ATTEST: _____
City Clerk Michelle Girolamo

RESOLUTION NO. _____

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR FY 2020
NOVEMBER TRANSFERS

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

WHEREAS, the transfers were included in the current budget as adopted for the 2019/2020 Fiscal Year; and

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

<u>From Fund</u>	<u>To Fund</u>	<u>Amount</u>	<u>Description</u>
#022 LOST Fund	#200 Debt Service	\$600	Transfer interest pmt
#602 Water Project Fund	#200 Debt Service	\$600	Transfer interest pmt
#620 Capital Improve Fund	#200 Debt Service	\$300	Transfer interest pmt
#022 LOST Fund	#183 Fitness Center Trust	\$10,000	Transfer annually for repairs and maintenance of the Fitness Center)
#022 LOST Fund	#186 Park Tree Trust	\$7,500	Transfer to pay for treatment of ash trees in the parks (10 year treatment program)
#319 Street Assess Fund	#001 General Fund	\$86,000	Transfer to repay loan from General Fund to pay for the 2 nd Street East Assessment Project – still owes \$164,000
#600 Water Fund	#602 Water Project Fund	\$200,000	Transfer funds from the operating fund for water projects and equipment purchases
#610 Sewer Fund	#614 Sewer Bond Fund	\$46,800	Transfer funds from the operating fund for principal and interest payments on sewer revenue bonds
#610 Sewer Fund	#614 Sewer Bond Fund	\$150,000	Transfer funds from the operating fund for sewer projects and equipment purchases

BE IT THEREFORE RESOLVED, that the City of Cresco is allowing the transfer of funds indicated above and are included in the budget for FYE June 30, 2020.

PASSED AND APPROVED THIS 4TH DAY OF NOVEMBER, 2019

Mayor Mark Bohle

Attest: _____
City Clerk Michelle Girolamo