

## NOTICE AND CALL OF PUBLIC MEETING

GOVERNMENTAL BODY: THE CITY COUNCIL OF CRESCO, IOWA  
DATE OF MEETING: NOVEMBER 20, 2023  
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: CARMAN, BOUSKA, FORTUNE, McCONNELL, KRIENER

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 6, 2023
4. Approval of Minutes from November 13, 2023 Special Meeting
5. Approval of Minutes from November 15, 2023 Special Meeting
6. Approval of Special Class C Retail Alcohol License (BW) (Beer/Wine) with Outdoor Service to Fat T's Café LLC
7. Approval of Class C Retail Alcohol License (LC) to Big Daddy Hideaway Corp d/b/a Sweeney's Lounge
8. Approval of Application for Tax Abatement under the Urban Revitalization Plan for Bam Sam Jam Rentals LLC

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

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

COMMENTS FROM AUDIENCE: *(This portion of the agenda is for comments that are not related to one of the items listed on the agenda. Comments can only be received. No formal action by the Council can be taken. Those making public comments will be asked to state their name and address, and to speak from the podium.)*

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

1. Resolution Authorizing the Mayor to Enter into an Engagement Agreement with Ahlers & Cooney, P.C for 2023 Amendment to the Urban Renewal Plan
2. Resolution Authorizing the Mayor to Enter into an Amended Professional Services Agreement with Martin Gardner Architecture to Proceed with Renderings for the Scene Shop
3. Abstract of Votes as Certified by the Board of Supervisors of Howard County, in the State of Iowa
4. First Reading of Proposed Ordinance #507 to Amend Chapter 155 in the City of Cresco Code of Ordinances Pertaining to Building Permits

5. Resolution Waiving the Second and Third Reading and Consideration of Ordinance Number 507 Pertaining to Building Permits
6. Approval of Ordinance 507 Pertaining to Building Permits
7. Request to Waive Late Fees for Community Chapel
8. Motion to Set Council Meeting Dates in January 2024 due to Holidays
9. Discussion on CIP (Capital Improvement Plan)
10. Motion to go into CLOSED SESSION pursuant to Iowa Code 21.5 (1) (i) to Conduct Interviews if Requested
11. Motion to go into OPEN SESSION
12. Discuss Vacant Public Works Director Position

**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 17, 2023.**

Mayor Brenno called the Cresco City Council meeting to order on November 6, 2023, at 5:30 pm. Council Members Carman, Bouska, Fortune, McConnell, and Kriener were present. No Council Members were absent.

McConnell made the motion to approve the consent agenda which included approval of the: agenda; claims; minutes from October 16, 2023; minutes from October 23, 2023 special meeting; Street Closing Permit for portions of 3rd Ave W, 2nd St W, alley between 3rd Ave W and 4th Ave W, and North Elm St for United Methodist Church swiss steak dinner on November 20, 2023; designated snowmobile trail in city limits for December 1, 2023 through April 1, 2024; tax abatement under the Urban Revitalization Plan for Lacey and Anthony Greer for 575 York St; Parade Permit for portions of 3rd Ave E and North Elm St for the Santa's Holiday Parade on November 24, 2023. Carman seconded and it passed all ayes.

Public Works Director Widell reported: (a) Downtown Crosswalk Project is almost complete. They have removed and poured the patches for the pedestals and have a few signs to install; (b) 7<sup>th</sup> St W has been rocked but remains closed. They have started working on the sink hole. The County continues to haul out fill from the piles at the airport; (c) CIT completed the cleaning of the south aeration basin and it went well. Both basins have now been cleaned and new membranes installed so it shouldn't have to be done for another 10 years; (d) all departments have been busy completing fall maintenance and getting ready for winter. Water Dept has a few watermain break patches that will be concreted this week; (e) Yardwaste pickup ends November 13<sup>th</sup> and will resume in the spring. Schedules are available at City Hall and the City website.

Police Chief Ruroden submitted the October Police Report.

Deputy Clerk Hill reported: (a) the election and the annual firefighters pancake supper is on November 7<sup>th</sup>; (b) busy working on budget. Tony, Michelle and I will be attending the budget trainings next week; (c) the Fitness Center had to replace a pump and heater for the pool. We will have to do a budget amendment but, fortunately, Scott Thomson is paying for half of it.

Carman reported that the Library Silent Auction starts November 20<sup>th</sup>.

Mayor Brenno recognized two employees with service anniversaries in November and thanked them for their dedication and years of service to the City and residents: Adam Barnes – Street Dept 9 years; Dean Reicks - Street Dept 32 years.

Mayor Brenno asked for comments from the audience. Jason Passmore reported the Chamber/CIDC Banquet is November 17<sup>th</sup> and will recognize Curtis Trees and CUSB as Businesses of the Year. Crestwood All-Sports Booster Club is Organization of the Year. Jingle in Your Pocket is running thru December 8<sup>th</sup> to encourage shopping locally. There will be double Jingle cards on November 25<sup>th</sup> for Small Business Saturday. Banks are sponsoring 40 prizes of \$100 each. Thanks to the Boys and Girls Basketball teams for putting up Christmas lights. Cresco Holiday Open Houses are Sunday, November 19<sup>th</sup> for local businesses. The Santa Parade is November 24<sup>th</sup> at 4 pm. The Child Care Solutions fund raised \$101,900. The State has now matched 2-1 dollars. Good Times is hoping to open in January.

Scott Huneke from WHKS updated Council on the 7<sup>th</sup> St W Reconstruction and Downtown Crosswalk Projects. There was an incident at Hawkeye Sanitation from the airport debris piles today. Generation X has been in contact with their insurance company and the City will not be responsible for the damages. Gravel will be applied for the winter and will have ramps to meet the existing concrete. It should be reopened by December but restricted for heavy truck traffic. The Downtown Crosswalk Project is about 96% complete. The pedestals will remain covered for a few more days to let the concrete cure. Kriener made a motion to approve Pay Request #4 for \$139,179.16 to Wicks Construction, Inc for the Downtown Crosswalk Project. McConnell seconded and it passed all ayes.

McConnell made the motion to approve Pay Request #4 for \$259,442.24 to Generation X Construction, LLC for the 7th Street West Reconstruction Project. Fortune seconded and it passed all ayes.

Bouska made a motion to approve the resolution authorizing the Mayor to enter into a Professional Services Agreement with WHKS for the Cresco Wastewater Treatment Plant – Age Related Equipment Replacement. Carman seconded and it passed all ayes.

Howard County Conservation Board sent a letter thanking Council and City staff for working with them on the Prairie Springs Trail Rehabilitation Project. After the COVID-19 Relief Recreational Trails Program Grant, the City's portion was \$82,665. Without the help and financial commitment from the City, the project may not have been feasible. McConnell made a motion to approve Pay Request #1 (Final) for \$82,665 to Howard County Conservation Board. Carman seconded and it passed all ayes.

Carman made a motion to approve the resolution approving the Loan Agreement for a loan of \$50,000 from the CUSB Historic Downtown Revolving Loan Fund and the City of Cresco to Alanda and Brandon Meyer dba Bam Sam Jam Rentals, LLC. Fortune seconded and it passed all ayes.

Bouska made a motion to approve the resolution approving the Loan Agreement for a loan of \$20,000 from the CUSB Historic Downtown Revolving Loan Fund and the City of Cresco to Kubik Inc., Mark and Danna Kubik. Carman seconded and it passed all ayes.

Kriener made the motion to approve a resolution authorizing the Mayor to sign a Rural Housing Needs Assessment Grant Agreement with Iowa Economic Development Authority for the Rural Housing Readiness Grant. Carman seconded and it passed all ayes.

Carman made the motion to approve a resolution authorizing the Mayor to sign a Program Fee Agreement with Iowa State University Extension and Outreach. Bouska seconded and it passed all ayes.

Three proposals were received to prepare a Comprehensive for the City. The proposals were: Upper Explorerland Regional Planning Commission \$21,209 less a 20% funding grant; MSA \$30,000; CEDA \$23,041. All proposals estimate taking 8-12 months to complete. Carman made the motion to approve a resolution authorizing the Mayor to enter into a Standard Professional Services Agreement to prepare a new Comprehensive Plan with Upper Explorerland Regional Planning Commission for \$16,967 (after grant of \$4,242). Fortune seconded and it passed all ayes.

Bouska made a motion to approve the resolution authorizing the City Clerk to enter into a Third-Party Administration Service Agreement with Employee Benefit Systems "EBS". Fortune seconded and it passed all ayes.

Carman made the motion to approve a sewer adjustment of \$107.87 for water not entering the sanitary sewer system for Brandon Kerian for City of Cresco – Beadle Park. McConnell seconded and it passed all ayes.

Carman made the motion to approve a sewer adjustment of \$468.17 for water not entering the sanitary sewer system for Derek Dittmer for Cresco Park, LLC. Kriener seconded and it passed all ayes.

McConnell made a motion to approve a resolution adopting the annual project list update to the Capital Improvement Plan ("CIP") 2022 to 2027. Carman seconded and Kriener, McConnell, Carman, and Fortune voted aye. Bouska voted nay. The motion passed by majority vote.

Bouska made a motion to approve a resolution authorizing the Mayor to sign the Offer of Employment for the City Clerk position with Nicole Hill. Carman seconded and it passed all ayes.

Carman made the motion to approve the resolution authorizing signers on depository accounts to change the signers to Michelle Elton and Anthony Sturm. Kriener seconded and it passed all ayes.

Following the resignation of Nate Widell, applications were received for the Public Works Director. Applications will be reviewed by Council and interviews set up. Full Council will be conducting the interviews and applicants will have the ability to request a closed session.

Carman moved to adjourn at 6:02 pm. McConnell seconded and it passed all ayes. The next regular Cresco City Council meeting will be November 20, 2023, at 5:30 pm at Cresco City Hall.

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Mayor David J. Brenno

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City Clerk Michelle Elton

Following is a list of claims approved for payment:

PAYROLL		83,165.52	MCINTIRE, BRITTAN DpRf	80.00
AHLERS & COONEY	Attny	199.50	MEDIACOM Phone	331.33
ALLIANT	Elect	10,388.45	NAT ELEV INSPECT Svc	80.00
BAKER&TAYLOR	Books	473.75	NXT LVL INVEST DpAp	11.93
BAMSAMJAM RENTALS	RLF Adv	50,000.00	NC LAB Chems	23.44
BAXTER, ALICIA	DpAp	69.28	NE IA MOTORS Svc	91.16
BLACK HILLS	Gas	1,703.93	O'DONNELL INS Ins	1,800.00
BOB'S ELECTRIC	Svc	18,903.82	O'HENRY'S Uniforms	153.50
BODENSTEINER	Parts	4.99	PALAS,LYNN NICO DpAp	80.00
BRUENING	Rock	12,425.35	POSTMASTER Postage	693.09
BYRNES, JOSHUA	DpAp	80.00	PUSH PEDAL PULL Equip	45,250.00
CARDMEMBER	Supp	1,657.06	RELIANCE Ins	174.00
CAROLYN, DENNIS	DpAp	57.35	RUBENDALL, JACK DpAp	80.00
CARQUEST	Parts	76.67	RUPPERT Supp	502.84
CARRICO AQUATIC	Chems	6,926.44	SAFETY-KLEEN Supp	185.10
CASPER PLBG & HTG	Svc	357.50	SECRETARY OF ST Notary	90.00
CIT SEWER	Svc	6,873.10	SIGNS & DESIGNS Svc	762.00
CITY LAUNDERING	Svc	291.94	SLEEPY HOLLOW Svc	39.83
CITY OF CRESCO	Util	1,489.39	SOLAR PRO Solar	3,193.56
COMPUTERSHARE	Fees	104,424.31	SQUARE Fees	37.72
CONNIE'S CRPT CLN	Svc	294.78	STAR EQUIP Supp	322.92
CR TPD	Ads	290.80	TEAM LAB CHEM Chems	1,101.29
CULLIGAN	Rental	48.64	LIBRARY STORE Equip	961.45
DAKOTA SUPPLY	Supp	2,556.44	THOMPSON, LOG/ DpAp	21.79
DC COMM	Phone	21.93	VERIZON Fees	383.40
DELUXE ECHOSTAR	Movie	160.00	WALTON, TIMOTHY Svc	1,460.00
DES MOINES STAMP	Supp	33.00	WHKS & CO Equip	744.14
DISNEY	Movie	6.70	WICKS CONST Contract	139,179.16
DIXON ENGINEERING	Engr	33,475.00	WILSON THEATER Movie	150.00
ELAN CITY	Parts	217.00	WINDRIDGE Supp	115.35
ELECTRIC PUMP	Svc	5,298.95	WINDSTREAM Phone	1,183.46
ELLINGSON, REID	DpAp	80.00	ZORO TOOLS Supp	62.65
EMPL BENE SYS	Fees	248.00		
FILLMORE COUNTY	Ads	94.60	BY FUND:	
GAGE, WESLEY	DpAp	65.76	GENERAL	89,434.35
GEN X CONST	Contract	259,442.24	LOST PROJECT	82,665.00
GILLESPIE, JESSE	DpAp	64.97	FIRE STATION BLDG	268.20
GILLETTE PEPSI	Concess	502.36	THEATRE TRUST	9,800.59
GRUBE, TRYSTAN	DpAp	80.00	CR COMM FIRE	1,492.05
GWORCS	Supp	189.15	ROAD USE TAX	28,197.92
HANSON TIRE	Svc	86.00	EMPLOYEE BEN	286.00
HAWKINS	Chems	4,673.01	CUSB DWNTOWN RLF	70,000.00
HILL, NIKI	Reimb	255.45	FC TRUST	59,100.88
HOLSTROM	Svc	191.00	LIBRARY TRUST	7,657.60
HOW CO	ShrdLEC	10,618.50	DEBT SERVICE	104,424.31
HOW CO CONS	Bike Trail	82,665.00	STREET ASSESSMENT	259,442.24
IA ONE CALL	OneCalls	83.70	WTR TOWER REHAB	33,725.50
IA POETRY ASSO	Subscr	12.75	DWNTWN CROSSWALK	139,179.16
JOHN DEERE	Supp	2,412.60	WATER	19,420.58
KEYSTONE LAB	Analys	4,405.75	WATER DEP	771.08
KUBIK	RLF Adv	20,000.00	SEWER OP	20,803.11
LIBRARY IDEAS	Books	117.04	SEWER REPLACEMENT	7,617.24
LICKTEIG, STEVE	Svc	35.00	PROPRIET CAP	34.65
LT MECHANICAL	Supp	7,622.81	YARDWASTE	941.93
			Total Expenditures	935,262.39
			Revenue 10/17-11/6/23	250,208.31

Mayor Brenno called the Cresco City Council meeting to order on November 13, at 4:55 pm. Council Members Carman, Bouska, and McConnell were present. Council Members Fortune and Kriener were absent.

The Council met in a special meeting to conduct a job interview for the vacant Public Works Director position.

Carman made the motion to go into closed session at 4:55 pm pursuant to Iowa Code 21.5 (1) (i) per request from the applicant. Bouska seconded. McConnell, Bouska, and Carman voted aye.

Carman made the motion to go back into open session at 5:44 pm. Bouska seconded. Carman, Bouska, and McConnell voted aye.

No formal action was taken during the closed session.

Carman moved to adjourn the Council Meeting at 5:53 pm. McConnell seconded and it passed all ayes. The next regular Cresco City Council meeting will be November 20, 2023, at 5:30 pm at Cresco City Hall.

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Mayor David J. Brenno

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City Clerk Michelle Elton

Mayor Brenno called the Cresco City Council meeting to order on November 15, 2023 at 6:00 pm. Council Members Carman, Bouska, Fortune, McConnell, and Kriener were present.

The Council met in a special meeting to conduct a job interview for the vacant Public Works Director position.

Bouska made the motion to go into closed session at 6:02 pm pursuant to Iowa Code 21.5 (1) (i) per request from the applicant. Kriener seconded. Fortune, Bouska, McConnell, Kriener, and Carman voted aye.

Kriener made the motion to go back into open session at 7:04 pm. Bouska seconded. McConnell, Fortune, Carman, Kriener, and Bouska voted aye.

No formal action was taken during the closed session.

Bouska moved to adjourn the Council Meeting at 7:05 pm. Fortune seconded and it passed all ayes. The next regular Cresco City Council meeting will be November 20, 2023, at 5:30 pm at Cresco City Hall.

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Mayor David J. Brenno

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City Clerk Michelle Elton





# State of Iowa

Alcoholic Beverages Division

## Applicant

NAME OF LEGAL ENTITY	NAME OF BUSINESS(DBA)	BUSINESS		
Fat T's Cafe LLC	Fat T's Cafe LLC	(563) 422-7576		
ADDRESS OF PREMISES	PREMISES SUITE/APT NUMBER	CITY	COUNTY	ZIP
128 North Elm Street		Cresco	Howard	52136
MAILING ADDRESS	CITY	STATE	ZIP	
128 North Elm Street	Cresco	Iowa	52136	

## Contact Person

NAME	PHONE	EMAIL
Troy B Cleveland	(563) 422-7624	cathycleveland68@yahoo.com

## License Information

LICENSE NUMBER	LICENSE/PERMIT TYPE	TERM	STATUS
BW0096925	Special Class C Retail Alcohol License	12 Month	Submitted to Local Authority

TENTATIVE EFFECTIVE DATE	TENTATIVE EXPIRATION DATE	LAST DAY OF BUSINESS
Dec 1, 2023	Nov 30, 2024	

### SUB-PERMITS

Special Class C Retail Alcohol License



# State of Iowa

Alcoholic Beverages Division

## PRIVILEGES

Outdoor Service

## Status of Business

### BUSINESS TYPE

Limited Liability Company

## Ownership

### • Individual Owners

NAME	CITY	STATE	ZIP	POSITION	% OF OWNERSHIP	U.S. CITIZEN
Troy Cleveland	Cresco	Iowa	52136	Co- owner	50.00	Yes
Nathaniel Roethler	cresco	Iowa	52136	co owner	50.00	Yes

## Insurance Company Information

INSURANCE COMPANY

Illinois Casualty Co

POLICY EFFECTIVE DATE

Sep 13, 2023

POLICY EXPIRATION DATE

Sep 13, 2024

DRAM CANCEL DATE

OUTDOOR SERVICE EFFECTIVE DATE

OUTDOOR SERVICE EXPIRATION DATE

BOND EFFECTIVE DATE

TEMP TRANSFER EFFECTIVE DATE

TEMP TRANSFER EXPIRATION DATE



## **Applicant**

NAME OF LEGAL ENTITY	NAME OF BUSINESS(DBA)	BUSINESS		
Big Daddy Hideaway Corp.	Sweeney's Lounge	(563) 547-3422		
ADDRESS OF PREMISES	PREMISES SUITE/APT NUMBER	CITY	COUNTY	ZIP
212 S Elm St		Cresco	Howard	52136-0000
MAILING ADDRESS	CITY	STATE	ZIP	
212 South Elm Street	Cresco	Iowa	52136-0000	

## **Contact Person**

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

## **License Information**

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

TENTATIVE EFFECTIVE DATE	TENTATIVE EXPIRATION DATE	LAST DAY OF BUSINESS
Jan 12, 2024	Jan 11, 2025	

### SUB-PERMITS

Class C Retail Alcohol License

### PRIVILEGES



## **Status of Business**

BUSINESS TYPE

Corporation

## **Ownership**

### • Individual Owners

NAME	CITY	STATE	ZIP	POSITION	% OF OWNERSHIP	U.S. CITIZEN
Cooper Sweeney	Cresco	Iowa	52136	owner	100.00	Yes

## **Insurance Company Information**

INSURANCE COMPANY

Illinois Casualty Co

POLICY EFFECTIVE DATE

Oct 1, 2023

POLICY EXPIRATION DATE

Oct 1, 2024

DRAM CANCEL DATE

OUTDOOR SERVICE EFFECTIVE  
DATE

OUTDOOR SERVICE EXPIRATION  
DATE

BOND EFFECTIVE DATE

TEMP TRANSFER EFFECTIVE  
DATE

TEMP TRANSFER EXPIRATION  
DATE

APPLICATION FOR TAX ABATEMENT UNDER THE  
AMENDED AND RESTATED (2016) CRESCO URBAN REVITALIZATION PLAN  
FOR CRESCO, IOWA

Prior Approval for Intended Improvements

Approval of Improvements Completed

FOR PROPERTY TAX EXEMPTION FOR IMPROVEMENTS UNDER THE PROVISIONS OF THE AMENDED AND RESTATED (2016) CRESCO URBAN REVITALIZATION PLAN ADOPTED BY THE CITY COUNCIL OF THE CITY OF CRESCO, IOWA.

The Amended and Restated (2016) Cresco Urban Revitalization Plan allows property tax exemptions as follows:

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. Actual assessed value must increase at least 10% due to the improvements.

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. Actual assessed value must increase at least 10% due to the improvements.

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. Actual assessed value must increase at least 10% due to the improvements.

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. Actual assessed value must increase at least 10% due to the improvements.

In order to be eligible, the property must have been located in the Cresco Urban Revitalization Area when the improvements were made. The Area includes:

All property located within the Cresco corporate limits as of March 21, 2016. Any property annexed into the City in the future shall automatically be included in the Area as of the effective date of the annexation.

\*This application must be filed with the City by February 1<sup>st</sup> of the assessment year for which the exemption is first claimed, but not later than two (2) years after the February 1<sup>st</sup> following the year that the improvements are first assessed for taxation.

Address of Property: 222 N. Elm St, Cresco, IA 52136

Legal Description: S 25' E 40' Lot 7 + S 25' Lot 8 Bk. 12 Cresco Plat

Title Holder or Contract Buyer: BAM SAM JAM Rentals LLC

Address of Owner (if different than above): 754 2nd St E, Cresco, IA 52136

Phone Number (to be reached during the day): Handa Meyer

Email Address: \_\_\_\_\_

Existing Property Use:  Residential  Commercial  Split (Commercial/Residential)  Multi-Residential (with 3 or more units) Number of Separate Dwelling Units: \_\_\_\_\_

Proposed Property Use:  Residential  Commercial  Split (Commercial/Residential)  Multi-Residential (with 3 or more units) Number of Separate Dwelling Units: \_\_\_\_\_

Nature of Improvements:        New Construction  Improvements to Existing Structure

Specify: Gut + Remodeled 3 apartments, new roof, windows, exterior facade, removed garage

Permit Number(s) from the City of Cresco: \_\_\_\_\_

Date Permit(s) Issued: \_\_\_\_\_

Permit(s) Valuation: \_\_\_\_\_

Estimated or Actual Date of Completion: 12-31-23

Estimated or Actual Cost of Construction/Improvements: \_\_\_\_\_

Signature: Alanda Meyer

Name (Printed) Alanda Meyer

Title: Owner-Member

Company: BAM SAM JAM Rentals LLC

Date: 11-8-23

This Application is a summary of some of the Plan terms; for complete information, read a copy of the AMENDED AND RESTATED (2016) CRESCO URBAN REVITALIZATION PLAN, available at City Hall.

This Application must be filed with the City Clerk at City Hall, 130 N Park Pl, Cresco IA 52136.

**FOR CITY USE:**

<b>CITY COUNCIL</b>	<b>Application Approved/Disapproved</b>
	<b>Reason (if disapproved)</b> _____
	<b>Date</b> _____
	<b>Attested by the City Clerk</b> _____
<b>ASSESSOR</b>	<b>Present Assessed Value of Structure</b> _____
	<b>Assessed Value with Improvements</b> _____
	<b>Eligible or Not Eligible for Tax Abatement</b> _____
	<b>Assessor</b> _____ <b>Date</b> _____

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

**RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN  
ENGAGEMENT AGREEMENT WITH AHLERS & COONEY, P.C.  
FOR 2023 AMENDMENT TO THE URBAN RENEWAL PLAN**

WHEREAS, the City of Cresco requests services to be rendered by Ahlers & Cooney, P.C. in representing the City of Cresco to amend the Urban Renewal Plan.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor is authorized and directed to sign the Engagement Agreement with Ahlers & Cooney, P.C. in Des Moines, Iowa.

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

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Thereupon, the Mayor declared said Resolution duly passed and announced that the Engagement Agreement between the City of Cresco and Ahlers & Cooney, P.C. for professional services relating to the project described as the 2023 Amendment to the Urban Renewal Plan is approved and that the Mayor is authorized to execute the agreement on behalf of the City of Cresco.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

BY: \_\_\_\_\_  
Mayor David J. Brenno

ATTEST: \_\_\_\_\_  
City Clerk Michelle Elton



Ahlers & Cooney, P.C.  
Attorneys at Law  
100 Court Avenue, Suite 600  
Des Moines, Iowa 50309-2231  
Phone: 515-243-7611  
Fax: 515-243-2149  
[www.ahlerslaw.com](http://www.ahlerslaw.com)  
Nathan J. Overberg  
515.246.0329  
[noverberg@ahlerslaw.com](mailto:noverberg@ahlerslaw.com)

November 6, 2023

Sent via email: [cityclerk@cityofcresco.com](mailto:cityclerk@cityofcresco.com)

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

RE: Engagement Letter – 2023 Amendment to the Urban Renewal Plan

Dear Michelle:

The purpose of this Engagement Agreement (“Agreement”) is to disclose and memorialize the terms and conditions under which Ahlers & Cooney, P.C. will represent the City of Cresco, Iowa (the “City”) in connection with the 2023 Amendment to the Urban Renewal Plan (the “Amendment”) for the Cresco Urban Renewal Area (the “Urban Renewal Area”), in accordance with Iowa Code Chapter 403.

#### **SCOPE OF ENGAGEMENT**

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

1. Prepare the Amendment (“Amendment”) in accordance with Iowa Code Chapter 403;
2. Prepare letters of instructions, notices of meetings, and partial agendas for City Council proceedings related to the Amendment;
3. Prepare proceedings for a resolution setting the dates of a consultation and public hearing on the Amendment;
4. Prepare proceedings to be used on the date fixed for a public hearing and adoption of the Amendment;
5. Prepare an ordinance for the division of revenues within the Urban Renewal Area related to the Amendment under Iowa Code Section 403.19 (“tax increment financing” or “TIF”), and prepare proceedings for adoption (if necessary);



6. Answer questions and advise City staff and the Council throughout the adoption process for the Amendment; and
7. Complete a transcript file record related to the adoption of the Amendment.

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

1. Preparing the legal descriptions to be used in the Amendment;
2. Defending any legal challenges to or arising out of the Amendment, any TIF ordinance, or any urban renewal projects thereunder;
3. Confirming or calculating any potential tax increment anticipated within the Urban Renewal Area, or pursuant to a given project, or otherwise acting in a financial advisory role;
4. Administering the Urban Renewal Area or Urban Renewal Plan, any urban renewal projects, or the collection of tax increment after the adoption of the Amendment (and after completion of the transcript file on the Amendment); or
5. Any bond (finance) related services.

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

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

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

#### **FEES**

The attorneys working in the economic development practice area of the firm, including Nathan Overberg and Jenna Sabroske, will be the attorneys chiefly responsible for providing you with these legal services. However, if efficient and appropriate, we may call on other attorneys and legal assistants from time to time. The fees will be based on the hours worked by firm personnel at their hourly rates in effect at the time the work is performed. Mr. Overberg's current hourly rate is \$330 and Ms. Sabroske's rate is \$250. Work performed by other attorneys will be

billed at their current hourly rate (currently ranging from \$180-\$425 per hour). Work by legal assistants is currently billed at \$135-\$150 per hour. Our rates are generally adjusted on an annual basis, as of January 1st of each year.

It is difficult to estimate the total cost for the work, because we charge by the hour and there are many variables that impact the number of hours spent on the work. Expenses will be billed at the amount incurred. Our statement for services and expenses will be due and payable upon receipt of the invoice, which in most instances, is monthly. Should you have any questions about a statement or a fee, please do not hesitate to call. We do reserve the right to withdraw from representation for any reason, including failure to pay the monthly statement in accordance with this policy. If, for any reason, the City terminates the engagement governed by this Agreement before the completion of the services described herein, we will bill the City for the services rendered as of the date of termination based on the hourly rates of those who provided services.

### RECORDS

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

### APPROVAL

Please carefully review the terms and conditions of this Agreement. **If this Agreement accurately reflects the terms of this particular engagement, please obtain approval by the City Council, and execute, date, and return to me the enclosed copy of this Agreement. Please retain the original for your file.**

If you have questions regarding any aspect of the above or our representation, please do not hesitate to contact me. As always, we appreciate the opportunity to represent the City and we look forward to working with you on this project.

Ahlers & Cooney, P.C.

Sincerely,

By:

  
Nathan J. Overberg

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

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

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

\*Authorized by action of the governing body, approved on \_\_\_\_\_, 2023.

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

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN  
AMENDED PROFESSIONAL SERVICES AGREEMENT WITH  
MARTIN GARDNER ARCHITECTURE TO PROCEED  
WITH RENDERINGS FOR THE SCENE SHOP

The City Council of the City of Cresco met in regular session on November 20,  
2023 at 5:30 P.M. Council Members \_\_\_\_\_  
were present. Council Members \_\_\_\_\_ were absent.

Council Member \_\_\_\_\_ moved the adoption of the foregoing  
Resolution Authorizing Martin Gardner Architecture to proceed with an amended  
professional services to provide two (one interior and one exterior) renderings for the  
project described as the Scene Shop Construction Project. The amendment increases the  
cost by \$5,000. Council Member \_\_\_\_\_ 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 amended agreement for for the Scene Shop Construction Project, between the City of  
Cresco and Martin Gardner Architecture is approved and that the Mayor is authorized to  
execute the agreement on behalf of the City of Cresco.

PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

BY: \_\_\_\_\_  
Mayor David J Brenno

ATTEST: \_\_\_\_\_  
City Clerk Michelle Elton



**ORDINANCE NO. 507**

**Building and Property Regulations**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE  
CITY OF CRESCO, IOWA, BY AMENDING  
PROVISIONS PERTAINING BUILDING PERMITS

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

SECTION 1. SECTIONS MODIFIED. Chapter 155.05 and 155.06 of the Code of Ordinances of the City of Cresco, Iowa, are modified and the following adopted in lieu thereof:

**155.05 APPLICATION APPROVED.**

The Director of Public Works or Mayor shall examine applications for permits and shall, within a reasonable time, either approve or disapprove the application. If, after examination, the Director of Public Works or Mayor finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, the Director of Public Works or Mayor shall instruct the Clerk to issue the building permit to the applicant.

**155.06 APPEAL.**

If the Director of Public Works or Mayor denies an application for permit, the reasons for such denial shall be stated and the applicant notified of such denial and of the right to appeal to the Board of Adjustment. The Board of Adjustment upon appeal may affirm, modify, or reverse the determination of the Director of Public Works or Mayor; provided however, no application shall be approved and permit issued which would result in an abrogation of the intent and purpose of this chapter. The Board of Adjustment's decision may be appealed to the City Council.

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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor David J. Brenno

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

\_\_\_\_\_  
City Clerk Michelle Elton

1<sup>st</sup> Reading \_\_\_\_\_ 2<sup>nd</sup> Reading \_\_\_\_\_ 3<sup>rd</sup> Reading \_\_\_\_\_.

I certify that the foregoing was published as Ordinance No. 507 on the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
City Clerk Michelle Elton

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

RESOLUTION WAIVING THE SECOND AND THIRD READINGS AND  
CONSIDERATION OF ORDINANCE NUMBER 507 PERTAINING TO  
BUILDING PERMITS

WHEREAS, the City Council of the City of Cresco, Iowa, desires to pass Ordinance Number 507 which amends the Code of Ordinances of the City of Cresco, Iowa, by amending Chapter 155.05 and 155.06 pertaining to building permits.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Cresco, Iowa, that the second and third reading and consideration of Ordinance Number 507, be waived according to Section 380.3 of the Code of Iowa and that Ordinance Number 507 be read and considered at the City Council meeting held November 20, 2023, in the City Council Chambers at City Hall.

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

Council Members \_\_\_\_\_ voted against the adoption of the foregoing resolution.

Council Member \_\_\_\_\_ was absent from the meeting.

The Mayor thereupon declared Resolution No. 507 duly passed and adopted by at least 3/4ths affirmative vote by the council members and Ordinance Number 507 is ready to be discussed and considered.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023

\_\_\_\_\_  
Mayor David J. Brenno

ATTEST: \_\_\_\_\_  
City Clerk Michelle Elton



# Pay Bills

## PAYMENT PREFERENCES [EDIT](#)

AutoPay  Disabled

No saved payment method

## ACCOUNT SUMMARY

Amount Due:  \$108.81

Payments Processing:  \$0.00

Billed Penalty:  \$9.90

If you have recently made payments online or via paper check, there may be a discrepancy between the amount due shown here and the amount owed for a brief period of time. This will be resolved once FrontDesk syncs with the Agency's Utility Billing software.

## CART

No items in cart.

*Because of the mix up in transfer - we weren't aware that we were late on this bill. We have always been on time with our payments*

[OPEN BILLS \(1\)](#) | [PAYMENT HISTORY \(5\)](#)

All  All Status  All Type

Account #7005701; Bill Date 10/31/23

Due: \$108.81

Due Date: 11/12/2023

Arrears + Penalty: \$9.90

Billed Date: 10/31/2023

Post Due  Utilities



Add to Cart

Pay Now

## Council Meeting Dates

January Council Meeting Dates – January 1<sup>st</sup> is on a Monday this year and due to the Christmas and New Year's holiday; staff's recommendation is to move both January meetings so they would be the 2<sup>nd</sup> and 4<sup>th</sup> Mondays (January 8<sup>th</sup> and January 22<sup>nd</sup>). Several reasons including:

1. There are 5 Mondays in January
2. There will be a 3-week gap from January 15<sup>th</sup> to February 5<sup>th</sup> so instead we could utilize the holiday weekend to use that big gap
3. Most end of the month invoices will not be received in time to be processed by the 3<sup>rd</sup>
4. Payroll will also need to be processed on January 3<sup>rd</sup> to be posted to the bank by that Friday

The decision is up to Council. The two options are:

- a. Reschedule to Wednesday January 3, 2024
- b. Reschedule to Monday January 8, 2024
  - a. Reschedule the second meeting to Monday January 22, 2024

City Hall will be Closed December 25<sup>th</sup> & 26<sup>th</sup> and January 1 & 2<sup>nd</sup>.

Note: Meetings in February will be the 5<sup>th</sup> and 19<sup>th</sup>.