

This document prepared by: Joseph P. Braun, 217 N. Elm St., Cresco, IA 52136 (319)547-3321

SANITARY SEWER AND SURFACE WATER DRAINAGE EASEMENT

That for and in consideration of the sum of \$1.00 (one dollar) paid by the City of Cresco, Iowa, to Grantors, Malek Builders, Inc., by Charles L. Malek, Sr. and Kathleen L. Malek, President and Secretary-Treasurer, respectively and Charles L. Malek, Sr. and Kathleen L. Malek, individually, Grantors do hereby convey to the City of Cresco, Iowa, a temporary sanitary sewer construction easement and a permanent surface water drainage easement 50.0 feet wide upon, under and across the following described real estate:

The West 50 feet of Lots 4 through 11, inclusive, Block One, Malek and Neubauer Oak Creek Addition to the City of Cresco, Howard County, Iowa

1. The City of Cresco shall have a temporary easement 50.0 feet wide for the purposes of constructing a sanitary sewer line and for the purpose of inspection, maintaining, cleaning, repairing, improving, altering, operating, enlarging and replacing the sanitary sewer line from time to time, and for any necessary appurtenances thereto, together with the right of ingress and egress over the above-described real estate to do and perform any and all acts necessary or convenient to effect the purpose for which this easement is given.
2. The City of Cresco is hereby granted a permanent easement 50.0 feet wide for the purposes of surface water drainage through the above described real estate. The City of Cresco shall be entitled to drain surface waters through the above-described real estate.
3. After the construction, installation, maintenance, repair, replacement, reconstruction, improvement, alteration or enlargement hereinabove referred to, the City of Cresco shall restore the surface of the ground to its natural condition as near as may be possible, replacing topsoil last.
4. Grantors shall have the undisturbed use of the above-described real estate insofar as such use does not interfere with the rights herein granted to the City of Cresco, except Grantors shall not erect or place any building, structure, shed or similar construction, or plant any tree or shrub on any of the above-described real estate, and the City of Cresco shall not be liable for damage occasioned by removal of or injury to such building, structure, shed, tree, shrub when the same is effected by the City of Cresco in furtherance of the purposes set forth herein.
5. Grantors represent that the easement granted to the City of Cresco as hereinabove set forth shall be superior to any mortgage or lien encumbrance existing on the above-described real estate, except to the extent of any mortgage or lien encumbrance existing on the date of the grant of the easement.

Revenue Account	Fund Description	Reason	Revenue	Expense	Fund Description	Expense Account	
TOTALS			0	0			Corrections/Reallocations
189-410-4711	Library Trust	Outreach Kits (reimbursed by Foundation)	3,500	3,500	Library Trust	189-410-6726	Revenue & Expense
098-150-4720	Fire Operating	Fire - Ins Claim & Proceeds (Truck Damage)	40,000	40,000	Fire Operating	098-150-6333	
183-443-4708	FC Trust	Rec Sponsorships / Park & Rec Uniforms	12,000	12,000	FC-Trust	183-443-6503	
TOTALS			55,500	55,500			Transfers
TOTALS			0	0			Increased Expenses
TOTALS			0	0			Increased Revenue
TOTALS			0	Total Revenue over (under) Exp			\$0
totals			55,500	55,500	Amendment #4		0
totals verified			55,500	55,500			0

Original Budget - Net Loss	(456,499)
Amendment #1 (Loss)	(874,500)
Amendment #2 (Profit)	577,500
Amendment #3 (Loss)	(237,900)
Amended Net Income (Loss)	(991,399)

ORDINANCE NO. 509

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA, BY AMENDING PROVISIONS PERTAINING TO WATER RATES, SEWER SERVICE CHARGES, AND YARDWASTE FEES

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, 2024:

- A. First 7,000 gallons used per month @ \$6.11 per 1,000 gallons. (Minimum bill is \$9.17 based on 1,500 gallons.)
- B. Next 60,000 gallons used per month @ \$5.57 per 1,000 gallons.
- C. All over 67,000 gallons used per month @ \$5.10 per 1,000 gallons.

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

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

(Code of Iowa, Section 384.84)

1. Effective July 1, 2024:

- A. First 7,000 gallons used per month @ \$12.84 per 1,000 gallons. (Minimum Bill is \$19.26 based on 1,500 gallons.)
- B. Next 60,000 gallons used per month @ \$11.70 per 1,000 gallons.
- C. All over 67,000 gallons used per month @ \$10.72 per 1,000 gallons.

SECTION 3. Chapter 92, Section 05 (1) (5), and (6) of the Code of Ordinances of the City of Cresco, Iowa, is repealed and the following adopted in lieu thereof:

92.05 SERVICE DISCONTINUED. Water service to delinquent customers shall be discontinued in accordance with the following:

(Code of Iowa, Section 384.84)

1. Notice. The Clerk shall notify each delinquent customer that service will be discontinued if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance. In the event that the City tags doors of delinquent customers prior to discontinuance of service, as final notice of shutoff, a \$75.00 service fee shall be charged.

5. Reconnection Fees. A fee of \$50.00 shall be charged for shutting the water off and a fee of \$50.00 shall be charged before the service is restored to a delinquent customer. No service fees shall be charged for the usual or customary trips in the regular changes in occupancies of property.

6. (DELETED)

SECTION 4. Chapter 92, Section 06, of the Code of Ordinances of the City of Cresco, Iowa, is repealed and the following adopted in lieu thereof:

92.06 SERVICE AFTER HOURS. All water services will be conducted during normal business hours 8:00 AM to 4:00 PM, Monday through Friday. Requests after normal business hours for services, including (but not limited to) repairs, water on requests, or water off requests shall be billed a minimum fee of \$150.00.

SECTION 5. 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, 2024:

- A. \$10.94 per 1,000 gallons within City limits. (Minimum bill is \$16.41 based on 1,500 gallons.)
- B. \$21.88 per 1,000 gallons outside City limits. (Minimum bill is \$32.82 based on 1,500 gallons.)
- C. \$10.94 per 1,000 gallons for high volume users that are subject to Industrial Sewer Rental Agreements with the City.
- D. \$7.20 per pound per day BOD5 x 30-day average BOD5 (ppd) for users subject to Industrial Sewer Rental Agreements with the City (where BOD5 refers to biochemical oxygen demand).

SECTION 6. Chapter 106, Section 08 (2), of the Code of Ordinances of the City of Cresco, Iowa, is repealed and the following adopted in lieu thereof:

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

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

- 2. Yard Waste. The fee for collection of yard waste is \$2.00 per month for each residential and commercial premises.

SECTION 7. 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 8. 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 _____, 2024.

Mayor Alexander Fortune

ATTEST: _____
City Clerk Nicole Hill

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

I certify that the foregoing was published as Ordinance No. 509 on the _____ day of _____, 2024.

City Clerk Nicole Hill

Dear Council,

I am April Halverson. I'm writing to have you review my recent water bill that was due May 12, 2024. I did not receive my bill in a timely manner as shown in a screenshot attached. It arrived in my mailbox on May 11, 2024. I, like most humans, don't remember when every bill is due. When it comes, we pay it and don't think about it. Since May 11th was a Saturday, I did not get to my mailbox until May 13th, Monday. It was already late at that point. I normally have enough time to wait till the weekend to pay my bills all at once. Well Wednesday night came around and it dawned on me it was past the 12th and my water bill was due. Luckily for me I have the USPS website that shows me the mail I have received and when I received it. I believe the one day before the bill is due is unreasonable as not everyone gets their mail every day. We are all human and have a lot more to worry about than everyday our bills are due as I personally have about 7 bills monthly that all have different due dates. I haven't been late on a water bill before this time, and I normally get a week or more to pay it after receiving the bill. I would like to have the \$5.94 reimbursed to me.

Thank you,

April Halverson

April Halverson

Mailed 4/26/24

6:44

85

May 14
6:39 PM

Edit

Hi, April.

4 mailpieces

0 packages

Arriving soon at
611 3RD AVE W CRESCO IA 52136-1219

Yesterday(2)

Sunday(0)

Saturday(1)

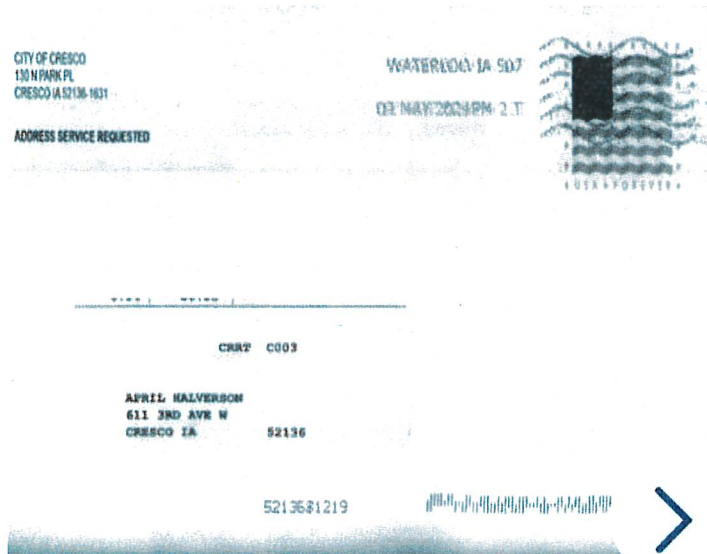
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ScreenShot
May 14

Yesterday=
May 13

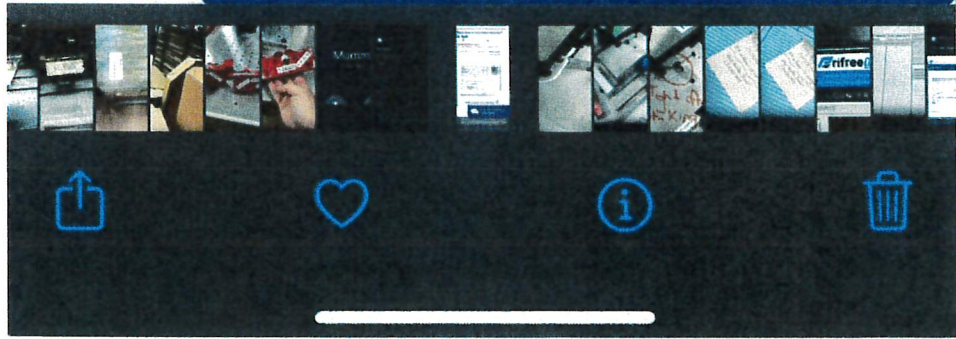
Sunday=
May 12

Saturday=
May 11



I didn't receive this mailpiece. ⓘ

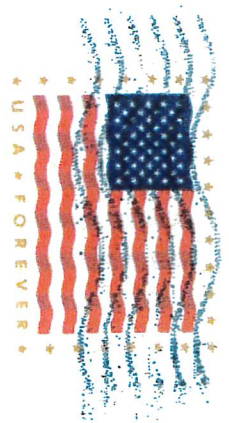
Get Online Assistance
Chat Now!



F CRESCO
PARK PL
CO IA 52136-1631

POSTAGE SERVICE REQUESTED

UNITED STATES
POSTAL SERVICE



5213681219



ORDINANCE NO. 511

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

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

SECTION 1. SECTIONS MODIFIED. Chapter 52 Section 03, 04, and 05 of the Code of Ordinances of the City of Cresco, Iowa, are modified and the following adopted in lieu thereof:

52.03 CITY ACTION.

If a property owner refuses or fails to cut grass longer than six inches and fails to cut or destroy weeds, vines, brush or other growth that constitutes a health, safety, or fire hazard the Public Works Director may cause said grass longer than six inches to be cut and cause said weeds, vines, brush or other growth to be cut or destroyed, and the cost and expenses thereof shall be assessed to the property owner after due notice is given. The amount of such assessment shall be certified to the County Treasurer, as provided by law, and the same shall be collected with and in the same manner as general property taxes.

52.04 DUTY OF ADJOINING PROPERTY OWNER.

The owner of the real estate adjoining a boulevard, being the portion of the right-of-way owned by the City lying between the edge of the public road or street to the edge of the real estate owned by the property owner, shall maintain the boulevard property. That is the adjoining property shall be responsible for cutting the grass longer than six inches and cutting or destroying the weeds, vines, brush, or other growth on the boulevard property. The Public Works Director may cause said grass longer than six inches to be cut and cause said weeds, vines, brush, or other growth to be cut or destroyed and the cost and expense thereof shall be assessed to the adjoining property owner after due notice is given. The amount of such assessment shall be certified to the County Treasurer, as provided by law, and the same shall be collected with and in the same manner as general property taxes.

52.05 NOTICE.

If the City determines that an owner or occupant is failing to maintain property as provided for above, the Public Works Director may direct that a notice be served on the owner or occupant directing said owner or occupant to cut or mow as required within a specified time. Notice may be served either personally or by mailing the notice to the last known address of the owner or occupant.

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 _____, 2024.

Mayor Alexander Fortune

ATTEST:

City Clerk Nicole Hill

1st Reading (Summary) _____ 2nd Reading _____ 3rd Reading _____.

I certify that the foregoing summary was published as Ordinance No. 511 on the ___ day of _____, 2024.

City Clerk Nicole Hill

RESOLUTION NO. _____

RESOLUTION WAIVING THE THIRD READING AND CONSIDERATION OF
ORDINANCE NUMBER 511 PERTAINING TO
WEEDS

WHEREAS, the City Council of the City of Cresco, Iowa, desires to pass Ordinance Number 511 which amends the Code of Ordinances of the City of Cresco, Iowa, by amending Chapter 52.03, 52.04, and 52.05 pertaining to weeds.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Cresco, Iowa, that the third reading and consideration of Ordinance Number 511, be waived according to Section 380.3 of the Code of Iowa and that Ordinance Number 511 be read and considered at the City Council meeting held June 3, 2024, 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. 511 duly passed and adopted by at least 3/4ths affirmative vote by the council members and Ordinance Number 511 is ready to be discussed and considered.

PASSED THIS _____ DAY OF _____, 2024

Mayor Alexander Fortune

ATTEST: _____
City Clerk Nicole Hill

RESOLUTION NO. _____

RESOLUTION NAMING DEPOSITORIES

WHEREAS, the City of Cresco deposits funds in accordance with all applicable provisions of Iowa Code Chapter 12C as amended; and

WHEREAS, the City of Cresco uses the current depository resolution and additional written guidelines for investing its public funds; and

WHEREAS, the following financial institutions are in compliance with the above provisions of the Iowa Code.

NOW THEREFORE BE IT RESOLVED by the City of Cresco Council that the following financial institutions are hereby authorized to accept deposits of the City of Cresco in amounts not to exceed the maximum approved for each respective financial institution as set out below.

<u>Depository Name</u>	<u>Maximum Balance</u>
Cresco Bank & Trust Cresco, Iowa	\$16,000,000
CUSB Bank Cresco, Iowa	\$16,000,000
Iowa Public Agency Investment Trust West Des Moines, Iowa	\$16,000,000

PASSED AND ADOPTED THIS 3rd DAY OF JUNE, 2024.

Mayor Alexander Fortune

Attest: _____
City Clerk Nicole Hill

Attached is a copy of the quote for a new snow blade for the new maintainer. Since the bracket that is needed is already attached, it saved \$5,827. They are offering a trade in allowance of \$20,800.

Originally, we put a minimum of \$25,000 bid on the maintainer. No bids were received. If we try to sell on an auction, we will pay a minimum of 8% of the selling price.

The estimated budget for the maintainer and wing was \$114,000, with an expected sale estimate of \$25,000, so the quote is right in the ballpark of where we thought it would be.

Sample

ORDINANCE NO 508

DECLARATION OF SNOW EMERGENCY AND PARKING REGULATIONS

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA BY ADDING PROVISIONS PERTAINING TO DECLARING A SNOW EMERGENCY AND PARKING REGULATIONS

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

SECTION 1. SECTION MODIFIED. Section 69.10 of the Code of Ordinances of the City of Cresco, Iowa, is modified and the following adopted in lieu thereof:

69.10 SNOW REMOVAL. Whenever the city experiences a snowfall which accumulates to a depth of two inches or more, a snow emergency shall automatically be in effect and all procedures prescribed by Chapter 82 shall be observed by all persons. A snow emergency shall also be in effect whenever the street commissioner or designee, in exercise of sound judgement and discretion, determines that a snow or ice emergency exists or is expected to occur, requiring the removal of snow or ice from the public streets and alleys.

SECTION 2. NEW SECTION. The Code of Ordinances of the City of Cresco, Iowa, is amended by adding a new Chapter 82 entitled DECLARATION OF SNOW EMERGENCY AND PARKING REGULATIONS, which is hereby adopted to read as follows:

CHAPTER 82

DECLARATION OF SNOW EMERGENCY AND PARKING REGULATIONS

82.01 DECLARATION OF SNOW EMERGENCY. Whenever the city experiences a snowfall which accumulates to a depth of two inches or more, a snow emergency shall automatically be in effect and all procedures prescribed by this chapter shall be observed by all persons. A snow emergency shall also be in effect whenever the street commissioner or designee, in exercise of sound judgement and discretion, determines that a snow or ice emergency exists or is expected to occur, requiring the removal of snow or ice from the public streets and alleys.

82.02 NOTICE TO THE PUBLIC.

- A. Notice. The street commissioner or designee shall declare such emergency in writing, file the same with the city clerk, and cause notice of such emergency to be given to the public by social media, press, radio, or television. Failure of a person to receive such a notice shall not constitute a defense to any prosecution for violation of the rules, regulations and procedures prescribed by this chapter.
- B. General duration. A snow or ice emergency shall be in effect starting a minimum of four hours after the earlier of either:
 - 1. The accumulation of snow or ice to a depth of two inches or more within a twenty-four-hour period; or

2. Such emergency is declared by the street commissioner or designee; and such snow or ice emergency shall continue for forty-eight hours.
- C. Extension. The duration of the snow or ice emergency may be extended at the discretion of the street commissioner or designee. Notice for such an extension shall be given in the manner prescribed in Section 82.02.A.

82.03 ALTERNATE PARKING OF MOTOR VEHICLES.

- A. While a snow emergency is in effect, curbside parking of motor vehicles shall be permitted only as follows: On even-numbered calendar days between the hours of 12:01 a.m. (midnight) and 8:00 p.m., all vehicles shall be parked on the side of the street where buildings bear even numbers. On odd-numbered calendar days between the hours of 12:01 a.m. (midnight) and 8:00 p.m., all vehicles shall be parked on the side of the street where buildings bear odd numbers.
- B. Alternate side parking during a snow emergency shall not supersede existing parking restrictions except in areas where posted.

This is a sample ordinance. Will need to discuss violations.

~~**82.04 REMOVING VIOLATORS FROM THE STREET.** In case any motor vehicle is found parked on any street or alley in the city in violation of established or snow emergency restrictions, the police department or the streets department, or anyone under their direction, is authorized to move such vehicle and to tow such vehicle to a designated impounding area at the owner's expense. When such vehicle is reclaimed by its owner, there shall be assessed, in addition to any court imposed fine and costs, a reasonable fee for towing and storage. Neither the city nor its employees or agents designated to move vehicles in accordance with the provisions of this chapter shall be responsible for any damage to such vehicle occasioned by such moving, towing, or storage.~~

~~**82.05 INTERFERENCE WITH SNOW REMOVAL.** Any vehicle parked or standing on any street or alley in violation of any provision of this chapter so as to interfere with prompt and orderly snow removal, is declared to be a nuisance, and in addition to being subject to removal and impounding, may be ticketed for illegal parking and its owner, upon conviction, shall be deemed guilty of a misdemeanor and shall be subject to fine or imprisonment as prescribed in Chapter 4 of this code.~~

~~**82.06 RECLAIMING IMPOUNDED VEHICLES.** Any person who removes an impounded vehicle from any police designated impounding area without first paying all fines, costs, towing and storage charges, is guilty of a misdemeanor under this chapter.~~

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.

ADOPTION OF ORDINANCE NO. 508

Council Member _____ moved the adoption of the foregoing Ordinance 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 adoption of the foregoing Ordinance:

And the following Council members voted against the adoption of the foregoing Ordinance:

The Mayor thereupon declared the Ordinance passed and adopted by affirmative vote by the Council and Ordinance No. 508 is approved and adopted this _____ day of _____, 2024.

CITY OF CRESCO

BY _____
Mayor Alexander Fortune

ATTEST:

BY _____
City Clerk Nicole Hill

Summary of Ordinance No. 508:

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that a summary of the foregoing was published as Ordinance No. 508 on the ____ day of _____, 2024.

City Clerk Nicole Hill

Good morning,

I attended the Iowa League of Cities nuisance conference last week. I learned a lot from the speakers.

It was mentioned (more than once) that a successful nuisance program includes a “**Clean-up day**” where people can get rid of their junk for little or no charge. I believe the last one we did in Cresco was around 7 years ago. It was also stated that a successful program includes a “plan of attack” that is laid out ahead of time.

I would like everyone to consider planning a work session to discuss what our priorities should be. Do we want to focus on any one area such as:

- Vehicles
- Houses/garages in disrepair
- Junk/garbage on properties
- Businesses with multiple issues
- Abandoned houses/properties
- Other

I have addressed around 20 nuisances since taking over. I will call the person or send a letter. Most of the people have responded and taken care of the issue. Some have asked for an extension for various reasons, and I have accommodated most of those requests.

The time involved for each nuisance varies. Once I get notified that there may be a nuisance violation, I go and look at it, and take some pictures. I then come back and type up the notice, include the pictures and copies of the ordinances, and send the notice via Certified mail. The complete process for this one issue will take around 45-60 minutes. If the issue is not abated, the next step is to get our attorney involved. He draws up a Municipal Infraction letter, and then sets up a hearing with the Magistrate Judge. This part will cost around \$500. If there is still no resolve, the next step would be for us to get a court order, and go in and abate the issue. John Anderson told me that will cost \$1,000-\$2,000 dollars in attorney fees, plus whatever other expenses are involved.

One big question we have to answer is: “How much do we want to spend to get what we want?” In our next fiscal year, we have \$6,000 budgeted (for attorney fees) to address these nuisances. I have a feeling that will not be enough.

I have attached one of properties that I have addressed. This one had two different issues. Soon after the owner received the letters, he came into my office and apologized, and then abated the issue.

I will discuss this at the next Council meeting, and hope that we can set up a work session to keep on the right track.

Feel free to reach out with any questions.

Thanks!

Dave Brenno