

NOTICE AND CALL OF PUBLIC MEETING

GOVERNMENTAL BODY: THE CITY COUNCIL OF CRESCO, IOWA
DATE OF MEETING: MAY 20, 2024
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, FOSAAEN, 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. Minutes from May 6, 2024
4. Minutes from May 6, 2024 Special Meeting
5. Approval of Retail Cigarette/Tobacco Permit for Howard County Jail
6. Approval of Special Class C Retail Alcohol License (BW) with Outdoor Service to Atomic Pizza Pub LLC d/b/a Atomic Pizza Pub (Expand Outdoor Service Area for Music Events) for May 30, 2024
7. Approval of Special Class C Retail Alcohol License (BW) with Outdoor Service to Atomic Pizza Pub LLC d/b/a Atomic Pizza Pub

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. Andy Ludeking to Discuss Possible Sale of City Land
2. Set Public Hearing for Budget Amendment #4 for Fiscal Year Ending June 30, 2024
3. Set Public Hearing to Amend Chapter 92 Sections 02, 03, 05, and 06, Chapter 99 section 02, and Chapter 106 section 08 in the City of Cresco Code of Ordinances Pertaining to Water Rates
4. First Reading of Proposed Ordinance 509 which Amends Chapter 92 Sections 02, 03, 05, and 06; Chapter 99.02; and Chapter 106 section 08 of the Code of Ordinances of

the City of Cresco, Iowa, Pertaining to Water Rates, Sewer Service Charges, and Yardwaste Fees

5. First Reading of Proposed Ordinance #511 to Amend Chapter 52 Sections 03, 04, and 05 in the City of Cresco Code of Ordinances Pertaining to Weeds
6. Resolution Waiving the Second and Third Reading and Consideration of Ordinance Number 511 Pertaining to Weeds
7. Discuss Sale of Maintainer
8. Discuss New Customer Packets
9. Possible Motion to Authorize the City Clerk to Sign an Offer of Employment for the Part-Time City Hall Position
10. Discuss Date Restrictions for Supervised Display of Fireworks

ADJOURN:

THIS NOTICE IS GIVEN AT THE DIRECTION OF THE MAYOR PURSUANT TO CHAPTER 21, CODE OF IOWA AND THE LOCAL RULES OF SAID GOVERNMENTAL BODY. POSTED MAY 17, 2024.

Mayor Fortune called the Cresco City Council meeting to order on May 6, 2024 at 5:30 pm. Council Members Carman, Fosaaen, Bouska, McConnell, and Kriener were present. No council members were absent.

Carman made the motion to approve the consent agenda which included approval of the agenda; claims; minutes from the April 15, 2024 meeting; minutes from April 22, 2024 special meeting; street closing for portions of 2nd Ave W (parking spaces and sidewalk) for Steven Stone/Atomic Pizza Pub to expand their patio for music events on: May 30, 2024, June 13, 2024, July 11, 2024, July 27, 2024, August 15, 2024, and September 14, 2024; Parade Permit for portions of North Elm St, Division St, and 11th Ave W for the Nursing Home Week Parade on May 17, 2024. Bouska seconded and it passed all ayes.

Public Works Director Brenno reported: (a) the Water Department had two water main breaks on April 17th. They have been busy replacing fire hydrants; (b) CIT is working in the northeast section of town. They are almost finished, but will have some easement work to do check the mains that can only be accessed through the back yards of the residents. There will be some repair work to fix some sections this summer; (c) attended a planning and zoning meeting in Decorah; (d) on Arbor Day, we planted a tree in honor of Dale Turnmire at City Hall.

Police Chief Ruroden submitted the April Police report. He reported that accident calls were up. Officers attended a training in April on narcotics. The K-9, EmmyLou, has been selected and will have a checkup with the local vet. It is estimated she will be in service in July.

City Clerk Hill reported: (a) attended IMFOA in April. There are a few small changes due to legislation, but no major changes this year; (b) busy with month-end, rates, and ordinance changes; (c) monthly financials were included in the packet. Will be working on a final budget amendment due to some urgent repairs; (d) openings on the Airport Commission, Park Board, Library Board, and Theatre Commission. Applications are available online or at City Hall and due by May 31st; (e) Black Hills is proposing to increase their rates over the next year. The proposed increase is about 12% and will be submitted to IUB.

Mayor Fortune recognized three employees with service anniversaries in May and thanked them for their dedication and years of service to the City and residents: Mike Born – Sewer Dept 14 years; Brandon Kerian – Fitness Center 3 years; Sam Fotiadis - Police Dept 4 years;

Mayor Fortune asked for comments from the audience and there were none.

Scott Huneke from WHKS updated Council on the 7th St W Reconstruction Project. The contractor is finishing up the concrete roadway and will work on driveways and restoration next week. The road is estimated to be open around Memorial Day. Kriener made a motion to approve Pay Request #6 for \$333,450.00 to Generation X Construction, LLC for the 7th Street West Reconstruction Project. Fosaaen seconded and it passed all ayes.

Jayne Rustad questioned Council on why the curb and gutter on north side of 5th Ave SW had not been completed yet. Brenno explained that due to the layout of the property the original plan would not be feasible. He said that it is likely that engineering would need to be involved to complete the curb and gutter. Scott with WHKS will look at the property and explore options.

Mayor Fortune read a statement regarding the County Store.

Bootie Kapler, a member with the Howard County Charitable Foundation Board, explained that the PWD stopped at the County Store to discuss their building and outside storage area. Brenno explained the nuisance property ordinance. Fosaaen made a motion to have the Public Works Committee meet with the Howard County Charitable Foundation Board to find a solution to bring the property into compliance. McConnell seconded and it passed all ayes.

Carman made the motion to approve the resolution directing Alliant Energy to install two street lights south of 5th Ave SW. McConnell seconded and it passed all ayes.

No bids were received on the 1984 CAT motorgrader. Hill explained that the dealer is interested in doing a trade-in towards wing for snow removal, but won't have more information until the May 20th meeting.

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

Bouska made the motion to approve the resolution authorizing transfer of funds for FY 2024 (May and Recurring transfers). Carman seconded and it passed all ayes.

Bouska made the motion to approve the resolution authorizing the change in authorized business officers for the City of Cresco credit cards to Nicole Hill and David Brenno. Carman seconded and it passed all ayes.

McConnell made the motion to approve the resolution approving wage increases for specified permanent full-time employee. Kriener seconded and it passed all ayes.

McConnell made a motion to establish an Employee Relations Committee for calendar year 2024. Kriener seconded and it passed all ayes.

Council Members McConnell and Kriener were appointed to the Employee Relations Committee.

Discussion was held on the water shut off and reconnection fees. Carman made a motion to increase the shut off notice fee to \$75, the reconnection fee from 8 am – 4 pm to \$50 water off and \$50 water on (\$100), and \$150 for after hours reconnection. McConnell seconded and it passed all ayes.

Discussion was held regarding amending the water and sewer rate ordinances. Due to less demand in FY24, staff recommends a 7% water increase and 9% sewer increase and yard waste to increase by \$0.25 due to the increase in cost to operate and DNR requirements. Council was hesitant to increase the rates but due to upcoming projects and increase in operational costs, believe it is necessary. Council and staff will continue to look for ways to efficiently run both departments and ways to cut expenses without impacting services. Carman made the motion to do a 7% increase on water rates and 9% on sewer rates. Bouska seconded and Fosaaen, Carman, Bouska, and McConnell voted aye. Kriener voted nay. The motion passed by majority vote.

Kriener made the motion to approve the recommendation by the Planning and Zoning Commission to reappoint Mike Conlan for a term ending June 30, 2026. McConnell seconded and it passed all ayes.

Fosaaen made the motion to approve the recommendation by the Planning and Zoning Commission to appoint Katie Rieks for a term June 30, 2026. Bouska seconded and it passed all ayes.

Kriener made the motion to approve the recommendation by the Planning and Zoning Commission to appoint Scott Wiley to fulfill Brady Norman's term ending June 30, 2027. McConnell seconded and it passed all ayes.

Carman moved to adjourn the Council Meeting at 6:44 pm. Kriener seconded and it passed all ayes. The next regular Cresco City Council meeting will be May 20, 2024, at 5:30 pm at Cresco City Hall.

Mayor Alexander Fortune

City Clerk Nicole Hill

Following is a list of claims approved for payment

PAYROLL		90,410.25	LICKTEIG, STEVE	Supp	240.00
AHLERS	Attny	390.00	MASON CITY TIRE SVC	Parts	5,219.94
ALLIANT	Elect	11,300.02	MEHMERT TILING	Svcs	4,338.43
RED CROSS	Cert	690.00	MEINECKE, STEVE	DpAp	68.05
BIWER, MARSHA	DpAp	80.00	METERING & TECH	Meters	2,929.68
BLACK HILLS	Gas	5,308.89	MLADY, JONELLE	DpAp	59.33
BOB'S ELECTRIC	Svcs	813.83	NELSON, PHILIP	DpAp	59.33
BODENSTEINER	Parts	234.60	NEIA MOTORS	Svcs	881.79
BORN, MICHAEL	Reimb	18.42	O'DONNELL INS	Ins	140.00
BROWN, ANGELA	DpAp	16.70	O'HENRY'S	Supp	2,638.50
BRUENING	Supp	586.58	PAZ, EDGAR	DpRf	80.00
BURKE, MADISON	DpAp	80.00	PETTY CASH	Postage	107.04
CARDMEMBER SVCS	Return	-372.00	PLUNKETT'S	Svcs	699.15
CARRICO	Chems	1,084.46	POSTMASTER	Postage	681.08
CITY LAUNDERING	Svcs	195.73	PRECISION OVERHEAD	Svcs	166.50
CITY OF CRESCO	Util	1,896.95	RELIANCE	Ins	249.40
CMI	Supp	228.46	ROBERT LUTZ	DpAp	59.33
COMPUTERSHARE	Bond Pymt	428,387.50	RUPPERT	Supp	550.60
CR SHOPPER	Ads	234.00	RYAN, JERRY	DpAp	59.33
CR TPD	Ads	410.43	SAFETY-KLEEN	Supp	182.78
CROELL	Supp	6,267.00	SAILOR, MATTHEW	DpRf	80.00
DC COMM	Phone	31.13	SOLAR PRO	Solar	4,340.32
DECORAH ELEC	Svcs	280.00	SQUARE	Fees	35.99
DELUXE ECHOSTAR	Movie	120.00	STAR EQUIPMENT	Supp	508.16
HERNANDEZ, MARY	DpAp	100.00	ST HYGIENIC LAB	Analysis	124.50
DRIFTLESS SEC	Svcs	2,700.00	STEFFEN, ANDREA	DpAp	80.00
ECHOVISION	DpAp	38.46	TRUCK COUNTRY	Svcs	1,771.68
ELECTRIC PUMP	Supp	972.77	VERIZON WIRELESS	Wireless	383.31
EMPL BENE SYS	Fees	220.32	WHKS	Svcs	371.68
ERICKSON, SHAWN	Reimb	14.21	WILSON THEATER	Svcs	150.00
EVANS, JENNIFER	DpAp	80.00	WINDRIDGE	Parts	49.25
FAREWAY	Concess	823.55	WINDSTREAM	Phone	1,208.69
FOLEY'S	Svcs	580.00	ZORO	Supp	301.43
FORTE	Fees	299.40			
GENERATION X	Contract	333,450.00	By Fund:		
GILLETTE PEPSI	Concess	319.28	GENERAL		105,522.11
HANSON TIRE	Svcs	67.50	LOST PROJECT		5,219.94
HAWKEYE REC	Svcs	90.00	NUISANCE HOUSE		173.88
HAWKINS	Chems	40.00	FR STATION BLDG		557.17
HEWETT	Concess	540.10	CR COMM FIRE		3,291.10
HILL, NIKI	Reimb	261.30	ROAD USE TAX		20,946.12
HOINES, REBECCA	DpAp	80.00	EMPLOYEE BEN		240.64
HOVEY OIL	Fuel	1,018.05	FC TRUST		1,586.00
HOWARD COUNTY	Shared LEC	7,002.61	DEBT SERVICE		428,387.50
IA DEPT OF INSPECT	License	200.00	ST ASSESSMENT		333,450.00
IAMU	Dues	1,513.00	DWNTWN CRSSWLKS		3.31
			WATER		21,853.19

IOWA ONE CALL	One Calls	31.50	WATER DEPOSIT	290.74
IA WORKFORCE DEV	Unemp	1,283.81	SEWER OPERATIONS	15,903.95
JACKSON, CALE	DpAp	18.37	SEWER REPLC PROJ	972.77
JOHN DEERE	Supp	1,622.65	CAP IMPROVE	52.42
JOSEPH HALL	Show	1,784.00	YARDWASTE	<u>663.67</u>
KEYSTONE LABS	Analysis	1,979.75		
KWIK TRIP	Gas	4,256.41	TOTAL EXPENDTIURES	939,114.51
LICKTEIG LAWN	Supp	219.25	Revenue 4/16-5/6/24	335,632.52

Mayor Fortune called the Cresco City Council special meeting to order on May 6, 2024 at 4:30 pm. Council Members Carman, Bouska, Fosaaen, McConnell, and Kriener were present.

Discussion was held regarding the Personnel Committee roles and responsibilities. Concern was voiced about protecting employee's rights to privacy with keeping Council involved.

The committee will function as an Employee Relations Committee and assist the Public Works Director and/or City Clerk with discipline issues and grievances. The Public Works Director and Supervisors will make the hiring decisions for the public works departments and the City Clerk for City Hall staff. Hiring of employees at the supervisor level, creation of new positions, or elimination of positions will involve full Council. The City Clerk and/or Public Works Director will have the option to involve one or two council members in the hiring process. The Council will approve the recommendations of full-time hiring decisions and approve the offer of employment including rate of pay.

Clarification was made regarding the Library Board, Park Board, and Theatre Commission having the authority to hire personnel within their respective departments.

Carman moved to adjourn the worksession at 5:05 pm. Bouska seconded and it passed all ayes. The next regular Cresco City Council meeting will be May 6, 2024, at 5:30 pm at Cresco City Hall.

Mayor Alexander Fortune

City Clerk Nicole Hill

STATE OF IOWA
RETAIL
CIGARETTE and TOBACCO PERMIT

City Number 2023-08

*In accordance with laws of the state of Iowa, and the action of
the City Council of Cresco Iowa
(City)*

Business Location Name: Howard County Jail

Business Location Address: 124 S Park Place

Cresco, IA 52136

Type of Sales: Over-the-counter *Ownership Type:* County

Legal Owner Name: Howard County

Legal Owner Mailing Address: 124 S Park Place

Cresco, IA 52136

*Is hereby authorized to sell cigarettes and tobacco products at the business location address above
in the City of Cresco County of Howard, Iowa.*

*This permit is nontransferable, is effective from May 20, 20 2024 and
automatically expires on June 30, 2024, unless suspended or revoked.*

*In Testimony Whereof, I have caused the seal of the said
City Cresco to be hereunto affixed. Done at Cresco City Hall,*

in the State of Iowa, this 20th day of May, 20 24.

Issued By: _____

City of Cresco Mayor or City Clerk

This copy to be posted by the retailer where the sale is to be made in plain view of the public.



Applicant

NAME OF LEGAL ENTITY	NAME OF BUSINESS(DBA)	BUSINESS		
Atomic Pizza Pub LLC	Atomic Pizza Pub	(563) 380-9318		
ADDRESS OF PREMISES	PREMISES SUITE/APT NUMBER	CITY	COUNTY	ZIP
134 N Elm St		Cresco	Howard	52136
MAILING ADDRESS	CITY	STATE	ZIP	
134 N Elm St	Cresco	Iowa	52136	

Contact Person

NAME	PHONE	EMAIL
Michel Stone	(563) 380-9318	michelmarygoltz@yahoo.com

License Information

LICENSE NUMBER	LICENSE/PERMIT TYPE	TERM	STATUS
BW0095501	Special Class C Retail Alcohol License	12 Month	Submitted to Local Authority

TENTATIVE EFFECTIVE DATE	TENTATIVE EXPIRATION DATE	LAST DAY OF BUSINESS
June 1, 2023	May 31, 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

No Ownership information found

Insurance Company Information

INSURANCE COMPANY	POLICY EFFECTIVE DATE	POLICY EXPIRATION DATE
Grinnell Mutual	June 1, 2023	June 1, 2024
DRAM CANCEL DATE	OUTDOOR SERVICE EFFECTIVE DATE	OUTDOOR SERVICE EXPIRATION DATE
	May 30, 2024	May 30, 2024
BOND EFFECTIVE DATE	TEMP TRANSFER EFFECTIVE DATE	TEMP TRANSFER EXPIRATION DATE



State of Iowa

Alcoholic Beverages Division

Applicant

NAME OF LEGAL ENTITY	NAME OF BUSINESS(DBA)	BUSINESS		
Atomic Pizza Pub LLC	Atomic Pizza Pub	(563) 380-9318		
ADDRESS OF PREMISES	PREMISES SUITE/APT NUMBER	CITY	COUNTY	ZIP
134 N Elm St		Cresco	Howard	52136
MAILING ADDRESS	CITY	STATE	ZIP	
134 N Elm St	Cresco	Iowa	52136	

Contact Person

NAME	PHONE	EMAIL
Michel Stone	(563) 380-9318	michelmarygoltz@yahoo.com

License Information

LICENSE NUMBER	LICENSE/PERMIT TYPE	TERM	STATUS
BW0095501	Special Class C Retail Alcohol License	12 Month	Submitted to Local Authority

EFFECTIVE DATE	EXPIRATION DATE	LAST DAY OF BUSINESS
June 1, 2024	May 31, 2025	

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
Michel Stone	Cresco	Iowa	52136	Member	50.00	Yes
Steven Stone	Cresco	Iowa	52136	Member	50.00	Yes

Insurance Company Information

INSURANCE COMPANY

Grinnell Mutual

POLICY EFFECTIVE DATE

June 1, 2024

POLICY EXPIRATION DATE

June 1, 2025

DRAM CANCEL DATE

OUTDOOR SERVICE EFFECTIVE DATE

OUTDOOR SERVICE EXPIRATION DATE

BOND EFFECTIVE DATE

TEMP TRANSFER EFFECTIVE DATE

TEMP TRANSFER EXPIRATION DATE

Niki Hill

From:

Sent:

To:

Subject: Request

Attachments: Proposed Land to Acquire (Red).PNG; City Lot 3+ acres.PNG

Mayor/City Council,

I'm writing up a request for the City to consider on a lot that is just north of my property. I'll do my best to keep this short and concise. If you have questions or concerns after reading it feel free to reach me on my cell phone at 563-379-5681 or if you'd like to take a look at the property in question, I'm happy to meet any of you ahead of the May 20th council meeting.

Timeline:

--My family moved into the Webster addition back in July 2019. At the time, the city lot to the north was being maintained by Brady Norman, and before him Lowell Sovereign. Although the city does come mow it, the neighbors appreciated a weekly mowing so that it looks nice in the neighborhood and keeps snakes, mosquitoes, and rodents away from homes. I've been mowing the lot and keeping it look good since I moved in as I offered to take over that task when I moved in. I enjoy it, and I realize the city never asked any of us to do it! I'm not complaining at all, just laying out facts.

--I inquired with Nate Widell about purchase of the 3+ acre lot about 3-4 years ago, but at the time it went nowhere. I'm not sure if he ever brought it to the council or discussed it with any of you but I was told the city was not interested in selling or doing anything different at that time.

--Last summer (2023), I had Troy Scholbrock give me an estimate to build a 30x30 basketball court on my property in the NE corner. It fit on my property and did not appear to be an issue.

--Last week he showed up to begin work and realized that the elevation change was about 36" which surprised him as he thought it was 12-18" of an elevation change from south to north on the lot (slope).

--He suggested I talk to Dave Brenno about placing the court on the City property as it would make more sense if we could make something work.

--Safety

--Retaining wall would be needed around south half of court, not ideal for kids to be playing with that wall there (3')

--Land is not able to be developed, part of retention area

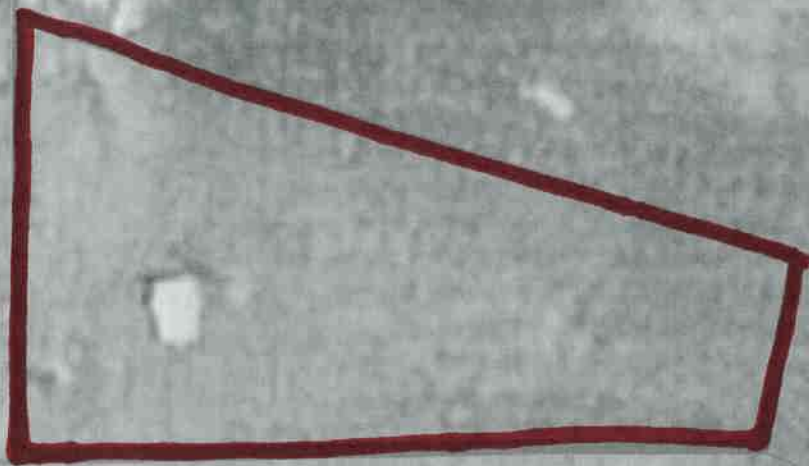
--Ease of construction, dirt moving, cost

--I've visited with Dave several times, and he suggested I visit with City Council/Mayor at next meeting.

--I'm interested in coming to some type of agreement on just the 0.15-0.20 acre portion that is outlined in red in attached picture or if the city wants to move on from the entire lot so they never have to maintain it in the future, I may have an interest in that too now or in the future.

Thank you for your consideration on this matter.

ERREIGN
WELL
TRUST
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INT



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HOVER
ISAAGE



Area 05/13/24 18:40

5/13/24, 6:40 PM

Hide on map



IA Government Lands

CITY OF CRESCO

[Overview](#) [Weather](#)

Owner

CITY OF CRESCO

County

Howard

Area (Acres)

3.94

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[Report](#)

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

RESOLUTION NO. _____

RESOLUTION WAIVING THE SECOND AND THIRD READINGS 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 second and 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 May 20, 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

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 Council 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 Council 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 by certified mail, return receipt requested, 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

Melanie Vobr is requesting to put all of the town parishes listed in the welcome packet.

Currently, it only has utilities such as cable, internet, electric, natural gas, and garbage.

Each town is different in what they put into their welcome packet.