

NOTICE AND CALL OF PUBLIC MEETING

GOVERNMENTAL BODY: THE CITY COUNCIL OF CRESCO, IOWA

DATE OF MEETING: AUGUST 20, 2012

TIME AND PLACE OF MEETING: 7:00 P.M. AT CRESCO CITY HALL

PUBLIC NOTICE IS HEREBY GIVEN THAT THE ABOVE MENTIONED GOVERNMENTAL BODY WILL MEET AT THE DATE, TIME AND PLACE SET OUT ABOVE. THE TENTATIVE AGENDA FOR SAID MEETING IS AS FOLLOWS:

ROLL CALL: CARMAN, BOUSKA, McGEE, McCARVILLE, LOVELESS

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 August 6, 2012
4. Approval of Class C Liquor License (LC) (Commercial) with Sunday Sales to Chris Ator d/b/a Cresco Lanes Sports Bar & Grill
5. Approval of Pay Request #2 from Skyline Construction Inc for 2nd Avenue East Reconstruction Project for \$95,937.70
6. Approval of Pay Request #2 (Final) to Jirak Construction for Housing Rehab Project for \$16,370.20

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

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

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

1. Public Hearing for Ordinance for Electric Franchise Agreement with ITC
2. First Reading of Proposed Ordinance 440 Electric Franchise Agreement for ITC Midwest LLC and City of Cresco
3. Resolution Waiving the 2nd and 3rd Readings of Proposed Ordinance 440 Electric Franchise Agreement for ITC Midwest LLC and City of Cresco
4. Approval of Ordinance 440 Electric Franchise Agreement for ITC Midwest LLC and City of Cresco
5. Willie Hendrickson and Kelli Best to Discuss Cresco Food Technologies LLC Surcharges
6. Resolution Authorizing Mayor and City Clerk to Enter into an Agreement with Cresco Food Technologies LLC
7. Set Next Council Meeting for Wednesday September 5, 2012 due to Labor Day Holiday
8. Set Public Hearing for City Budget Amendment for Fiscal Year Ending 6/30/13
9. Recommendation of the Theatre Commission to Appoint Alex Fortune to the Theatre Commission for a Term Expiring 6/30/2015
10. Update on Strategic Plan

11. Update Code Of Ordinances

- Chapter 77 Bicycle Licensing
- Chapter 5 Section 5.13 Residency Requirement
- Chapters 90-92 Water Service

COMMENTS FROM AUDIENCE:

ADJOURN:

THIS NOTICE IS GIVEN AT THE DIRECTION OF THE MAYOR PURSUANT TO CHAPTER 28A, CODE OF IOWA AND THE LOCAL RULES OF SAID GOVERNMENTAL BODY. POSTED AUGUST 14, 2012.

ITC Midwest LLC and City of CRESCO
Electric Franchise Agreement
NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held in the City of CRESCO, Iowa, on the 20th day of August, 2012, for the purpose of submitting to the City Council of said City, to be voted upon by them, the question of whether the public measure as shown on the published ordinance should be adopted.

ORDINANCE FOR A PUBLIC HEARING
CITY OF CRESCO, HOWARD COUNTY, IOWA

August 20, 2012

Ordinance No. 440

An Ordinance granting to ITC MIDWEST LLC, a wholly owned subsidiary of ITC HOLDINGS CORP., its successors and assigns (the "Company"), the right and franchise to acquire, construct, erect, maintain and operate in the City of CRESCO, Howard County, Iowa, a transmission system for electric power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the transmission of electric current along, under and upon the streets, avenues, alleys and public places in the City of CRESCO, Howard County, Iowa; granting the right to erect and maintain upon the streets, avenues, alleys and public places, transmission lines through the City of CRESCO, Howard County, Iowa, for the period of twenty-five (25) years; and granting the right of eminent domain.

BE IT ORDAINED BY THE City Council of the City of CRESCO, Howard County, Iowa:

Section 1. Grant.

There is hereby granted to the Company the right and franchise to acquire, construct, erect, maintain and operate in the City of CRESCO, Howard County, Iowa, a transmission system for electric power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances or equipment and substations for the transmission of electric current (collectively, the "Facilities") along, under and upon the streets, avenues, alleys and public places in the City of CRESCO, Howard County, Iowa; also the right to erect and maintain upon the streets, avenues, alleys and public places, transmission lines through the City of CRESCO, Howard County Iowa, for the period of twenty-five (25) years; also the right of eminent domain as provided in Section 364.2 of the Code of Iowa.

Section 2. Indemnification.

The Facilities shall be placed and maintained so as not to unnecessarily interfere with the travel on the streets, alleys, and public places in the City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City, and the Company shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the erection or maintenance of the transmission system.

Section 3. Relocation.

Except as provided herein below, the Company shall, at its cost and expense, locate and relocate its Facilities in, on, over or under any public street or alley in the City of CRESCO in such a manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement of, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City orders or requests the Company to relocate its Facilities for the primary benefit of a commercial or private project, or as the result of the initial request of a commercial or private developer or other non-public entity, and such relocation is necessary to prevent interference and not merely for the convenience of the City or other non-public entity, the Company shall receive payment for the cost of such relocation as a precondition to relocating its Facilities. The City shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause the Company unreasonable additional expense in exercising its authority under this section. The City shall also provide a reasonable alternate location for the Company's Facilities. The City shall give the Company reasonable advance written notice to vacate a public right-of-way. Vacating a public right-of-way shall not deprive the Company of its right to operate and maintain existing Facilities until the reasonable cost of relocating the same are paid to the Company.

Section 4. Modern System.

The system authorized by this Ordinance shall be modern and up-to-date and shall be kept in a modern and up-to-date condition.

Section 5. Pruning.

To promote public safety in proximity to its Facilities and to maintain electric reliability, the Company is authorized and empowered to prune or remove at Company expense any trees or shrubs or parts thereto extending into any street, alley, right-of-way or public grounds. The pruning shall be completed in accordance with the then-current nationally accepted safety and utility industry standards, as revised and updated from time to time.

Section 6. Continuous Service.

Service to be rendered by the Company under this franchise shall be continuous unless prevented from doing so by fire, Acts of God, unavoidable accidents or casualties, or reasonable interruptions necessary to properly service the Company's equipment, and in such event service shall be resumed as quickly as is reasonably possible.

Section 7. Non-exclusivity.

The franchise granted by this Ordinance shall not be exclusive.

Section 8. Severability.

If any section, provision, or part of this Ordinance shall be adjudged to be 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 9. Term of Agreement.

The term of the franchise granted by this Ordinance and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the Company, as herein provided. The anniversary date shall be the date this franchise is filed with the City Clerk or otherwise becomes effective by operation of law.

Section 10. Publication Expenses.

The expense of the publication of this Ordinance shall be paid by the Company.

Section 11. Repeal of Conflicting Ordinances.

All ordinances, or parts of ordinances, insofar as they are in direct conflict herewith, are hereby repealed.

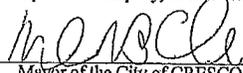
Section 12. Acceptance.

The franchise granted by this Ordinance shall be conditioned upon acceptance by the Company in writing. The acceptance shall be filed with the City Clerk within ninety (90) days from the passage of this Ordinance.

ITC Midwest LLC and City of CRESCO
Electric Franchise Agreement

Section 13. Closing.

This Ordinance sets forth and constitutes the entire agreement between the Company and the City of CRESCO with respect to the rights contained herein, and may not be superseded, modified or otherwise amended without the approval and acceptance of the Company. Upon acceptance by the Company, this Ordinance shall supersede, abrogate and repeal any prior electric system ordinance between the Company and the City as of the date this Ordinance is accepted by the Company. Notwithstanding the foregoing, in no event shall the City enact any ordinance or place any limitations, either operationally or through the assessment of fees, that create additional burdens upon the Company, or that delay utility operations.

Attest:  Mayor of the City of CRESCO, Iowa
Michelle J. Jostano
City Clerk of the City of CRESCO, Iowa

The place for said public hearing shall be City Hall
on the 20th day of August 2012 at 7:00 o'clock p.m.

1. Financial Statements – Good cash balance and on budget besides amendment items.
2. National Night Out – Big success and was nice to see so many firemen and police officers representing the City and having positive interactions with the citizens.
3. ITC Franchise Agreement – as discussed at last meeting this will be a 25 year agreement. You may vote to waive the 2nd & 3rd readings of the Ordinance if approved by 4 Council Members.
4. Cresco Food Technologies – Please read Rod's letter to Council regarding the surcharges. The Public Works Committee had met to discuss this issue and decided not to waive any charges. Therefore, Willie and Kelli have requested to address the entire Council to plead their case. We must be strict on compliance but you may waive some of the fees in good faith.
5. Budget Amendment – Please see my summary of budget amendment items that have come up since we did the original budget back in January. Again, we are using many of our reserves instead of borrowing at this time. You will note the biggest items are the new fire truck, watermain looping project (5th Ave SW only), Theatre repairs and Industrial Park Feasibility Study. This brings our budgeted loss to \$779,510 for the year.
6. Strategic Plan – One of the items brought forward in the Strategic Plan was to keep the public informed on how their tax dollars are spent. Mark, Rod and Michelle are working on an article to be published in the paper explaining some of the issues we are currently facing and future projects that will be needed to be done. We will give an update on where we are compared to what we proposed to be doing in the action plans of the Strategic Plan.
7. Ordinance Ch 77 Bicycle Licensing - We are proposing to eliminate this whole chapter. Very few bikes are actually registered and we really are not following all of the items in this Ordinance. We will continue to register bikes and put a sticker on the registered bikes for anyone wanting to do it for \$1.00. Basically, it is just a service for people if their bike is lost or stolen so we have the number on the frame of the bike recorded here.
8. Ordinance - Residency Requirements – We are proposing changing the requirement that Public Works and Police must live within 3 miles of city limits. This would just make it consistent with the Fire Department.
9. Ordinance – Water Service – On Thursday Tim, Rod and Michelle are reviewing the existing code with the proposed code that was presented to us. This will be sent out on Friday for you to review with our recommendations.

I will be gone on Wednesday so if additional items come in for the agenda or packet, I will send them out on Friday.

Michelle

The Cresco City Council met August 6, 2012, at 7:00 pm at City Hall. Council members Carman, Bouska, McGee, McCarville and Loveless were present. No council members were absent.

Bouska moved to approve the consent agenda which included approval of the: agenda; claims; July 16, 2012 minutes; July 18 worksession minutes; excavator license for Mracek Plumbing, Heating & Electric LLC; Class C Beer Permit (BC) with Sunday sales to Kwik Trip, Inc dba Kwik Star #428; parade permit for Cresco Area Chamber of Commerce for 9/15/12; pay request #6 – final for Magney Construction for WWTP Biosolids Handling and Storage Improvements Project for \$15,847.38. Loveless seconded and it passed all ayes.

Public Works Director Rod Freidhof reported: (a) Scene Shop roof repairs will be more than budgeted because 5 sheets of decking need to be replaced; (b) Street Dept finished chip sealing and will start working on trees; (c) Water & Sewer are still fixing patches from main breaks; (d) waiting to hear back from Cresco Foods regarding the treatment agreement; (e) Well #3 was hit by lightning and hopefully insurance will cover damages. Repair of the motor will cost about \$10,000 and new motor about \$13,000; (f) street shop roof investigation is still ongoing.

Police Chief Tim Ruroden distributed monthly reports and reported that Officer Godman is organizing the National Night Out. The police bike that was purchased from donations will also be on display. The speed trailer was set up on various streets and they received positive feedback. Council Member McGee rode with the police one night to observe and she reported that it was enlightening to see what they do and she commended them on doing a good job.

City Clerk Michelle Girolamo reported: (a) the debt obligation report was completed showing the \$3 million dollars we owe and interest rates ranging from 2.5% to 4.25%; (b) Iowa DOT reported total crashes were reduced by 50% and injuries by 64% on Highway 9 after the conversion from 4 lanes to 3 lanes; (c) Jason Connor resigned from Upper Explorerland so Karla Organist will be finishing our comprehensive plan; (d) Mediacom sent a notice that rates will be increasing \$2-\$3 per package due to increased costs. They requested that City officials contact Congress and the FCC to change regulations to help keep costs lower for pay television; (e) Black Hills Energy reported that in the past year they contributed \$750 for trees, weatherized a home in Cresco, awarded \$33,083 in rebates to Cresco residents, and contributed to the Fine Arts, After-Prom and the Chamber.

Mayor Bohle opened a public hearing to request an extension of time to respond to a nuisance abatement notice. Lois Kennedy submitted a letter requesting an extension until September. She informed Council that it has been going faster than expected and that it should be done in about a week. Council extended the deadline to September 1, 2012.

Jason Passmore explained a street closing request regarding the Norman Borlaug Fest September 13-16th. There will be an expanded trailer housing a traveling museum on North Elm Street. Tom & Sue Barnes arranged for the Monsanto sponsored trailer to come to the Fest. It will be set up Thursday night and the school will be having tours on Friday. It will then be opened to the public Friday night and Saturday. Loveless made the motion to approve the street closing requests for the Norman Borlaug Fest. Carman seconded and it passed all ayes.

Loveless made the motion to set a Public Hearing for August 20, 2012 for an Ordinance for an Electric Franchise Agreement with ITC. Carman seconded and it passed all ayes.

Carman made the motion to approve a resolution authorizing the Mayor and City Clerk to enter into an agreement with Iowa DOT for an Airport Improvement Program to update the master plan. This grant is for 85% of the estimated \$50,000 cost. Loveless seconded and it passed all ayes.

Loveless made the motion to accept the recommendation of the Theatre Commission to reappoint Fran Burke to the Theatre Commission for a three year term expiring 6/30/2015. Bouska seconded and it passed all ayes.

McGee made the motion to accept the recommendation of the Theatre Commission to appoint Christine Minear to the Theatre Commission for a three year term expiring 6/30/2015. Loveless seconded and it passed all ayes.

Bouska made the motion to approve the resolution accepting public improvements for the Airport North Apron Rehabilitation Project. Carman seconded and it passed all ayes.

Loveless made the motion to approve the resolution accepting public improvements for the Airport Runway Pavement Repair Project. Carman seconded and it passed all ayes.

Bids were presented for a new loader for the Street Department. Caterpillar's bids of \$139,735 and \$113,535 were disregarded because they did not meet the spec on the power shift transmission and the tier IV motor respectively. JCB bid of \$82,981 was disregarded because it did not include all required equipment including the clam bucket. John Deere bid of \$100,644 did not meet specs because they don't make a tilt hood. This was not considered important as the tilt hood would not make a difference in the performance of the equipment. Case bid of \$100,984 met all specs. Both Caterpillar and John Deere explained their inability to meet the spec requirements before submitting their bids so that we were aware of the issues prior to reviewing the bids. Loveless made the motion to accept the John Deere bid of \$100,644. McGee seconded and it passed all ayes.

Steve McCarville reported that Campsite LLC did not accept the proposal regarding voluntarily annexation in exchange for sharing the cost of looping the watermain. He suggested that the watermain not be done at this time. Council discussed whether to proceed with the watermain looping project at this time. Loveless felt it should wait because even if the property were annexed we would not receive much property tax for ten years due to existing County TIF agreements and also that expansion to the north of Hwy 9 does not appear probable. Bouska recommended waiting until the feasibility study was completed for the east side. Carman and McGee recommended proceeding with annexation and the watermain. Mayor Bohle thought the City should keep proceeding and not put it off any longer. McCarville abstained due to conflict of interest therefore Council was split evenly so it will be put on hold until the feasibility study is done.

Council members Bouska and Loveless along with the Chief of Police will draft an ordinance regarding operating golf carts on City streets for Council to review.

Mayor asked if there were any comments from the audience. Warren Steffen, Howard County Treasurer, asked permission to purchase signs indicating no parking 9am – 3pm, Monday – Friday for part of the parking lot west of the Theatre for the motorcycle skills course for licensing.

Sheryl Zweibohmer and Officer David Godman are forming a neighborhood watch program. This will help with cleaning up around town as well as crime prevention efforts. They will have a booth at the National Night Out and hope that people will be interested in becoming involved in this community effort.

Jason Passmore reported that the Fly-In breakfast was a great success with more than 50 airplanes flying in and serving more people at the breakfast than last year. Art in the Park also had a good turn-out. DreamBigGrowHere.com is launching the new contest where business owners could win \$15,000.

Carman moved to adjourn at 8:10 pm. McGee seconded and it passed all ayes. The next regular Cresco City Council meeting will be August 20, 2012, at 7:00 pm at Cresco City Hall.

Mayor Mark Bohle

City Clerk Michelle Girolamo

Following is a list of claims approved for payment:		
ALLIANT	ELEC	17,483.48
AM RED CROSS	FEE	621.00
APRIL BROWN	DEPOSIT REFUND	5.99
ARAMARK	SRVC	369.56
AUTO SYS	SRVC	602.00
BANCARD CTR	SUPP, TOURISM	1,729.94
BARTLETT ELEC	RPRS	115.75
BITUMINOUS	OIL - CHIP SEAL	17,574.54
BLACK HILLS	NAT GAS	968.76
BC / BS	FEE	340.00
BOB'S ELEC	SRVC	396.21
BROWN SUPP	SUPP	147.00
CAMPSITE RV	LP GAS	376.69
CASPER P&H	SRVC	8,140.04
CITY LAUNDER	SRVC	249.35
CITY OF CRES	UTIL, REF	1,412.72
CRES JAYCEES	TOURISM	2,100.00
CRES SHOPPER	ADVERT	74.25
CRES SMALL ENG	RPRS	337.36
CULLIGAN	SUPP	182.79
DALCO	SUPP	667.96
ELWOOD, O'DONOHUE..	FEES	1,485.00
ENG AMERICA	SUPP	150.00
GILLUND ENTER	SUPP	62.92
H & S	SUPP	106.45
HAWKEYE SAN	SRVC	42,737.37
HEALTHY CONTRI	FEES	13.90
HOVEY OIL	SUPP	304.60
HC	SHARED LEC	27,569.27
HC TREAS	PROP TAX	108.00
HO WINN SCH	TRANSPORT	2,310.43
IA DNR	FEES	1,275.00
IA RURAL WATER	TRAINING	240.00
IROC	FEE	80.00
JANE BROWN	DEPOSIT REFUND	80.00
JOHN DEERE FIN	SUPP	1,488.12
KEYSTONE	WWTP ANYLS	162.30
KWIK TRIP	GAS	4,167.45
LIFEGUARD STORE	SUPP	87.00
LOUIE BALK	SUPP	1,384.26
MAGNEY CONST	FINAL PMT	15,847.38
MCCARVILLE AUCT	SUPP	50.00
MELITA KLEIN ESTA	DEPOSIT REFUND	7.73
MERCHANT SRVC	FEES	87.44
MICHELLE VOBR	SRVC	200.00
MIDLAND SCI	TESTING	225.12
MODERN MRKT	SUPP	90.34
MUNICIPAL PIPE	SRVC	1,470.75
NE IA SRVC	SRVC	63.84
O'HENRY'S	SUPP	542.40
PAYROLL		128,556.79
PEPSI-COLA	CONCESS	211.60
PETTY CASH	SUPP	125.80
POSTMASTER	POSTAGE	411.04
PRINCIPAL LIFE	INSUR	82.94
RACOM	SUPP	25.00
REGGIE'S AUTO	RPRS	6,160.99
REGIONAL HLTH	TRAINING	140.00
RICOH	FEE	1,337.70
RIVER CITY	COLD MIX	536.26
SAM'S DISCOVER	SUPP	7,940.11
SANDRY FIRE	SUPP	27.50
SCHMAUSS, TOM	SRVC	200.00

SPAHN & ROSE	SUPP	72.41
SPORTSMITH	SUPP	276.37
ST. LUKE'S CTR	TESTING	74.00
STATE HYG LAB	WATER ANYLS	137.00
STOREY KEN	SUPP	42.60
TPD	ADVERT	467.06
TREAS ST IA	SALES TAX	5,657.92
UPPER EXPLOR	SMART PLAN PMT	2,690.94
USA BLUE BK	SUPP	226.04
UTILITY EQUIP	SUPP	912.60
WHKS	ENGRNG	30,311.43
WINDSTREAM	PHONE	1,008.75
ZACH JENSEN	DEPOSIT REFUND	56.40
ZEE MEDICAL	SUPP	117.24
	General Fund	170,091.01
	Hotel / Motel	2,626.29
	Road Use Tax	20,287.03
	Emp Benefits	21,635.71
	Emergency Fund	35.65
	Local Option Tax	22,845.58
	Nuisance House	720.50
	Cresco Telecom	562.95
	Rehab / Housing	191.52
	Equipment / Repair-Fit	8,140.04
	Street Trust	150.97
	Sewer Project	46,158.81
	Smart Planning	2,690.94
	Water Utility	22,374.82
	Water Deposits	320.00
	Water utility repair	629.98
	MSSU Operation	22,972.91
	Water & Sewer C.I.	150.81
	Yard Waste	1,513.43
	EXPENDITURES	344,098.95
	Revenues 07/17 to 08/06/12	220,942.22

License Application (LC0037062)

Applicant

Name of Applicant:	<u>Chris Ator</u>		
Name of Business (DBA):	<u>Cresco Lanes Sports Bar & Grill</u>		
Address of Premises:	<u>308 3RD ST SW</u>		
City: <u>Cresco</u>	County: <u>Howard</u>	Zip: <u>52136</u>	
Business Phone: <u>(563) 547-3680</u>			
Mailing Address: <u>308 3RD ST SW</u>			
City: <u>Cresco</u>	State: <u>IA</u>	Zip: <u>52136</u>	

Contact Person

Name: <u>Chris Ator</u>			
Phone: <u>(641) 330-0667</u>	Email Address: <u>iaguy52136@yahoo.com</u>		

Classification: Class C Liquor License (LC) (Commercial)

Term: 12 months

Effective Date: 08/20/2012

Expiration Date: 08/19/2013

Privileges:

Class C Liquor License (LC) (Commercial)
Sunday Sales

Status of Business

BusinessType: <u>Sole Proprietorship</u>			
Corporate ID Number:	Federal Employer ID # <u>Applied For</u>		

Ownership

Chris Ator

First Name: Chris

Last Name: Ator

City: Cresco

State: Iowa

Zip: 52136

Position Owner

% of Ownership 100.00 %

U.S. Citizen

Insurance Company Information

Insurance Company: <u>Illinois Casualty Co</u>			
Policy Effective Date: <u>08/20/2012</u>	Policy Expiration Date: <u>08/19/2013</u>		
Bond Effective Continuously:	Dram Cancel Date:		
Outdoor Service Effective Date:	Outdoor Service Expiration Date:		
Temp Transfer Effective Date:	Temp Transfer Expiration Date:		

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

whks

engineers + planners + land surveyors

August 6, 2012

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

RE: Cresco, IA
2nd Avenue East Reconstruction
Pay Request #2

Dear Michelle:

Enclosed is Pay Request No. 2 for work on the above referenced project. We recommend payment in the amount of \$95,937.70 to:

Skyline Construction, Inc.
PO Box 127
Decorah, IA 52101

Please contact me if you have any questions.

Sincerely,

WHKS & CO.



Daren D. Sikkink

DDS/dds:7514.01

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

PARTIAL PAYMENT ESTIMATE
FOR CONSTRUCTION WORK COMPLETED

Project: 2nd Avenue East Reconstruction
Project No.: 7514.01
Location: Cresco, Iowa
Contractor: Skyline Construction, Inc.

Bid Price: \$199,274.08
Date: Aug. 3, 2012
Estimate #: 2
% Complete: 90%

Item No.	Description	Contract Quantity	Unit	Unit Price	Quantity Completed Previous Estimates	Quantity Completed This Estimate	Quantity Completed to Date	Total
1.	Remove Concrete Pavement	540	SY	\$7.00	540		540	\$3,780.00
2.	Remove HMA Pavement	990	SY	\$3.33	990		990	\$3,296.70
3.	Remove Sidewalk	20	SY	\$10.00	10	10	20	\$200.00
4.	Remove Concrete Driveway Pavement	116	SY	\$10.00	80	36	116	\$1,160.00
5.	Remove HMA Driveway Pavement	100	SY	\$3.33	80	20	100	\$333.00
6.	Remove Water Main	20	LF	\$10.00	20		20	\$200.00
7.	Remove Storm Sewer	220	LF	\$7.00	220		220	\$1,540.00
8.	Remove Hydrant	2	Each	\$500.00	2		2	\$1,000.00
9.	Remove Gate Valve	1	Each	\$350.00	1		1	\$350.00
10.	Remove Gate Valve Box	2	Each	\$10.50	2		2	\$21.00
11.	Adjust Gate Valve Box	3	Each	\$150.50	0	3	3	\$451.50
12.	Class 10 Excavation (P)	850	CY	\$5.05	0	850	850	\$4,292.50
13.	Class 12 Excavation	50	CY	\$5.05	7		7	\$35.35
14.	Granular Subbase (CV) Class A	450	CY	\$25.00	0	450	450	\$11,250.00
15.	Topsoil Borrow (LV)	300	CY	\$20.00	0		0	\$0.00
16.	Granular Borrow (LV) [Macadam Stone]	350	CY	\$20.93	0	84	84	\$1,758.12
17.	6" Concrete Street Pavement	1,925	SY	\$35.69	0	1952	1952	\$69,666.88
18.	4" Concrete Sidewalk	20	SY	\$40.00	0	12	12	\$480.00
19.	6" Concrete Driveway Entrance	340	SY	\$36.66	0	281	281	\$10,301.46
20.	F & I 6" DIP Water Main	911	LF	\$28.08	911		911	\$25,580.88
21.	F & I 6" x 45 Degree Bend	4	Each	\$100.00	4		4	\$400.00
22.	F & I 6" x 6" Tee	4	Each	\$200.00	4		4	\$800.00
23.	F & I 6" x 4" Reducer	2	Each	\$100.00	2		2	\$200.00
24.	F & I 6" MJ Sleeve	1	Each	\$400.00	3		3	\$1,200.00
25.	F & I 6" Gate Valve & Box	5	Each	\$800.08	5		5	\$4,000.40
26.	F & I Hydrant	2	Each	\$3,500.00	2		2	\$7,000.00
27.	Reconnect Water Services (Does not include curb stop)	13	Each	\$599.99	14		14	\$8,399.86
28.	Reconstruct Water Services (Includes Curb Stop)	1	Each	\$780.00	0	1	1	\$780.00
29.	Directional Bore 3/4" Copper Service	4	Each	\$300.00	4		4	\$1,200.00
30.	Structure, Single Grate Intake	1	Each	\$2,666.66	1		1	\$2,666.66
31.	Structure, Circular Storm Manhole	1	Each	\$3,300.00	1		1	\$3,300.00
32.	Structure, Rectangular Storm Manhole	1	Each	\$3,000.00	0		0	\$0.00
33.	F & I 12" RCP Storm Sewer	224	LF	\$33.33	224		224	\$7,465.92
34.	Inlet Protection	6	Each	\$150.00	1		1	\$150.00
35.	Seeding	25,000	SF	\$0.10	0		0	\$0.00
36.	Temporary Seeding	25,000	SF	\$0.06	0		0	\$0.00
37.	Dust Control	10	Each	\$100.00	1		1	\$100.00
38.	Maintenance of Gravel During Winter	1	LS	\$150.00	0		0	\$0.00
39.	Temporary Water Service	1	LS	\$1,335.00	0		0	\$0.00
40.	Traffic Control	1	LS	\$4,000.00	0.5	0.4	0.9	\$3,600.00
Subtotal								\$176,960.23

Additional Work (Replaced defective valve not in contract)

41.	F&I 4" x 4" Tee	1	Each	\$200.00	1		1	\$200.00
42.	F&I 4" Gate Valve & Box	1	Each	\$800.00	1		1	\$800.00
43.	F&I 4" Hymax Coupling	1	Each	\$400.00	1		1	\$400.00
44.	F&I 4" DIP Water Main	25	LF	\$28.08	25		25	\$702.00
45.	Remove 4" Gate Valve & Box	1	Each	\$10.50	1		1	\$10.50
46.	Remove 4" Tee	1	Each	\$250.00	1		1	\$250.00
47.	Remove 4" DIP Water Main	25	LF	\$10.00	25		25	\$250.00

Additional Work \$2,612.50

Total Work Completed (Subtotal + Additional Work) \$179,572.73

Less 5% Retainage \$8,978.64

Less Previous Payments \$74,656.39

Net Payment this Estimate \$95,937.70

PAY REQUEST

TO: City of Cresco DATE: _____
 PROJECT: Travis Klimesh Residence (401 - 2nd Ave. W.) PAY REQUEST NUMBER: 2 (FINAL)

CONTRACT BREAKDOWN	ORIGINAL CONTRACT AMOUNT	CHANGE ORDERS	ADJUSTED CONTRACT AMOUNT	% COMP.	VALUE OF WORK COMPLETED
Dirt Fill	\$ 50.00			100%	\$ 50.00
Siding	7,365.00	CO #2 - Insulation Board - \$700.00 / Fix deteriorated foundation areas - \$500.00	8,565.00	100%	8,565.00
Front Overhang	75.00			100%	75.00
Trim Cover	2,460.00			100%	2,460.00
House Roof	4,676.00	<i>Sheathing was needed.</i>		100%	4,676.00
Guttering	650.00			100%	650.00
Doors-Steel \$425 / Storm \$250	675.00			100%	675.00
Basement Windows	150.00			100%	150.00
Interior Window/Door Trim	200.00			100%	200.00
Flooring (Vinyl)	1,325.00	CO #1 - Delete - (\$1,325.00)	0.00	N/A	0.00
Flooring (Carpet)	1,850.00	CO #1 - Delete - (\$1,850.00)	0.00	N/A	0.00
Bedroom Door	175.00			100%	175.00
Attic Insulation	300.00			100%	300.00
Electrical	6,045.00			100%	6,045.00
Mechanical	3,300.00	CO #1 - Delete water heater (\$750.00) / CO #3 Power Vent WH \$1,385.00	3,935.00	100%	3,935.00
Lead-Safe Work Practices	75.00			100%	75.00
TOTAL	\$29,371.00				\$28,031.00

Net Contract Amount to Date \$ 28,031.00 OWNER: Travis Klimesh

Total Value of Work Completed \$ 28,031.00

Final - 0% Retained (20% / Final-0%) \$ 0.00 CONTRACTOR: Jirak Construction

Value of Work Completed Less Retained \$ 28,031.00 APPROVED: Program Inspector

Less Total Previously Certified \$ 11,660.80

AMOUNT DUE THIS REQUEST \$ **16,370.20** APPROVED: City of Cresco

(CITY HALL: Please hold check until authorization received from Melanie to release. Thank you!)

**CITY OF CRESCO
CASH & INVESTMENT BY FUND
AS OF JULY 31, 2012**

	CASH BALANCE	INVESTMENT BALANCE	FUND BALANCE
001	General Fund	42,334.08	795,810.13
002	General Fund-Hotel/Motel	1,280.47	16,500.00
110	Road Use Tax Fund	5,101.61	524,800.00
112	Employee Benefits Trust	4,865.67	425,954.00
114	Health Ins Partial Self Fund	-	49,364.99
119	Emergency Fund	(10,196.38)	-
122	Local Option Tax Project	1,081.95	436,700.00
127	Urban Renewal TIF Area	1,082.34	55,500.00
160	CIDC/CityRevol.Loan-bus.	1,914.29	144,500.00
165	Nuisance House Fund	206.36	11,000.00
181	Cresco Telecommunic	1,327.97	87,300.00
182	Rehab/Housing	1,137.69	26,400.00
183	Equip.Repair-Fitness Ctr	933.59	64,400.00
184	City Park Trust	348.35	9,000.00
185	Recreation Supply	3,187.48	22,000.00
187	Equipment Replace	1,672.10	30,250.00
188	Fire Equipment Trust	656.73	163,000.00
189	Library Trust Fund	724.06	59,776.89
190	Office/Computer Equip.	1,722.43	52,000.00
191	Street Equipment Trust	1,354.83	176,050.00
197	Retirement Trust	1,116.33	4,000.00
200	Debt Service Fund	1,227.18	232,500.00
306	Sewer Project	1,452.74	43,000.00
309	Bike Trail 2007	254.13	3,500.00
315	Smart Planning Grant Fund	986.44	15,500.00
316	Street 2nd Ave Project	1,032.12	243,500.00
600	Water Utility Fund	5,705.37	248,300.00
601	Water Deposit Trust	1,859.77	53,000.00
602	Water Utility Repair	1,759.82	56,000.00
610	MSSU Revenue	6,260.81	464,500.00
612	MSSU Operation/Maint	5,438.53	-
613	MSSU Replacement	1,159.23	296,300.00
614	MSSU Rev.Bond Int	847.72	91,000.00
615	MSSU Rev Debt Serv	1,468.04	154,000.00
620	Cap Imp Water, Sewer, Storm	1,484.32	266,900.00
670	Yard Waste Fund	1,868.91	97,000.00
			-
	Totals	94,657.08	5,419,306.01
		2%	98%
			<u>5,513,963.09</u>

Checking - Cresco Bank & Trust (operating)	0.05%	94,657.08
Checking - CUSB (credit cards)	0.20%	2,510.13
Money Market - Cresco Bank & Trust	0.10%	5,307,654.00
MMKT Hlth Ins Partial Self Funded	0.10%	49,364.99
Library MMKT	0.10%	9,776.89
Library CD matures 6/14/13 (12 month)	0.55%	<u>50,000.00</u>

\$ 5,513,963.09

CITY OF CRESCO
REVENUE REPORT (UNAUDITED)
AS OF: JULY 31ST, 2012

Should be 8.11

	CURRENT PERIOD	YEAR-TO-DATE ACTUAL	CURRENT BUDGET	BUDGET BALANCE	% OF BUDGET
001-GENERAL FUND	108,079.59	108,079.59	2,156,069.00	2,047,989.41	5.01
002-GENERAL - HOTEL/MOTEL	0.00	0.00	18,000.00	18,000.00	0.00
110-ROAD USE TAX FUND	27,060.12	27,060.12	360,000.00	332,939.88	7.52
112-EMPLOYEE BENEFITS TRU	6,539.19	6,539.19	476,070.00	469,530.81	1.37
114-HEALTH INS PART SELF	3,152.32	3,152.32	0.00 (	3,152.32)	0.00
119-EMERGENCY FUND	297.28	297.28	27,903.00	27,605.72	1.07
121-LOCAL OPTION REVENUE	31,007.86	31,007.86	388,000.00	356,992.14	7.99
122-LOCAL OPTION TAX PROJ	27,944.58	27,944.58	351,000.00	323,055.42	7.96
127-URBAN RENEWAL TIF ARE	43.42	43.42	100.00	56.58	43.42
160-CIDC/CITY CRESCO REVO	1,327.35	1,327.35	15,712.00	14,384.65	8.45
165-NUISANCE HOUSE FUND	0.94	0.94	0.00 (	0.94)	0.00
181-CRESCO TELECOMMUNICAT	898.58	898.58	4,950.00	4,051.42	18.15
182-REHAB/HOUSING FORF/TR	13,777.27	13,777.27	107,600.00	93,822.73	12.80
183-EQUIPMENT/REPAIR-FITN	5.53	5.53	13,600.00	13,594.47	0.04
184-CITY PARK TRUST/DONAT	0.77	0.77	250.00	249.23	0.31
185-RECREATION SUPPLY REV	1,301.89	1,301.89	10,000.00	8,698.11	13.02
187-EQUIPMENT REPLACEMENT	2.60	2.60	100.00	97.40	2.60
188-FIRE EQUIPMENT TRUST	14.00	14.00	23,400.00	23,386.00	0.06
189-LIBRARY TRUST FUND	0.83	0.83	1,000.00	999.17	0.08
190-OFFICE/COMPUTER EQUIP	4.47	4.47	100.00	95.53	4.47
191-STREET TRUST FUND	227.86	227.86	3,000.00	2,772.14	7.60
197-RETIREMENT TRUST FUND	0.34	0.34	0.00 (	0.34)	0.00
200-DEBT SERVICE FUND	6,277.00	6,277.00	341,200.00	334,923.00	1.84
306-SEWER PROJECT	36,316.10	36,316.10	0.00 (	36,316.10)	0.00
309-BICYCLE TRAIL 2007	0.30	0.30	0.00 (	0.30)	0.00
315-SMART PLANNING GRANT	1.33	1.33	10,000.00	9,998.67	0.01
316-STREET 2ND AVE PROJEC	20.91	20.91	200.00	179.09	10.46
600-WATER UTILITY FUND	46,481.74	46,481.74	480,100.00	433,618.26	9.68
601-WATER DEPOSITS TRUST	644.55	644.55	12,100.00	11,455.45	5.33
602-WATER UTILITY REPAIR	432.54	432.54	30,600.00	30,167.46	1.41
610-MSSU REVENUE FUND	70,472.48	70,472.48	713,300.00	642,827.52	9.88
612-MSSU OPERATION/MAINTE	33,500.00	33,500.00	540,100.00	506,600.00	6.20
613-MSSU REPLACEMENT FUND	25.45	25.45	56,500.00	56,474.55	0.05
614-MSSU REV BOND INT SIN	7.82	7.82	77,200.00	77,192.18	0.01
615-MSSU REV DEBT SERVICE	13.23	13.23	10,500.00	10,486.77	0.13
620-WATER & SEWER C.I.	3,804.41	3,804.41	46,000.00	42,195.59	8.27
670-YARD WASTE FUND	<u>3,193.49</u>	<u>3,193.49</u>	<u>39,400.00</u>	<u>36,206.51</u>	<u>8.11</u>
 GRAND TOTAL REVENUES	 422,878.14	 422,878.14	 6,314,054.00	 5,891,175.86	 6.70

*** END OF REPORT ***

CITY OF CRESCO
 EXPENSE REPORT (UNAUDITED)
 AS OF: JULY 31ST, 2012

Should be 89

	CURRENT PERIOD	YEAR-TO-DATE ACTUAL	CURRENT BUDGET	BUDGET BALANCE	% OF BUDGET
001-GENERAL FUND	152,164.55	152,164.55	2,210,019.00	2,057,854.45	6.89
002-GENERAL - HOTEL/MOTEL	2,000.00	2,000.00	18,000.00	16,000.00	11.11
110-ROAD USE TAX FUND	22,098.01	22,098.01	352,775.00	330,676.99	6.26
112-EMPLOYEE BENEFITS TRU	41,529.13	41,529.13	476,070.00	434,540.87	8.72
114-HEALTH INS PART SELF	5,000.00	5,000.00	0.00	(5,000.00)	0.00
119-EMERGENCY FUND	10,493.66	10,493.66	37,750.00	27,256.34	27.80
121-LOCAL OPTION REVENUE	31,007.86	31,007.86	388,000.00	356,992.14	7.99
122-LOCAL OPTION TAX PROJ	95,140.03	95,140.03	437,450.00	342,309.97	21.75
127-URBAN RENEWAL TIF ARE	0.00	0.00	18,000.00	18,000.00	0.00
160-CIDC/CITY CRESCO REVO	0.00	0.00	20,500.00	20,500.00	0.00
181-CRESCO TELECOMMUNICAT	714.54	714.54	14,450.00	13,735.46	4.94
182-REHAB/HOUSING PORF/TR	4,800.00	4,800.00	118,500.00	113,700.00	4.05
183-EQUIPMENT/REPAIR-FITN	0.00	0.00	30,000.00	30,000.00	0.00
184-CITY PARK TRUST/DONAT	0.00	0.00	4,000.00	4,000.00	0.00
185-RECREATION SUPPLY REV	0.00	0.00	12,000.00	12,000.00	0.00
187-EQUIPMENT REPLACEMENT	0.00	0.00	28,000.00	28,000.00	0.00
188-FIRE EQUIPMENT TRUST	0.00	0.00	2,600.00	2,600.00	0.00
189-LIBRARY TRUST FUND	0.00	0.00	12,100.00	12,100.00	0.00
190-OFFICE/COMPUTER EQUIP	0.00	0.00	12,000.00	12,000.00	0.00
191-STREET TRUST FUND	0.00	0.00	23,000.00	23,000.00	0.00
200-DEBT SERVICE FUND	0.00	0.00	340,600.00	340,600.00	0.00
315-SMART PLANNING GRANT	5,330.09	5,330.09	20,000.00	14,669.91	26.65
316-STREET 2ND AVE PROJEC	74,656.39	74,656.39	235,000.00	160,343.61	31.77
600-WATER UTILITY FUND	29,242.52	29,242.52	461,200.00	431,957.48	6.34
601-WATER DEPOSITS TRUST	240.00	240.00	13,000.00	12,760.00	1.85
602-WATER UTILITY REPAIR	2,073.35	2,073.35	200.00	(1,873.35)	1,036.68
610-MSSU REVENUE FUND	33,500.00	33,500.00	682,000.00	648,500.00	4.91
612-MSSU OPERATION/MAINTE	33,237.06	33,237.06	535,200.00	501,962.94	6.21
613-MSSU REPLACEMENT FUND	0.00	0.00	44,200.00	44,200.00	0.00
614-MSSU REV BOND INT SIN	0.00	0.00	76,400.00	76,400.00	0.00
620-WATER & SEWER C.I.	126.29	126.29	14,000.00	13,873.71	0.90
670-YARD WASTE FUND	<u>1,399.19</u>	<u>1,399.19</u>	<u>58,950.00</u>	<u>57,550.81</u>	<u>2.37</u>
GRAND TOTAL EXPENSES	544,752.67	544,752.67	6,695,964.00	6,151,211.33	8.14

*** END OF REPORT ***

MINUTES OF CRESCO, IOWA, CITY COUNCIL PROCEEDINGS
RELATING TO THE ADOPTION OF
FRANCHISE ORDINANCE NO. 440

August 20, 2012

The City Council of the City of CRESCO, Howard County, Iowa, met in regular (special) session on the above date pursuant to the rules of said Council, the Mayor presiding and the Clerk recording:

Present: _____ Mayor and the following Council Members:

_____,
_____,

Absent: _____

Council Member _____ offered Ordinance No. 440, of which the following is a copy.

ORDINANCE NO. 440

An Ordinance granting to ITC MIDWEST LLC, a wholly owned subsidiary of ITC HOLDINGS CORP. , its successors and assigns (the "Company"), the right and franchise to acquire, construct, erect, maintain and operate in the City of CRESCO, Howard County, Iowa, a transmission system for electric power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the transmission of electric current along, under and upon the streets, avenues, alleys and public places in the City of CRESCO, Howard County, Iowa; granting the right to erect and maintain upon the streets, avenues, alleys and public places, transmission lines through the City of CRESCO, Howard County, Iowa, for the period of twenty-five (25) years; and granting the right of eminent domain.

BE IT ORDAINED BY THE City Council of the City of CRESCO, Howard County, Iowa:

Section 1. Grant.

There is hereby granted to the Company the right and franchise to acquire, construct, erect, maintain and operate in the City of CRESCO, Howard County, Iowa, a transmission system for electric power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances or equipment and substations for the transmission of electric current (collectively, the "Facilities") along, under and upon the streets, avenues, alleys and public places in the City of CRESCO, Howard County, Iowa; also the right to erect and maintain upon the streets, avenues, alleys and public places, transmission lines through the City of CRESCO, Howard County, Iowa, for the period of twenty-five (25) years; also the right of eminent domain as provided in Section 364.2 of the Code of Iowa.

Section 2. Indemnification.

The Facilities shall be placed and maintained so as not to unnecessarily interfere with the travel on the streets, alleys, and public places in the City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City, and the Company shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the erection or maintenance of the transmission system.

Section 3. Relocation.

Except as provided herein below, the Company shall, at its cost and expense, locate and relocate its Facilities in, on, over or under any public street or alley in the City of CRESCO in such a manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement of, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City orders or requests the Company to relocate its Facilities for the primary benefit of a commercial or private project, or as the result of the initial request of a commercial or private developer or other non-public entity, and such relocation is necessary to prevent interference and not merely for the convenience of the City or other non-public entity, the Company shall receive payment for the cost of such relocation as a precondition to relocating its Facilities. The City shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause the Company unreasonable additional expense in exercising its authority under this section. The City shall also provide a reasonable alternate location for the Company's Facilities. The City shall give the Company reasonable advance written notice to vacate a public right-of-way. Vacating a public right-of-way shall not deprive the Company of its right to operate and maintain existing Facilities until the reasonable cost of relocating the same are paid to the Company.

Section 4. Modern System.

The system authorized by this Ordinance shall be modern and up-to-date and shall be kept in a modern and up-to-date condition.

Section 5. Pruning.

To promote public safety in proximity to its Facilities and to maintain electric reliability, the Company is authorized and empowered to prune or remove at Company expense any trees or shrubs or parts thereto extending into any street, alley, right-of-way or public grounds. The pruning shall be completed in accordance with the then-current nationally accepted safety and utility industry standards, as revised and updated from time to time.

Section 6. Continuous Service.

Service to be rendered by the Company under this franchise shall be continuous unless prevented from doing so by fire, Acts of God, unavoidable accidents or casualties, or reasonable interruptions necessary to properly service the Company's equipment, and in such event service shall be resumed as quickly as is reasonably possible.

Section 7. Non-exclusivity.

The franchise granted by this Ordinance shall not be exclusive.

Section 8. Severability.

If any section, provision, or part of this Ordinance shall be adjudged to be 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 9. Term of Agreement.

The term of the franchise granted by this Ordinance and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the Company, as herein provided. The anniversary date shall be the date this franchise is filed with the City Clerk or otherwise becomes effective by operation of law.

Section 10. Publication Expenses.

The expense of the publication of this Ordinance shall be paid by the Company.

Section 11. Repeal of Conflicting Ordinances.

All ordinances, or parts of ordinances, insofar as they are in direct conflict herewith, are hereby repealed.

Section 12. Acceptance.

The franchise granted by this Ordinance shall be conditioned upon acceptance by the Company in writing. The acceptance shall be filed with the City Clerk within ninety (90) days from the passage of this Ordinance.

Section 13. Closing.

This Ordinance sets forth and constitutes the entire agreement between the Company and the City of CRESCO with respect to the rights contained herein, and may not be superseded, modified or otherwise amended without the approval and acceptance of the Company. Upon acceptance by the Company, this Ordinance shall supersede, abrogate and repeal any prior electric system ordinance between the Company and the City as of the date this Ordinance is accepted by the Company. Notwithstanding the foregoing, in no event shall the City enact any ordinance or place any limitations, either operationally or through the assessment of fees, that create additional burdens upon the Company, or that delay utility operations.

It was moved by Council Member _____ and seconded by Council Member _____ that said ordinance be placed upon its first reading.

UPON ROLL CALL, Council Members voted upon said motion as follows: (insert name and vote either "YES" or "NO")

_____, _____,
_____, _____,
_____, _____

_____ Members of the Council being present and having voted "YES," Mayor declared said motion carried, and said Ordinance No. 440 was placed upon its first reading and was read the first time.

RESOLUTION NO: 081207

RESOLUTION WAIVING THE TWO READINGS AND TWO
CONSIDERATIONS OF ORDINANCE NUMBER 440

WHEREAS, the City Council of the City of Cresco, Iowa, desires to pass Ordinance Number 440 which amends the Code of Ordinances of the City of Cresco, Iowa, 1998, by adopting Franchise Ordinance.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Cresco, Iowa, that the two readings and two considerations of Ordinance Number 440, be waived according to Section 380.3 of the Code of Iowa and that Ordinance Number 440 be read and considered at the City Council meeting held August 20, 2012, 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 member _____ voted against the adoption of the foregoing resolution.

Council member _____ was absent.

The Mayor thereupon declared Resolution No.440 duly passed and adopted by at least 3/4ths affirmative vote by the council members and Ordinance Number 440 is ready to be discussed and considered.

PASSED THIS 20TH DAY OF AUGUST, 2012.

Mayor Mark Bohle

ATTEST: _____
City Clerk Michelle Girolamo

Mayor and Council,

Willie Hendrickson, President and Founder, along with Kelli Best, Corporate Controller for Aveka Group the owner of Cresco Food Technologies have requested to be on the Aug 20th agenda.

What they will be asking for is to have part of the \$23,312.15 billed to Cresco Food Technologies in surcharges for May, and June of 2012 waived, and if that's not an option, seek a payment plan. As you know I already denied this request in a meeting with Bob Walker the plant manager here in Cresco. Also we the City of Cresco exceeded some limits at the Waste Water Facility because of Cresco Food Technologies carelessness at their facility by not following protocol of the spill prevention plan. This plan was put into place by them in 2008 and is an attachment to the Treatment Agreement the City has with Cresco Food Technologies. Since the problems encountered in May, and June of this year Cresco Food Technologies has been enforcing their spill prevention policy, and have proven to us if it's followed it does work.

The new Treatment Agreement with Cresco Food Technologies expired on July 31st 2012 and the resolution to enter into a new agreement with them is on this agenda also. As you read thru the new agreement you'll notice that all surcharges have been doubled. So as an example the surcharges in question would be \$46,624.30 we have taken a very hard line with Cresco Foods because of the issues we have dealt with this spring, and I believe we've got their attention. With all of this said I personally would not have a problem with the City waiving part of the surcharges with the understanding this will never happen again. With this being discussed at a council meeting it will be in the minutes that we as a City have put our foot down, and will no longer tolerate this carelessness. This is just my opinion the choice is ultimately that of the Council.

Rod

RESOLUTION NUMBER 081206

RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO ENTER INTO AN AGREEMENT WITH CRESCO FOOD TECHNOLOGIES LLC.

The City Council of the City of Cresco met in regular session on August 20, 2012 at 7:00 P.M. The annual renewal of an Industrial Sewer Rental Agreement between the City of Cresco and Cresco Food Technologies LLC was discussed.

Council Person _____ moved the adoption of the foregoing Resolution Authorizing the Mayor and City Clerk to enter into an agreement with Cresco Food Technologies LLC. Council Person _____ 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 agreement dated _____, between the City of Cresco and CRESCO FOOD TECHNOLOGIES LLC is approved and that the Mayor and City Clerk are authorized to execute the agreement on behalf of the City of Cresco.

PASSED AND APPROVED THIS 20TH DAY OF AUGUST, 2012.

BY: _____
Mayor Mark Bohle

ATTEST: _____
City Clerk Michelle Girolamo

City of Cresco

Proposed Budget Amendment #1 Descriptions

For Fiscal Year 2012/2013

Revenue Fund	Fund Description	Reason	Revenue	Expense	Fund Description	Expense Fund	Line Item Changes
001	General - Airport	Airport Grant - Long-Term Master Plan	42,500	50,000	General - Airport	001	
001	General - Police	2 Police cars damaged (Ins covered)	5,500	5,500	General Police	001	
183	FC Equip Trust	Fitness Ctr - A/C compressor (ins covered)	8,000	8,000	FC Equip Trust	183	
306	Sludge Storage Proj	Project not completed last fiscal year	41,000	51,000	Sludge Storage Project	306	
600	Water	Water - well motor & electrical (Lightning-Ins co	15,000	15,000	Water	600	
610	Sewer Revenue	Sewer - Repair blower (ins covered)	11,000	11,000	Sewer	612	
TOTALS			123,000	140,500			
317	Watermain Looping	Transfer for 5th Ave watermain looping project	110,000	110,000	Cap Improvement- W&S	620	Transfers
TOTALS			110,000	110,000			
Increased Expense		Police - Purchased 2 cars instead of 1		4,000	General & Emergency	001, 119	Adjustments to Budget - Expenses
		Emergency Sirens - narrowbanding & battery backup		1,500	General - Civil Defense	001	
		Fire - Purchase new pumper		165,000	General, LOST, Fire Trust	001,122,188	
		Group Health Ins - underestimated HI increase		10,000	Employee Benefits	112	
		Engineering - East Feasibility study		15,000	Local Opt Tax - Econ Dev	122	
		Theatre - Scene shop roof, tuckpointing, floor		32,000	Local Opt Tax - Theatre	122	
		Street - Increased cost of loader over budget		9,600	LOST,St,trust,Water,Sewer,YW	122,191,600,613,670	
		Engineering - Watermain Loop 5th Ave & Campsite		25,000	LOST, Water	122, 602	
		Nuisance House - new fund (estimated expenses)		5,000	Nuisance House	165	
		5th Ave Watermain Looping Project		110,000	Watermain Looping Project	317	
		Water - Door to Chlorine room not billed last year		2,000	Water Trust	602	
		Water - Repair water tower controls		1,000	Water Trust	602	
TOTALS				380,100			Adjustments to Budget - Revenues
Increased Revenue							
TOTALS			0	Total Revenue over (under) Exp		(397,600)	

**NOTICE OF PUBLIC HEARING
AMENDMENT OF CURRENT CITY BUDGET**

The City Council of Cresco in HOWARD County, Iowa

will meet at City Hall

at 7:00 pm on September 5, 2012

, for the purpose of amending the current budget of the city for the fiscal year ending June 30, 2013
(Year)
by changing estimates of revenue and expenditure appropriations in the following functions for the reasons given.
Additional detail is available at the city clerk's office showing revenues and expenditures by fund type and by activity.

	Total Budget as certified or last amended	Current Amendment	Total Budget after Current Amendment
Revenues & Other Financing Sources			
Taxes Levied on Property 1	1,742,244		1,742,244
Less: Uncollected Property Taxes-Levy Year 2			0
Net Current Property Taxes 3	1,742,244	0	1,742,244
Delinquent Property Taxes 4			0
TIF Revenues 5			0
Other City Taxes 6	491,328		491,328
Licenses & Permits 7	12,565		12,565
Use of Money and Property 8	63,783		63,783
Intergovernmental 9	528,805	42,500	571,305
Charges for Services 10	2,152,200		2,152,200
Special Assessments 11			0
Miscellaneous 12	151,629	39,500	191,129
Other Financing Sources 13	1,171,500	151,000	1,322,500
Total Revenues and Other Sources 14	6,314,054	233,000	6,547,054
Expenditures & Other Financing Uses			
Public Safety 15	840,920	180,000	1,020,920
Public Works 16	1,306,275	54,600	1,360,875
Health and Social Services 17	4,000		4,000
Culture and Recreation 18	1,031,814	43,000	1,074,814
Community and Economic Development 19	199,700	25,000	224,700
General Government 20	375,005	3,000	378,005
Debt Service 21	340,600		340,600
Capital Projects 22	255,000	161,000	416,000
Total Government Activities Expenditures 23	4,353,314	466,600	4,819,914
Business Type / Enterprises 24	1,173,150	54,000	1,227,150
Total Gov Activities & Business Expenditures 25	5,526,464	520,600	6,047,064
Transfers Out 26	1,169,500	110,000	1,279,500
Total Expenditures/Transfers Out 27	6,695,964	630,600	7,326,564
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out Fiscal Year 28	-381,910	-397,600	-779,510
29			
Beginning Fund Balance July 1 30	4,946,612	689,226	5,635,838
Ending Fund Balance June 30 31	4,564,702	291,626	4,856,328

Explanation of increases or decreases in revenue estimates, appropriations, or available cash:

Revenue increased for Airport grant, loan advance & insurance claims while the corresponding expenses also increased. Expenses not originally budgeted include nuisance house expenses, fire pumper, engineering for feasibility study and looping projects, siren upgrade, chlorine room door, tower control repairs, scene shop roof repair, Theatre tuckpointing and floor repairs. Expenses under-budgeted were police cars, loader and group health insurance premiums. Sludge storage project was not completed last year & watermain loop will be done.

There will be no increase in tax levies to be paid in the current fiscal year named above. Any increase in expenditures set out above will be met from the increased non-property tax revenues and cash balances not budgeted or considered in this current budget. This will provide for a balanced budget.

Michelle Girolamo

City Clerk/ Finance Officer Name

THEATRE AND CHAMPLIN HALL COMMISSION

TO: CRESCO CITY COUNCIL

RE: Appointment/Reappointment

We, the Theatre & Champlin Hall Commission of the City of Cresco, recommend that the City Council

1. _____ Appoint (Name) Alex Fortune)
(To replace Ken Becker)
2. _____ Reappoint (Name) _____

to the Theatre & Champlin Hall Commission.

Term to run from 4/12 8/30/12 to expire 6/30/15

	Signed	Date
Chairman	<u>David P. C.</u>	<u>8-6-12</u>
	<u>Shirley Haw</u>	<u>8-6-12</u>
	<u>Steve A. Kelm</u>	<u>8-6-12</u>
	<u>Fran Parker</u>	<u>8-6-12</u>
	<u>Christa Munson</u>	<u>8-6-12</u>
	_____	_____
	_____	_____

CHAPTER 77

BICYCLE LICENSING

77.01 License Required
77.02 License Plates or Decals

77.03 Maintenance of License Records

77.01 LICENSE REQUIRED. No person who resides within the City shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license plate or decal is attached thereto as provided herein.

(Code of Iowa, Sec. 321.236 [10])

1. License Application. Application for a bicycle license and license plate or decal shall be made upon a form provided by the City. A license fee of one dollar (\$1.00) shall be paid to the City before a license is granted.

(Ord. 320 – Mar. 99 Supp.)

2. Issuance of License. The Clerk, upon receiving proper application therefor is authorized to issue a bicycle license which shall be effective immediately.

(Code of Iowa, Sec. 372.13 [4])

3. Transfer of License. Upon the sale or other transfer of ownership of a licensed bicycle, the licensee shall remove the license tag and surrender the same to the Clerk, or such license may, upon proper application, but without payment of an additional fee for said license tag, be assigned to another bicycle owned by the applicant.

(Code of Iowa, Sec. 321.236 [10])

77.02 LICENSE PLATES OR DECALS. License plates or decals are required as follows:

1. Issued. The Clerk, upon issuing a bicycle license, shall also issue a license plate or decal bearing the license number assigned to the bicycle and the name of the City.

(Code of Iowa, Sec. 372.13 [4])

2. Attached to Bicycle. The Clerk shall cause such license plate or decal to be firmly attached to the bicycle for which issued in such position as to be plainly seen from the rear.

(Code of Iowa, Sec. 321.236 [10])

3. Removal. No person shall remove a license plate or decal from a bicycle during the period for which issued unless said bicycle is dismantled and no longer operated upon any street in the City.

(Code of Iowa, Sec. 321.236 [10])

77.03 MAINTENANCE OF LICENSE RECORDS. The Clerk shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, and the number on the frame of the bicycle for which issued, and a record of all bicycle license fees collected.

(Code of Iowa, Sec. 372.13 [4])

5.10 VACANCIES. A vacancy in an elective City office during a term of office shall be filled, at the Council’s option, by one of the two following procedures:

(Code of Iowa, Sec. 372.13 [2])

1. Appointment. By appointment following public notice by the remaining members of the Council within forty (40) days after the vacancy occurs, except that if the remaining members do not constitute a quorum of the full membership, or if a petition is filed requesting an election, the Council shall call a special election as provided by law.

(Code of Iowa, Sec. 372.13 [2a])

2. Election. By a special election held to fill the office for the remaining balance of the unexpired term as provided by law.

(Code of Iowa, Sec. 372.13 [2b])

5.11 UNLAWFUL USE OF CITY PROPERTY. No person shall use or permit any other person to use the property owned by the City for any private purpose and for personal gain, to the detriment of the City.

(Code of Iowa, Sec. 721.2[5])

5.12 GIFTS. Except as otherwise provided in Chapter 68B of the Code of Iowa, a public official, public employee or candidate, or that person’s immediate family member, shall not, directly or indirectly, accept or receive any gift or series of gifts from a “restricted donor” as defined in Chapter 68B and a restricted donor shall not, directly or indirectly, individually or jointly with one or more other restricted donors, offer or make a gift or a series of gifts to a public official, public employee or candidate.

(Code of Iowa, Sec. 68B.22)

5.13 RESIDENCY REQUIREMENT. All employees of the Public Works Department of the City and all members of the Police Department are required to reside within the corporate limits of the City or within 2.5 miles of the corporate limits.

↑
OK?

fire is 3 miles
OK?