

**NOTICE AND CALL OF PUBLIC MEETING**

GOVERNMENTAL BODY: THE CITY COUNCIL OF CRESCO, IOWA

DATE OF MEETING: JULY 18, 2016

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, BRENNO

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 July 6, 2016
4. Application for Tax Abatement under the Urban Revitalization Plan for Ronald R. Horn

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

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

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

1. Kevin Schrage request for empty pit to be allowed for future use
2. Request for Permanent Outdoor Service added to Class C Liquor License (LC) (Commercial) for M&M Lounge LLC d/b/a M&M Lounge
3. Request for Temporary Outdoor Service added to Class C Liquor License (LC) (Commercial) for M&M Lounge LLC d/b/a M&M Lounge for July 22-23, 2016
4. Request for Street Closing for portion of South Park Place on July 22-23, 2016 for Outdoor Beer Garden for M&M Lounge LLC d/b/a M&M Lounge
5. Recommendation by the Theatre and Champlin Hall Commission to Appoint a New Commission Member for a Three Year Term Ending June 30, 2019
6. Resolution Approving an Acknowledgment/Settlement Agreement with Casey's General Store
7. Set Public Hearing to Amend the Current Budget for Fiscal Year Ending June 30, 2017
8. Update on Cresco's 150<sup>th</sup> Celebration

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 JULY 15, 2016.

Schrage – Please read his letter. Angie Kolz from WHKS explains in the attached letter why the City requires empty pits to be filled or a sump pump to be installed if the pit collects water.

Permanent Beer Garden – this would require a permanent fence for us to approve. I am waiting for more info from Iowa ABD as to whether this is acceptable if it is not on her property. I will also check to see if there can be a door directly into the beer garden. You may want to look at the area before the meeting including the walkway on her proposed diagram. I am still waiting for ABD to call me back with answers.

Temporary Beer Garden & Street Closing – she wants to extend the fence across the whole width of the street but would be satisfied with just fencing in half of the width of the street. The Informational Center will be in the Burke Auction building and the bus stop on the corner by Burke Auction. Handicap parking lot is designated in the City parking lot by Burkes’.

Theatre – I will have the form for their recommendation at the meeting because their meeting will be in the morning July 18<sup>th</sup>.

Casey’s – The Council must formally approve the settlement agreement with Casey’s to close this case.

Amendment – Many expenses are carried forward for the 150<sup>th</sup>. We also have no idea how many beverages will be sold so I don’t know that cost. This is a line item by itself that by law I cannot exceed the budget so I am increasing it just in case we have a huge crowd!!

150<sup>th</sup> Celebration - Everybody hopes for good weather and a good crowd. It will be a great time to show off the City of Cresco. Please try to be at the opening ceremony as elected representatives of the City. This is a City of Cresco celebration and is our project so we need to be involved and have fun with it. Thanks for all of the volunteer hours you have and will put into making it a success.

Michelle

Mayor Bohle called the Cresco City Council meeting to order on July 6, 2016, at 7:00 pm at City Hall. Council Members Carman, Bouska, McGee, McCarville and Brenno were present. No council members were absent.

McGee made the motion to approve the consent agenda which included approval of the agenda; claims; minutes of the June 20, 2016 council meeting; displaying Sale Flags for Super Saturday Sales July 15-17, 2016; displaying Cresco Flags for Cresco 150th Celebration July 20-25, 2016; special Class C Liquor License (BW) (Beer/Wine) with outdoor service and Sunday sales to City of Cresco d/b/a Cresco 150th Celebration. Carman seconded and it passed all ayes.

The monthly police report was submitted to Council.

City Clerk Girolamo reported it has been really busy with yearend and the 150<sup>th</sup> Celebration. Auditors will be here next week. Financial reports will be submitted at the next meeting. Everything balanced out and we ended up with a small profit for the year.

Mayor Bohle read a Proclamation for National Night Out to be held on August 2, 2016. The City Council urges all citizens to join the NNO Organizers Police Lieutenant Godman, Iowa Department of Public Health Mentoring Program AmeriCorps Member Colline McCann, Cresco Chamber of Commerce Director Jason Passmore, and the National Association of Town Watch in supporting the 33<sup>rd</sup> annual National Night Out. Bouska made a motion to approve the Proclamation. McGee seconded and it passed all ayes. Godman reported that it will start at 2pm with a free movie, "Secret Lives of Pets", sponsored by the Cresco Shopper at the Cresco Theatre with request for back-to-school supplies to be donated. The NNO will be from 4-8 pm at the Fairgrounds with many events including Kid Again Bouncy Houses, carnival games, giveaways, Emergency Personnel, and Merriweather Circus will have two shows sponsored by Kiwanis. The public is encouraged to attend.

McCarville made a motion to approve the recommendation by the Board of Adjustments to reappoint Brian Balk for a five year term ending June 30, 2021. McGee seconded and it passed all ayes.

Bouska made the motion to approve the recommendation by the Planning and Zoning Commission to reappoint Allison Holten for a five year term ending June 30, 2021. Carman seconded and it passed all ayes.

Brenno made a motion to approve the recommendation by the Planning and Zoning Commission to reappoint Bruce Kingsley for a five year term ending June 30, 2021. Carman seconded and it passed all ayes.

Bouska made a motion to approve a Resolution Authorizing the Mayor and City Clerk to enter into an Industrial Sewer Rental Agreement with Cresco Food Technologies LLC. McGee seconded and it passed all ayes.

Carman made a motion to approve a Resolution Approving the Investment Policy for the City of Cresco. McGee seconded and it passed all ayes.

Carman made a motion to approve a Resolution Naming Depositories. McGee seconded and it passed all ayes.

McCarville updated Council on the 150<sup>th</sup> Celebration listing all of the events planned for July 22-24, 2016. Everything is in place and people are getting really excited. Business sponsorships have been very good. The town is looking better as many property owners are cleaning up. We are still looking for volunteers so anyone interested should contact the Chamber at 547-3434. The time capsule still has not been located. The opening ceremony is Friday at 1:00 in Beadle Park. The Mayor will give an opening speech. Augustus Beadle's great-great grandson will also address the crowd. The train whistle will sound off to open the ceremony. The parade will be on Sunday. The full listing of events is available at various businesses including the Chamber and City Hall.

The Mayor asked if there were any comments from the audience and there were none.

Carman moved to adjourn at 7:13 pm. McGee seconded and it passed all ayes. The next regular Cresco City Council meeting will be July 18, 2016 at 7:00 pm at Cresco City Hall.

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Mayor Mark Bohle

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City Clerk Michelle Girolamo

Following is a list of claims approved for payment:

ADVANT ADMIN	ReimbFlex	1,617.62
AHLERS&COONEY	Legal srvc	179.00
ALLIANT	Elect	15,156.70
BENTZ KIM	ReimbSupp	14.97
BLACK HILLS	Nat gas	832.85
BOB'S ELECTRIC	Srvc	458.38
BODENSTEINER IMP	Srvc	205.80
BRUENING ROCK	Srvc	1,622.90
BYOND COLOR	150th games	200.00
CAMPSITE RV	LP	469.60
CARD CENTER	NNO,equip	811.34
CARQUEST	Part	7.98
CITY LAUNDERING	Srvc,supp	372.46
CITY OF CRESCO	Util	1,239.83
CPU	Supp	106.98
CRESCO FIRE SAFE	Srvc	200.50
CRESCO HEAT&VENT	Srvc	75.00
CRESCO INSUR	150th insur	1,200.00
CRESCO TPD	Ads	179.82
CULLIGAN	Srvc	32.94
DELUXE ECHO	Movie rent	199.75
DEPAUL, DAWN	DepApp	80.00
DISNEY STUDIOS	Movie rent	980.80
DOHLMAN-GOV,EMILY	DepApp	77.32
ENVIRO RESOURCE	Analys	120.83
FARMERS WINN	Supp	250.00
FOCUS FEATURES	Movie rent	112.00
GALLS	Equip	801.09
GALYAN, SAM	DepRef	80.00
GESELL, COREY	DepApp	80.00
GOODER, SYDNEY	DepApp	80.00
GOSCH'S	Srvc	187.60
GRAINGER, SARAH	DepApp	63.02
GROBER, SCOTT	DepApp	46.57
H&S MOTORS	Vehs(2)	50,889.00
HACH	Supp	144.22
HAGEMAN, LAWRENCE	DepApp	43.36
HANSON TIRE	Equip	380.95
HAWKEYE REC	150th signage	337.41
HEALTHY CONTRIB	Fee	41.30
HELPING SERVICE	AnnContrib	1,250.00
HORSFALL, ROGER	DepApp	64.47
IA MUNICIPAL UTIL	Dues	1,043.29
IA CODIFICATION	Codify Ords	390.00
IA DEPT OF NAT	Fee	452.17
IA DEPT TRANS	Oil	2,245.00
JOHN DEERE FIN	Supp,tools	1,206.47
KEYSTONE LABS	Anayls	1,567.00
KOSHELL, CHRISTIE	DepApp	43.95
LACROSSE SCALE	Srvc	304.50
LARSEN, JIM	DepApp	62.86
MARCO	Srvc	495.00
MERCHANT	Fees	165.57
O'BRIEN, HEATHER	DepApp	80.00
O'HENRY'S	Unif	442.20
PAYROLL		66,795.76
PLANTPEDDLER	150th supp	17.00

POSTMASTER	Postage	439.06
PRINCIPAL LIFE	Insur	88.46
PRINT SHOP	150th supp	380.00
RICOH	Srvc	600.21
RILEY'S	Supp	162.00
RINGOEN, MATT	DepApp	62.49
RUPPERT	Supp	822.94
SAM'S DISC	Trng,supp,equip	2,201.79
SCHUTTLER, JUSTIN	DepRef	80.00
SQUARE TRANS	Fees	18.52
SKYLINE CONST	Srvc	7,442.15
SPAHN&ROSE	Supp	219.86
STOREY KEN	Supp	320.81
TECH GEEK	Srvc	239.98
TESTAMERICA	Anayls	27.00
UNIVERSAL STUD	Movie rent	250.00
WARNER BROS	Movie rent	362.70
WHKS	Engr srvcs	10,192.00
WILSON, MIKE	Movie rent	300.00
WINDSTREAM	Phone	1,147.35
ZIEGLER	Backhoe	62,150.00
	GENERAL	67,825.91
	LOST PROJECT	52,553.59
	NUISANCE HSE	65.00
	FIRE STATION BLDG	191.54
	MEDIACOM	388.01
	DRUG DOG	83.05
	CRESCO COMM FIRE	123.80
	ROAD USE	15,680.97
	EMPLOYEE BEN	17.65
	150TH CELEBRAT	2,140.86
	WATER	12,107.83
	WATER DEP	944.04
	WATER EQUIP	49,464.25
	SEWER	11,175.45
	SEWER REPLAC	24,277.40
	CAP IMPROVE	210.45
	YARDWASTE	6,862.65
	EXPENDITURES	244,112.45
	Revenues 6/21-7/6/16	184,286.78

APPLICATION FOR TAX ABATEMENT UNDER THE  
URBAN REVITALIZATION PLAN FOR

CRESCO, IOWA

Date 6-26-16

Prior Approval for  
Intended Improvements

Approval of Improvements  
Completed

Address of Property: 610 2<sup>nd</sup> St. SE, Cresco, Iowa 52136

Legal Description: Lot 25 of the Irregular Survey of the NW 1/4 of Sec 26,  
T 99 N, Range 11 West of the 5<sup>th</sup> P.M. in the City of Cresco, Howard County,  
State of Iowa

Title Holder or Contract Buyer: Ronald R. Horn

Address of Owner (if different than above): 6470 Balboa Blvd, Van Nuys, Calif 91406

Phone Number (to be reached during the day): 818-388-1080 or my Sister Betty L.  
Horn at 863-651-8774

Existing Property Use:  Residential  Commercial  Industrial  Vacant

Proposed Property Use: Residential

Nature of Improvements:  New Construction  Addition  General Improvements

Specify: 1512 Sq.Ft. Home plus 780 Sq.Ft. Garage plus Breezeway  
Connection between Garage and Home = 2432<sup>±</sup> Sq.Ft. Total

Estimated or Actual Date of Completion: September 2016

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

Tax Exemption Schedule is attached.

Signed: Ronald R. Horn

To: Cresco City Council

RE: Sump Pump Inspection

Date: 7/13/2016

From: Kevin Schrage on behalf of Marlene Barry

Cresco City Council Members,

I would like to request time on your agenda on Monday, July 18 to discuss an exception/ alternative solution to the Sump Pump inspection at Marlene Barry's home.

She has a sealed pit for Radon mitigation with the original seal intact. The inspection shows there is no sump pump present or plumbing/electrical connections that would make this a viable sump pump.

We would like to maintain the sealed pit as is, and not be required to fill it with gravel and cement over it.

Thank you.

See attached Inspection Reports & Pictures below

**SUMP PUMP  
FOLLOW-UP INSPECTION REQUIRED  
NOTICE**

**For**

Owner's Name(s): Marlene Barry  
Address: 1256<sup>th</sup> Ave E  
Date of issue: 6/28/16  
Schedule Follow - Up By: 7/12/16

Dear Property Owner,

During the sump pump inspection, we were not able to confirm the discharge location of one or more of the following items: sump pump, seepage system, roof drain, or exterior drain. Your inspection will not be complete until the discharge location is confirmed. You must schedule a Follow-Up Inspection appointment with the City of Cresco to complete the inspection process.

\* potential pit (no pump) \*  
\* remove lid & schedule follow up

To-Do:

Please call City Hall within 10 days of receiving this Notice to schedule a Follow-Up Inspection. Scheduling a Follow-Up is required to complete the inspection process. There is no charge for scheduling a Follow-Up.

*Cresco City Hall  
130 N. Park Place  
Phone 563-547-3101  
Fax 563-547-4525  
Hours: Mon - Fri 8 AM - 4:30 PM*

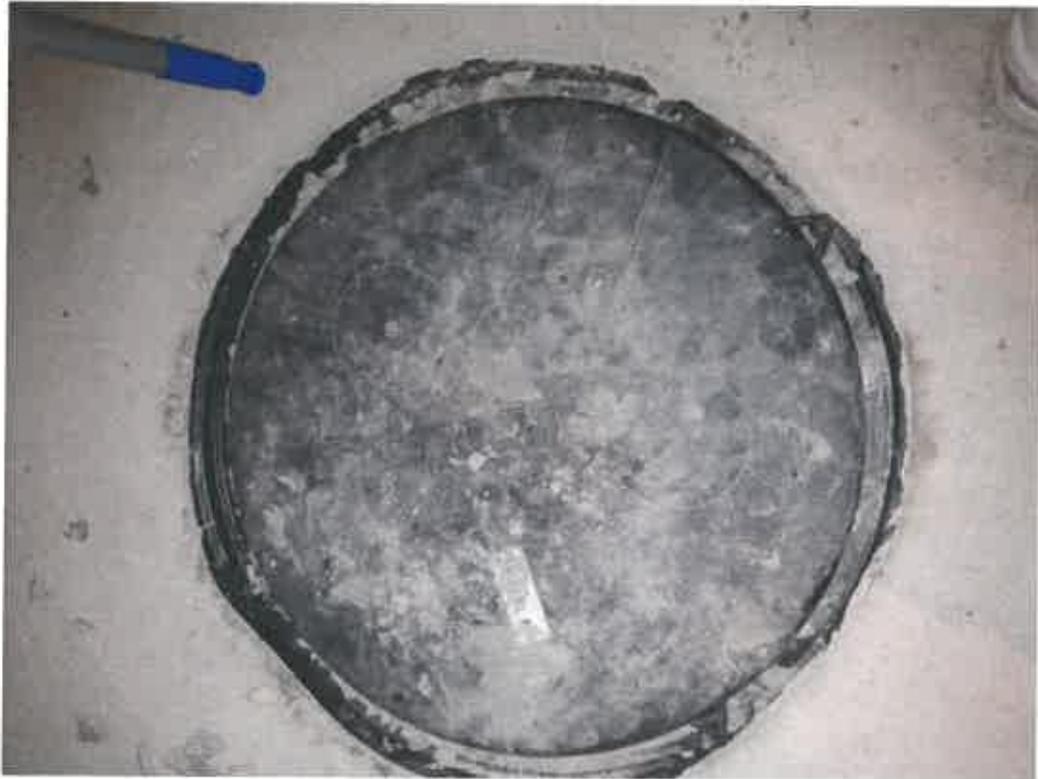
inspector Ryan Carolan  
Account #. 6006002

Initial Inspection Date: 06/28/2016

**The City will need to conduct a follow-up inspection. Please contact the inspection office at (563) 547-3101 and schedule a follow-up inspection to take place within 30 days.**

A. Initial Inspection

1. Owner and Address.
  - A. Owner Name(s): Marlene Barry
  - B. Address: 128 8th Ave E, Cresco, IA 52136
  - C. Occupants Name (If different):
  - D. Owner Address(s) (If different)
2. Date of construction: 1961  
Building type: SINGLE\_FAMILY
3. History of backups or flooding? Note date, source, and actions taken: No
4. Does building have:
  - A. Exterior grading sloping towards the building: no
  - B. Roof drains that go into the ground: no
  - C. Basement: yes
  - D. Seepage collection (beaver) system: no
  - E. Sump pit: yes
5. If building has a roof drain that goes into the ground, which of the following apply?
  - A. It is properly constructed to discharge to open air or storm system.
  - B. It is improperly constructed to discharge into the sanitary sewer system.
  - C. Discharge location not determined.
6. If there is a seepage collection (beaver) system, which of the following apply?
  - A. It is properly constructed to discharge into a sump pit.
  - B. It is improperly constructed to discharge into the sanitary sewer system.
  - C. Discharge location not determined.
7. If there is a footing drain, which of the following apply?
  - A. It is properly constructed to discharge to open air or storm system.
  - B. It is improperly constructed to discharge into the sanitary sewer system.
  - C. Discharge location not determined.
8. If there is a sump pit, which of the following apply?
  - A. Pump is properly plumbed to discharge outside the basement through rigid piping.
  - B. Pump is improperly plumbed to discharge into the sanitary sewer system.
  - C. Pump has the capability of discharging into the sanitary sewer system (ex. flex hose).
  - D. There is a pit with no pump. Plumbing is checked as (a) (b) or (c) if present.
  - E. Discharge location not determined.
9. Other comments (exterior drains, uncapped cleanouts, inactive sump pit, etc): Cant remove pit lid.  
Suspected empty pit. Marked as follow up so lid can be removed
10. Photos taken of Interior Sumps and Collection System, and Building Exterior: yes
11. If 5b, 6b, 8b, 8c, or 8d was checked, a Violation Notice was given to the Occupant or Owner directing them to correct the violation by (date): 07/12/2016
12. Pass/Fail: city follow up





City Ordinance 460 part 101.03.C states that “Where a sump pit exists in any building, it shall have a pump installed with rigid piping as specified above.”

Empty pits that collect seepage and groundwater are to be avoided because:

- They would have no outlet except to overflow into a sanitary floor drain.
- The potential exists for an existing flex-hose pump to be pulled from a pit just prior to inspection in order to pass the inspection, and put back as soon as the inspector leaves.
- It’s easy for a homeowner in the future to (inadvertently) buy a pump off the shelf and hose it to the floor drain. The likelihood of a professional plumber who knows the code being involved in future modifications is reduced since the pit’s already in.

It has been the intent of this program to treat everyone fairly. We’ve been requiring other property owners to fill empty pits and to exclude one could be seen as unfair. We also want to be reasonable. This homeowner may want to eventually turn this pit into a radon pit. We want to comply with the ordinance while striving not to cause an undue burden to remove later on. Similar situations in other cities have lead us to recommend to him filling the pit with sand with a cap of sackcrete, which should be reasonable to remove later on if needed. There may be other solutions as well that would serve to comply with the ordinance and allow for future conversion of the pit to another use.

For clarification there is an unusual situation that also occasionally occurs that is not part of this discussion. Sometimes in older homes where a gravity sewer service isn’t convenient we find pits that only collect sanitary wastewater without any tile entering the pit. The pits are essentially wastewater lift stations. Those are permitted as pits and are not included in this discussion.

Angela C. Kolz, P.E. | Associate  
2905 South Broadway | Rochester, MN 55904  
Voice: 507.288.3923 | [www.whks.com](http://www.whks.com)

*whks*

Permanent

In Back

Applicant License Application ( LC0037630 )

<b>Name of Applicant:</b> <u>M&amp;M Lounge LLC</u>		
<b>Name of Business (DBA):</b> <u>M&amp;M Lounge</u>		
<b>Address of Premises:</b> <u>109 South Park Place</u>		
<b>City</b> <u>Cresco</u>	<b>County:</b> <u>Howard</u>	<b>Zip:</b> <u>52136</u>
<b>Business</b>	<u>(563) 419-5306</u>	
<b>Mailing</b> <u>109 South Park Place</u>		
<b>City</b> <u>Cresco</u>	<b>State</b> <u>IA</u>	<b>Zip:</b> <u>52136</u>

**Contact Person**

<b>Name</b> <u>Tammy Courtney</u>
<b>Phone:</b> <u>(563) 419-5306</u> <b>Email</b> <u>dntcourtney@hotmail.com</u>

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

**Term:** 12 months

**Effective Date:** 05/16/2016

**Expiration Date:** 05/15/2017

**Privileges:**

Class C Liquor License (LC) (Commercial)

Outdoor Service

**Status of Business**

<b>BusinessType:</b> <u>Limited Liability Company</u>
<b>Corporate ID Number:</b> <u>396175</u> <b>Federal Employer ID</b> <u>27-2237856</u>

**Ownership**

**Tammy Courtney**

**First Name:** Tammy      **Last Name:** Courtney  
**City:** Cresco      **State:** Iowa      **Zip:** 52136  
**Position:** Owner  
**% of Ownership:** 100.00%      **U.S. Citizen:** Yes

**Insurance Company Information**

<b>Insurance Company:</b> <u>Founders Insurance Company</u>	
<b>Policy Effective Date:</b> <u>05/16/2016</u>	<b>Policy Expiration</b>
<b>Bond Effective</b>	<b>Dram Cancel Date:</b>
<b>Outdoor Service Effective</b> <u>07/12/2016</u>	<b>Outdoor Service Expiration</b> <u>05/15/2017</u>
<b>Temp Transfer Effective</b>	<b>Temp Transfer Expiration Date:</b>

109 S. PARK PLACE STREET

Home  
town  
Accounting  
Building

WALKWAY

FRONT  
door  
of  
the  
m

Barbara  
Preshosta  
Building

door  
was  
MADE WITH  
wood

MAN  
JAMIE

Fenced In

Door

BACK DOOR

M+M

MADES

Amber

7-15-16

Temporary - 150th

In front

Applicant License Application ( LC0037630 )

Name of Applicant: <u>M&amp;M Lounge LLC</u>		
Name of Business (DBA): <u>M&amp;M Lounge</u>		
Address of Premises: <u>109 South Park Place</u>		
City <u>Cresco</u>	County: <u>Howard</u>	Zip: <u>52136</u>
Business	<u>(563) 419-5306</u>	
Mailing	<u>109 South Park Place</u>	
City <u>Cresco</u>	State <u>IA</u>	Zip: <u>52136</u>

**Contact Person**

Name	<u>Tammy Courtney</u>		
Phone:	<u>(563) 419-5306</u>	Email	<u>dntcourtney@hotmail.com</u>

Classification Class C Liquor License (LC) (Commercial)

Term: 12 months

Effective Date: 05/16/2016

Expiration Date: 05/15/2017

**Privileges:**

Class C Liquor License (LC) (Commercial)

Outdoor Service

**Status of Business**

BusinessType:	<u>Limited Liability Company</u>		
Corporate ID Number:	<u>396175</u>	Federal Employer ID	<u>27-2237856</u>

**Ownership**

**Tammy Courtney**

First Name: Tammy

Last Name: Courtney

City: Cresco

State: Iowa

Zip: 52136

Position: Owner

% of Ownership: 100.00%

U.S. Citizen: **Yes**

**Insurance Company Information**

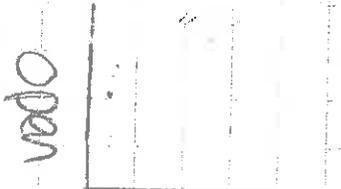
Insurance Company:	<u>Founders Insurance Company</u>		
Policy Effective Date:	<u>05/16/2016</u>	Policy Expiration	<u>05/16/2017</u>
Bond Effective		Dram Cancel Date:	
Outdoor Service Effective	<u>07/22/2016</u>	Outdoor Service Expiration	<u>07/23/2016</u>
Temp Transfer Effective		Temp Transfer Expiration Date:	

COURT HOUSE

Police Station

IF I could just have half the Street, IF IF needs to be a drive through for cars. But if not I could use the whole Street.

CLM. STREET



FENCED

Street

MIDDLE OF STREET

FENCED



Window

Door INSIDE

Window

Region - Abstract ->

Burkes Auction

McM Building Looking North

Timothy 7-15-16

**STREET CLOSING/PARADE PERMIT**

Application Date: 7-15-2016 Name: M+M Lounge Tammy Courtney

Mail to Address: 109 S. PARK PLACE

List streets to close or parade route: 109 S. PARK PLACE  
Just in front of the M+M lounge

Reason for Closure: 150 celebration Friday + Saturday  
for people to step out and smoke with their drink.

Event Date: July 23+24 Time: (from) Friday 7:00Am (to) Sunday 8:00Am

Signature of applicant: [Handwritten Signature]

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

**PARADE REGULATIONS ARE LISTED BELOW.**

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

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

\*\*\*\*\*

City Council  
Date Approved: \_\_\_\_\_ Signature: \_\_\_\_\_

CC: Ambulance \_\_\_\_\_, Police Dept. \_\_\_\_\_, Fire Dept. \_\_\_\_\_, Street Dept. \_\_\_\_\_



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

**RESOLUTION APPROVING AN ACKNOWLEDGMENT/SETTLEMENT AGREEMENT WITH CASEY'S GENERAL STORE**

WHEREAS, the Iowa Alcoholic Beverages Division, through the Iowa Pledge program, works with local law enforcement and the Iowa State Patrol to conduct compliance checks at all Iowa tobacco retailers. Employees of establishments who sell tobacco products to minors during these checks are issued a criminal citation, and the cases are prosecuted as simple misdemeanors. Iowa law provides for a civil administrative sanction against the retail permit holder if the permit holder is cited for selling tobacco products to a minor. Civil penalties are mandatory; and

WHEREAS, a violation occurred on February 6, 2016 at Casey's General Store; and

WHEREAS, Casey's General Store knowingly and voluntarily waive a hearing and submit to the statutory penalties prescribed by Iowa Law; and

WHEREAS, Casey's General Store has paid \$300 and submitted a signed Acknowledgment/Settlement Agreement.

NOW, THEREFORE, BE IT RESOLVED THAT the Cresco City Council approves the Acknowledgment/Settlement Agreement and receipt of \$300 check.

Council Person \_\_\_\_\_ moved the adoption of the foregoing Resolution Approving an Acknowledgment/Settlement Agreement with Casey's General Store. 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 it is approved.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

BY: \_\_\_\_\_  
Mayor Mark Bohle

ATTEST: \_\_\_\_\_  
City Clerk Michelle Girolamo

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IN RE: CASEY'S GENERAL STORE  
601 2<sup>nd</sup> Ave. SW  
Cresco, Iowa 52136

ACKNOWLEDGMENT/SETTLEMENT  
AGREEMENT

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ACKNOWLEDGMENT/SETTLEMENT AGREEMENT

We hereby knowingly and voluntarily acknowledge that we have received the Notice of Hearing and the Complaint in the above case. We hereby knowingly and voluntarily acknowledge the facts and allegations contained in the Complaint, attached hereto and incorporated herein by reference, and knowingly and voluntarily admit the same are true and correct. We hereby knowingly and voluntarily waive hearing and submit to the statutory penalties prescribed by Iowa Law. We understand that the violation on February 6, 2016, resulting in a criminal conviction on February 18, 2016, will count as an official "first violation" of Iowa Code Section 453A.2 pursuant to Iowa Code Section 453A.22. We have enclosed a check for the amount of \$300 made payable to the City of Cresco to settle the above-reference Complaint. We understand that in order to conclude this matter the Mayor of the City of Cresco must approve this Settlement Agreement.

  
\_\_\_\_\_  
Representative – Casey's General Store

Claire R. Matern, Legal Counsel

Dated this 1<sup>st</sup> day of July, 2016.

**Note:** This must be signed by an individual cigarette permit holder or in the case of another business entity, individuals who have authority to bind the entity.

If you decide to sign this Acknowledgment/Settlement Agreement and waive your appearance at a hearing, this document, properly signed and dated, along with your \$300 check made payable to the City of Cresco, should be returned to:

Joseph P. Braun  
Elwood, O'Donohoe, Braun & White, LLP  
Cresco City Attorney  
217 N. Elm Street  
P.O. Box 377  
Cresco, Iowa 52136