NOTICE AND CALL OF PUBLIC MEETING

GOVERNMENTAL BODY: THE CITY COUNCIL OF CRESCO, IOWA
DATE OF MEETING: AUGUST 5, 2013
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 July 15, 2013
4. Approval of Class C Beer Permit (BC) with Sunday Sales to Kwik Trip, Inc d/b/a Kwik Star #428

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

1. Public Works
2. Police
3. Administration

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

1. Public Hearing on the Adoption of the Proposed "Code of Ordinances of the City of Cresco, Iowa"
2. First Reading of Proposed Ordinance 446 Adopting the "Code of Ordinances of the City of Cresco, Iowa"
3. Resolution Naming Depositories
4. Discussion and Possible Motion Regarding Fence Permit Application for 119 South Park Place
5. Discussion and Possible Motion Regarding Fire Pit Request
6. Discussion on "Communities of Distinction TV"
7. Resolution Fixing Date for Public Hearing on Gift of Real Estate to Howard County, Iowa for the Old City Hall Located at 227 N Elm Street

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 1, 2013.

PUBLIC HEARING NOTICE

Notice is hereby given that there is now on file for public inspection in the office of the City Clerk of Cresco, Iowa, the proposed "CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA."

The City Council will meet at 7:00 o'clock p.m. on the 5th day of August, 2013, in the council chambers at which time any citizen of Cresco, Iowa, or any other person having an interest in the proposed "CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA," may appear and be heard for or against the adoption of the proposed Code of Ordinances or any part thereof.

Michelle Grotano
CITY CLERK
CITY OF CRESCO, IOWA

Notes for August 5, 2013 Meeting August 1, 2013

Public Hearing – Adopt Code of Ordinances – there will be a public hearing on adopting the new code book. Unless there are major changes then we will just have the 1st of 3 readings. At the next two meetings we will have the other 2 readings. After the Sept 2nd meeting, we will publish and then the new code will be effective. There are several fees that we changed so they will be in effect in mid-September.

Depositories - This resolution is required to be on file naming our financial institutions that we deposit our funds into. We also have to have a maximum amount set by Council. It is high enough to cover our average balance plus extra in case we get a big bond proceeds in.

Fence Permit – Tony Halverson is requesting to put a fence around his property in the parking lot east of Sandy's Café. The City owns the rest of the parking lot so we would have to grant permission if he wants it on the property line. I am not sure from the drawing he submitted exactly where he is proposing to put the fence so Rod will explain it better at the meeting.

Fire Pit Request – Council needs to decide how to handle the request from the last meeting to allow a fire pit to remain closer than 25 feet to their own shed to avoid having to move it closer to the neighbor's house and the owner's house to meet the requirements of the Ordinance as it is stated.

Communities of Distinction – Council needs to decide if we want to proceed with this TV program. If we want to pursue it, then we will need to figure out how much money the City is willing to contribute to the $19,800 fee and where the remainder will be paid from.

Old City Hall – Council voted to proceed with a public hearing to hear the public's response to the possibility of gifting the old City Hall to Howard County. A public hearing will need to be set for August 19th in order to proceed with the gifting process.

Michelle

The Cresco City Council met July 15, 2013, at 7:00 pm at City Hall. Council members Carman, Bouska, McGee and McCarville were present. Loveless arrived at 7:04 pm. No Council members were absent.

Carman made the motion to approve the consent agenda which included approval of the: agenda; claims; minutes of the July 1, 2013 meeting; ClassC Liquor License (LC) (commercial) with outdoor service to M&M Lounge LLC dba M&M Lounge on 7/27/13; excavator licenses for Henry Backhoe Service, Mracek Plumbing, Heating & Electric LLC and Stoneage Enterprises LLC. Bouska seconded and it passed all ayes.

Public Works Director Rod Freidhof reported: (a) chip sealing is going good but are still about a month behind schedule; (b) cleaning up a few tree problems; (c) water and sewer departments worked together to fix back most of the watermain patches; (d) field testing at sewer plant to figure out issues with the diffuser heads in the aeration basins that are not working properly; (e) WHKS intern working on GIS mapping; (f) Bruening's is repairing concrete on the Vernon Road project. Only replacing what was damaged during the project even though the whole road is in bad shape; (g) storm sewer project with Windridge on the airport road is complete and is a good improvement; (h) working on a small extension to the storm sewer on 7th Street with A&W and Winneshiek Coop to address drainage problems; (i) the reservoir will be removed and so the retaining wall will need to come down. Rick will see if the football team could assist with removing the retaining wall. The Council may consider using the area for the Farmer's Market in the future.

Police Chief Tim Ruroden presented his monthly report. Officers are getting situated downstairs at City Hall. July 3rd went good with a lot of people around but not many issues. Ruroden requested a meeting with the Personnel Committee to discuss options regarding personnel shortages.

City Clerk Michelle Girolamo reported (a) Public Works Committee meeting July 19th for WHKS to discuss the Granger Road Feasibility Study and possible sewer plant expansion; (b) Data Technologies will be here this week to convert payroll software. Auditors are here next week. Data Technologies will be back the following week to convert the utility billing software; (c) Fit for Life Grant final report is due Wednesday. The fitness equipment is here thanks to Pat Boyle and Kelly McCarville for delivering it and to Campsite for supplying the truck and trailer. We are hoping to get it installed within the next month; (d) we will need to do a budget amendment soon due unforeseen expenses already and some carryover of projects that did not get paid for last year; (e) airport hangar door was damaged and the runway lights are not working so there will be some repair expenses.

McCarville made the motion to approve a resolution authorizing the City Clerk to extend the health insurance contract with Wellmark Blue Cross/Blue Shield for 5 months locking in the rate and plan until November 30, 2014. McGee seconded and it passed all ayes.

Bouska made the motion to approve a resolution directing the City Clerk to publish a Notice of Hearing on August 5, 2013 for the adoption of the proposed "Code of Ordinances of the City of Cresco, Iowa." Carman seconded and it passed all ayes.

Bouska made the motion to approve a resolution approving and authorizing an amendment to loan and disbursement agreements by and between the City of Cresco and the Iowa Finance Authority, and authorizing and providing for the reissuance of the $600,000 Sewer Revenue Capital Loan Note, Series 2001, and $400,000 General Obligation Capital Loan Note, Series 20001, of the City. This refinancing will lower the interest from 3% to 1.75%, saving interest expense of $25,250. This is the second refinancing so the total savings are over $61,000 on these two loans. McGee seconded and it passed all ayes.

Loveless made the motion to approve a resolution authorizing the Mayor and City Clerk to enter into an agreement with Iowa Department of Transportation for an Airport Improvement

Program for pavement maintenance. This grant is for $10,500 (70%) of the cost for joint and crack sealing of the runway. Carman seconded and it passed all ayes.

Loveless made the motion to approve a resolution authorizing the Mayor and City Clerk to enter into an agreement with Jessica Skoda for the Farmer's Market. The agreement allows the Farmers Market to be operated in Beadle Park and/or the Southside Parking Lot on Sundays July through October from 8 am to 2 pm. Carman seconded and it passed all ayes.

McGee made the motion to change the date of the first Council meeting in September to Wednesday September 4, 2013 due to the Labor Day Holiday. McCarville seconded and it passed all ayes.

Mayor Bohle informed Council that Cresco was selected to be featured in "Communities of Distinction TV". This five minute segment hosted by Terry Bradshaw is part of "America's Best Places to Live, Work and Play" in their "Discover America" series aired nationally on FOX Business Network and aired 19 times regionally on ABC & FOX. We passed the first interview and are scheduled for the second interview on July 16th. The cost to the City is $19,800 and then we retain all rights to the program after it is aired. Council agreed to continue in the process to see what happens. Funding from other sources will be needed to help defray the cost. It could be a great marketing tool to entice people to move to Cresco.

Mayor Bohle opened the discussion on the old City Hall and whether Council wanted to gift the building to Howard County or to sell the building by auction. After much debate and a struggle in making their decision, Bouska made the motion to proceed with gifting the building to Howard County and setting the public hearing at the next meeting to hear the public's input. The final vote would then take place after the public hearing and comments have been received. Loveless seconded the motion. McCarville, Loveless and Bouska voted aye. McGee and Carman voted nay. The motion passed by majority. The public hearing date will be set at the next Council meeting, with the public hearing most likely scheduled for August 19, 2013.

Mayor asked if there were any comments from the audience. Dena Bently asked permission to continue to have recreational fires in their backyard near the alley even though it is less than 25 feet from their own shed. Moving the fire ring to satisfy the 25 foot rule would move it in the middle of their grass under utility lines and closer to the neighbor's house. It is currently on gravel and is farther from the neighbor's house. Council understood the dilemma of being practical versus following the Code. Council will discuss the issue with the Police.

Carman moved to adjourn at 7:42 pm. McGee seconded and it passed all ayes. The next regular Cresco City Council meeting will be at 7:00 pm on August 5, 2013 at Cresco City Hall.

_____ _____

Mayor Mark Bohle City Clerk Michelle Girolamo

Following is a list of claims approved for payment:

ADVANCED SYS	MAINT	62.94
ALLIANT	ELECT	613.48
BAKER&TAYLOR	BOOKS	384.82
BANCARD	EQUIP	789.90
BC / BS	INSUR	25,132.82
BECKER, RYAN	SRVC	135.00
BLACKBURN, JOAN	SUPP	125.05
BLACK HILLS	NAT GAS	63.06
BOB'S ELECT	SUPP	6.04
BOHLE, MARK	REIMB	13.50
BOYLE, PAT	REIMB	99.81
BROWN SUPP	SUPP	110.25
BRUENING ROCK	ROCK	2,345.01
CAMPSITE RV	LP GAS	196.03
CARDMEMBER	DVD	27.31
CITY OF CRES	DEP REF	159.24
CITY OF CRES	INSUR,UTIL	3,074.11
CPU	SUPP	95.98
CRES FIRE SAFETY	SRVC	136.75
CRES INSUR	INSUR	937.00
DALCO	SUPP	185.98
DENNER, EILEEN	DEP REF	71.20
ELWOOD, O'DONO	LEGAL	1,342.50
EVANS, SANDRA	REF OVRPMT	29.66
FAREWAY	SUPP	54.48
FOLLETT SOFT	SUBSCPT	289.00
GAMETRUCK	SRVC	1,100.00
GOSCH'S	SRVC	35.00
HACH	ANALYS	166.34
HANSON TIRE	SUPP	29.00
HAWKEYE REC	ELECT	7,118.26
HAWKEYE SAN	GRIT	188.61
HO COUNTY	SHARED LEC	13,753.94
HO CO AGRIC	TOURISM	2,500.00
H & S	RPRS	411.89
IDALS	FEE	75.00
IA ASSOC OF MUNIC	DUES	872.27
IA DEPT OF NAT	FEE	454.59
IA DEPT OF TRANS	OIL	1,397.90
IOWA ONE	SRVC	47.70
IA WRESTLING HALL	TOURISM	583.84
JIM'S AUTO	SUPP	10.58
KEYSTONE LABS	ANALYS	1,071.05
KWIK TRIP	GAS	4,686.32
LT MECHANICAL	SRVC	578.07
MIDLAND SCIENTI	SUPP	39.60
NAT ASSOC OF TOWN	SUPP	68.00
NE IA COMM	DEP REF	33.56
NORTHERN SAFETY	UNIFM	80.21
O'HENRY'S	SUPP	213.96
OSMONSON, ERIC	DEP REF	56.00
OUTDOOR RECR	EQUIP	20,336.00
PAYROLL		64,879.78
PETTY CASH	SUPP	197.35
POSTMASTER	POSTAGE	125.00
PRINT SHOP PLUS	SUPP	32.00
RESEARCH TECH	SUPP	101.95
RICOH	COPIES,SRVC	306.69
RUPPERT	SUPP	379.51
SCHOLBROCK MASN	SRVC	2,450.00
SCHWICKERT'S TECTA	RPRS	834.00
SHERWIN-WILLIAMS	EQUIP	165.00
SIGNS & DESIGNS	SUPP	1,471.25
SKYLINE CONSTRUCT	RPRS	2,218.00
SPAHN & ROSE	RPRS	170.24
STATE HYGIENIC LAB	ANALYS	132.00
STOREY KENWORTHY	SUPP	315.23
US CELL	PHONE	135.23
VOBR, MICHELLE	SRVC	200.00

WEBER PAPER	SUPP	351.52
WINNESHIEK COOP	SUPP	24.45
WINDSTREAM	PHONE	148.50

General Fund	57,393.17
Hotel/Motel	3,083.84
Local Option Tax	4,447.07
Mediacom	474.58
Cresco Comm Fire	132.92
Road Use	11,740.60
Emp Benefits	29,112.32
Bike Trail	2,164.13
Fit for Life	21,835.81
Water Utility	13,292.25
Water Dep	320.00
Sewer Opera	21,861.72
Cap Improv	35.53
Yardwaste	1,132.37
EXPENDITURES	167,026.31
Revenues 7/2 to 7/15/13	225,889.66

License Application (BC0027781)

Applicant

Name of Applicant: Kwik Trip, Inc.

Name of Business (DBA): Kwik Star #428

Address of Premises: 330 2nd Ave SE

City: Cresco **County:** Howard **Zip:** 52136

Business Phone: (563) 547-5507

Mailing Address: 1626 Oak St

City: **State:** WI **Zip:** 54603

Contact Person

Name: Deanna Hafner

Phone: (608) 793-6262 **Email Address:** dhafner@kwiktrip.com

Classification: Class C Beer Permit (BC)

Term: 12 months

Effective Date: 10/01/2013

Expiration Date: 09/30/2014

Privileges:

Class C Beer Permit (BC)
Sunday Sales

Status of Business

BusinessType: Privately Held Corporation

Corporate ID Number: 106706 **Federal Employer ID #** 39-1036365

Ownership

Donald Zietlow

First Name: Donald **Last Name:** Zietlow

City: **State:** Wisconsin **Zip:** 54650

Position Owner

% of Ownership 100.00 % **U.S. Citizen**

Steven Zietlow

First Name: Steven **Last Name:** Zietlow

City: **State:** Wisconsin **Zip:** 54601

Position Director

% of Ownership 0.00 % **U.S. Citizen**

Insurance Company Information

Insurance Company: First Western Insurance	
Policy Effective Date:	**Policy Expiration Date:**
Bond Effective Continuously:	**Dram Cancel Date:**
Outdoor Service Effective Date:	**Outdoor Service Expiration Date:**
Temp Transfer Effective Date:	**Temp Transfer Expiration Date:**

ORDINANCE NO. 446

AN ORDINANCE ADOPTING THE "CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA"

BE IT ORDAINED by the City Council of the City of Cresco, Iowa, that:

SECTION 1. Pursuant to published notice and following public hearing on the 5th day of August, 2013, so required by Sections 362.3 and 380.8, Code of Iowa, there is hereby adopted by the City of Cresco, Iowa, the "CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA."

SECTION 2. All of the provisions of the "CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA," shall be in force and effect on and after the effective date of this ordinance.

SECTION 3. All ordinances or parts thereof in force on the effective date of this ordinance are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided.

SECTION 4. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money by the City or authorizing the issuance of any bonds of said City or any evidence of said City's indebtedness or any contract or obligation assumed by said City; nor shall said repeal affect the administrative ordinances or resolutions of the Council not in conflict or inconsistent with the provisions of "THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA"; nor shall it affect the following ordinances specifically saved from repeal:

URBAN RENEWAL AREAS

ORDINANCE NO.	ADOPTED	NAME OF AREA
257	12-23-94	Industrial Parks Urban Renewal Area
357	10-21-02	Commercial Urban Renewal Area
381	9-8-04	Cresco Urban Renewal Area

URBAN REVITALIZATION AREAS

ORDINANCE NO.	ADOPTED	NAME OF AREA
375	5-17-04	Evans Home Assisted Living Urban Revitalization Area
412	11-3-08	Cresco Urban Revitalization Area
439	11-7-11	Amendment No. 1 to Cresco Urban Revitalization Area

STREET AND ALLEY VACATION ORDINANCES

ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
51	October 14, 1901	--	June 6, 1939
172	June 5, 1912	--	May 7, 1945
174	August 19, 1912	--	May 4, 1953
195	November 22, 1915	107	February 9, 1955
196	June 27, 1916	114	November 7, 1955
--	October 10, 1921	130-1963	May 6, 1963
--	September 3, 1934	141	April 3, 1972
--	April 5, 1937	153	May 28, 1974
--	May 1, 1937	117B	
--	December 6, 1937	206	December, 1986

STREET GRADES

ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
	April 25, 1921	143	July 17, 1972
	November 9, 1922	165A	August 16, 1976
	October 9, 1923	168	June 20, 1977
	October 5, 1926	192	April 18, 1983
	August 1, 1927	193	June 4, 1983
	December 12, 1928	194	August 15, 1983
	September 2, 1929	212	June 6, 1988
	May 19, 1931	217	August 7, 1989
	August 1, 1932	258	May 1, 1995
	September 4, 1951	274	November 6, 1995
116	June 15, 1964	372	April 5, 2004
122	July 26, 1967	436	November 7, 2011
138	August 23, 1971	437	November 7, 2011

nor shall it affect any other right or franchise conferred by any ordinance or resolution of the Council or any other person or corporation; nor shall it affect any ordinance naming, establishing, relocating or vacating any street or public way, whether temporary or permanent; nor shall it affect any ordinance amending the official zoning map, establishing building lines, establishing and changing grades, or dedicating property for public use; nor shall it affect any prosecution, suit or other proceeding pending or any judgment rendered on or prior to the effective date of this ordinance.

SECTION 5. The following ordinances, passed subsequent to the preparation of this code but prior to adoption of this code, are hereby adopted and made a part of this code. These are ordinances _____, _____, _____, _____. Said ordinances shall be codified and incorporated in published copies of this code as supplements thereto following adoption of this ordinance.

SECTION 6. An official copy of the "CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA," adopted by this ordinance, including a certificate of the City Clerk as to its adoption and the effective date, is on file in the office of the City Clerk, and shall be kept available for public inspection.

SECTION 7. The City Clerk shall furnish a copy of the "CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA," to the Judicial Magistrates serving the City of Cresco.

SECTION 8. This ordinance shall be in full force and effect from and after the publication of this ordinance, as required by law.

Passed by the Council of the City of Cresco, Iowa, the ____ day of _____, _____.

_____
MAYOR

ATTEST:_____
CITY CLERK

First Reading: _____

Second Reading: _____

Third Reading: _____

CLERK'S CERTIFICATE

I hereby certify that the foregoing Ordinance No._____ was published as required by law on the ____ day of _____, _____.

SIGNED_____
CITY CLERK

RESOLUTION NO. 081301

RESOLUTION NAMING DEPOSITORIES

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

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

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

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

Depository Name	Maximum Balance
Cresco Bank & Trust Cresco, Iowa	$15,000,000
C Us Bank Cresco, Iowa	$25,000

PASSED AND ADOPTED THIS 5TH DAY OF AUGUST, 2013.

_____
Mayor Mark Bohle

Attest:_____
City Clerk Michelle Girolamo

CITY OF CRESCO
FENCE PERMIT APPLICATION

Application is hereby made by:

NAME: Tony R Halverson

STREET: 119 South park Place TELEPHONE 563-580-5478

CITY: Cresco STATE: IA ZIP: _____

TO ERECT A FENCE

TYPE OF FENCE: Pipe HEIGHT 5-6 feet
See Chapter 165.12 of the Code of Ordinances City of Cresco.

THIS FENCE IS TO BE LOCATED AT: 119 - South park Place

LEGAL DESCRIPTION see attached

Please submit a drawing to scale showing the location of the fence in regard to the lot or the building it is to be place around. Show footages from the property lines if applicable. Fence must be three feet inside the property line unless written permission is received from the respective owners of adjoining tracts of land.

It is required and it is the responsibility of the applicant to notify **IOWA ONE CALL** if any digging is to be done in the placement of this fence. This should be done 48 hours in advance if at all possible. Please call **1-800-292-8989** and give them the information needed.

Permit fee of $10.00 paid on _____ Receipt# _____

Tony R Halverson
Signature of Applicant

* * * * * * * * * * * * * * *

City of Cresco

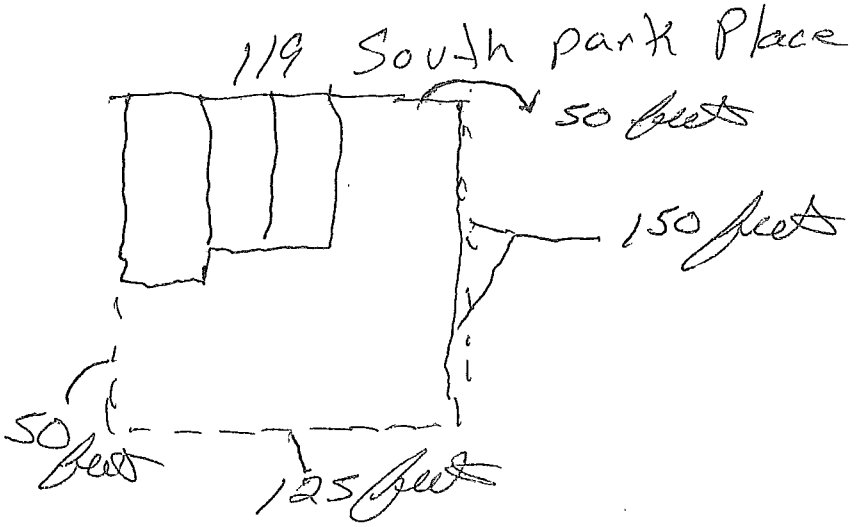
FENCE PERMIT NO. _____

A PERMIT GRANTING PERMISSION FOR THE INSTALLATION AND CONSTRUCTION OF A FENCE WITHIN THE CORPORATE LIMITS OF THE CITY OF CRESCO, IOWA SUBJECT TO THE CONDITIONS SET OUT IN ORDINANCE CHAPTER 165.12 ENTITLED FENCES, WALLS AND VISION CLEARANCE.

This permit is hereby issued to _____

Authorized by: _____ Date _____
Public Works Director

Rev 03/29/12



117 S. Park Place Cresco

- W 1/2 Lot 5 BLK 17 Cresco Plat
- E 1/2 Lot 5 BLK 17 Cresco Plat

123 S Park Place Cresco

- Lot 6 BLK 17 Cresco Plat
- W 1/2 Lot 7 BLK 17 Cresco Plat

105.05 OPEN BURNING RESTRICTED. No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances:

(IAC, 567-23.2[455B] and 567-100.2)

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists, provided that the burning of any structures or demolished structures is conducted in accordance with 40 CFR Section 61.145.

(IAC, 567-23.2[3a])

2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3b])

3. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.

(IAC, 567-23.2[3c])

4. Landscape Waste. No landscape waste shall be burned within the City of Cresco, except in an officially declared emergency condition as described in subsection 1 above.

5. Recreational Fires. Open fires for cooking, heating, recreation, and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources and the following regulations.

A. Recreational fires shall be confined to a fire pit or fire ring.

B. Recreational fires shall not exceed 3 feet in width and fueled 12 inches in height.

C. Recreational fires shall be located at least 25 feet from any structure or dwelling.

D. Recreational fires shall be constantly attended and monitored by a person who shall take responsibility for the fire and shall have a garden hose connected to a water supply or other approved fire extinguishing equipment readily available.

E. Recreational fires shall be completely extinguished by 1:00 a.m.

F. Police officers or the Fire Chief shall be authorized to order any recreational fires to be extinguished if smoke emissions cause serious annoyance or disturbance or a disturbance of the peace.

G. Only logs, sticks or twigs, and dry seasoned wood shall be burned in recreational fires. No landscape waste, garbage, refuse, paper products, treated lumber or other items shall be burned.

6. Training Fires. Fires set for the purpose of conducting bona fide training of public or industrial employees in firefighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3g])

7. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director of the State Department of Natural Resources.

(IAC, 567-23.2[2])

105.06 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted on the premises, deposited at the City's yard waste disposal site, or placed in biodegradable paper bags and set out for collection not more than twelve (12) hours in advance of the regularly scheduled collection day. Tree limbs shall be cut into pieces not exceeding ten (10) feet in length. No other solid waste shall be commingled with leaves. It is illegal to accumulate landscape waste on any public street or alley or right-of-way. It is the responsibility of the abutting property owner to dispose of such waste properly. No leaves or grass clippings shall be placed on or raked onto City streets or alleys. The City crews collect yard waste from mid-April to mid-November; a schedule may be obtained at City Hall. As used in this section, "yard waste" means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

105.07 LITTERING PROHIBITED. No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

(Code of Iowa, Sec. 455B.363)

105.08 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director of the State Department of Natural Resources, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director of the State Department of Natural Resources. However, this section does not prohibit the use of rubble at places other than a sanitary disposal project. "Rubble" means dirt, stone, brick, or similar inorganic materials used for beneficial fill, landscaping, excavation, or grading at places other than a sanitary disposal project. Rubble includes asphalt waste only as long as it is not used in contact with water or in a flood plain. For purposes of this section, rubble does not mean gypsum or gypsum wallboard, coal combustion residue, foundry sand, or industrial process wastes unless those wastes are approved by the State Department of Natural Resources.

(Code of Iowa, Sec. 455B.301, Sec. 455B.307 and IAC, 567-100.2)

105.09 TOXIC AND HAZARDOUS WASTE. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director of the State Department of Natural Resources. As used in this section, "toxic and hazardous waste" means waste materials, including (but not limited to) poisons, pesticides, herbicides, acids, caustics,

RESOLUTION NO. _____

RESOLUTION FIXING DATE FOR PUBLIC HEARING ON GIFT OF REAL ESTATE TO HOWARD COUNTY, IOWA

WHEREAS, the City of Cresco, Iowa is the owner and title holder of the following described real estate:

The North Half of Lots 1 and 2 and the West 26 1/2 feet of the North Half of Lot 3, Block 11, Original Plat of the City of Cresco, Howard County, Iowa

locally known as the "old city hall" and located at 227 N. Elm St. Cresco IA

WHEREAS, the City Council has proposed that said real estate should be gifted to Howard County, Iowa, by Quit Claim Deed pursuant to the provisions of Iowa Code Section 364.7

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Cresco, Iowa, as follows:

1. That at a public hearing is hereby set before the City Council of Cresco, Iowa, at 7:00 PM on the 19th day of August, 2013 in the City Council Chambers in the City Hall of Cresco, Iowa and that said public hearing shall be to determine that the following real estate should be gifted to Howard County, Iowa pursuant to Iowa Code 364.7:

   The North Half of Lots 1 and 2 and the West 26 1/2 feet of the North Half of Lot 3, Block 11, Original Plat of Cresco, Howard County, Iowa

2. At said public hearing the City Council will hear comments from the public and will then determine whether or not to make a gift of the real estate to Howard County, Iowa.

Council person _____ moved the adoption of the foregoing resolution and council person _____seconded said motion. Thereupon the Mayor called for a roll call vote and the following council persons voted in favor of the foregoing resolution:

_____.

and the following council persons voted against the foregoing resolution:

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