

**NOTICE AND CALL OF PUBLIC MEETING**

GOVERNMENTAL BODY: THE CITY COUNCIL OF CRESCO, IOWA

DATE OF MEETING: MARCH 18, 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 March 4, 2013
4. Approval of Class C Liquor License (LC) (Commercial)with Outdoor Service and Sunday Sales to Thomas J. & Mary Kleve d/b/a Kleve's Pub

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 Proposed Plans, Specifications, Form of Contract, and Estimate of Cost of Construction of 5th Avenue SW, Vernon Road and Highway 9 Watermain Improvements, in and for the City of Cresco, Iowa
2. Presentation of Proposals for the Construction of 5th Avenue SW, Vernon Road and Highway 9 Watermain Improvements by Daren Sikink of WHKS
3. Resolution Approving Contract and Bond for Construction of 5th Avenue SW, Vernon Road and Highway 9 Watermain Improvements
4. Rachelle Howe to Discuss Explorerland Regional Planning Commission
5. Opening of Sealed Bids and Possible Sale of 1979 Chevrolet Van
6. Second Reading of Proposed Ordinance 443 which Amends Chapter 92 Sections 02 and 03 of the Code of Ordinances of the City of Cresco, Iowa, 1998, Pertaining to Water Rates
5. Second Reading of Proposed Ordinance 444 which Amends Chapter 99 Section 02 of the Code of Ordinances of the City of Cresco, Iowa, 1998, Pertaining to Sewer Rental
6. Request for Sewer Adjustment for Water not Entering the Sanitary Sewer System from Dennis Blake
7. Resolution Adopting the Code of Conduct for Members of the Cresco City Council
8. Discussion Regarding Potential New Ordinance pertaining to "Social Host" Ordinance

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 MARCH 13, 2013.

NOTICE TO BIDDERS AND NOTICE OF PUBLIC HEARING ON PROPOSED PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATE OF COST FOR CONSTRUCTION OF 5<sup>TH</sup> AVENUE SW, VERNON ROAD AND HIGHWAY 9 WATERMAIN IMPROVEMENTS, IN AND FOR THE CITY OF CRESCO, IOWA, AND THE TAKING OF BIDS FOR SAID IMPROVEMENTS

Sealed proposals, subject to the conditions contained herein, will be received by the City Clerk of the City of Cresco, Iowa, at the City Clerk's office in City Hall, 130 North Park Place, Cresco, Iowa, 52136 before 2:00 o'clock p.m. on the 14<sup>th</sup> day of March, 2013, for:

Construction of 5<sup>th</sup> Avenue SW, Vernon Road and Highway 9 Watermain improvements, as hereinafter described in general and as described in detail in the plans and specifications now on file in the office of the City Clerk, Cresco, Iowa.

Proposals received will be considered by the City Council at 7:00 o'clock p.m. on the 18<sup>th</sup> day of March, 2013, and will be acted upon at such time or at such later time as may then be fixed. At said time specified above at the City Council Chambers in said City Hall, a hearing will be held on the proposed plans, specifications, form of contract, and estimate of cost for said Improvements, and at said hearing any interested person may appear and file objections thereto.

The extent of the work involved is the furnishing of labor and new materials for the construction of 5<sup>th</sup> Avenue SW, Vernon Road and Highway 9 Watermain Improvements.

The Proposal shall be made out on the form furnished by the City of Cresco and obtained from WHKS & Co., Engineers, Planners, and Surveyors, and must be accompanied in a sealed envelope by either: (1) a certified check, or a cashier's check drawn on an Iowa bank, or a bank chartered under the laws of the United States, in an amount of 5% of bid amount; or (2) a certified share draft drawn on a credit union in Iowa or chartered under the laws of the United States, in an amount of 5% of bid amount; or (3) a bid bond executed by a corporation authorized to contract as a surety in the State of Iowa, in the penal sum of 5% of bid amount.

The bid security shall be made payable to the Treasurer of the City of Cresco, Iowa.

The bid security must not contain any conditions either in body or as an endorsement thereon. The bid security shall be forfeited to the Owner in the event the successful bidder fails or refuses to enter into contract within ten (10) days after the award of contract and post bond satisfactory to the Owner insuring the faithful fulfillment of the contract and the maintenance of said work, if required, pursuant to the provisions of this notice and the other contract documents. The Owner will accept bid bond forms that meet the Requirements of Iowa Code, Section 38.8.

Bidders shall not be permitted to withdraw their bids for a period of thirty (30) days after the same are opened.

By virtue of statutory authority, preference will be given to products and provisions grown and produced within the State of Iowa and to Iowa domestic labor.

The right is reserved, as the interest of the Owner may require, to reject all bids, any unresponsive bid and to waive technicalities in bids received.



Public Hearing – this is for the watermain project. Bids will be received on March 14, 2013 at 2:00 pm.

Rachelle Howe – she wants to tell touch base with us and give us an update on all the things that Upper Explorerland can do for the City

Van – We are selling the 1979 Chevy van that the Park used. Sealed bids are due March 15<sup>th</sup> with a minimum bid of \$300

Rates – Rate increases will be for next fiscal year to try to make up for the loss in revenue due to lower consumptions. This will be the second of three readings of the ordinances. Increases are: 9% water (\$.32 per 1,000 gallons) and 2% sewer (\$.14 per 1,000 gallons)

Sewer Adjustment - Please read Dennis Blake's letter and Barb's notes on the request for a sewer adjustment due to a broken shut off valve in his laundry room. He claims he used the shop vac to collect the water and then that was dumped outside in the yard and was not put down the drain.

Code of Conduct – this was passed by a motion in January 2011. However, it would be nice to have this filed with our resolutions so we have a copy of the approval by council and a copy of the code readily available. It is a good refresher to have council review it every so often as well.

"Social Host" Ordinance – Howard County is considering adopting an ordinance addressing people allowing minors to drink on their property. Chief Ruroden was wondering if the City would also like to adopt a similar ordinance. The County is having a Town Hall Meeting at NICC on April 4<sup>th</sup> at 6:00 pm to discuss this potential ordinance. If the County adopts the ordinance and the City does not have a similar ordinance then cases in the City would be prosecuted through the County. Chief Ruroden will discuss this further at the meeting or you can contact him ahead of time with questions. Copies of the Chickasaw County & Dubuque County Ordinances are enclosed for examples. There is also a summary of similar ordinances that other counties have passed. This is not something the City would need to do and I would think you should definitely wait until after the Town Hall Meeting takes place to see what the public's reaction is. Also, I would assume you would not want to pass it if the County does not pass one. If the County does pass one, I would think you would want them to be similar and we need to determine if the City needs one in addition to the County's.

Have a good weekend.

Michelle

The Cresco City Council met March 4, 2013, at 7:00 pm at City Hall. Council members Carman, Bouska, McGee, McCarville and Loveless were present. No Council members were absent.

Carman made the motion to approve the consent agenda which included approval of the: agenda; claims; minutes of the February 18, 2013 meeting; Class E Liquor License (LE), Class C Beer Permit (carryout beer), Class B Wine Permit (carryout wine) with Sunday sales to Ronald B. Rear & Evelyn L. Kingsley d/b/a Cresco Liquor Store. Bouska seconded and it passed all ayes.

Public Works Director Rod Freidhof reported: (a) waiting for stray voltage report from Alliant Energy for Well #4; (b) a specialist from Iowa Association of Municipal Utilities will be here to investigate stray voltage issues on March 7th; (c) there have been two more watermain breaks; (d) Municipal Pipe Tool Company will be televising and cleaning sewer lines; (e) kickoff meeting March 12<sup>th</sup> with the Airport Layout Committee members and Eric Johnson from Kirkham Michael. They will also discuss the hangars and a request from Lynn Johnson for a new hangar.

Police Chief Tim Ruroden presented his monthly report and reported that they have been busy. Thor continues to do a good job in the drug dog training and will soon be trained with Officer Jarchow.

City Clerk Michelle Girolamo reported (a) the Hospital groundbreaking ceremony is March 22<sup>nd</sup> at 10:30 am for the hospital's new construction and renovations; (b) Data Technologies presented their software demonstration and staff decided it would be beneficial to convert to this accounting software which should occur in the next six months; (c) Cresco Chamber Business Committee requested a \$1,000 increase from the current \$2,000 annual contribution to \$3,000 for flowers and maintenance of pots on Elm Street and Highway 9. Council agreed to pay an extra \$500 this year and \$1,000 next year and amend both budgets; (d) Cresco Jaycees requested funding for fireworks. Council recommended that they apply for a Tourism grant.

Mayor Bohle opened the public hearing on the proposed budget for Fiscal Year ending June 30, 2014. There were no written or oral comments so the public hearing was closed. Loveless made the motion to approve the resolution adopting the Budget and Certification of City Taxes for Fiscal Year July 1, 2013 – June 30, 2014. Bouska seconded and it passed all ayes.

Mayor Bohle opened the public hearing to amend Chapter 93 Sections 02 and 03 in the City of Cresco Code of Ordinances pertaining to water rates. There were no written or oral comments so the public hearing was closed. Mayor Bohle performed the first reading of proposed Ordinance #443 which amends Chapter 92 Sections 02 and 03 of the Code of Ordinances of the City of Cresco, Iowa, 1998, pertaining to water rates. McCarville made the motion to approve the first reading of proposed Ordinance #443. Loveless seconded and it passed all ayes.

Mayor Bohle opened the public hearing to amend Chapter 99 Section 02 in the City of Cresco Code of Ordinances pertaining to sewer rates. There were no written or oral comments so the public hearing was closed. Mayor Bohle performed the first reading of proposed Ordinance #444 which amends Chapter 99 Section 02 of the Code of Ordinances of the City of Cresco, Iowa, 1998, pertaining to sewer rental. Bouska made the motion to approve the first reading of proposed Ordinance #444. Carman seconded and it passed all ayes.

McGee made the motion to approve the resolution authorizing the Mayor and City Clerk to enter into a Software Agreement with Data Technologies Inc. Bouska seconded and it passed all ayes.

McCarville made the motion to approve the recommendation to appoint Kevin Bill to the Airport Commission for a term ending January 2019. Loveless seconded and it passed all ayes.

Loveless made the motion to reduce \$130.27 of sewer charges for water not entering the sanitary sewer system for Kristi Lepa. Carman seconded and it passed all ayes.

Bouska made the motion to set a public hearing for March 18, 2013 for proposed plans, specifications, form of contract, and estimate of the cost of construction of 5<sup>th</sup> Avenue SW, Vernon Road and Highway 9 watermain improvements, in and for the City of Cresco, Iowa, and the taking of bids for said improvements. Bids are due March 14, 2013 at 2:00 pm. McCarville seconded and it passed all ayes.

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

Carman moved to adjourn at 7:24 pm. Bouska seconded and it passed all ayes. The next regular Cresco City Council meeting will be at 7:00 pm on March 18, 2013 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:		
ALLIANT	ELEC	15,364.32
ARAMARK	SRVC	253.28
BANCARD	TRNG, SUPP	656.19
BLACK HILLS	NAT GAS	8,547.13
CAMPSITE	SUPP	19.28
CARDMEMBER	SUPP	494.84
CARQUEST	SRVC	67.97
CITY LAUNDERING	SRVC	222.48
CITY OF CRES	DEP REF,UTIL	2,348.60
CRES INSUR	INSUR	1,827.55
CRES TPD	ADVRT	429.24
CRES CO VET	SRVC	75.00
CULLIGAN	SUPP	106.74
DAKOTA	SUPP	276.33
DALCO	SUPP	799.90
DATA TECH	PRGM	19,322.50
DECORAH ELECT	SUPP	565.19
FED SAFETY CMPL	SUPP	269.50
GOSCH'S	SUPP	6.00
HAWKEYE SAN	SRVC	43,780.15
HOGAN HANSEN	SRVC	4,600.00
IA DNR	TRNG	50.00
IA DEPT PUB HEA	DUES	70.00
JOHN DEERE	SUPP	1,032.50
K & H ENERGY	LP GAS	94.32
KEYSTONE LAB	ANAYLS	536.60
KWIK TRIP	GAS	7,051.30
LAW ENF SYS	SUPP	243.00
MATT PARROTT	SUPP	1,403.33
MODERN MRKT	SUPP	115.70
MUNICIPAL MAGT	SRVC	1,000.00
NE IA REG HSN	PLEDGE	5,000.00
NE IOWA SRVC	SRVC	742.89
O'HENRY'S	SRVC	14.00
PAYROLL		61,515.33
PEPSI-COLA	SUPP	358.00
POSTMASTER	POSTAGE	410.82
PRINC LIFE	INSUR	82.94
RICOH	COPIES	139.26
RLS CONST	SUPP	579.98
SCBAS	SUPP	262.43
SPORTSMITH	SUPP	432.65
STAPELKAMP, NEAL	TRNG RMB	421.12
STEVENSON, TOM	DEP REF	40.83
STOREY KEN	SUPP	106.11
TREAS, ST IA	SALE TAX	6,120.29
U.S. POSTAL	SUPP	533.60
ERIC VOBR	DEP REF	59.78
WINDSTREAM	PHONE	1,093.01
ZIEGLER	SUPP	64.24
	General Fund	108,759.12
	Road Use Tax	15,026.24
	Emp Benefits	6,461.48
	Local Option Tax	18,848.99
	Cresco Telecom	544.97
	Off/Comp Equip	9,661.25
	Watermain Looping	62.72
	Water Utility	17,511.75
	Water Dep	1,189.17
	MSSU Operation	10,540.79
	Water & Sewer	400.17
	Yard Waste	599.57
	EXPENDITURES	189,606.22
	Revenues 2/19 to 3/04/13	122,414.62

# License Application ( LC0030493 )

## ***Applicant***

Name of Applicant:	<u>Kleve, Thomas J. &amp; Mary</u>		
Name of Business (DBA):	<u>Kleve's Pub</u>		
Address of Premises:	<u>110 N. Elm</u>		
City: <u>Cresco</u>	County: <u>Howard</u>	Zip: <u>52136</u>	
Business Phone:	<u>(563) 547-2516</u>		
Mailing Address:	<u>110 N Elm</u>		
City: <u>Cresco</u>	State: <u>IA</u>	Zip: <u>52136</u>	

## ***Contact Person***

Name:	<u>Thomas Kleve</u>		
Phone:	<u>(563) 547-2166</u>	Email Address:	

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

Term: 12 months

Effective Date: 04/01/2013

Expiration Date: 03/31/2014

Privileges:

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

## ***Status of Business***

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

## ***Ownership***

### **Mary Kleve**

First Name: Mary

Last Name: Kleve

City: Cresco

State: Iowa

Zip: 52136

Position Owner

% of Ownership 50.00 %

U.S. Citizen

### **Thomas Kleve**

First Name: Thomas

Last Name: Kleve

City: Cresco

State: Iowa

Zip: 52136

Position Owner

% of Ownership 50.00 %

U.S. Citizen

## ***Insurance Company Information***

**Insurance Company:** Founders Insurance Company

**Policy Effective Date:** 04/01/2013

**Policy Expiration Date:** 04/01/2014

**Bond Effective Continuously:**

**Dram Cancel Date:**

**Outdoor Service Effective Date:**

**Outdoor Service Expiration Date:**

**Temp Transfer Effective Date:**

**Temp Transfer Expiration Date:**

**CITY OF CRESCO  
CASH & INVESTMENT BY FUND  
AS OF FEBRUARY 28, 2013**

	CASH BALANCE	INVESTMENT BALANCE	FUND BALANCE
001	General Fund	37,985.73	861,639.71
002	General Fund-Hotel/Motel	1,481.32	19,500.00
110	Road Use Tax Fund	37,427.85	562,800.00
112	Employee Benefits Trust	5,971.32	417,454.00
114	Health Ins Partial Self Fund	-	55,714.38
119	Emergency Fund	1,910.99	5,500.00
122	Local Option Tax Project	1,145.18	463,700.00
127	Urban Renewal TIF Area	683.03	55,500.00
160	CIDC/CityRevol.Loan-bus.	1,678.40	24,000.00
165	Nuisance House Fund	1,085.17	9,000.00
181	Cresco Telecommunic	966.55	83,800.00
182	Rehab/Housing	1,271.69	21,900.00
183	Equip.Repair-Fitness Ctr	644.68	74,900.00
184	City Park Trust	503.64	6,400.00
185	Recreation Supply	1,670.67	23,000.00
187	Equipment Replace	535.10	6,250.00
188	Fire Equipment Trust	1,735.82	186,000.00
189	Library Trust Fund	724.06	59,920.09
190	Office/Computer Equip.	1,222.18	42,500.00
191	Street Equipment Trust	920.20	152,550.00
193	Drug Dog Fund	567.22	9,500.00
197	Retirement Trust	518.79	4,600.00
200	Debt Service Fund	1,073.59	385,500.00
309	Bike Trail 2007	1,276.72	0.00
316	Street 2nd Ave Project	1,656.97	91,500.00
317	Watermain Looping Project	357.42	500.00
600	Water Utility Fund	8,000.40	252,300.00
601	Water Deposit Trust	1,306.00	53,500.00
602	Water Utility Repair	635.77	78,500.00
610	MSSU Revenue	7,058.92	518,000.00
612	MSSU Operation/Maint	5,837.35	-
613	MSSU Replacement	471.05	341,300.00
614	MSSU Rev.Bond Int	1,977.21	155,500.00
615	MSSU Rev Debt Serv	1,560.43	164,000.00
620	Cap Imp Water, Sewer, Storm	1,327.29	283,400.00
670	Yard Waste Fund	2,118.03	78,000.00
			-
	Totals	135,306.74	5,548,128.18
		2%	98%
			<u>5,683,434.92</u>

Checking - Cresco Bank & Trust (operating)	0.05%	135,306.74
Checking - CUSB (credit cards)	0.10%	2,521.71
Money Market - Cresco Bank & Trust	0.10%	5,429,972.00
MMKT Hlth Ins Partial Self Funded	0.10%	55,714.38
Library MMKT	0.10%	9,920.09
Library CD matures 6/14/13 (12 month)	0.55%	<u>50,000.00</u>

\$ 5,683,434.92

CITY OF CRESCO  
REVENUE REPORT (UNAUDITED)  
AS OF: FEBRUARY 28TH, 2013

*Should be  
67%*

	CURRENT PERIOD	YEAR-TO-DATE ACTUAL	CURRENT BUDGET	BUDGET BALANCE	% OF BUDGET
001-GENERAL FUND	107,462.33	1,310,773.94	2,210,569.00	899,795.06	59.30
002-GENERAL - HOTEL/MOTEL	0.00	11,292.44	18,000.00	6,707.56	62.74
110-ROAD USE TAX FUND	32,254.38	255,450.93	360,000.00	104,549.07	70.96
112-EMPLOYEE BENEFITS TRU	3,902.50	262,861.11	476,070.00	213,208.89	55.21
114-HEALTH INS PART SELF	3,028.75	24,501.71	0.00 (	24,501.71)	0.00
119-EMERGENCY FUND	185.24	17,940.30	27,903.00	9,962.70	64.30
121-LOCAL OPTION REVENUE	33,562.67	279,626.39	388,000.00	108,373.61	72.07
122-LOCAL OPTION TAX PROJ	30,242.62	274,376.37	374,000.00	99,623.63	73.36
127-URBAN RENEWAL TIF ARE	4.33	76.11	100.00	23.89	76.11
160-CIDC/CITY CRESCO REVO	2,318.60	13,591.46	15,712.00	2,120.54	86.50
165-NUISANCE HOUSE FUND	0.70	6.25	0.00 (	6.25)	0.00
181-CRESCO TELECOMMUNICAT	6.55	2,599.05	4,950.00	2,350.95	52.51
182-REHAB/HOUSING FORE/TR	1.71	37,980.77	107,600.00	69,619.23	35.30
183-EQUIPMENT/REPAIR-FITN	50.85	22,197.60	21,600.00 (	597.60)	102.77
184-CITY PARK TRUST/DONAT	0.50	2,321.06	7,450.00	5,128.94	31.16
185-RECREATION SUPPLY REV	1,976.80	7,490.44	10,000.00	2,509.56	74.90
187-EQUIPMENT REPLACEMENT	0.49	35,491.60	229,588.00	194,096.40	15.46
188-FIRE EQUIPMENT TRUST	229.53	27,243.09	23,400.00 (	3,843.09)	116.42
189-LIBRARY TRUST FUND	0.76	144.03	1,000.00	855.97	14.40
190-OFFICE/COMPUTER EQUIP	3.32	32.18	100.00	67.82	32.18
191-STREET TRUST FUND	55.88	1,886.40	3,000.00	1,113.60	62.88
193-DRUG DOG FUND	442.83	10,567.22	10,000.00 (	567.22)	105.67
197-RETIREMENT TRUST FUND	0.36	2.80	0.00 (	2.80)	0.00
200-DEBT SERVICE FUND	5,354.47	205,155.66	1,578,200.00	1,373,044.34	13.00
306-SEWER PROJECT	0.00	41,316.10	41,000.00 (	316.10)	100.77
309-BICYCLE TRAIL 2007	0.00	0.90	0.00 (	0.90)	0.00
315-SMART PLANNING GRANT	0.00	9,594.55	10,000.00	405.45	95.95
316-STREET 2ND AVE PROJEC	7.15	11,599.45	12,200.00	600.55	95.08
317-WATERMAIN LOOPING FUN	0.04	1,629.42	161,536.00	159,906.58	1.01
318-FIT FOR LIFE PROJECT	0.00	0.00	10,000.00	10,000.00	0.00
600-WATER UTILITY FUND	35,789.36	336,943.24	503,100.00	166,156.76	66.97
601-WATER DEPOSITS TRUST	984.18	6,815.78	12,100.00	5,284.22	56.33
602-WATER UTILITY REPAIR	( 272.25)	31,269.47	136,576.00	105,306.53	22.90
610-MSSU REVENUE FUND	60,831.19	535,270.59	727,300.00	192,029.41	73.60
612-MSSU OPERATION/MAINTE	32,000.00	302,000.00	563,100.00	261,100.00	53.63
613-MSSU REPLACEMENT FUND	26.66	55,217.67	56,500.00	1,282.33	97.73
614-MSSU REV BOND INT SIN	12.15	77,086.84	77,200.00	113.16	99.85
615-MSSU REV DEBT SERVICE	12.81	10,105.62	10,500.00	394.38	96.24
620-WATER & SEWER C.I.	3,796.14	30,402.00	46,000.00	15,598.00	66.09
670-YARD WASTE FUND	3,576.19	26,599.97	39,400.00	12,800.03	67.51
<b>GRAND TOTAL REVENUES</b>	<b>357,849.79</b>	<b>4,279,460.51</b>	<b>8,273,754.00</b>	<b>3,994,293.49</b>	<b>51.72</b>

\*\*\* END OF REPORT \*\*\*

CITY OF CRESCO  
EXPENSE REPORT (UNAUDITED)  
AS OF: FEBRUARY 28TH, 2013

*Should be  
673*

	CURRENT PERIOD	YEAR-TO-DATE ACTUAL	CURRENT BUDGET	BUDGET BALANCE	% OF BUDGET
001-GENERAL FUND	159,500.12	1,293,383.67	2,283,019.00	989,635.33	56.65
002-GENERAL - HOTEL/MOTEL	0.00	10,091.59	26,000.00	15,908.41	38.81
110-ROAD USE TAX FUND	22,621.56	180,162.58	357,775.00	177,612.42	50.36
112-EMPLOYEE BENEFITS TRU	33,017.85	305,245.40	486,070.00	180,824.60	62.80
114-HEALTH INS PART SELF	0.00	20,000.00	0.00	(20,000.00)	0.00
119-EMERGENCY FUND	0.00	10,529.31	39,750.00	29,220.69	26.49
121-LOCAL OPTION REVENUE	33,562.67	279,626.39	388,000.00	108,373.61	72.07
122-LOCAL OPTION TAX PROJ	9,780.56	314,508.59	528,750.00	214,241.41	59.48
127-URBAN RENEWAL TIF ARE	0.00	432.00	18,000.00	17,568.00	2.40
160-CIDC/CITY CRESCO REVO	0.00	133,000.00	153,500.00	20,500.00	86.64
165-NUISANCE HOUSE FUND	67.50	1,126.50	5,000.00	3,873.50	22.53
181-CRESCO TELECOMMUNICAT	777.82	6,276.43	14,450.00	8,173.57	43.44
182-REHAB/HOUSING FORF/TR	0.00	33,369.50	118,500.00	85,130.50	28.16
183-EQUIPMENT/REPAIR-FITN	0.00	11,980.98	30,000.00	18,019.02	39.94
184-CITY PARK TRUST/DONAT	0.00	4,765.00	11,200.00	6,435.00	42.54
185-RECREATION SUPPLY REV	0.00	6,705.36	12,000.00	5,294.64	55.88
187-EQUIPMENT REPLACEMENT	933.00	60,626.00	79,488.00	18,862.00	76.27
188-FIRE EQUIPMENT TRUST	0.00	3,150.00	2,600.00	(550.00)	121.15
189-LIBRARY TRUST FUND	0.00	0.00	12,100.00	12,100.00	0.00
190-OFFICE/COMPUTER EQUIP	897.35	10,027.96	12,000.00	1,972.04	83.57
191-STREET TRUST FUND	37.50	25,593.17	25,300.00	(293.17)	101.16
193-DRUG DOG FUND	0.00	500.00	10,000.00	9,500.00	5.00
200-DEBT SERVICE FUND	6,306.00	46,032.25	1,577,600.00	1,531,567.75	2.92
306-SEWER PROJECT	0.00	49,452.74	51,000.00	1,547.26	96.97
309-BICYCLE TRAIL 2007	0.00	2,478.01	3,800.00	1,321.99	65.21
315-SMART PLANNING GRANT	0.00	31,409.75	43,000.00	11,590.25	73.05
316-STREET 2ND AVE PROJEC	0.00	237,610.08	269,000.00	31,389.92	88.33
317-WATERMAIN LOOPING FUN	772.00	772.00	4,536.00	3,764.00	17.02
318-FIT FOR LIFE PROJECT	0.00	0.00	10,000.00	10,000.00	0.00
600-WATER UTILITY FUND	34,398.66	313,438.31	485,200.00	171,761.69	64.60
601-WATER DEPOSITS TRUST	660.00	6,465.00	13,000.00	6,535.00	49.73
602-WATER UTILITY REPAIR	506.00	11,534.33	81,176.00	69,641.67	14.21
610-MSSU REVENUE FUND	32,000.00	444,000.00	705,000.00	261,000.00	62.98
612-MSSU OPERATION/MAINTE	31,262.59	301,338.24	563,200.00	261,861.76	53.50
613-MSSU REPLACEMENT FUND	816.00	10,880.40	45,200.00	34,319.60	24.07
614-MSSU REV BOND INT SIN	0.00	11,449.53	76,400.00	64,950.47	14.99
620-WATER & SEWER C.I.	979.21	10,380.91	14,000.00	3,619.09	74.15
670-YARD WASTE FUND	372.71	43,556.55	61,950.00	18,393.45	70.31
<b>GRAND TOTAL EXPENSES</b>	<b>369,269.10</b>	<b>4,231,898.53</b>	<b>8,617,564.00</b>	<b>4,385,665.47</b>	<b>49.11</b>

\*\*\* END OF REPORT \*\*\*

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

RESOLUTION APPROVING CONTRACT AND BOND FOR CONSTRUCTION OF  
5<sup>TH</sup> AVENUE SW, VERNON ROAD AND HIGHWAY 9 WATERMAIN  
IMPROVEMENTS, IN AND FOR THE CITY OF CRESCO, IOWA

Council Member \_\_\_\_\_ introduced the following Resolution and moved  
its adoption. Council Member \_\_\_\_\_ seconded the motion to  
adopt. The roll was called and the vote was as follows:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION APPROVING CONTRACT AND BOND FOR CONSTRUCTION OF  
5<sup>TH</sup> AVENUE SW, VERNON ROAD AND HIGHWAY 9 WATERMAIN  
IMPROVEMENTS, IN AND FOR THE CITY OF CRESCO, IOWA

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CRESCO, IOWA:

That the construction contract and bond executed for Construction of 5<sup>th</sup> Avenue  
SW, Vernon Road and Highway 9 Watermain Improvements, in and for the City of  
Cresco, Iowa, as described in the plans and specifications and which have been signed by  
the Mayor and Clerk on behalf of the City and proof of insurance coverage be and the  
same are hereby approved as follows:

Contractor \_\_\_\_\_ of \_\_\_\_\_

Date of Contract: \_\_\_\_\_

Bond Surety: \_\_\_\_\_

Date of Bond: \_\_\_\_\_

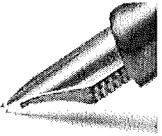
PASSED AND APPROVED, this 18<sup>th</sup> day of March, 2013.

\_\_\_\_\_  
Mayor Mark Bohle

\_\_\_\_\_  
City Clerk Michelle Girolamo

## List of Services

- ☉ Grant Research and Writing
  - Administration of Project
  
- ☉ Community Planning
  - Comprehensive Plans
  - Strategic Plans
  - Downtown Revitalization or Improvement Plans
  - Capital Improvement Plans
  - Hazard Mitigation Plans
  - Marketing Plans
  - Transportation Plans
  - Recreation, Park or Trail System Plans
  - Special Area Plans
  - Needs Assessments
  
- ☉ GIS Mapping
  - Land Use
  - Zoning
  - DFIRM
  - School Districts
  - Trails & Recreation
  
- ☉ Fiscal Agent Services
  
- ☉ Revolving Loan Funding
  
- ☉ City Ordinances
  
- ☉ Graphic Design Services
  - Brochures
  - Posters/Banners
  - Online Newsletters

Contact Us! 

*There are miscellaneous fees associated with the above services. All fees are negotiable and payment plans can be arranged. Please contact us for more information.*

ORDINANCE NO. 443

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE  
CITY OF CRESCO, IOWA, 1998, BY AMENDING  
PROVISIONS PERTAINING TO WATER RATES

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

SECTION 1. Chapter 92, Section 02, of the Code of Ordinances of the City of Cresco, Iowa, 1998, is repealed and the following adopted in lieu thereof:

**92.02 RATES FOR SERVICE.** Water service shall be furnished at the following monthly rates within the City:

(Code of Iowa, Section 384.84)

1. Effective July 1, 2013:

- A. First 1,333.33 gallons used per month @ \$5.11 (Minimum Bill).
- B. Next 5,333.33 gallons used per month @ \$3.84 per 1000 gallons.
- C. Next 60,000 gallons used per month @ \$3.52 per 1000 gallons.
- D. All over 66,666 gallons used per month @ \$3.22 per 1000 gallons.

SECTION 2. Chapter 92, Section 03, of the Code of Ordinances of the City of Cresco, Iowa, 1998, is repealed and the following adopted in lieu thereof:

**92.03 RATES OUTSIDE THE CITY:** Water service shall be provided at the following monthly rates, based upon water used and furnished, outside the City limits and such rates shall apply to all cases except where there was in existence a pre-existing written contract:

(Code of Iowa, Section 384.84)

1. Effective July 1, 2013:

- A. First 1,333.33 gallons used per month @ \$10.22 (Minimum Bill).
- B. Next 5,333.33 gallons used per month @ \$7.68 per 1000 gallons.
- C. Next 60,000 gallons used per month @ \$7.04 per 1000 gallons.
- D. All over 66,666 gallons used per month @ \$6.44 per 1000 gallons.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

ORDINANCE NO. 444

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE  
CITY OF CRESCO, IOWA, 1998, BY AMENDING  
PROVISIONS PERTAINING TO SEWER RENTAL

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

SECTION 1. Chapter 99, Section 02, of the Code of Ordinances of the City of Cresco, Iowa, 1998, is repealed and the following adopted in lieu thereof:

**99.02 RATES FOR SERVICE.** Each customer shall pay a sewer service charge for the use of and for the service supplied by the municipal sanitary sewer system based upon the amount and rate of water consumed. Sewer service shall be furnished at the following monthly rates:

(Code of Iowa, Section 384.84)

1. Effective July 1, 2013:

- A. \$7.10 per 1,000 gallons within City limits. Minimum bill is \$11.83 based on 1,666.66 gallons.
- B. \$14.20 per 1,000 gallons outside City limits. Minimum bill is \$23.66 based on 1,666.66 gallons.
- C. \$2.00 per month for Capital Improvement fund for the extension and maintenance of the sewer, storm sewer and water lines.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
Mayor Mark Bohle

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

I certify that the foregoing was published as Ordinance No. 444 on the \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
City Clerk Michelle Girolamo

March 4, 2013

Cresco City Council

Michelle G

On February 18, 2013 MariAnn went into our laundry room located on the West side of our home and discovered about 2" of water on the entire floor. Due to the location of our laundry room you don't go into that room unless to specifically do laundry. I left work and discovered the shut off valve under the sink had gone bad. At that time I turned off the water to the room via another valve in the basement. We then proceeded to remove via a wet vac all the water and debris. Because there is no drain in the room and the vast majority of the water remained in the laundry room I am asking the City to possibly adjust my bill...I have included a copy of my bill and the claim to my insurance agent for the damage. If you have any questions please feel free to call 563-380-8140.

Thank You in advance

Dennis Blake

105 6<sup>th</sup> Ave West

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<i>Cur bill</i>	110.39 +
<i>over.</i>	28.95 -
0002	81.44 *
	<hr/> <hr/>

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

**RESOLUTION ADOPTING CODE OF CONDUCT FOR MEMBERS  
OF THE CRESCO CITY COUNCIL**

WHEREAS, the Cresco City Council has been elected to represent the City of Cresco and to make decisions for the City of Cresco; and

WHEREAS, the Code of Conduct describes the roles, responsibilities and respect expected of the Council members.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Cresco, Iowa, that the Code of Conduct for Members of the Cresco City Council be adopted.

Council Person \_\_\_\_\_ moved the adoption of the foregoing Resolution and Council Person \_\_\_\_\_ seconded said Motion. Following discussion, a roll call vote was requested by Mayor and said roll call resulted as follows:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Thereupon, the Mayor declared said Resolution duly passed and announced that the Code of Conduct for Members of the Cresco City Council be adopted.

PASSED AND APPROVED THIS 18<sup>TH</sup> DAY OF MARCH, 2013.

\_\_\_\_\_  
Mayor Mark Bohle

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

# **Code of Conduct for members of the Cresco City Council**

## **Adopted by the Cresco City Council**

### **Roles, Responsibilities and Respect**

This Code of Conduct is designed to describe the manner in which Council members should treat one another, city staff, constituents, and others they come into contact with in representing the City of Cresco.

The constant and consistent theme through all of the conduct guidelines is "respect.;" Council members experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Council members to do the right thing in even the most difficult situations.

### **All Council members:**

All members of the City Council have equal votes. No Council member has more power than any other Council member, and all should be treated with equal respect. Council members must recognize that they act collectively as a governing body during properly noticed public meetings. Members must recognize that they do not have authority to make decisions or take individual actions on behalf of the City Council unless expressly directed to do so by the City Council.

### **All Council members should:**

- Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration and courtesy to others.
- Prepare in advance of Council meetings and be familiar with issues on the agenda.
- Represent the City at ceremonial functions at the request of the Mayor.
- Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in Cresco's government.
- Demonstrate honesty and integrity in every action and statement.
- Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Conduct.

## **Policies & Protocol Related to Conduct**

### **Ceremonial Events**

Requests for a City representative at ceremonial events will be handled by City staff. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if event organizers would like another representative from the Council. If yes, then the Mayor will recommend which Council member should be asked to serve as a substitute. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Council members at their homes are presumed to be for unofficial, personal consideration.

### **Correspondence Signatures**

Council members do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Council meetings. City staff will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor unless the Mayor requests that they be signed by another Council member or City staff.

If correspondence is addressed only to one Council member, that Council member should check with staff on the best way to respond to the sender.

### **Endorsement of Candidates**

Council members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official City meetings.

## **Council Conduct with One Another**

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues. Council members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, staff or the public.

## **IN PUBLIC MEETINGS**

### **• Practice civility and decorum in discussions and debate**

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Council members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

- **Honor the role of the Chair in maintaining order**

It is the responsibility of the Chair to keep the comments of Council members on track during public meetings. Council members should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

- **Avoid personal comments that could offend other Council members**

If a Council member is personally offended by the remarks of another Council member, the offended Council member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Council member to justify or apologize for the language used. The Chair will maintain control of this discussion.

- **Demonstrate effective problem-solving approaches**

Council members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

- **Abstaining from a vote due to a stated conflict of interest**

Pursuant to Section 380.4(2) of the State Code, if a Council member declares a conflict of interest and abstains from voting, the outcome of the vote is computed on the basis on the number of members who do not have a conflict of interest.

- **Abstaining from a vote not due to a stated conflict of interest**

Pursuant to Section 380.4(2) of the State Code, in the absence of a conflict of interest a Council member who abstains from voting is included for purposes of determining whether a measure has passed. To assure that a Council member must vote "no" in order to defeat a measure and may not do so by inaction, the Cresco City Council adopted Resolution No. 091204 that abstentions not due to a stated conflict of interest shall be deemed to be a vote with the majority or, in cases of a tie vote, a vote in the affirmative.

## IN PRIVATE ENCOUNTERS

- **Continue respectful behavior in private**

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

- **Be aware of the insecurity of written notes, voicemail messages, and email**

Technology allows words written or said without much forethought to be distributed far and wide. Would you feel comfortable to have this note faxed to others? How would you feel if this voicemail message was played on a speaker phone in a full office? What would happen if this e-mail message was forwarded to others? Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

- **Even private conversations can have a public presence**

Elected officials are always on display- their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

### **Council Conduct with City Staff**

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- **Treat all staff as professionals**

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

- **Limit contact to specific City staff**

Questions of City staff and/or requests for additional background information should be directed only to the City Clerk or Department Heads. The Office of the City Clerk should be copied on any request.

Requests for follow-up or directions to staff should be made only through the City Clerk. When in doubt about what staff contact is appropriate, Council members should ask the City Clerk for direction. Materials supplied to a Council member in response to a request will be made available to all members of the Council so that all have equal access to information.

- **Do not disrupt City staff from their jobs**

Council members should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.

- **Never publicly criticize an individual employee**

Council members should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Clerk through private correspondence or conversation.

- **Do not get involved in administrative functions**

Council members must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

- **Check with City staff on correspondence before taking action**

Before sending correspondence, Council members should check with City staff to see if an official City response has already been sent or is in progress.

- **Do not attend meetings with City staff unless requested by staff.**

Even if the Council member does not say anything, the Council member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

- **Limit requests for staff support**

Requests for staff support- even in high priority or emergency situations -- should be made to the City Clerk who is responsible for allocating City resources in order to maintain a professional, well-run City government.

- **Do not solicit political support from staff**

Council members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

## **Council Conduct with the Public**

### **IN PUBLIC MEETINGS**

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Council members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- **Be welcoming to speakers and treat them with care and gentleness**

The way that Council treats people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity.

- **Be fair and equitable in allocating public hearing time to individual speakers**

The Chair will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated five-minutes with applicants and appellants or their designated representatives allowed more time. If many speakers are anticipated, the Chair may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the Council requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Chair reopens the public hearing for a limited and specific purpose.

- **Give the appearance of active listening**

It is disconcerting to speakers to have Council members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom. There shall be no sidebar conversations.

- **Ask for clarification, but avoid debate and argument with the public**

Only the Chair or City Clerk- not individual Council members -- can interrupt a speaker during a presentation. However, a Council member can ask the Chair for a point of order if the speaker is off the topic or exhibiting behavior or language the Council member finds disturbing.

If speakers become flustered or defensive by Council questions, it is the responsibility of the Chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Council members to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Council members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

- **No personal attacks of any kind, under any circumstance**

Council members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

- **Follow parliamentary procedure in conducting public meetings**

The City Clerk serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. The Chair, subject to the appeal of the full Council makes final rulings on parliamentary procedure.

## IN UNOFFICIAL SETTINGS

- **Make no promises on behalf of the Council**

Council members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do something specific (fix a pothole, remove a library book fine, plant new flowers in the median, etc.).

- **Make no personal comments about other Council members**

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Council members, their opinions and actions.

- **Remember that you are a highly visible member of the City**

Council members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Cresco. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Council members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

## **Council Conduct with Other Public Agencies**

- **Be clear about representing the city or personal interests**

If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the City; 2) whether this is the majority or minority opinion of the Council.

If the Council member is representing the City, the Council member must support and advocate the official City position on an issue, not a personal viewpoint.

- **Correspondence also should be equally clear about representation**

City letterhead may be used when the Council member is representing the City and the City's official position. A copy of official correspondence should be given to the City Clerk to be filed at City Hall as part of the permanent public record.

City letterhead is not be used for correspondence of Council members representing a personal point of view or a dissenting point of view from an official Council position.

## **Council Conduct with Boards and Commissions**

The City has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- **If attending a Board or Commission meeting, be careful to only express personal opinions**

Council members may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer-- could be viewed as unfairly affecting the process. Any public comments by a Council member at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

- **Limit contact with Board and Commission members to questions of clarification**

It is inappropriate for a Council member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for Council

members to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

## **Council Conduct with the Media**

**The best advice for dealing with the media is to never go "off the record"**

Council members are frequently contacted by the media for background and quotes. Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

- **The Mayor and City Clerk are the official spokespersons to represent the official City position.**

The Mayor and City Clerk are the designated representatives of the Council to present and speak on the official City position. If an individual Council member is contacted by the media, the Council member should be clear about whether their comments represent the official City position or a personal viewpoint.

- **Choose words carefully and cautiously**

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

## **Sanctions**

- **Public Disruption**

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

- **Inappropriate Staff Behavior**

Council members should refer to the City Clerk any City staff who does not follow proper conduct in their dealings with Council members, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions. (Please refer to the section on Council Conduct with City Staff for more details on interaction with Staff.)

- **Council members Behavior and Conduct**

City Council members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by Council, such as loss of committee assignment (Mayoral decision), or budget restriction. Council members should point out to the offending Council member infractions of the Code of Ethics or Code of Conduct.

It is the responsibility of the Council to initiate action if a Council member's behavior may warrant sanction. The alleged violation(s) can be brought up with the full Council in a public meeting.

If violation of the Code of Ethics or Code of Conduct is outside of the observed behaviors by the Mayor or Council members, the alleged violation should be referred to the City Clerk. The City Clerk should investigate the allegation and report the findings to the Council. It is the Council's responsibility to take the next appropriate action. These actions can include, but are not limited to: discussing and counseling the individual on the violations; recommending sanction(s).

A violation of this Code of Conduct shall not be considered a basis for challenging the validity of a Council decision.

## ORDINANCE V-13

### AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF CHICKASAW COUNTY, IOWA BY ADDING A "SOCIAL HOST" ORDINANCE

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHICKASAW COUNTY, IOWA:

#### 1. PURPOSE.

Pursuant to the authority granted under Chapter 331, Iowa Code, this Ordinance is enacted to protect and preserve the rights, privileges, and property of the County and its residents; and to protect the public interest, health, welfare, and safety of the residents of Chickasaw County. The purpose of this ordinance is to prohibit the consumption of alcoholic beverages and/or controlled substances by persons under the age of twenty-one (21), and to prohibit gatherings where persons knowingly allow or permit the consumption of controlled substances or underage drinking of alcoholic beverages to occur on property they own or control.

The Chickasaw County Board of Supervisors finds that the occurrence of social gatherings at premises where controlled substances and/or alcoholic beverages are served to or consumed by persons under the age of twenty-one (21) is harmful to such persons themselves and a threat to public welfare, health and safety. The Surgeon General's Call to Action (2007) is hereby incorporated by reference, as further support of the health, safety and public welfare concerns that exist with underage drinking.

The Chickasaw County Board of Supervisors further finds that persons under twenty-one (21) attend gatherings where controlled substances and/or alcoholic beverages are brought or made available, and that the persons who are in control of such premises are either knowingly allowing or permitting such drug or alcohol use to occur. This ordinance will establish penalties for persons who knowingly permit or allow underage drinking or drug use, and will encourage those persons to ensure that those activities are not occurring on premises under their control.

Based on these findings, the following ordinance is enacted by the Chickasaw County Board of Supervisors:

#### 2 DEFINITIONS

- a) "Controlled Substance" means a drug, substance, or immediate precursor as specified in Chapter 124, Division IV, Code of Iowa.
- b) "Alcoholic Beverage" means any alcoholic beverage as specified in Iowa Code Section 123.3(4).
- c) "Event, gathering, or party" means any group of three (3) or more persons who have assembled or gathered together for a social occasion or other activity.

Violations of this Ordinance are a civil infraction under the Chickasaw County Code of Ordinances, and are subject to a civil penalty of \$250 for the first violation and \$500 for each subsequent violation occurring within two (2) years of conviction. Violations of this Ordinance may also be considered by the County for purposes of approving licenses applied for by the social host.

#### **6 REPEALER**

All Ordinances or parts thereof that are in conflict with this Ordinance are hereby repealed.

#### **7 SAVINGS CLAUSE**

If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

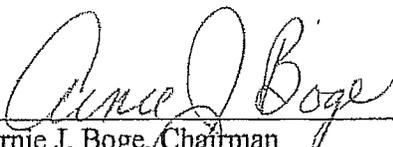
#### **8 EFFECTIVE DATE**

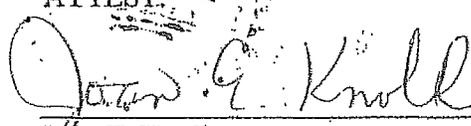
This Ordinance shall be in full force and effect from and after its final passage, adoption, and publication as provided by law.

#### **9 JURISDICTION**

The provisions of this Ordinance shall apply throughout Chickasaw County, Iowa including municipalities that have not enacted a municipal ordinance dealing with the same subject matter.

Passed and approved by the Chickasaw County Board of Supervisors on this 28<sup>th</sup> day of September, 2010.

  
\_\_\_\_\_  
Arnie J. Boge, Chairman  
Chickasaw County Supervisors

  
ATTEST:  
  
\_\_\_\_\_  
Joan E. Knoll  
Chickasaw County Auditor

CHAPTER 62 - SOCIAL HOST ORDINANCE  
OF DUBUQUE COUNTY, IOWA

Adopted 9/27/2010

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- 62-2.11 **“Possession or Control”** means actual possession or constructive possession based on facts, which permit the inference of intent to possess or control alcoholic beverages.
- 62-2.12 **“Premises”** means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, other dwelling unit, hall or meeting room, garage, barn, park, tent, camper/RV, or any other place conducive to assembly, public or private, whether occupied on a permanent or temporary basis, whether occupied as a dwelling or specifically for an event, gathering, or party, and whether owned, leased, rented or used with or without permission or compensation.
- 62-2.13 **“Public place”** means the same as defined in Iowa Code section 123.3(27).
- 62-2.14 **“Social host”**
- a means any person who aids, allows, entertains, organizes, supervises, controls or permits an event, gathering, or party. This includes but is not limited to:
    - (1) the person who owns, rents, leases, or otherwise has control of the premises where the event, gathering, or party takes place;
    - (2) the person(s) in charge of the premises; or
    - (3) the person(s) responsible for organizing the event, gathering, or party.
  - b If the social host is a juvenile, and the juvenile’s parent(s) are
    - (1) present on the premises, or
    - (2) knows or reasonably should know of the event, gathering or party and knows or reasonably should know that the consumption of alcohol is occurring,
    - (3) both the juvenile and the parent(s) will be held liable for violations of this chapter.
- 62-2.15 **“Underage person”** means any person under the age of twenty-one (21).
- 62-3 through 62-10 Reserved.

## PART 2 GENERAL PROVISIONS

- 62-11 **AFFIRMATIVE DUTIES.** It is the duty of the social host of an event, gathering, or party to take all reasonable steps to prevent alcoholic beverages from being possessed or consumed by underage persons on the premises. Reasonable steps include, but are not limited to:
- 62-11.1 Controlling underage persons’ access to alcoholic beverages,
  - 62-11.2 Controlling the quantity of alcoholic beverages,
  - 62-11.3 Verifying the age of persons being served, in the possession of, or consuming alcoholic beverages at the event, gathering, or party by inspecting driver’s; licenses or other government-issued identification cards,
  - 62-11.4 Supervising the activities of underage persons at the party, and

- 62-14 PENALTIES. A person who violates Section 62-12 shall be punishable by the following penalties:
- 62-14.1 A first offense shall be a simple misdemeanor punishable by a scheduled fine of two hundred fifty dollars (\$250.00) plus applicable surcharges and court costs.
- 62-14.2 A second or subsequent offense shall be a simple misdemeanor punishable by a scheduled fine of seven hundred fifty dollars (\$750.00) plus applicable surcharges and court costs.
- 62-14.3 The court may, in its discretion, order the person to perform community service work under Iowa Code section 909.3A, of an equivalent value to the fine imposed under this section.
- 62-14.4 The County may also seek reimbursement for enforcement services provided by emergency responders related to the event, gathering, or party.
- 62-15 ENFORCEMENT. The Dubuque County Sheriff's Office shall have primary but not exclusive enforcement responsibility for this Ordinance.
- 62-16 JURISDICTION. The provisions of this ordinance shall apply throughout Dubuque County, Iowa, including municipalities that have not enacted a municipal ordinance dealing with similar subject matter.
- 62-17 REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
- 62-18 SEVERABILITY. If any section, provision, sentence, clause, phrase or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any provision, section, subsection, clause, phrase, or part hereof not adjudged invalid or unconstitutional.
- 62-19 through 62-20 Reserved.

### PART 3 ENACTMENT

- 62-21 EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, adoption, and publication as required by law.

## Comparison Guide for the Decision Making Process for Developing a Social Host Ordinance

This is a comparison of Social Host ordinances already in effect from the following counties; Cerro Gordo County, Dubuque County, Jones County, Linn County, Washington County and Winnebago County Iowa. Also included in the comparison is a SAMPLE social host ordinance from Mothers Against Drunk Driving (MADD).

Each ordinance has some, if not all, of the following subsections;

- ☒ Repealer section
- ☒ Severability Clause section
- ☒ Purpose Statements
- ☒ Intent Statements
- ☒ Definitions section
- ☒ Affirmative Duties section
- ☒ Prohibition section
- ☒ Exceptions section
- ☒ Enforcement section
- ☒ Penalties section
- ☒ Violations section
- ☒ Jurisdiction section
- ☒ Saving Clause section
- ☒ Effective Date section
- ☒ Applicability section
- ☒ Evidence of Consumption section

*Cerro Gordo Co.*

Per AC4C (Iowa Alliance of Coalitions for Change) "**Key Steps for Passing a Social Host Ordinance**" document; *"You need to make sure your ordinance can withstand time. For example, use the term "under the legal drinking age" rather than "under the age of 21". The first definition will withstand changes in state law the second definition will require that your local ordinance be updated if the state law changes."*

**Repealer Clause:** Dubuque County, Jones County, Linn County, Washington County and Winnebago County all have a repealer clause in the ordinance which states: *"All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed."*

Cerro Gordo County does not have this clause.

Winnebago County states: *"The Supervisor of Winnebago County intend to protect the interest, welfare, health, and safety within Winnebago County by prohibiting the services to and consumption of alcoholic beverages by persons under the age of twenty one (21) at premises in the County."*

Jones County is similar to Winnebago County.

Dubuque County states: *"This Ordinance is enacted to protect and preserve the rights, privileges, and property of the residents of Dubuque County and to preserve and improve the peace, safety, health, welfare, comfort and convenience of the residents of Dubuque County"*

Depending on what you want to accomplish, Linn and Washington Counties establish the intent for penalties whereas Dubuque, Jones and Winnebago Counties do not.

**Cerro Gordo does not have an intent statement.**

**Definition Section:** Each county ordinance has a definition section. All definitions are listed in the table below. These are summaries of each definition. Please see specific county ordinances for exact definition wording.

Definitions	Cerro Gordo County	Linn County	Washington County	Winnebago County	MADD (Mothers Against Drunk Driving)	Dubuque County	Jones County
<b>Adult person:</b> <i>Any person age 18 years or older</i>	X	X				X	
<b>Alcohol:</b> <i>Ethyl alcohol, hydrate oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.</i>				X	X	X	X
<b>Alcoholic Beverage:</b> <i>Any beverage containing more than one half of one percent of alcohol volume including alcoholic liquor, wine, or beer.</i>	X	X	X	X (more detail)		X	X
<b>Controlled Substance:</b> <i>A drug, substance, or immediate precursor as specified in Chapter 124, Iowa Code.</i>			X				
<b>Dwelling Unit:</b> <i>Includes, without limitation: (1),(2),(3)</i>					X		
<b>Emergency Responders:</b> <i>Means firefighters, law enforcement officers, emergency medical service personnel, and other personnel having emergency response duties.</i>				X		X	X
<b>Enforcement Services:</b> <i>Means the salaries and benefits for the amount of time spent responding to or remaining at event, party...administrative cost of incident....actual cost of medical treatment for injured responder...cost of repairing damage to equipment or vehicles.</i>				X	X	X	X

Definitions <i>continued</i>	Cerro Gordo County	Linn County	Washington County	Winnebago County	MADD (Mothers Against Drunk Driving)	Dubuque County	Jones County
<b>Premises:</b> <i>Means any home, yard,...public or private, whether occupied on a permanent or temporary basis, whether occupied as a ....for an event, ...whether owned, ....or used with or without permission or compensation.</i>	X	X(more detail)	X(more detail)	X(more detail)	X (referred to as "private residence")	X	X
<b>Public place:</b> <i>Means the same as defined in Iowa Code section 123.3(27)</i>	X			X		X	X
<b>Religious Gathering:</b> <i>Means a gathering or event at which a group assembles for religious practice.</i>					X		
Definitions	Cerro Gordo County	Linn County	Washington County	Winnebago County	MADD (Mothers Against Drunk Driving)	Dubuque County	Jones County
<b>Social Host:</b> <i>Means any person, partnership, corporation or association of one or more individuals who aids, allows, entertains, organizes, supervises, controls, or permits an event, gathering or party. This includes but is not limited to (1), (2) or (3).</i>	X	X (contains wording about what ordinance does not apply to)	X (contains wording regarding if social host is juvenile – similar to other counties)	X (contains wording about what ordinance does not apply to)	X (contains wording about person receiving money for access to party)	X (contains wording regarding if social host is juvenile – similar to other counties)	X (contains wording regarding if social host is juvenile – similar to other counties)
<b>Underage person:</b> <i>Means any individual under the age of twenty one (21).</i>	X	X	X	X	X	X	X

**Affirmative Duties Section:** Cerro Gordo County, Dubuque County, Jones County, and Winnebago County ordinances contain an affirmative duties section which contains the following statement: *"It is the duty of the social host of an event, gathering, or party to take all reasonable steps to prevent alcoholic beverages from being possessed or consumed by underage persons on the premises. Reasonable steps include, but are not limited to:*

- a. *Controlling underage persons' access to alcoholic beverages,*
- b. *Controlling the quantity of alcoholic beverages,*
- c. *Verifying the age of persons being served, in the possession of, or consuming alcoholic beverages at the event, gathering, or party by inspecting drivers' licenses or other government issued identification cards,*
- d. *Supervising the activities of underage persons at the party, and*
- e. *Notifying law enforcement of underage possession or consumption of alcoholic beverages, and allowing law enforcement to enter the premises for the purpose of stopping the possession or consumption by underage persons."*

Linn County and Washington County do not have an affirmative duties section.

**Penalties Section:**

**Cerro Gordo County**

Lists penalties as simple misdemeanors punishable by a fine of not more than \$500.00. A second offense also involves a choice between completing a substance abuse evaluation or the suspension of a person's motor vehicle operating privileges for a period not exceeding one year. A third offense also involves a suspension of the person's motor vehicle operating privileges for a period not to exceed one year. (no choice involved) If the person is under legal age the court may order the individual to perform community service.

**Dubuque County**

62-14.1 A first offense shall be a simple misdemeanor punishable by a scheduled fine of two hundred fifty dollars (\$250.00) plus applicable surcharges and court costs.

62-14.2 A second or subsequent offense shall be a simple misdemeanor punishable by a scheduled fine of seven hundred fifty dollars (\$750.00) plus applicable surcharges and court costs.

62-14.3 The court may, in its discretion, order the person to perform community service work under Iowa Code section 909.3A, of an equivalent value to the fine imposed under this section.

62-14.4 The County may also seek reimbursement for enforcement services provided by emergency responders related to the event, gathering, or party.

**Jones County**

Violations of SECTION 5. PROHIBITIONS are declared to be county infractions, punishable by civil penalty.

- A. A five hundred dollar (\$500.00) civil penalty shall be imposed for a social host's first offense.
- B. A seven hundred fifty dollar (\$750.00) civil penalty shall be imposed for a social host's second or subsequent offense.
- C. The court may order restitution paid to any public agency for the costs of the emergency response resulting from the actions constituting a violation of this section, not exceeding five hundred dollars per public agency for each such response.
- D. A public agency seeking such restitution shall consult with the county attorney regarding the expenses incurred by the public agency, and the county attorney shall include the expenses in the statement of pecuniary damages pursuant to section 910.3b., of the Code of Iowa.
- E. In determining if a violation charged is a second or subsequent offense, conviction for violation of this section, Iowa Code section 123.47, or an ordinance of any city or county in the state of Iowa that substantially corresponds to this section or Iowa Code section 123.47, shall be counted as previous offenses.

**Linn County**

First offense carries a civil penalty of \$750.00. Second and subsequent offenses shall carry a civil penalty of \$1,000.00.

**Washington County**

Violations are subject to a civil penalty of \$500.00 of each violation.

Also stated is that violations may be considered by the County for purposes of approving licenses applied for by the social host or for any other requirements that are subject to approval by the County.

**Violations Section:** Washington County ordinance contains a violations section which contains the following statement: *"Violations of this ordinance are a civil infraction under the Washington County Code of Ordinances, and are subject to a civil penalty of \$500 for each violation. Violations of this Ordinance may also be considered by the County for purposes of approving licenses applied for by the social host or for any other requirements that are subject to approval by the County."*

Cerro Gordo County, Dubuque County, Jones County, Linn County and Winnebago County do not have a violations section.

**Jurisdiction Section:** Dubuque County, Jones County, Linn County and Winnebago County ordinances contain a jurisdiction section which contains the following statement: *"This ordinance shall apply throughout (County), Iowa including municipalities that have not enacted a municipal ordinance dealing with similar subject matter."*

Cerro Gordo and Washington County do not have a jurisdiction section.

**Savings/Severability Clause Section:** Washington County ordinance contains a savings/severability clause section which contains the following statement: *"If any section, provision, sentence, clause, phrase or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any provision, section, subsection, clause, phrase, or part hereof not adjudged invalid or unconstitutional."*

Cerro Gordo County, Dubuque County, Jones County, Linn County, Winnebago County do not have a savings/severability clause section but do have a severability clause section which is noted on page 2 of this document.

**Effective Date Section:** Dubuque County, Jones County, Washington County, and Winnebago County ordinances contain an effective date section which contain similar statements. The differences between the statements are in **bold** *"This ordinance shall be in full force and effect from and after its **final** passage, adoption, and publication as **provided** by law."*

Cerro Gordo effective date statement is as follows: *"This ordinance shall take effect thirty (30) days following its final passage and adoption."*

Linn County's effective date statement is as follows: *"This ordinance shall become effective (DATE) or upon publication, whichever is later."*

**Applicability Section:** Washington County ordinance contains an applicability section which contains the following statement: *"This ordinance shall be effective in the unincorporated areas of Washington County following the adoption and publication as provided by law."*

Cerro Gordo County, Dubuque County, Jones County, Linn County, Winnebago County do not have an applicability section.