NOTICE AND CALL OF PUBLIC MEETING
GOVERNMENTAL BODY: THE CITY COUNCIL OF CRESCO, IOWA
DATE OF MEETING: JUNE 3, 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 May 20, 2013
4. Approval of Minutes from May 15, 2013 Worksession
5. Approval of Street Closing for South Park Place on June 15, 2013 for M&M Lounge Street Dance for Humane Society Fundraiser
6. Approval of Street Closing for South Park Place on July 27, 2013 for M&M Lounge Street Dance for Danny Day
7. Approval of Street Closing for portion of 1st Ave E and N Elm Street on July 20 -21, 2013 for C Us Bank's 125th Anniversary Celebration
8. Approval of Street Closing for portion of 6th Ave West on 7/17/13, 8/4/13 and 9/8/13 for Wildlife Club Trap Shooting
9. Approval of Class C Liquor License (LC) (Commercial) for Outdoor Service on 6/15/13 for M&M Lounge LLC d/b/a M&M Lounge
10. Approval of Cigarette/Tobacco Permit Applications for:
    i. Casey's Marketing dba Casey's General Store #2511;
    ii. Fareway Stores Inc. dba Fareway Store #815;
    iii. JAGDAMBE, LLC dba Cresco Mart;
    iv. Ron B. Rear & Evelyn L. Kingsley dba Cresco Liquor Store;
    v. Big Daddy Hideaway Corp. dba Hideaway Lounge;
    vi. Kwik Trip, Inc. dba Kwik Star #428;
    vii. Thomas J. Kleve & Mary F. Kleve dba Kleve's Pub
    viii. Dollar General Store #2400

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. Resolution Authorizing the Mayor and City Clerk to Enter into an Easement for Ingress and Egress with the Howard County Hospital

2. Set Public Hearing to Add Chapter 74 to the City of Cresco Code of Ordinances Pertaining to Golf Carts
3. First Reading of Summary of Proposed Ordinance 445 which Adds Chapter 74 to the Code of Ordinances of the City of Cresco, Iowa, 1998, Pertaining to Golf Carts
4. Recommendation of the Board of Adjustment to Reappoint Dennis Cauwels to the Board of Adjustment for a Term of Five Years Expiring 6/30/2018
5. Resolution Approving Wage and Benefit Agreement for Nonunion Employees
6. Resolution Approving Wage Increase for Listed Permanent Part-Time Positions
7. Resolution Reducing Vacation Carryover for Nonunion Employees
8. Annual Write Off of Uncollectible Customer Accounts (None)
9. Update Code of Ordinances
    a. Chapter 55 Animal Protection and Control
    b. Chapter 70 Enforcement Procedures – Parking Violations

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 MAY 30, 2013.

Notes for June 3, 2013 Meeting May 29, 2013

Easement – This is the agreement that George Willis addressed Council about at the last meeting in which they would pay to concrete a portion of the driveway if we would as well.

Golf Cart Ordinance – Attached is a summary that will be read and also published. The full ordinance is also included. Please review the full copy as I made a few changes as I put it into Ordinance format. Joe made a few more changes especially in 74.11. We will have the first reading of the summary at this meeting and set the public hearing for the next meeting. We will then also read it a second time.

Dennis Cauwels – there were no other people that applied for the position so it is not gender based but we did our due diligence by advertising and having it open for 3 months.

Wage Increase – the 2% raise is the same as the three year union contract that we signed last year for the union employees. The increased employee cost of family health insurance was also part of the union contract.

Vacation Carryover – the Personnel Committee is recommending this change. An employee meeting was held with the affected employees informing them of the change. The Union employees already have an 80 hour carryover limit on their vacation.

Write-Offs - Niki has been very good at collections and we have none that we have to write off. We do have about 3 that need to be assessed to property taxes for collection. She even collected some old items from a few years ago.

Dog Fees – you need to decide how much you want to increase the dog fees for picking up dogs and keeping them. We currently charge $25 plus $3 per day. I have had suggestions of $30 or $40 or $50 and charging $5 per day.

Parking Fines – consider raising the fine for a parking ticket from $10 to $15.

Michelle

Mayor Bohle called to order a special session of the Cresco City Council on May 15, 2013 at 5:00 pm at City Hall. Council members Carman, Bouska, McGee and Loveless were present. Council member McCarville was absent.

Council discussed options for the old City Hall building. Attorney Joe Braun explained that the City could sell the property after publishing a notice for an amount not substantially less than fair market value. By selling the property at a public auction would establish fair market value as it would be open to all bidders. If the City were to continue renting the building it should be at fair market value as well and perhaps the rental agreement could be written so the renter would be responsible for repairs and maintenance of the building. Council discussed the options keeping in mind that they want to help the County Store sustain their business while still following the law with respect to fair market value. After much discussion, consensus was to sell the building by public auction. Attorney Braun will prepare the legal documents for public notice of the sale and the sale agreements.

Carman moved to adjourn at 5:45 pm. Bouska seconded and it passed all ayes. The next regular Cresco City Council meeting will be at 7:00 pm on May 20, 2013 at Cresco City Hall.

Mayor Mark Bohle

City Clerk Michelle Girolamo

The Cresco City Council met May 20, 2013, at 7:00 pm at City Hall. Council members Carman, Bouska, McGee and Loveless were present. McCarville arrived at 7:03 pm. No Council members were absent.

Bouska made the motion to approve the consent agenda which included approval of the: agenda; claims; minutes of the May 6, 2013 meeting; Tree Surgeon License for Dusty's Total Tree Service; permit for supervised display of fireworks for Marty Steenhard on June 7 & 8, 2013. Carman seconded and it passed all ayes.

Public Works Director Rod Freidhof reported: (a) sewer hauled enough sludge so if weather does not allow more to be hauled then we can store it until fall; (b) jetter truck was repaired and is now back in service; (c) repairing patches from watermain breaks; (d) water and sewer have been stubbed for the new waterworks building so hopefully they will start building soon; (e) trees are being planted this week which is about 3 weeks later than normal; (f) filling potholes with the durapatcher; (g) lot of building and fence permits; (h) watermain passed the pressure test. The boring will be done this week and services connected to the watermain which will finish this project. McGee asked when chip sealing would be done and Freidhof replied that we should start in about 3 weeks. Bouska commented on how nice the Kessel sign and statue looked and grateful for all the donations received for the project.

Police Chief Tim Ruroden reported that Jarchow finished training so Thor and he will be on duty tomorrow. Hollenbeck's car has been decommissioned due to needed repairs. H&S Motors is working on quotes for a new squad car. Chief Ruroden was a guest speaker in Dysart for the DON'T program. He is trying to implement this program in our schools as well.

City Clerk Michelle Girolamo reported (a) a list has been compiled of Mayors and Council Members from 1910–2013 and is now available on the website; (b) busy with conversion of our accounting program and auditors will be here in June and July; (c) Vince Hornberger passed away so wanted to recognize his dedication to the City as he was a fireman for over 50 years and was chief for much of that time; (d) gym floor was replaced at the Fitness Center using funds earned from basketball tournaments; (e) fitness equipment was ordered for the bike trail today and should be here in 3 weeks. Six machines were purchased with funds from Howard County Conservation, Fit Running Club, Cresco Bank & Trust and C Us Bank along with the Fit for Life Grant.

Mayor Bohle opened the Public Hearing for Budget Amendment #3 for fiscal year ending June 30, 2013. There were no oral or written comments so the public hearing was closed. Bouska made the motion to approve the resolution amending the budget. Loveless seconded and it passed all ayes.

Rachelle Howe from Upper Explorerland Regional Planning Commission explained to Council who they are, what they do and how they can help the City. It is a COG (Council of Government) that was established in 1972 and serves five counties. They do planning, economic development, revolving loan funds, housing rehabilitation, safe routes to school, first time home buyers, rental assistance programs, grant writing, LMI surveys, GIS mapping, updating ordinances, host City Clerks meetings and monthly newsletters.

George Willis proposed paving the driveway to the Hospital from the Granger Road. The City was already planning to do a portion of the driveway into the Kessel Lodge parking lot in the next budget. The Hospital would then pay for the rest of the driveway. Before entering into an agreement, he requested that research should be done regarding the agreement with the Kessel family to make sure this would be in compliance. He also requested that terms of maintenance be addressed. Freidhof agreed to contact Attorney Braun to draft an agreement with the Hospital and to research the agreement with the Kessel family.

Loveless made the motion to close City Hall on Friday June 28, 2013 for year end processing. McGee seconded and it passed all ayes.

Staff inspected the repairs quoted for the City's sidewalks and made recommendations by prioritizing the projects. There are some portions that are so bad that the whole sidewalk will need to be replaced at a future date. Bouska recommended including repairing the sidewalk around the old City Hall. Loveless made the motion to hire Precision Concrete Cutting for recommended sidewalk repairs. Bouska seconded and it passed all ayes.

Girolamo recommended removing the ordinance requiring dogs to be licensed due to the fact that it is not enforced and the information is not used after it is collected. Bouska recommended increasing the fees for impounded dogs which will be done at the next meeting. McGee made the motion to remove Chapter 56 "Dog License Required" from the Code of Ordinances. Bouska seconded and it passed all ayes.

Loveless made the motion to remove Chapter 77 "Bicycling Licensing" from the Code of Ordinances. McCarville seconded and it passed all ayes.

Mayor asked if there were any comments from the audience. Bruce Ishman inquired about the golf cart ordinance and wondered when it would be enacted. Girolamo replied that the draft copy was being reviewed by Attorney Braun. Ishman also expressed concern about a semi tanker that hauls gas parking overnight on the street.

Carman moved to adjourn at 7:43 pm. McGee seconded and it passed all ayes. The next regular Cresco City Council meeting will be at 7:00 pm on June 3, 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	535.42
AMSTERDAM PRTNG	SUPP	82.95
BAKER&TAYLOR	BOOKS	1,605.50
BLACK HILLS	NAT GAS	200.55
BC / BS	INSUR	24,346.98
BOB'S ELECT	SRVC	384.49
BROWN SUPP	SUPP	41.25
WILLIAM CAFFREY	REMB TRG	100.79
CARDMEMBER	SUPP	206.32
CITY LAUNDERING	SRVC	87.76
CITY OF CRES	INSUR,UTIL	3,072.05
CITY OF CRES	DEP REFUND	201.62
GARY CLEVELAND	REF VAR	250.00
CPU	SRVC	99.99
COURTNEY SNOW	SRVC	250.00
CRES SHOP	ADVERT	85.00
CRES TPD	ADVERT	208.74
CRICCET	TOURISM	3,000.00
DEMCO	SUPP	22.93
DURACO	SUPP	117.12
ELECT PUMP	RPRS	2,151.17
FAREWAY	SUPP	3.41
FENCO	RPRS	1,045.51
FLR SANDERS	SRVC	9,800.00
FOLEY'S CONST	SRVC	185.00
GROUP SRVCS	FEE	338.25
GRUBE CONST	RPRS	205.00
HAWKEYE REC	ELECT	8,214.84
HAWKEYE SAN	GRIT	98.61
HOVEY OIL	SUPP	162.68
HUMPHRIES FARM	SUPP	318.58
IA DEPT TRANS	SUPP	326.00
IA DEPT NAT RES	TRNG	420.00
IA FIN AUTH	LOAN PMT	76,088.00
IA ONE	SRVC	69.30
CORY JARCHOW	REMB TRG	165.16
KEYSTONE LABS	ANALYS	1,267.55
KIRKHAM MICHAEL	AIR PLN	3,500.00
RALPH KLEVE	DEP REF	75.67
MCMASTER-CARR	SUPP	15.04
JASON MILLER	REIMB UNIF	112.25
MUNICIPAL PIPE	RPRS,INSP	11,207.56
NEVCO	SUPP	1,568.93
NE IA COMM	DEP REF	5.70
NE IA TELE	SRVC	340.00
NORTHERN SAFETY	UNIF	114.28
O'HENRY'S	SUPP	1,157.00
PAYROLL		60,288.92
CLAIR PECINOVSKY	REMB PHON	19.40
PETTY CASH	POSTAGE	192.14
PLUNKETT'S	SRVC	308.26
POST-BULLETIN	SUBCRPT	192.40
POSTMASTER	POSTAGE	75.00
PRECISION DOORS	EQUIP	20,036.00
RACOM	RPRS	132.00
RESEARCH TECH	SUPP	1,695.00
RICOH	COPIES	81.58
RIVER CITY PAVING	COLD MIX	140.67
RUPPERT	SUPP	408.78
RYAN BECKER	MAINT	120.00
SANDRY FIRE	SUPP	248.00
SCHOLBROCK MAS	SUPP	1,350.00
SEC OF STATE	SRVC	60.00
DON SERVICK	REF DEP	37.01
TASC	FEE	210.80
TECH GEEK 2.0	MAINT	74.85
U.S. CELL	PHONE	122.14
UNITYPOINT CLINIC	SRVC	37.00
TIMOTHY WALTON	SRVC	1,460.00
WEBER PAPER	SUPP	99.22
WELLS FARGO	LN PMT	1,492,256.25
WILSON TREE	SRVC	401.90
WINDRIDGE IMPL	RPRS	374.59
WINDSTREAM	PHONE	145.60

	General Fund	45,834.26
	Road Use Tax	9,161.86
	Emp Benefits	24,879.74
	Local Option Tax	704.71
	Cresco Telecom	489.43
	City Park Trust	2,918.93
	Recreation Supp Rev	9,800.00
	Equip Rpl	20,036.00
	Library Trust	1,695.00
	Drug Dog	268.4
	Debt Service	1,507,395.25
	Street 2nd Ave Proj	94.08
	Water Utility	12,200.21
	Water Dep	320.00
	MSSU Operation	36,290.70
	MSSU Rev Bond	60,949.00
	Water & Sewer	13.59
	Yard Waste	1,434.24
	EXPENDITURES	1,734,485.40
	Revenues 05/7 to 05/20/13	215,358.76

STREET CLOSING/PARADE PERMIT

DATE May 20 2013

NAME MOM Charge

PERMISSION TO CLOSE: Street South Park Pkwy

REASON FOR CLOSURE: Street Dance For the Humane Society to raise money for N+E County's

DATE: June 15 2013

TIME: (from) 6:00 Am (to) - 6:00 Am

APPROVED: _____ SIGNATURE [signature]

PLEASE INCLUDE A MAP MARKING THE STREET OR STREETS YOU WISH TO HAVE CLOSED. PARADE REGULATIONS ARE LISTED BELOW.

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

1. "Parade" Defined. "Parade" means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.

2. Permit Required. No parade shall be conducted without first obtaining a written permit from the City Council. Such permit shall state the time and date for the parade to be held and the streets or general route therefor. Such written permit granted to the person organizing or sponsoring the parade shall be permission for all participants therein to parade when such participants have been invited by the permittee to participate therein. No fee shall be required for such permit. Permit forms are available at City Hall. *(Ord. 289)*

3. Parade Not A Street Obstruction. Any parade for which a permit has been issued as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.

4. Control By Police and Fire Fighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the fire department.

STREET CLOSING/PARADE PERMIT

DATE May 20, 2013

NAME [illegible]

PERMISSION TO CLOSE: Street - South Park Place

REASON FOR CLOSURE: Street Dance - For Danny Day - to raise money for the needs of local people in our community of Cresco. All money goes to help someone in need. Free will Donation

DATE: July 27, 2013

TIME: (from) 6:00 Am (to) 6:00 Am

APPROVED: _____ SIGNATURE [illegible]

PLEASE INCLUDE A MAP MARKING THE STREET OR STREETS YOU WISH TO HAVE CLOSED. PARADE REGULATIONS ARE LISTED BELOW.

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STREET CLOSING/PARADE PERMIT

DATE 5/30/13

NAME C US Bank

PERMISSION TO CLOSE: A portion of 1st Ave E. and N. Elm St. from 6 a.m. July 20 to 10 a.m. July 21st
North Elm: South of Alley between bank & Haines to corner of 1st Ave E
1st Ave: Corner of north elm to driveway of Cresco Bank & Trust

REASON FOR CLOSURE: C US Bank's 125th Anniversary Celebration

DATE: July 20, 2013

TIME: (from) 4 p.m. (to) 11 p.m.

APPROVED: _____ SIGNATURE _____

Please bring additional barracades to block off bank parking lot by ATM, if possible.

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STREET CLOSING/PARADE PERMIT

DATE May 30, 2013

NAME Cresco Wildlife Club

PERMISSION TO CLOSE: 6th Ave W from east side of Donaldson enterance to West side of race track enterance

REASON FOR CLOSURE: Trap Shooting/Safety

DATE: 7/7/13 + 8/4/13 + 9/8/13

TIME: (from) 9:30 AM (to) 4:30 PM

APPROVED: _____ SIGNATURE _____

PLEASE INCLUDE A MAP MARKING THE STREET OR STREETS YOU WISH TO HAVE CLOSED. PARADE REGULATIONS ARE LISTED BELOW.

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License Application (LC0037630)

Applicant

Name of Applicant: M&M Lounge LLC

Name of Business (DBA): M&M Lounge

Address of Premises: 109 South Park Place

City: Cresco County: Howard Zip: 52136

Business Phone: (563) 419-5306

Mailing Address: 109 South Park Place

City: Cresco State: IA Zip: 52136

Contact Person

Name: Tammy Courtney

Phone: (563) 419-5306 Email Address: dntcourtney@hotmail.com

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

Term: 12 months

Effective Date: 05/16/2013

Expiration Date: 05/15/2014

Privileges:

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

Status of Business

BusinessType: Limited Liability Company

Corporate ID Number: 396175 Federal Employer ID # 27-2237856

Ownership

Tammy Courtney

First Name: Tammy Last Name: Courtney

City: Cresco State: Iowa Zip: 52136

Position Owner

% of Ownership 100.00 % U.S. Citizen

Insurance Company Information

Insurance Company: Founders Insurance Company

Policy Effective Date: 05/16/2013 Policy Expiration Date: 05/16/2014

Bond Effective Continuously: Dram Cancel Date:

Outdoor Service Effective Date: 06/15/2013 Outdoor Service Expiration Date: 06/17/2013

Temp Transfer Effective Date: Temp Transfer Expiration Date:

RESOLUTION NUMBER _____

RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN EASEMENT FOR INGRESS AND EGRESS WITH THE HOWARD COUNTY HOSPITAL

WHEREAS, the Howard County Hospital utilizes a driveway that crosses City owned property; and

WHEREAS, the Hospital is willing to pave the driveway and maintain their portion of the driveway.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and City Clerk are authorized and directed to sign the Easement for Ingress and Egress with the Howard County Hospital n/k/a Regional Health Services of Howard County.

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 Easement for Ingress and Egress is approved and that the Mayor and City Clerk are authorized to execute the contract on behalf of the City of Cresco.

PASSED AND APPROVED THIS _____ DAY OF JUNE, 2013.

BY:_____
Mayor Mark Bohle

ATTEST:_____
City Clerk Michelle Girolamo

Prepared by and
return document to: Joseph P. Braun, 217 N. Elm, P.O. Box 377, Cresco, Iowa 52136 (563)547-3321

EASEMENT FOR INGRESS AND EGRESS

COME NOW the parties hereto, City of Cresco, a municipal corporation of the State of Iowa, (hereinafter referred to as City) and Howard County Hospital n/k/a Regional Health Services of Howard County (hereinafter referred to as Hospital) and for their agreement for easement state as follows:

1. City is the owner of real estate described as Lots 6 and 7, Beadle's Subdivision of part of Block 8 in the Irregular Survey of the Northwest Quarter of Section 23, Township 99 North, Range 11, West of the 5th P.M., in Howard County, Iowa.

2. Hospital is the owner of real estate adjacent to and immediately east of the above-described real estate .

3. There is an existing gravel driveway located on the property owned by City which provides access to the real estate owned by Hospital located to the East and provides access to real estate owned by City located to the South.

4. City, at its own expense, shall overlay the driveway area with concrete a distance of approximately 57 feet in length and 24 feet in width. Hospital, at its own expense, will overlay the balance of the driveway area with concrete (approximately 153 feet in length and 24 feet in width).

5. City hereby grants to Hospital, and its heirs, assigns, successors in interest, purchasers and related parties a permanent easement for use of the driveway area for ingress and egress to the real estate owned by Hospital.

6. The easement granted herein shall be considered to run with the parcels of real estate described above and shall be binding upon the parties hereto and upon their heirs, assigns, successors in interest, purchasers or related parties. However, if the real estate owned by

Hospital which is served by the driveway ceases to be used as a public hospital, then this easement shall immediately terminate of be of no force or effect.

7. Both parties agree that they shall not do, or cause to be done, any act which would interfere with the other party's use of the driveway area.

8. City shall maintain the westerly 57 feet of the driveway area, with the exception of removal of snow. Hospital shall maintain the balance of the driveway area which provides access to Hospital's property, and Hospital shall provide snow removal for the entire driveway area.

9. Hospital hereby releases and agrees to indemnify and hold harmless City from all liability, causes of action , claims, costs, suits or related circumstances due to Hospital's use of the easement area.

Dated this _____ day of _____ 2013.

CITY OF CRESCO

_____
Mark Bohle, Mayor

_____
Michelle Girolamo, City Clerk

HOWARD COUNTY HOSPITAL N/K/A
REGIONAL HEALTH SERVICES OF HOWARD COUNTY

BY:_____
President, Board of Directors

BY:_____
Secretary, Board of Directors

ORDINANCE NO. 445

Below is a summary of ORDINANCE 445. A full copy of said Ordinance may be obtained between 8 am and 4:30 pm weekdays at City Hall, 130 North Park Place, Cresco, IA 52136 or on the City's website at www.cityofcresco.com.

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

THE CODE OF ORDINANCES OF CRESCO, IOWA IS HEREBY AMENDED BY ADDING A NEW CHAPTER 74, REGULATION OF GOLF CARTS AS FOLLOWS:

CHAPTER 74

GOLF CARTS

The purpose of this chapter is to permit the operation of golf carts on certain streets in the City, as authorized by Section 321.247 of the Code of Iowa, as amended. Golf carts may be operated by persons possessing a valid Iowa operator's license and at least 18 years of age except as prohibited in Section 74.09 of this chapter. Golf carts shall be equipped with required equipment and shall be operated only between sunrise and sunset. Golf cart owners must be inspected and apply for a permit from the City of Cresco Police Department and pay an annual fee of $25.

74.11 VIOLATION AND PENALTY:

1. A violation of this ordinance shall be considered a municipal infraction as defined at Chapter 4.01 of this Code of Ordinances and shall be punishable as provided in Chapter 4.03 of this Code of Ordinances.
2. For a first offense, the civil penalty shall be $100.00 and revocation of the City of Cresco permit for a period of 60 days.
3. For a second offense the civil penalty shall be $200.00 and revocation of the City of Cresco permit for a period of 730 days.
4. For a third or subsequent offense the civil penalty shall be $300.00 and permanent revocation of the City of Cresco permit.
5. To all of the above civil penalties court costs shall be added pursuant to the Iowa Code.

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.

The foregoing added Sections 74.01 to and including 74.12 shall be in full force and effect from and after the date of passage and publication as provided by law.

Passed and adopted this _____ day of _____ 2013.

ORDINANCE NO. 445

TRAFFIC AND VEHICLES

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF CRESCO BY ADDING NEW CHAPTER 74 PERTAINING TO GOLF CARTS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF CRESCO AS FOLLOWS:

THE CODE OF ORDINANCES OF CRESCO, IOWA IS HEREBY AMENDED BY ADDING A NEW CHAPTER 74, REGULATION OF GOLF CARTS AS FOLLOWS:

CHAPTER 74

GOLF CARTS

74.01 Purpose
74.02 Definitions
74.03 Operation of Golf Carts Permitted
74.04 Prohibited Streets
74.05 Equipment
74.06 Hours
74.07 Speed
74.08 Passengers
74.09 Operation
74.10 Permits
74.11 Violation and Penalty
74.12 City Celebration Waiver

74.01 PURPOSE: The purpose of this chapter is to permit the operation of golf carts on certain streets in the City, as authorized by Section 321.247 of the Code of Iowa, as amended. This chapter applies whenever a golf cart is operated on any street or alley, subject to those exceptions stated herein.

74.02 DEFINITIONS: "Golf cart" means a four wheeled recreational vehicle generally used for the transportation of person(s) in the sport of golf, that is limited in engine displacement to less than 800 cubic centimeters (or the electric equivalent) and total dry weight of less than 800 pounds. Note that a vehicle with the appearance of a "golf cart" but satisfying the requirements of 49 CFR 571.500 (i.e., is a "low speed vehicle") is not subject to this chapter but rather to the Code of Iowa 321.381A.

74.03 OPERATION OF GOLF CARTS PERMITTED: Golf carts may be operated upon the streets of the City by persons possessing a valid Iowa operator's license, and at least eighteen (18) years of age, except as prohibited in Section 74.09 of this chapter.

74.04 PROHIBITED STREETS: Golf carts shall not be operated upon any City street that is a primary road extension through the City. However, golf carts may cross such a primary road extension. Within the City of Cresco, "primary road extension" shall be taken to mean Highway 9 (2nd Avenue SE/SW), 3rd Street West (Granger Road), and 3rd Street SW (Protivin Road).

74.05 EQUIPMENT: Golf carts operated upon City streets shall be equipped with at least all of the following:

1. A slow moving vehicle sign

2. A bicycle safety flag, the top of which shall be a minimum of five (5) feet from ground level.
3. Adequate and functioning brakes
4. Brake lights
5. Rear view mirror

74.06 HOURS: Golf carts may be operated on City streets only between sunrise and sunset.

74.07 SPEED: Golf carts shall be subject to posted speed limits, but in no case shall be operated at a speed in excess of twenty-five (25) miles per hour, or at a speed greater than that which is reasonable and proper for the existing conditions.

74.08 PASSENGERS: In addition to the operator, a golf cart operated on City streets or alleys may carry only one additional person (if there is one seat) or three additional persons (if there are front and back seats), with no more than two persons in a seat.

74.09 OPERATION:

1. Except as noted otherwise herein, any person operating a golf cart on City streets or alleys shall adhere to all traffic signs and signals, and all other traffic rules and regulations, and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic, or the direction of a fire department officer during a fire.
2. This ordinance forbids the operation of golf carts on City streets and alleys:
    a. In a careless, reckless, or negligent manner;
    b. While the operator is under the influence of any intoxicating or illegal substance;
    c. While the golf cart is towing any item.
3. This ordinance forbids the operation of golf carts on:
    a. Any recreational, bike or walking trail unless the trail is specifically designed to allow the use of motor vehicles;
    b. Sidewalks;
    c. City parks or any other land owned by the City;
    d. Private property without the consent of the property owner.
4. Street Etiquette:
    a. Except when executing a left turn, golf carts shall be driven as close as practical to the right hand edge of any street;
    b. When necessary to prevent congestion of traffic, golf carts shall be pulled to the right hand edge of streets and be stopped to allow other motor vehicles traveling in the same direction to pass;
    c. When two or more golf carts are being operated in the same direction and general vicinity, they shall proceed in single file.
5. Helmets: Any passenger under the age of 16 in a golf cart being operated on a City street or alley shall wear a bicycle helmet at all times when the cart is in operation. It shall be the

right of the operator of the golf cart to require all passengers, regardless of age, to wear protective head gear when the golf cart is in motion.

6. Parking: A golf cart may be parked on City streets or parking lots only in a designated parking spot.

74.10 PERMITS: No person shall operate a golf cart on any public street or alley for any purpose unless the operator possesses a City of Cresco permit to operate a golf cart on City streets.

1. Golf cart owners may apply for a permit from the City of Cresco Police Department.
2. A permit shall not be issued until the owner has provided the following:
    a. Evidence that the permitted operator(s) is at least 18 years of age and possesses a valid Iowa driver's license;
    b. Proof that the owner and all permitted operators have liability insurance covering operation of a golf cart on city streets with limits of liability at least as great as those required by the Code of Iowa Chapter 321A.1.11 or as amended;
    c. Evidence of inspection and approval by the Police Department of the City of Cresco.
3. Any golf cart operated on the City streets shall display the City of Cresco permit sticker prominently on a rear fender or similar component.
4. All permits issued shall uniquely identify the name(s) and address(es) of the owner and all permitted operators and shall be for a specific golf cart, as evidenced by its serial number.
5. The fee for such permits shall be twenty-five dollars ($25.00) per year. The fee will not be pro-rated for permits purchased during the year. The fee will not be refunded if the golf cart is sold, or the permit is suspended or revoked.
6. A permit will be valid between January 1 and December 31. Permits may be purchased at anytime during the year but will be valid only through December 31.
7. Additional operator(s) may be added during the year upon presentation of the required documentation but without an additional fee.
8. The permit may be suspended or revoked upon finding evidence that the owner or any permitted operator has violated the conditions of the permit or has abused the privilege of being a permit holder.

74.11 VIOLATION AND PENALTY:

1. A violation of this ordinance shall be considered a municipal infraction as defined at Chapter 4.01 of this Code of Ordinances and shall be punishable as provided in Chapter 4.03 of this Code of Ordinances.
2. For a first offense, the civil penalty shall be $100.00 and revocation of the City of Cresco permit for a period of 60 days.
3. For a second offense the civil penalty shall be $200.00 and revocation of the City of Cresco permit for a period of 730 days.

4. For a third or subsequent offense the civil penalty shall be $300.00 and permanent revocation of the City of Cresco permit.
5. To all of the above civil penalties court costs shall be added pursuant to the Iowa Code.

74.12 CITY CELEBRATION WAIVER: This chapter shall be waived for golf carts used by officials, workers and volunteers in a City celebration.

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.

The foregoing added Sections 74.01 to and including 74.12 shall be in full force and effect from and after the date of passage and publication as provided by law.

Passed and adopted this _____ day of _____ 2013.

CITY OF CRESCO

BY _____
Mayor Mark Bohle

ATTEST:

BY _____
City Clerk Michelle Girolamo

ADOPTION OF ORDINANCE NO. 445

Council Member _____ moved the adoption of the foregoing Ordinance and Council Member _____ seconded said motion. Thereupon the Mayor called for a roll call vote and the following Council members voted in favor of the adoption of the foregoing Ordinance:

_____

And the following Council members voted against the adoption of the foregoing Ordinance:

_____

The Mayor thereupon declared the Ordinance passed and adopted by affirmative vote by the Council and Ordinance No. 445 is approved and adopted.

CITY OF CRESCO

BY _____
Mayor Mark Bohle

ATTEST:

BY _____
City Clerk Michelle Girolamo

I certify that the foregoing was published as Ordinance No. 445 on the _____ day of _____, 2013.

BY _____
City Clerk Michelle Girolamo

BOARD OF ADJUSTMENT

TO: CRESCO CITY COUNCIL

RE: Appointment/Reappointment

We, the Board of Adjustment for the City of Cresco, recommend that the City Council

1. _____ Appoint (Name)_____

(To replace _____)

2. ✓ Reappoint (Name) Dennis Cauwels

to the Board of Adjustment.

Term to run from July 1st 2013 to expire June 30th 2018

	Signed	Date
Chairman	Brian J Belk	5/21/13
	Jeff Henderson	5 21 13
	[illegible]	[illegible]

08/05/99
BDADJAPPT

RESOLUTION NO. 061302

RESOLUTION APPROVING WAGE AND BENEFIT
AGREEMENT FOR NONUNION EMPLOYEES

WHEREAS, the Local 1068 American Federation of State, County and Municipal Employees have agreed to a three year wage and benefit package for July 1, 2012 – June 30, 2015; and

WHEREAS, City Council of Cresco, Iowa, has stated they will make the same wage and benefit package available for nonunion employees; and

WHEREAS, the nonunion personnel affected by this agreement consist of the employees in the following positions: Chief of Police, Director of Public Works, City Clerk, Street Superintendent, Water Superintendent, Wastewater Superintendent, Deputy City Clerk, Utility Billing Clerk, Assistant Utility Billing Clerk, Office Manager, Park and Recreation Director, Fitness Center Director, Assistant Fitness Center Director, and Full Time Fitness Center Front Desk Supervisor. Part Time and temporary employees' wages will be approved from time to time by Council with consideration given by respective Boards and Commissions; and

WHEREAS, the City offered a wage increase of 2% an hour for nonunion employees effective 07/01/13, and

WHEREAS, the City agrees to pay 100% of the single health insurance premium. An employee may cover his/her eligible dependents and/or spouse by paying 14% of the difference between the family premium and the single premium with the City paying the remainder.

BE IT RESOLVED, that the City Council and the nonunion employees, with the exception of Library staff, agree to the wage and insurance changes listed above.

PASSED AND APPROVED THIS ____ DAY OF _____, 2013.

_____ Attest:_____

Mayor Mark Bohle City Clerk Michelle Girolamo

RESOLUTION NO. 061301

RESOLUTION APPROVING WAGE INCREASE

WHEREAS, the Fire Chief and City Hall/Librarian Custodian and Fitness Center Front Desk Assistant and Airport Manager are permanent part-time positions, and

WHEREAS, the nonunion permanent part-time positions affected by this agreement consists of the employees in the following positions: Fire Chief; City Hall/Librarian Custodian; Fitness Center Front Desk Assistant; and Airport Manager, and

WHEREAS, the City Council of Cresco, Iowa understands the value of these individuals serving in those capacities, therefore

THEREFORE BE IT RESOLVED, that the rate of pay will be increased 2% effective July 1, 2013 for the above mentioned positions.

PASSED AND APPROVED THIS 3RD DAY OF JUNE, 2013.

_____ Attest:_____

Mayor Mark Bohle City Clerk Michelle Girolamo

RESOLUTION NO. _____

RESOLUTION REDUCING VACATION CARRYOVER FOR NONUNION EMPLOYEES

WHEREAS, the City of Cresco offers vacation hours to full-time employees based on a schedule contingent on number of years worked at the City; and

WHEREAS, the nonunion employees had been entitled to carryover one year of vacation hours on their anniversary date; and

WHEREAS, the Council of the City of Cresco desires to reduce the financial liability of the accumulated vacation hours.

THEREFORE, the carryover allowed will be reduced to a maximum of 120 hours for Nonunion Department Heads and 80 hours for all other eligible Nonunion Employees effective on their respective anniversary after July 1, 2014 and phased in over three years.

Council Person _____ moved the adoption of the Resolution as stated above. Council Person _____ seconded said motion. A roll call vote was requested by the Mayor and said roll call vote resulted as follows:

Ayes: _____

Nays: _____

Absent: _____

Thereupon, the Mayor declared said Resolution duly passed.

PASSED AND APPROVED THIS 3RD DAY OF JUNE, 2013.

_____
Mayor Mark Bohle

ATTEST: _____
City Clerk Michelle Girolamo

Request for write off of uncollectible customer accounts for fiscal year ending June 30, 2013.

NONE!!!

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions
55.02 Animal Neglect
55.03 Livestock Neglect
55.04 Abandonment of Cats and Dogs
55.05 Livestock
55.06 At Large Prohibited
55.07 Damage or Interference
55.08 Annoyance or Disturbance
55.09 Number of Animals Limited
55.10 Rabies Vaccination
55.11 Owner's Duty
55.12 Confinement
55.13 At Large: Impoundment
55.14 Disposition of Animals
55.15 Impounding Costs
55.16 Pet Awards Prohibited

55.01 DEFINITIONS. The following terms are defined for use in this chapter.

1. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.

2. "Animal" means a nonhuman vertebrate.

(Code of Iowa, Sec. 717B.1)

3. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.

4. "Business" means any enterprise relating to any of the following:

A. The sale or offer for sale of goods or services.

B. A recruitment for employment or membership in an organization.

C. A solicitation to make an investment.

D. An amusement or entertainment activity.

5. "Fair" means any of the following:

A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the *Code of Iowa* or any fair event conducted by a fair under the provisions of Chapter 174 of the *Code of Iowa*.

B. An exhibition of agricultural or manufactured products.

C. An event for operation of amusement rides or devices or concession booths.

6. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the *Code of Iowa*.

7. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the *Code of Iowa*; or poultry.

(Code of Iowa, Sec. 717.1)

8. "Owner" means any person owning, keeping, sheltering or harboring an animal.

9. "Pet" means a living dog, cat, or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko, or iguana.

55.02 ANIMAL NEGLECT. It is unlawful for a person who impounds or confines, in any place, an animal, excluding livestock, to fail to supply the animal during confinement with a sufficient quantity of food or water, or to fail to provide a confined dog or cat with adequate shelter, or to torture, deprive of necessary sustenance, mutilate, beat, or kill such animal by any means that causes unjustified pain, distress or suffering.

(Code of Iowa, Sec. 717B.3)

55.03 LIVESTOCK NEGLECT. It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means that causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

(Code of Iowa, Sec. 717.2)

55.04 ABANDONMENT OF CATS AND DOGS. A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.

(Code of Iowa, Sec. 717B.8)

55.05 LIVESTOCK. It is unlawful for a person to keep livestock within the corporate limits of the City except in an area zoned for this purpose.

55.06 AT LARGE PROHIBITED. It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City. When an owner/keeper walks a dog, the dog must be on a leash and all pet waste must be picked up and disposed of properly.

55.07 DAMAGE OR INTERFERENCE. It is unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

55.08 ANNOYANCE OR DISTURBANCE. It is unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person by frequent and habitual howling, yelping, barking, or otherwise, or by running after or chasing persons, bicycles, automobiles or other vehicles.

55.09 NUMBER OF ANIMALS LIMITED. It is unlawful to harbor or house on one premises more than three dogs or three cats or any combination thereof, not exceeding a total of three over the age of six months, except in a licensed kennel or pet shop, veterinary hospital or animal grooming shop.

55.10 RABIES VACCINATION. Every owner of a dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog in said person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs

kept in State or Federally licensed kennels and not allowed to run at large are not subject to these vaccination requirements.

(Code of Iowa, Sec. 351.33)

55.11 OWNER'S DUTY. It is the duty of the owner of any dog, cat, or other animal that has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

55.12 CONFINEMENT. If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after ten (10) days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

(Code of Iowa, Sec. 351.39)

55.13 AT LARGE: IMPOUNDMENT. Animals found at large in violation of this chapter shall be seized and impounded, or at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

55.14 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be provided to the owner within two (2) days after impoundment, if the owner's name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner fails to redeem the animal within seven (7) days from the date that the notice is mailed, or if the owner cannot be located within seven days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

(Code of Iowa, Sec. 351.37, 351.41)

* Increase to $30 or $40 or $50 and $5 per day

55.15 IMPOUNDING COSTS. Impounding costs are twenty-five dollars ($25.00) for the pickup fee, plus three dollars ($3.00) per day for food and care. ok

(Code of Iowa, Sec. 351.37)

55.16 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717E)

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:

A. A prize for participating in a game.

B. A prize for participating in a fair.

C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.

D. An inducement or condition for executing a contract that includes provisions unrelated to the ownership, care or disposition of the pet.

2. Exceptions. This section does not apply to any of the following:

A. A pet shop licensed pursuant to Section 162.5 of the *Code of Iowa* if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.

B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen's Federation.

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CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation
70.02 Scheduled Violations
70.03 Parking Violations: Alternate
70.04 Parking Violations: Vehicle Unattended
70.05 Presumption in Reference to Illegal Parking
70.06 Impounding Vehicles

70.01 ARREST OR CITATION. Whenever a peace officer has reasonable cause to believe that a person has violated any provision of the Traffic Code, such officer may:

1. Immediate Arrest. Immediately arrest such person and take such person before a local magistrate, or

2. Issue Citation. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety, or issue a uniform citation and complaint utilizing a State-approved computerized device.

(Code of Iowa, Sec. 805.6 & 321.485)

70.02 SCHEDULED VIOLATIONS. For violations of the Traffic Code which are designated by Section 805.8A of the *Code of Iowa* to be scheduled violations, the scheduled fine for each of those violations shall be as specified in Section 805.8A of the *Code of Iowa.*

(Code of Iowa, Sec. 805.8 & 805.8A)

70.03 PARKING VIOLATIONS: ALTERNATE. Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of ten dollars ($10.00) for all violations except improper use of a persons with disabilities parking permit. If such fine is not paid within thirty (30) days, it shall be increased by five dollars ($5.00). The simple notice of a fine for improper use of a persons with disabilities parking permit is one hundred dollars ($100.00).

(Code of Iowa, Sec. 321.236 [1b] & 321L.4[2])

70.04 PARKING VIOLATIONS: VEHICLE UNATTENDED. When a vehicle is parked in violation of any provision of the Traffic Code, and the driver is not present, the notice of fine or citation as herein provided shall be attached to the vehicle in a conspicuous place.

70.05 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, shall be raised by proof that:

1. Described Vehicle. The particular vehicle described in the information was parked in violation of the Traffic Code, and

2. Registered Owner. The defendant named in the information was the registered owner at the time in question.