CRESCO PLANNING AND ZONING COMMISSION MINUTES

The Cresco Planning and Zoning Commission met Jan 17th 2012

in regular session at 6 o'clock P m. in the City Council Chambers of the City of Cresco, Howard County Iowa, pursuant to the laws and rules of said commission.

Chairman Weinacht called the meeting to order and upon roll call the following commission members were present: (Mark A for absent and P for present)

Kevin Weinacht P Willard Balk P George Willis P

Gerald Wilson A Bruce Kingsley P

Alison Holten P Tom Barnes P

The meeting's agenda was approved by a voice vote on a

motion by: George Willis

seconded by: Tom Barnes

Minutes of the meeting held Jan 10th 2012 were read and approved

by voice vote on a motion by: Alison Holten

and seconded by: Willard Balk

The Commission met to

1. Discuss zoning proposals and changes to proposals after the public hearing on Jan 10th 2012
2. Prepare a list of proposed zoning changes for recommendation to council

On a motion by Tom Barnes

And seconded by George Willis the Commission

recommends to the City Council of Cresco, Iowa, that:

See attached proposed changes to City of Cresco official zoning map.

The City of Cresco Planning & Zoning Commission recommends these changes be made to the zoning map

The roll was called and the vote was as follows:

Ayes: all

Nays: none

Abstain: none

By a voice vote on a motion by Willard Balk and seconded by Dave Kingsley the meeting adjourned at 7:24 pm.

Submitted by: [signature]

A/O12/01/10
pzminuteform

City of Cresco City Council

Proposal of Zoning change recommendations to City Council.

Start in the upper left hand corner of the map working left to right and top to bottom.

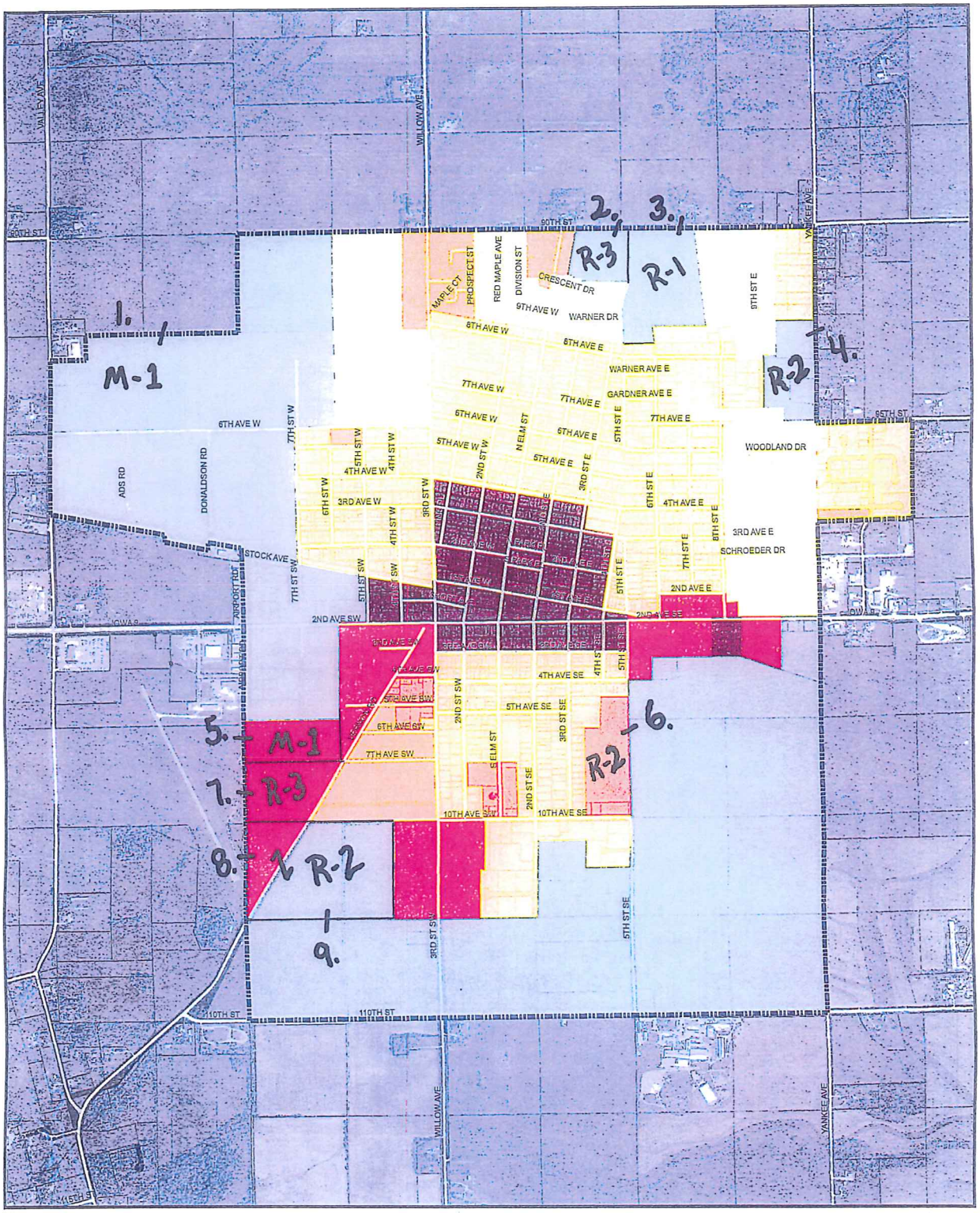
1. Change A-1 to M-1
2. Change A-1 to R-3
3. Change A-1 to R-1
4. Change A-1 to R-2
5. Change C-1 to M-1
6. Change R-4 to R-2
7. Change C-1 to R-3
8. Change C-1 to R-2
9. Change A-1 to R-2

City of Cresco Planning and Zoning Commission

Chair: Kevin Weinacht

City of Cresco

Official Zoning Map



Legend

- M-1 Mixed Use
- C-2 Central Business Commercial District
- C-1 Commercial District
- R-4 Mobile Home Park
- R-3 Multi-Family Residential
- R-2 Two Family Residential
- R-1 Single Family Residential
- A-1 Agricultural

Upper explorerland regional planning commission

N W E S

0 0.15 0.3 0.6 0.9 1.2 Miles

ORDINANCE NUMBER 442

AN ORDINANCE ADOPTING AN AMENDED OFFICIAL ZONING MAP

WHEREAS, Section 165.65 of the Code of Ordinances of the City of Cresco, Iowa, 1998, provides for replacement of the official zoning map when it has become damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions; and

WHEREAS, the Zoning Administrator has revised the official zoning map to include areas that have been rezoned, a copy of which is attached hereto and made a part hereof by this reference and the map should be adopted as the new official zoning map of the City of Cresco, Iowa;

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

1. The attached map is hereby adopted as the Official Zoning Map of the City of Cresco, Iowa

2. The Mayor and City Clerk are authorized and directed to place their signatures on the Official Zoning Map and certify on the face of the map as follows: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted December 6, 1993 as part of Ordinance Number 237 of the City of Cresco, Iowa"

3. The prior map shall be preserved, together with all available records pertaining to its adoption or amendment.

BE IT FURTHER ORDAINED that if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such shall not affect the validity of the remaining portion or portions of this Ordinance. The City Council of Cresco, Iowa hereby declare that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

BE IT FURTHER ORDAINED that this ordinance shall be in full force and effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED THIS _____ DAY OF _____, 2012.

_____ Attest: _____

Mark Bohle, Mayor Michelle Girolamo, City Clerk

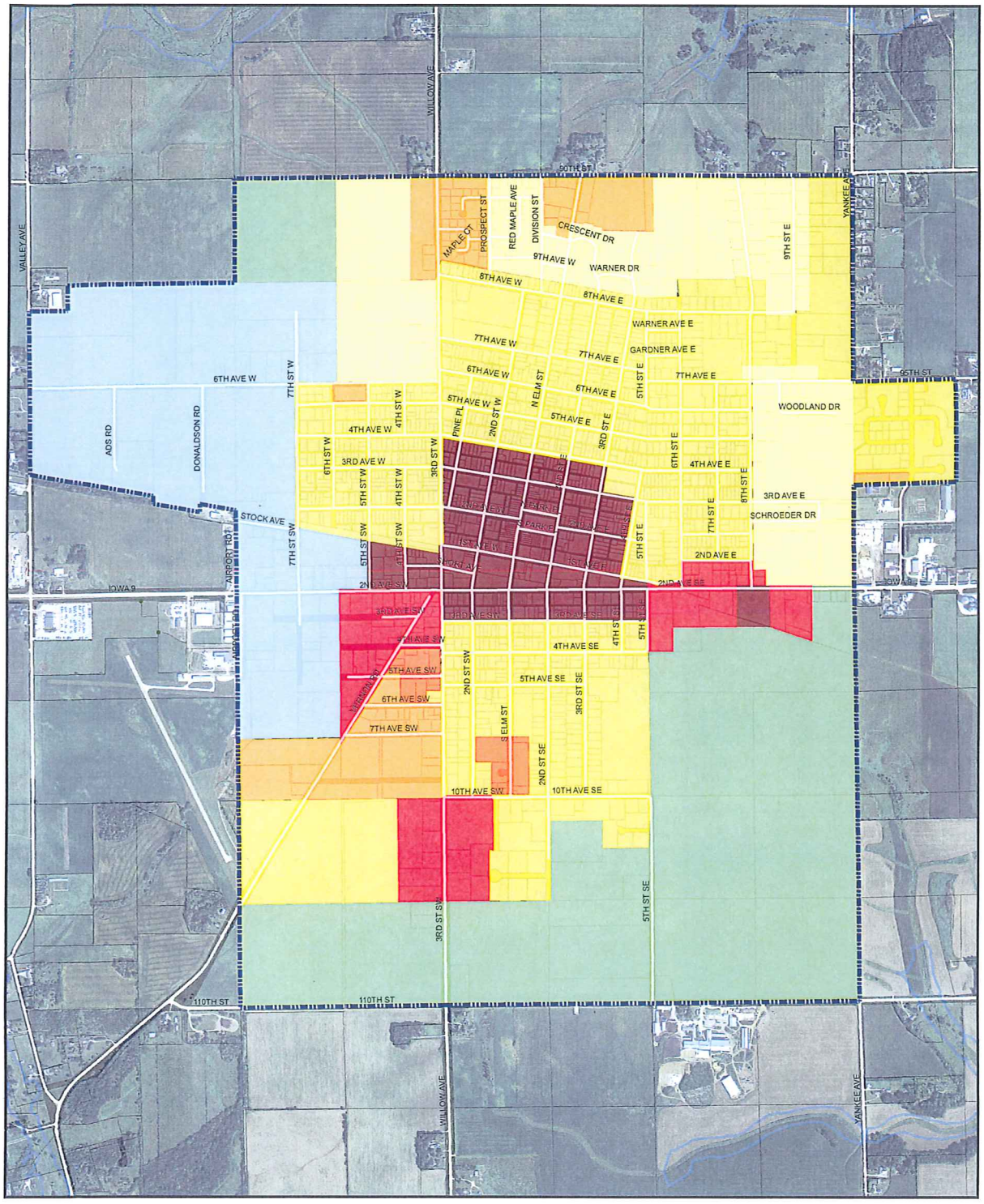
(SEAL)

City of Cresco

Official Zoning Map

This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted December 6, 1993 as part of Ordiance Number 237 of the City of Cresco, Iowa

Mayor Mark Bohle City Clerk Michelle Girolamo



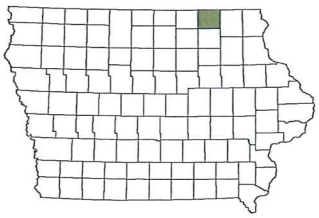
Legend

- M-1 Mixed Use
- C-2 Central Business Commercial District
- C-1 Commercial District
- R-4 Mobile Home Park
- R-3 Multi-Family Residential
- R-2 Two Family Residential
- R-1 Single Family Residential
- A-1 Agricultural

Upper explorerland regional planning commision

N W E S

0 0.1 0.2 0.4 0.6 0.8 Miles



October 10, 2012

City of Cresco
ATTN: Mayor & City Council
130 North Park Place
Cresco, IA 52136

Dear Mayor & City Council,

We received a phone call from Barb Zak at City Hall on Friday, September 21, 2012. She called to tell us that we had used an excessive amount of water during the period of August 20, 2012 and September 20, 2012. We were told that we used 65,817 gallons of water during this time period resulting in a Water Bill of over $710.86. The average of our water bills from January 20, 2012, to August 20, 2012, was $58.30 per month. This included higher bills in July & August due to watering flowers & garden this summer.

Barb advised us first to call Culligan to see if we had any problems with our Water Softener. We did have a problem with our softener last winter. We woke in the night and could hear the softener running and then in the morning we could still hear it running. (The point is that we can hear our softener run.) At that time we replaced our softener. However at Barb's advice, we did call Culligan to come to inspect our softener. The new softener will run only after we have used 800 gallons of water. From January of 2012 to September 21, 2012, our softener had only run 27 times. During this period of 8 months, only 21,600 (27 x 800) gallons of water has gone through our softener. When checking our salt usage, we have only used ½ of the original fill of salt. The softener does not seem to be the problem.

We called back to City Hall and asked them to send the water department employees to our house. Tim & Drew responded. After 45 minutes to 1 hour, it was determined that we did have a very, very small leak in our downstairs stool. We put food coloring in the tank and it took 2 hours before the leak showed any coloring in the bowl. As they stated, this small of a leak was not our problem. We have corrected this very small leak. Even if it would have been a larger leak on a given day, we are in the basement daily or at least every other day. We have to walk by the bathroom which is located at the bottom of the steps. We have a walkout basement and this bathroom is always used when we are outside as it is located just inside the door. We feel we would surely have noticed if it the stool was running excessively.

After talking with Rod at City Hall, he did some calculating. He also stated that we would had to have a very noticeable leak somewhere to use 65,000 plus gallons in one month. If the leak was outside, we feel that our house would be in a mud hole, we would have structural problems, or we would have flooding in the house.

We have checked the toilets, the water softener, and for leaks as was suggested to us. We do not feel we should have to pay a $710.86 Water Bill since there is nothing noticeable that could have avoided this. The new meters are computerized electronics. Is it possible that there could have been a glitch or that the meter stuck and continued to run without water running through it?

Thank you for your consideration.

Sincerely,

Cindy Butikofer
Scott Butikofer

Scott & Cindy Butikofer

RESOLUTION NO. 101215

RESOLUTION APPROVING LOAN AGREEMENT FOR LOAN OF FUNDS BY THE CRESCO INDUSTRIAL DEVELOPMENT CORPORATION AND THE CITY OF CRESCO TO NORTHEAST IOWA SERVICE, LLC

WHEREAS, the City of Cresco has established an Economic Development Revolving Loan Fund; and

WHEREAS, said revolving loan fund is carried out under the terms prescribed in a written agreement between the Cresco Industrial Development Corporation and the City of Cresco, Iowa; and

WHEREAS, a loan application has been received from Northeast Iowa Service, LLC for a loan of fifty thousand dollars ($50,000) to finance purchasing and remodeling a building for their Media Blasting/Fabrication and Painting Division of Northeast Iowa Service, LLC; and

WHEREAS, the Cresco Industrial Development Corporation and the City, through their Loan Committee, have reviewed the loan application and have recommended to the City Council in favor of such loan.

THEREFORE, Council Person _____ moved the adoption of the Resolution as follows:

A. The loan application of Northeast Iowa Service, LLC is hereby approved.
B. The City Council of the City of Cresco hereby authorizes the release of funds in the amount of $50,000 to Northeast Iowa Service, LLC upon the execution of the proper loan agreements, promissory note and any other accompanying documents. The Mayor, City Clerk and the Cresco Industrial Development Corporation are authorized to sign and execute any necessary loan agreements or other documents that may be required to accomplish the said loan.

Council Person _____ seconded said motion. A roll call vote was requested by the Mayor and said roll call vote resulted as follows:

Ayes: _____

Nays: _____

Absent: _____

Thereupon, the Mayor declared said Resolution duly passed and announced that the agreement dated _____ between the City of Cresco and Northeast Iowa Service, LLC. is approved and that the Mayor and City Clerk are authorized to execute the agreement on behalf of the City of Cresco.

PASSED AND APPROVED THIS 15th DAY OF OCTOBER, 2012.

_____
Mayor Mark Bohle

ATTEST: _____
City Clerk Michelle Girolamo

CIDC/CITY OF CRESCO RLF LOAN REVIEW BOARD
REVOLVING LOAN FUND REQUEST

October 8, 2012 RLF Minute Summary

Present:	Donna Thomas (CIDC 1st Vice-President), Kevin Borg (CIDC 2nd Vice-President), Roxann Svoboda (CIDC Past-President), Scott Thomson (C US Bank/CIDC Treasurer), Harold Noe (Cresco Bank & Trust), Mark Bohle (City of Cresco Mayor), Steve McCarville (City of Cresco Councilperson)
Absent:	None
Attendees:	Dave Harvey, Jason Passmore (HCBT)
Applicant:	NE Iowa Service Cresco, IA
Summary:	NE Iowa Service and owners Dave & Linda Harvey are seeking a loan for $50,000 to go towards the purchase and remodel of the old Campsite RV store along Hwy. 9, Cresco. Mr. Harvey is working with Gary Gassett of C US Bank, the primary financial agent, and proposes to purchase the buildings and respective property, while leaving the open corner parking lot available for purchase. The project involves an expansion of their current sandblasting and painting operation to occupy the large back bays, while leaving the front retail space available for prospective tenants. The expansion will result in the addition of two new employees. The amount being requested is at or below the new limits set of $50,000 and 30% of project value. The loan application and attachments were reviewed and the proposed securities of the personal guarantee from Dave & Linda Harvey and second position on the commercial building behind C US Bank were clarified. The proposed interest rate was discussed and in order to stay beneficial with the bank's loan package, it was agreed upon at 3.25%. The proposed term length was acceptable at 7 years.
Motion:	Moved by Bohle, Second by McCarville To recommend to the City of Cresco the approval of a $50,000 loan to NE IA Service and Dave & Linda Harvey at a 3.25% interest rate fully amortized over 7 years with ACH monthly payments, securities in the form of a personal guarantee and a second position on the commercial buildings. Unanimously Approved (Thomson abstained)

October 15, 2012 – City of Cresco Council Meeting

10/03/12

2011-12 Completed Projects

Parks: New Mower, Deck & Snow Blower.
City Dump Truck.
New Water Fountains. (Beadle & Kessel)

East: Ice Rink Doors & Windows.
Cement East Driveway Apron.
New Scoreboard.

Lodge:
Cement Driveway.
Sealcoat Parking Lot.

Fitness Center:
Fitness Fix Program.
Paint Locker Room Floors.
Cement Parking Lot. (1903 yds.)
Back Door Locks.
Security Cameras.
Repair Roof.
AC Compressor, Condenser Coil.
Insulated AC Lines.
Pool Pak Controller.
Pool Chair Lift.
Remodeled Basement Art Room.

2011-12 LODGE
Rented 76 times.

Revenue: $12,801

Expenses:
Elec. $3,721
Water $361
Total $4,082

NET: $8,719

Future Projects

Evan's:
New ball field lights.
New Tennis lights.
Resurface Tennis Courts.

East:
Bleachers

Beadle Train

Lodge:
Sign & Statue. - $6265
Cement Driveway.
Parking Lot.

Fitness Center:
Cement Parking Lot.
2013 - $22,000
2014 - $24500
Energy Audit Program.
Variable Speed Motor Drives. - $1800
Security.
Door Contacts & Motion Detectors. - $5000
Inside Door Locks. - $3150
Add Room for Team Rehab - $2000
Acoustics for Pool. - $22,043
Refinish Upper Gym Floor.
Gym Basement.
Paint Gym.
Pool Vaccum. - $1000 - $1500
UV Sanitation System for Hot Tub.

Equipment:
City Van.
Portable Scoreboard.

FITNESS CENTER

June 30, 2012

100%

	EXPENDITURES	BUDGET	Y-T-D	BALANCE	
	TOTAL WAGES	216,500.00	213,468.76	3,031.24	99%
1	Recreation Director	21,000	20,811.54	188.46	99%
2	Recreation Assistant	21,000	20,720.94	279.06	99%
3	Pool Manager	35,500	35,992.01	-492.01	101%
4	Fr. Desk Wages (Full)	34,500	34,714.60	-214.60	101%
5	Fr. Desk Wages (Part)	33,000	32,831.40	168.60	99%
6	Fitness Director	0	0.00	0.00	
7	Recreation/Partime	10,000	9,787.61	212.39	98%
8	Pool Wages	48,000	46,705.50	1,294.50	97%
9	Aerobics Wages	7,500	6,774.39	725.61	90%
10	Custodian	6,000	5,130.77	869.23	86%
11	Unemployment Comp.	0	0.00	0.00	
12	Hepatitis B	0	0.00	0.00	
13	Uniform Purchases	3,000	2,684.15	315.85	89%
14	Dues/Mmbrshps/Sub.	500	258.39	241.61	52%
15	Travel/Training	500	990.00	-490.00	198%
16	Repair/Maint(Gym)	0	0.00	0.00	
17	Repair/Maint(New)	0	0.00	0.00	
18	Electricity	50,000	44,961.04	5,038.96	90%
19	Natural Gas	51,500	29,695.03	21,804.97	58%
20	Telephone	2,200	2,117.18	82.82	96%
21	City Utilities	7,500	9,487.61	-1,987.61	127%
22	Refund	0	35.00	-35.00	
23	Adv./Publ/Books	1,500	2,075.40	-575.40	138%
24	Insurance	9,000	10,637.00	-1,637.00	118%
25	Consult/Legal Fee	200	0.00	200.00	0%
26	Drug Testing	50	0.00	50.00	0%
27	Sales Tax	20,000	19,506.45	493.55	98%
28	Contractual Mats Etc	2,000	4,013.60	-2,013.60	201%
29	Mics. Contract	15,000	27,315.45	-12,315.45	182%
30	Pool Chemicals	8,000	7,924.17	75.83	99%
31	Merch. For Resale	17,000	17,374.55	-374.55	102%
32	Concessions	10,500	9,965.55	534.45	95%
33	Equip. Replacement	3,000	3,469.65	-469.65	116%
34	Office Supply	6,000	6,267.36	-267.36	104%
35	Oper/Main. Supply	14,000	17,717.98	-3,717.98	127%
36	Postage	1,500	1,204.20	295.80	80%
37	Credit Card Expenses	0	831.26	-831.26	
38	Misc.	0	0.00	0.00	
39	Public Relations	750	534.48	215.52	71%
40	Misc. - Inspections	800	576.00	224.00	72%
41	Arts & Crafts	500	209.88	290.12	42%
42	Recreation	2,000	302.45	1,697.55	15%
43	Pool Supply	4,500	5,114.51	-614.51	114%
44	Fit/Aero Equipment	500	241.98	258.02	48%
45	Furn/Fixtures	0	0.00	0.00	
46	Office Equip.	0	0.00	0.00	
47	Other Cap. Equip.	0	0.00	0.00	
48	Transfer to 51 Loan				
	Transfer to 85 Fund				
	TOTAL	448,500	438,979.08	9,520.92	98%
	LAST YEAR--	450,000	432,762.92	17,237.08	96%
		MONTH--	39,480.96		
	TOTAL GENERAL	525,500	511,386.73	14,113.27	97%

1	L.O. (Park) 122-430	19,000	18,898.77	101.23	99%
2	L.O. (Gym) 122-440	0	0.00	0.00	
3	L.O. (FC) 122-443	35,000	33,695.50	1,304.50	96%
4	L.O. (FC Transfer)	30,000	25,790.97	4,209.03	86%
5	Em. (Park) 119-430	0	0.00	0.00	
6	Em. (FC) 119-443	0	0.00	0.00	
	Total	84,000	78,385.24	5,614.76	93%
	TOTAL	609,500	589,771.97	19,728.03	97%

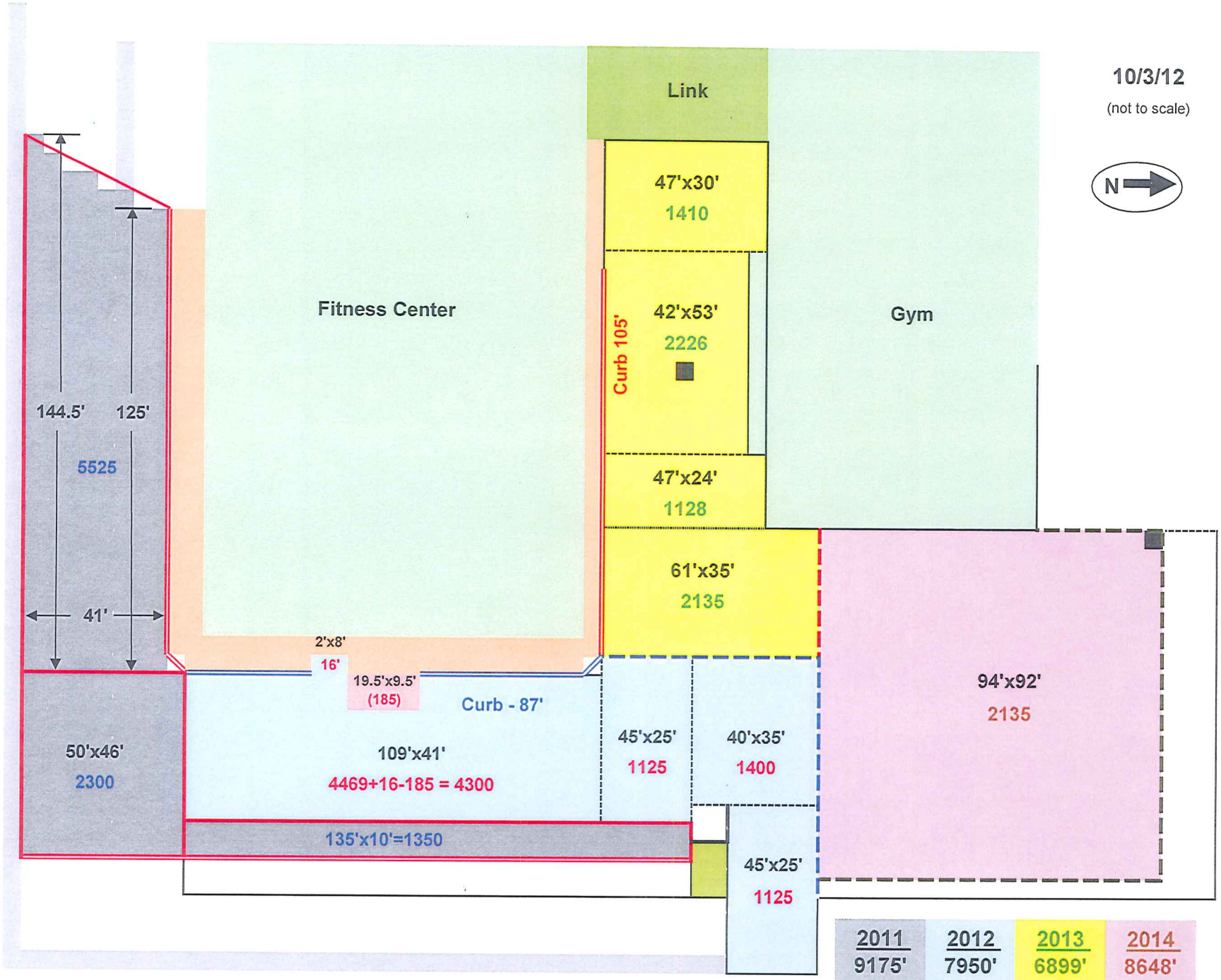
	PARK EXPENDITURES	BUDGET	Y-T-D	BALANCE	
1	Park Director	21,000	20,811.85	188.15	99%
2	Park Assistant	21,000	20,720.66	279.34	99%
3	Park/Partime	6,000	3,314.77	2,685.23	55%
4	Park Board	3,000	2,750.00	250.00	92%
5	Repair/Maint. Bldg.	0	0.00	0.00	
6	Repair/Maint. Train	200	0.00	200.00	0%
7	Repair/Maint. Vehicle	4,500	5,149.22	-649.22	114%
8	Electricity	7,000	6,630.22	369.78	95%
9	Lodge Fuel	0	0.00	0.00	
10	Telephone	2,300	1,501.08	798.92	65%
11	City Utilities	1,300	1,068.85	231.15	82%
12	Advertising	0	262.60	-262.60	
13	Insurance	1,500	1,823.00	-323.00	122%
14	Consult/Legal Fee	100	0.00	100.00	0%
15	Drug Testing	100	0.00	100.00	0%
16	Misc.. Contract	5,000	3,201.53	1,798.47	64%
17	Equipment	0	0.00	0.00	
18	Office Supply	0	0.00	0.00	
19	Oper/Main. Supply	4,000	3,880.76	119.24	97%
20	Gasoline	0	1,293.11	-1,293.11	
21	Capital other	0	0.00	0.00	
	TOTAL	77,000	72,407.65	4,592.35	94%
	LAST YEAR--	84,500	72,132.72	12,367.28	85%
		MONTH--	9,190.04		
	LODGE REVENUE	11,000	12,801	-1,801	116%

	FITNESS REVENUE	BUDGET	Y-T-D	BALANCE	
1	TR IN FROM 122-FIT.	20,000	15,790.97	-4,209.03	79%
2	TR INTO 443-FIT. OP	0	0.00	0.00	
3	Towels & Lockers	1,500	1,243.33	-256.67	83%
4	Activity Tickets	249,600	238,846.25	-10,753.75	96%
5	Swimming Lessons	23,000	24,198.50	1,198.50	105%
6	Fitness Training	10,000	8,397.88	-1,602.12	84%
7	Rec/Activity Fee	16,000	19,015.00	3,015.00	119%
8	Golf Simulator	0	8.00	8.00	
9	Daily Admissions	25,000	29,050.49	4,050.49	116%
10	Punch Pass	6,000	6,226.94	226.94	104%
11	Misc Charges	0	0.00	0.00	
12	Redeem NFS Checks	0	20.00	20.00	
13	Merchandise Sales	20,000	18,185.96	-1,814.04	91%
14	Concessions	17,000	16,866.53	-133.47	99%
15	Interest on Deposits	0	4.19	4.19	
16	Rentals-Pool/Gym	11,000	10,690.89	-309.11	97%
17	Reimbursment	0	0.00	0.00	
18	Property Tax	30,900	31,129.00	229.00	
19	Sales Tax	18,500	19,305.59	805.59	104%
	TOTAL	448,500	438,979.52	-9,520.48	98%
	LAST YEAR--	450,000	432,762.92	-17,237.08	96%
		MONTH--	44,452.65		

Revenue - Expense	Last Year
0.44	0.00

TRUST EXPENDITURES	BUDGET	Y-T-D	BALANCE
#183 CFC	30,000	27,525.14	2,474.86
#184 PARK	4,000	0.00	4,000.00
#185 REC	12,000	4,675.00	7,325.00
TOTAL	46,000	32,200.14	13,799.86

TRUST REVENUE			6/30/12 TOTAL	INV.
#183 CFC	13,600	16,615.13	65,328.06	64.4K
#184 PARK	250	470.69	9,347.58	9K
#185 REC	10,000	3,419.49	23,885.59	22K
TOTAL	23,850	20,505.31	98,561.23	95.4K



2011	2012	2013	2014
9175'	7950'	6899'	8648'
$25,646	$22,960	$22,000	$24,500

FUNDRAISER
KESSEL LODGE
SIGN & STATUE

An attractive sign for the convenience of out of town visitors to the Lodge.

The 4' x 2' sign will be located directly west of the Lodge and lighted on both sides.

The 4' high bronze statue will sit in front of the sign facing 3rd St W.

Please send donations payable to Cresco Park Dept. to:

Kessel Lodge
130 N Park Place
Cresco, IA 52136

Projected total cost: $6265

RESOLUTION NUMBER 101213

RESOLUTION ESTABLISHING A FUND WITHIN THE CITY'S ACCOUNTS
FUND 192 – DRUG DOG FUND

WHEREAS, the City of Cresco will be acquiring a canine for the Police Department for the purpose of drug detection and/or patrol services; and

WHEREAS, the City of Cresco, Iowa, would like to track funds received and expended with regards to the cost of purchasing, training, certifying and maintaining the dog; and

WHEREAS, the City of Cresco, Iowa, promotes the transparency of its funds and accounting.

THEREFORE, BE IT RESOLVED, by the City Council of the City of Cresco, Iowa, that the following fund be established:

FUND 192– DRUG DOG FUND

BE IT FURTHER RESOLVED, by the City Council of the City of Cresco, Iowa, that the City Clerk be directed by the Mayor and the City Council to establish said fund and correct the books accordingly.

PASSED AND APPROVED THIS 15TH DAY OF OCTOBER, 2012.

_____
Mayor Mark Bohle

ATTEST:_____
City Clerk Michelle Girolamo

RESOLUTION NUMBER 101214

RESOLUTION ESTABLISHING A FUND WITHIN THE CITY'S ACCOUNTS
FUND 317 – WATERMAIN LOOPING FUND

WHEREAS, the City of Cresco will be replacing watermain within the City limits to improve water quality and to provide water service to areas for possible development; and

WHEREAS, the City of Cresco, Iowa, would like to track funds received and expended with regards to construction projects relating to replacing or installing watermains; and

WHEREAS, the City of Cresco, Iowa, promotes the transparency of its funds and accounting.

THEREFORE, BE IT RESOLVED, by the City Council of the City of Cresco, Iowa, that the following fund be established:

FUND 317– WATERMAIN LOOPING FUND

BE IT FURTHER RESOLVED, by the City Council of the City of Cresco, Iowa, that the City Clerk be directed by the Mayor and the City Council to establish said fund and correct the books accordingly.

PASSED AND APPROVED THIS 15TH DAY OF OCTOBER, 2012.

_____
Mayor Mark Bohle

ATTEST:_____
City Clerk Michelle Girolamo

CRESCO LIBRARY BOARD OF TRUSTEES
AND / OR
CRESCO LIBRARY FOUNDATION

TO: CRESCO CITY COUNCIL

RE: Appointment/Reappointment

We, the Cresco Library Board of Trustees and/or the Cresco Library Foundation, recommend that the City Council

1. _____ Appoint (Name)_____

(To replace _____)

2. ✓ Reappoint (Name) Flossie Morrison

to the Cresco Library Board of Trustees and/or the Cresco Library Foundation.

Term to run from June 30, 2012 to expire June 30, 2018

	Signed	Date
Chairman	Karen Nance	10/08/12
	Patsy Bronner	Oct 8, 2012
	Mark Krikhaar	10-08-2012
	[illegible]	10-08-2012
	David Shaw	10/8/12
	Helen Lehmann	10/8/12

CRESCO LIBRARY BOARD OF TRUSTEES
AND / OR
CRESCO LIBRARY FOUNDATION

TO: CRESCO CITY COUNCIL

RE: Appointment/Reappointment

We, the Cresco Library Board of Trustees and/or the Cresco Library Foundation, recommend that the City Council

1. _____ Appoint (Name)_____

(To replace _____)

2. ✓ Reappoint (Name) Karen Nance

to the Cresco Library Board of Trustees and/or the Cresco Library Foundation.

Term to run from June 30, 2012 to expire June 30, 2018

	Signed	Date
Chairman	Karen Nance	10/08/12
	Patsy Bronner	Oct 8, 2012
	Mark Grinhaus	10-08-2012
	[illegible]	10-08-2012
	[illegible]	10/8/12
	Helen Lehmann	10/8/12

ORDINANCE 443

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

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

SECTION 1. SECTION MODIFIED. Chapter 5, Section 5.13 of the Code of Ordinances of the City of Cresco, Iowa, 1998, is repealed and the following adopted in lieu thereof:

CHAPTER 5
OPERATING PROCEDURES

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

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 AND APPROVED THIS _____ DAY OF _____, 2012.

_____
Mayor Mark Bohle

ATTEST:_____
Michelle Girolamo City Clerk

I certify that the foregoing was published as Ordinance No. 443 on the _____ day of _____, 2012.

ATTEST:_____
City Clerk Michelle Girolamo

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

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

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

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

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

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

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

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

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

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

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