

APPENDIX C

DESCRIPTION OF THE FACILITY AND SITE

The Facility will be comprised of seven separate arrays at sites within the City of Cresco. Each array will utilize Solar World 325W XL Mono modules, DPW power pack racking and Solar Edge inverters, and each array will have a disconnect switch at the array. Solar Edge 10000-A inverters will be used for City Hall, Street Shop, and Water Tower arrays, 7600-A for Kessel Lodge, 11400-A for the Fire Station, and 20K for each of the Kessel Well and Elm Court Well. In each case, the Facility includes the transmission lines between the array and the applicable Point of Interconnection, and related Interconnection Facilities.

1. City Hall, 130 North Park Place, Cresco. The array will be approximately 22.1 kW (DC) in size and will be a ballasted roof system, roughly as shown in the attached diagram.
2. Fire Station, 215 2d Street West, Cresco. The array will be approximately 14.0 kW (DC) in size and will be a ballasted rooftop system, roughly as shown in the attached diagram.
3. Kessel Lodge, 268 Seventh Avenue West, Cresco. The array will be on the south side of the building's sloped roof, and approximately 16.3 kW (DC) in size, roughly as shown in the attached diagram.
4. Street Shop, 102 4th Street SW, Cresco. The array will be roof-mounted on the shop's sloped southern roof and approximately 23.7 kW (DC) in size, roughly as shown in the attached diagram.
5. Evans/Elm Court Well, 500 Elm Court, Cresco. This will be a ground-mounted array approximately 97.5 kW (DC) in size, located adjacent to the existing tennis courts, roughly as shown in the attached diagram.
6. Water Tower, 222 2d Avenue SW, Cresco. This will be a ground-mounted array located adjacent to the existing water tower and approximately 11.3 kW (DC) in size, roughly as shown in the attached diagram.
7. Kessel Well, 725 Third Street West, Cresco. This is a ground-mounted array approximately 159.3 kW(DC) in size, roughly as shown in the attached diagram.

City Hall



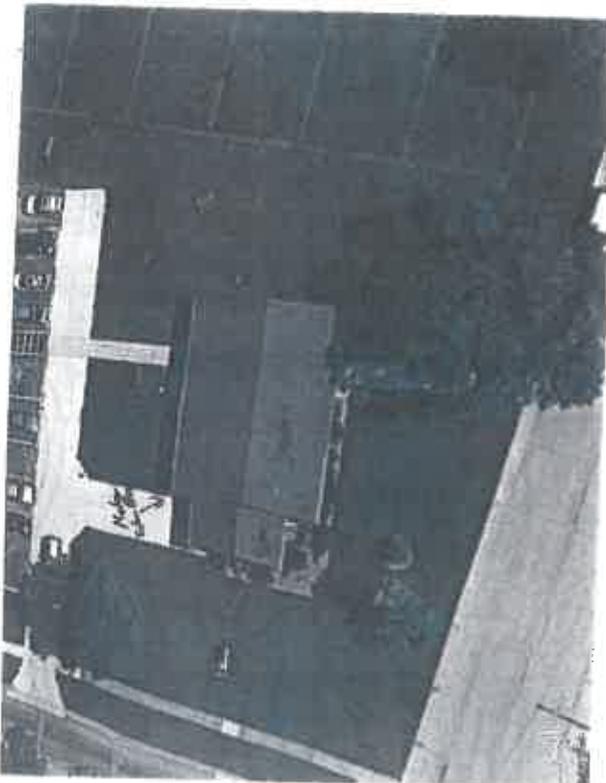
35

Fire Station



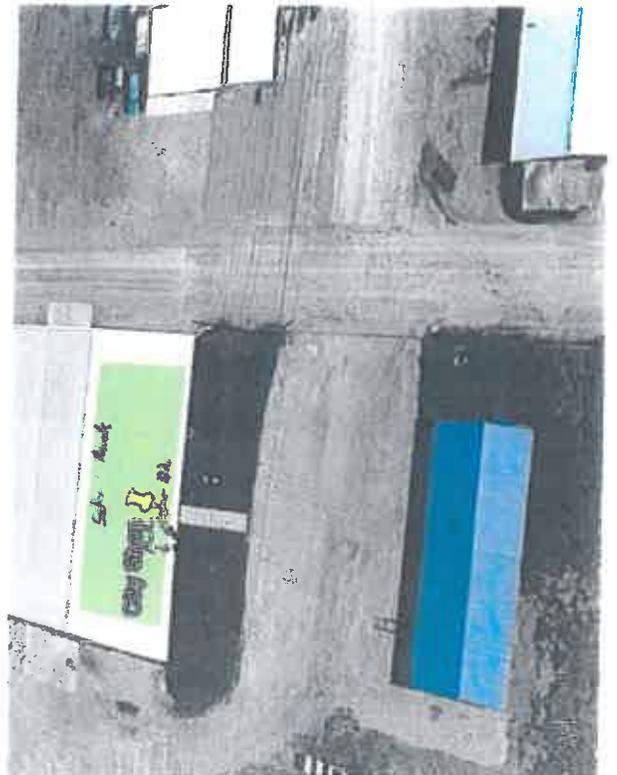
36

Kessel Lodge



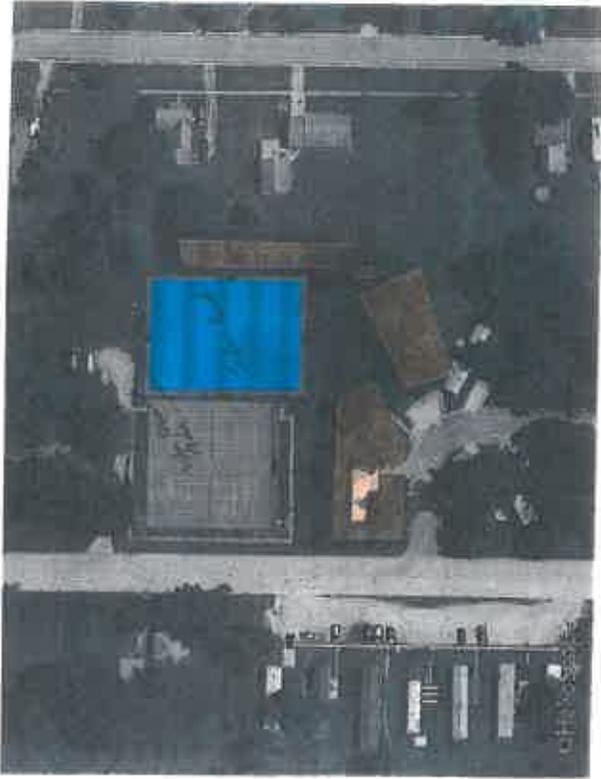
37

Street Shop



38

Evans Well



39

Water Tower



40

Kessel Well



41

RESOLUTION NUMBER _____

RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO
A SOLAR GENERATION PURCHASE AGREEMENT

Council member _____ moved the adoption of the foregoing
Resolution Authorizing the Mayor and City Clerk to enter into a SOLAR GENERATION
PURCHASE AGREEMENT. Council member _____ 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 _____, 2016, between the City of Cresco and Solar
Pro, 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 ____ DAY OF _____, 2016.

BY: _____
Mayor Mark Bohle

ATTEST: _____
City Clerk Michelle Girolamo

RESOLUTION NUMBER _____

RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO
A SOLAR ENERGY LEASE AND EASEMENT AGREEMENT

Council member _____ moved the adoption of the foregoing Resolution Authorizing the Mayor and City Clerk to enter into a SOLAR ENERGY LEASE AND EASEMENT AGREEMENT. Council member _____ 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 _____, 2016, between the City of Cresco and Solar Pro, 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 ____ DAY OF _____, 2016.

BY: _____
Mayor Mark Bohle

ATTEST: _____
City Clerk Michelle Girolamo

RESOLUTION NUMBER _____

RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO
STANDARD INTERCONNECTION AGREEMENTS

Council member _____ moved the adoption of the foregoing
Resolution Authorizing the Mayor and City Clerk to enter into Levels 2 – 4 STANDARD
INTERCONNECTION AGREEMENTS. Council member _____ 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 agreements dated March 15, 2016, between the City of Cresco and Interstate Power
and Light Company is approved and that the Mayor and City Clerk are authorized to
execute the agreements on behalf of the City of Cresco.

PASSED AND APPROVED THIS ____ DAY OF _____, 2016.

BY: _____
Mayor Mark Bohle

ATTEST: _____
City Clerk Michelle Girolamo

RESOLUTION NO. _____

RESOLUTION ADOPTING THE AMENDED AND RESTATED
(2016) CRESCO URBAN REVITALIZATION PLAN

WHEREAS, by Resolution No. 110805, the Council of the City Cresco approved the Cresco Revitalization Plan ("Original Plan") for the City of Cresco, and subsequently adopted Ordinance No. 412 establishing "all property within the corporate boundaries of the City" as the Cresco Urban Revitalization Area ("Area"). Amendment No. 1 to the Original Plan was adopted in 2011 and extended the expiration date of the Original Plan from January 1, 2012 to January 1, 2017; and

WHEREAS, by the foregoing action, the Council has determined that the Area within the City of Cresco can be revitalized as authorized by Chapter 404, Code of Iowa (the "Act"); and

WHEREAS, a proposed Amended and Restated (2016) Cresco Urban Revitalization Plan (the "Amended and Restated Plan") has been prepared, the purpose of which is to, among other things, add a three year 100% exemption schedule for multi-residential property, amend the exemption schedules for residential and commercial property, establish limitations if property is in an Urban Renewal Area, and extend the duration of the Plan; and

WHEREAS, pursuant to the Amended and Restated Plan, the property within the Area includes the entire incorporated City of Cresco, Iowa, as it exists as of March 1, 2016, and shall include all future property annexed by the City; and

WHEREAS, with the adoption of the Amended and Restated Plan, and Ordinance No. 458 repealing Ordinance No. 375, the Evans Home Assisted Living Revitalization Plan is being terminated; and

WHEREAS, after published notice was given, as required by the Act, the City Council held a public hearing on March 21, 2016 on the Amended and Restated (2016) Cresco Urban Revitalization Plan and considered all objections, comments, and evidence presented.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CRESCO, IOWA AS FOLLOWS:

Section 1. That all objections received, if any, at the public hearing referred to in the preamble above are found to be without sufficient merit to warrant amending the proposed Amended and Restated Plan.

Section 2. That the proposed Amended and Restated Plan be adopted in the form attached as Exhibit 1 to this Resolution; and

Section 3. That the Urban Revitalization Areas as described in the Amended and Restated Plan are approved, and that it is the intention of the Council to designate by ordinance said Areas, as revitalization areas under the Act.

Section 4. That all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed, to the extent of such conflict.

PASSED AND APPROVED this 21st day of March, 2016.

Mayor

ATTEST:

Clerk

EXHIBIT 1

**AMENDED AND RESTATED (2016) CRESCO
URBAN REVITALIZATION PLAN**

CITY OF CRESCO, IOWA

March 2016

Original Plan - 2008
Amendment No. 1 – 2011
Amended & Restated Plan– 2016

Amended and Restated (2016) Cresco Urban Revitalization Plan

The Cresco Urban Revitalization Plan (“Plan”) for the City of Cresco (“City”) was adopted in 2008. Amendment No. 1 to the Plan was adopted in 2011 and extended the expiration date of the Plan from January 1, 2012 to January 1, 2017. The Plan is now being Amended and Restated to, among other things, update the description of the Urban Revitalization Area, extend the duration of the Plan to December 31, 2021, add an exemption schedule for multi-residential property, amend the exemption schedules for residential and commercial property, and establish limitations if property is in an Urban Renewal Area. The City finds that these changes are in the best interest of the City insofar as they will provide Cresco with a long-term increase or stabilization in its tax base by encouraging rehabilitation or new construction which might not otherwise have occurred.

A. URBAN REVITALIZATION ACT

The Urban Revitalization Act, now Chapter 404, Code of Iowa, was enacted into law by the Iowa legislature in 1979. The Act is intended to encourage redevelopment and revitalization within a designated area by authorizing incentives to the private sector. Qualified real estate within the designated area may be eligible to receive a total or partial exemption from property taxes on improvements for a specified number of years. The primary intent of this act is to provide communities with a long-term increase or stabilization in their tax base by encouraging rehabilitation or new construction which might not otherwise have occurred.

Section 404.1 provides that the City Council may designate an area of the City as a revitalization area, if that area meets any one of the following situations:

1. “An area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire and other causes or a combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime, and which is detrimental to the public health, safety, or welfare.”
2. “An area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment

delinquency exceeding the actual value of land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, or welfare in its present condition and use.”

3. “An area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.”
4. “An area which is appropriate as an economic development area as defined in Section 403.17.” (Section 403.17, Subsection 10: ‘Economic development area’ means an area of a municipality designated by the local governing body as appropriate for commercial and industrial enterprises or housing and residential development for low and moderate income families, including single or multi-family housing.)
5. “An area or an area designated as appropriate for public improvements related to housing and residential development, or construction of housing and residential development, including single or multi-family housing.”

B. DESIGNATION CRITERIA

With the adoption of this Plan, the City Council is designating the Cresco Urban Revitalization Area as being qualified under Subsections 4 and 5 of Section 1 of the Act. The Area is appropriate for public improvements related to housing and residential development or construction of housing and residential development, including single or multi-family housing. The Area is appropriate as an economic development area for commercial development. The Area is also appropriate for multi-residential development.

C. DESCRIPTION OF THE AREA

The Cresco Urban Revitalization Area (hereinafter referred to as “Area”) includes all property located within the Cresco corporate limits as of March 21, 2016. Any property annexed into the City in the future shall automatically be included in the Area as of the effective date of the annexation.

D. OBJECTIVES

This Plan is prepared in conformance with Section 404.2 of the Code of Iowa for the purpose of providing incentives and outlining procedures to enhance the potential for commercial,

multi-residential, and residential development in Cresco. Planning goals include revitalizing the Area through the promotion of new construction on vacant land and rehabilitation of existing property, stabilizing and increasing the tax base, and providing overall aesthetic improvement.

E. EXISTING ZONING

Zoning classifications in the revitalization district include:

- A Agricultural
- R-1 Single Family Residential
- R-2 Light Density Residential
- R-3 Medium Density Residential
- R-4 Mobile Home Park
- C-1 Commercial District
- C-2 Central Business District
- M-1 Light Industrial
- H Medical

F. EXISTING LAND USE

Existing land use categories are the same as the zoning classifications described above.

G. PROPOSED LAND USE

The revitalization Area is proposed for new and expanded commercial, multi-residential, and residential development in those areas that comply with the City's Zoning Ordinance.

H. CITY SERVICES

Plans to improve City services in the revitalization Area are outlined in the City's Strategic Planning and Goal Setting Report (on file at City Hall).

I. ELIGIBLE IMPROVEMENTS

Eligible property improvements, as used in this Plan, include rehabilitation and additions to any existing residential, multi-residential, and commercial structures located within the Area. In addition, new construction of residential, multi-residential, and commercial structures on vacant land or on land with existing structures is also eligible for tax abatement.

Actual value added by improvements, as used in this Plan, means the actual value added as of the first year for which the exemption was received. In order to be eligible for tax abatement, the increase in actual value of the property from the eligible property improvements must be at least 10%.

All improvements, in order to be considered eligible, must be completed in conformance with all applicable regulations for the City of Cresco and must be completed during the time the Area is designated as a revitalization area.

J. TIME FRAME

Property in the Area shall be eligible for tax abatement under the Plan until December 31, 2021. If, in the opinion of the City Council, the desired level of revitalization has been attained or economic conditions are such that the continuation of the exemption granted would cease to be of benefit to the City, the City Council may repeal the ordinance establishing the revitalization Area, pursuant to Section 404.7 of the Code of Iowa. In the event the ordinance is repealed, all existing exemptions shall continue until their expiration. The City reserves the right to extend, amend, terminate or repeal the Plan and/or the ordinance to the extent allowed by law.

K. EXEMPTIONS

Residential

All qualified real estate assessed as residential property is eligible to receive a one hundred percent (100%) exemption from taxation on the first seventy-five thousand dollars (\$75,000) of actual value added by the eligible improvements. The exemption is for a period of three (3) years.

Multi-residential

All qualified real estate assessed as commercial property or multi-residential property if the commercial or multi-residential property consists of three or more separate living quarters with at least seventy-five percent of the space used for residential purposes is eligible to receive a one hundred percent (100%) exemption from taxation on the actual value added by the eligible improvements. The exemption is for a period of three (3) years.

With the adoption of this Amended and Restated Plan, the City Council is terminating the Evans Home Assisted Living Revitalization Plan, and by separate action will be repealing Ordinance No. 375 which established the Evans Home Assisted Living Revitalization Area in the City of Cresco, Iowa. Any multi-residential project that has not been approved for exemption by the City Council under the Evans Home Assisted Living Revitalization Plan as of the date this Amendment is adopted will be limited to applying for an exemption under the Cresco Urban Revitalization Plan, as amended and restated.

Commercial

All qualified real estate assessed as commercial property is eligible to receive a one hundred percent (100%) exemption on the actual value added by the eligible improvements. The exemption is for a period of three (3) years.

L. APPLICATION PROCEDURES

Owners may submit a proposal for an improvement project to the City Council to receive prior approval for eligibility for a tax exemption on the project. The City Council shall give its prior approval if the project is in conformance with this Plan for revitalization. However, if the proposal is not approved, the owner(s) may submit an amended proposal for the City Council to approve or reject. Such prior approval shall not entitle the owner(s) to exemption from taxation until the improvements have been completed and found to be qualified for the exemption under this Plan.

An application, on the form provided by the City, shall be filed for each new exemption claimed. The Application shall be filed by the property owner with the City Council by February 1 of the assessment year for which the exemption is first claimed, but not later than the year in which all improvements included in the project are first assessed for taxation, or the following two assessment years, in which case the exemption is allowed for the total number of years in the exemption schedule. The City may allow a property owner to submit an application after the above deadlines subject to the discretion of the Council and the limitations outlined in Iowa Code Section 404.4.

If a project is started in one year and is not completed until the following year, the application should be submitted in the year the project is completed. Submitting an application based upon partial completion of the project may result in the award of a partial exemption, as explained in Iowa Code Chapter 404 and corresponding regulations.

M. APPLICATION REVIEW

The City Council shall, subject to review by the County Assessor, approve all applications submitted for approval if:

1. The project, as determined by the City Council, is in conformance with this Plan; and,
2. The project is located within the Area; and
3. The improvements were made during the time the Area was so designated.

The City Council will determine which exemption is applicable to the project (if any), subject to review by the County Assessor, based upon the terms of the Plan in effect when the application is reviewed and approved by the Council.

All approved applications shall be forwarded to the County Assessor for review, pursuant to Section 404.5 of the Code of Iowa. The County Assessor shall make a physical review of all properties with approved applications. The County Assessor shall determine the increase in actual value for tax purposes due to the improvements and notify the applicant of the determination, which may be appealed to the local board of review pursuant to Section 441.37 of the Code of Iowa. After the initial tax exemption is granted, the County Assessor shall continue to grant the tax exemption for the time period specified on the approved application. The tax exemptions for the succeeding years shall be granted without the owner(s) having to file an application for succeeding years.

N. OTHER SOURCES OF REVITALIZATION FUNDS

At the time the Plan was originally adopted in 2008, the City had two grants through the Department of Housing and Urban Development. One of the grants resulted in the rehabilitation of 9 single family homes which were occupied by low and moderate income families. The other grant helped to finance improvements to the City's sanitary sewer system.

At the time the Amended and Restated Plan was adopted in 2016, the City was not aware of a federal, state, or private grant or loan program likely to be a source of funding for residential improvements in the Revitalization Area other than a Northeast Iowa Regional Housing Trust Fund that assists individuals, community organizations, non-profit and for profit developers in rehabilitation, repair, and creation of projects that improve the condition of, or contribute to the development of both rental and owner-occupied affordable housing in Howard County through IFA grants/loans and local matches. It is not the intention of the City to prohibit the use of other appropriate federal or state revitalization or incentive programs within the Area. The City Council encourages all property owners to investigate other public and private funding sources for improvements to real property, and to apply to those sources which are applicable to the types of improvements being proposed.

O. RELOCATION PROVISIONS

The City does not anticipate the displacement or relocation of any persons, families, or businesses as a result of the improvements to be made in the Cresco Urban Revitalization Area. However, if activities resulting from a property owner's action to qualify for a tax exemption will result in a relocation or displacement, the following shall apply:

Upon application for and verification of eligibility for tax abatement to a property owner by the City, qualified tenants in a designated revitalization area whose displacement was due to action on the part of a property owner to qualify for said tax abatement under this

Plan shall be compensated by the property owner for one month's rent and for actual reasonable moving and related expenses. Qualified tenant, as used in this Plan, shall mean the legal occupant of a residential dwelling unit which is located within the designated revitalization area and who has occupied the dwelling unit continuously since one year prior to the City's adoption of this Plan in 2008.

P. OWNERS OF RECORD AND EXISTING ASSESSED VALUATIONS

Exhibit C to the Plan adopted in 2008 consisted of a list of the names, addresses, and assessed valuations for land and buildings of the owners of record of all real estate within the proposed Area. Exhibit C was on file at City Hall when the Plan was adopted in 2008.

Q. LIMITATIONS

The City also has or may adopt a tax increment financing program which is designed to provide incentives for development. Accordingly, a property that, in the determination of the City Council, is within an existing urban renewal area and is receiving either direct or indirect benefits that were financed through a City-sponsored tax increment financing program, shall not be eligible for tax abatement under the Cresco Urban Revitalization Plan absent specific approval from the City Council. If an application under this Plan is denied by the City Council because the property for which an exemption is requested is within an existing urban renewal area, the owner may reapply for benefits under this Plan for the same property if the property has subsequently been removed from the urban renewal area, provided the property remains in the designated Urban Revitalization Area and all other Plan requirements are met.

Improvements receiving funding from any other local, state or federal governmental program are only eligible for tax exemption under this Plan if specifically authorized by the City Council.

01214748-1\10349-088

APPLICATION FOR TAX ABATEMENT UNDER THE
URBAN REVITALIZATION PLAN FOR

CRESCO, IOWA

Date _____

_____ Prior Approval for
Intended Improvements

_____ Approval of Improvements
Completed

Address of Property: _____

Legal Description: _____

Title Holder or Contract Buyer: _____

Address of Owner (if different than above): _____

Phone Number (to be reached during the day): _____

Property Use: _____ Residential _____ Multi-Residential _____ Commercial

Nature of Improvements: _____ New Construction _____ Rehab/Addition _____ General Improvements

Specify: _____

Estimated or Actual Cost of Improvements: _____

Estimated or Actual Date of Completion: _____

If applicable, the name(s) of the tenants (if different than the owner) that occupied the property on
November 3, 2008: _____

Signed: _____

Tax Exemption Schedule:

Residential: 100% exemption on the first \$75,000 of actual value added for 3 years.

Multi-Residential/Commercial: 100% exemption of actual value added for 3 years.

FOR CITY USE:

CITY COUNCIL	Application Approved/Disapproved Reason (if disapproved) _____
	Date _____
	Attested by the City Clerk _____
ASSESSOR	Present Assessed Value _____
	Assessed Value with Improvements _____
	Eligible or Non-eligible for Tax Abatement _____
	Assessor _____ Date _____

ORDINANCE NO. 459

AN ORDINANCE DESIGNATING THE URBAN REVITALIZATION AREA FOR THE AMENDED AND RESTATED (2016) CRESCO URBAN REVITALIZATION PLAN FOR THE CITY OF CRESCO, IOWA

WHEREAS, Chapter 404 of the Code of Iowa, the "Act", authorizes cities by ordinance to designate revitalization areas if such areas meet the criteria of the Act and if the City completes the procedural requirements of the Act; and

WHEREAS, this Council passed Resolution No. 110805 on November 3, 2008, and thereby adopted an urban revitalization plan for the City of Cresco, Iowa, called the Cresco Urban Revitalization Plan ("Original Plan") for the Cresco Urban Revitalization Area ("Area" or "Revitalization Area"); and

WHEREAS, this Council subsequently adopted Ordinance No. 412 establishing "all property within the corporate boundaries of the City" as the Cresco Urban Revitalization Area; and

WHEREAS, on November 7, 2011, by Resolution No. 111103, the Council adopted Amendment No. 1 to the Cresco Urban Revitalization Plan which extended the expiration of the Original Plan to January 1, 2017 and said Amendment No. 1 was confirmed by Ordinance No. 439 also adopted on November 7, 2011; and

WHEREAS, an Amended and Restated (2016) Cresco Urban Revitalization Plan has been prepared which, among other things, amends the Original Plan by updating the description of the Area, adding a three year 100% exemption schedule for multi-residential property, amending the exemption schedules for residential and commercial property, establishing limitations if property is in an Urban Renewal Area, and extending the duration of the Plan; and

WHEREAS, under the Amended and Restated Plan, the description of the Revitalization Area is updated to include the following:

All property located within the Cresco corporate limits as of March 1, 2016. Any property annexed into the City in the future shall automatically be included in the Area as of the effective date of the annexation.

WHEREAS, the Area so designated has heretofore been found to meet the criteria of the Act; and

WHEREAS, the revitalization of the Area so described will enhance the rehabilitation, conservation, redevelopment, economic development, or a combination thereof of the Area and is necessary in the interest of the public health, safety, or welfare of the residents of the City, and the area substantially meets the criteria of section 404.1; and

WHEREAS, notice of the public hearing was published per the requirements for amendments to urban renewal plans pursuant to Chapter 404; and

WHEREAS, pursuant to the provisions of the Act, the City has held a public hearing on the proposed Amended and Restated (2016) Cresco Urban Revitalization Plan; and

WHEREAS, pursuant to the provisions of the Act, the City has adopted the Amended and Restated (2016) Cresco Urban Revitalization Plan on March 21, 2016 by Resolution No. _____.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRESCO, IOWA:

Section 1. That in accordance with Chapter 404 of the Code of Iowa, and as a result of the adoption of the Amended and Restated (2016) Cresco Urban Revitalization Plan, the legal description of the Cresco Urban Revitalization Area now contains the following property:

All property located within the Cresco corporate limits as of March 1, 2016. Any property annexed into the City in the future shall automatically be included in the Area as of the effective date of the annexation.

and the same is hereby designated as a revitalization area under the Act, which shall be known as the Cresco Urban Revitalization Area of the City of Cresco, Iowa.

Section 2. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 3. That 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. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2016.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 458

AN ORDINANCE REPEALING ORDINANCE NO. 375 DESIGNATING THE EVANS HOME ASSISTED LIVING URBAN REVITALIZATION AREA IN THE CITY OF CRESCO, IOWA

WHEREAS, Chapter 404 of the Code of Iowa, authorizes cities by ordinance to designate revitalization areas if such areas meet the criteria of Chapter 404 and if the City completes the procedural requirements of Chapter 404; and

WHEREAS, pursuant to Chapter 404 of the Code of Iowa, the Council did adopt an urban revitalization plan for the City of Cresco, Iowa by Resolution No. 040408 on April 19, 2004; and

WHEREAS, pursuant to Chapter 404 of the Code of Iowa, the Council did designate the Evans Home Assisted Living Urban Revitalization Area by Ordinance No. 375 on May 17, 2004; and

WHEREAS, the City desires to repeal Ordinance No. 375 under Iowa Code Section 404.7 to confirm that the Evans Home Assisted Living Urban Revitalization Area no longer exists.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRESCO, STATE OF IOWA, THAT:

Section 1. Ordinance No. 375 is hereby repealed and the Evans Home Assisted Living Urban Revitalization Plan and Area no longer exist. A copy of the Ordinance No. 375 is attached and marked Exhibit 1 and is available for review at City Hall.

Section 2. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2016.

Mayor

ATTEST:

City Clerk

Read First Time: March 7, 2016

Read Second Time: _____, 2016

Read Third Time: _____, 2016

PASSED AND APPROVED: _____, 2016.

I, _____, City Clerk of the City of Cresco, State of Iowa, hereby certify that the above and foregoing is a true copy of Ordinance No. _____ passed and approved by the City Council of the City at a meeting held _____, 2016, signed by the Mayor on _____, 2016, and published in the Times Plain Dealer on _____, 2016.

City Clerk, City of Cresco, State of Iowa

(SEAL)

01216288-1\10349-088

Exhibit 1

ORDINANCE NO. 375

AN ORDINANCE DESIGNATING THE EVANS HOME ASSISTED LIVING REVITALIZATION AREA IN THE CITY OF CRESCO, IOWA

WHEREAS, Chapter 404 of the Code of Iowa, the "Act", authorizes cities by ordinance to designate revitalization areas if such areas meet the criteria of the Act and if the City completes the procedural requirements of the Act; and

WHEREAS, pursuant to the Act, this Council did, by resolution, adopt an urban revitalization plan for the City of Cresco, Iowa, said area having been heretofore designated on April 19, 2004.

WHEREAS, the area so designated has heretofore been found to meet the criteria of Section I of the Act; and

WHEREAS, the revitalization of the area so described will enhance the rehabilitation and redevelopment of the area resulting in the improvement of public health, safety and welfare of the residents of the City; and

WHEREAS, pursuant to the Act, the City has caused to be prepared and adopted a plan for the revitalization of the area; and

WHEREAS, pursuant to the provisions of the Act, the City has held a public hearing on the proposed plan for said revitalization area; and

WHEREAS, notice of the public hearing was published at least 30 days prior to the date of the hearing and notice by ordinary mail was sent to the last known address of the owners of record within the revitalization area as well as to the "occupants" of the addresses located within the proposed area; and

WHEREAS, more than 30 days have passed from the first hearing and no petitions or requests have been made requesting a second public hearing; and

WHEREAS, pursuant to the provisions of the statute, the City has adopted the proposed plan for said revitalization area on April 19, 2004;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRESCO, IOWA:

Section 1. That in accordance with Chapter 404 of the Code of Iowa, and in consideration of the restrictions set forth in the preamble hereof, the area described as:

Lots 8, 9, 10, 11 and 12, Block 3, McHughes Addition,
Cresco, Iowa.

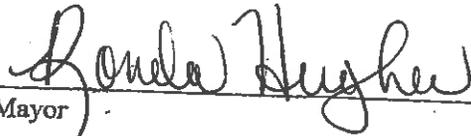
be and the same is hereby designated as a revitalization area under the Act, which shall be known as the Evans Home Assisted Living Revitalization Area of the City of Cresco, Iowa.

Section 2. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 3. That 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.

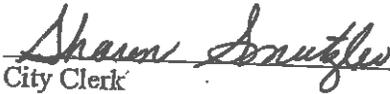
Section 4. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 17th day of May, 2004.



Mayor

ATTEST:

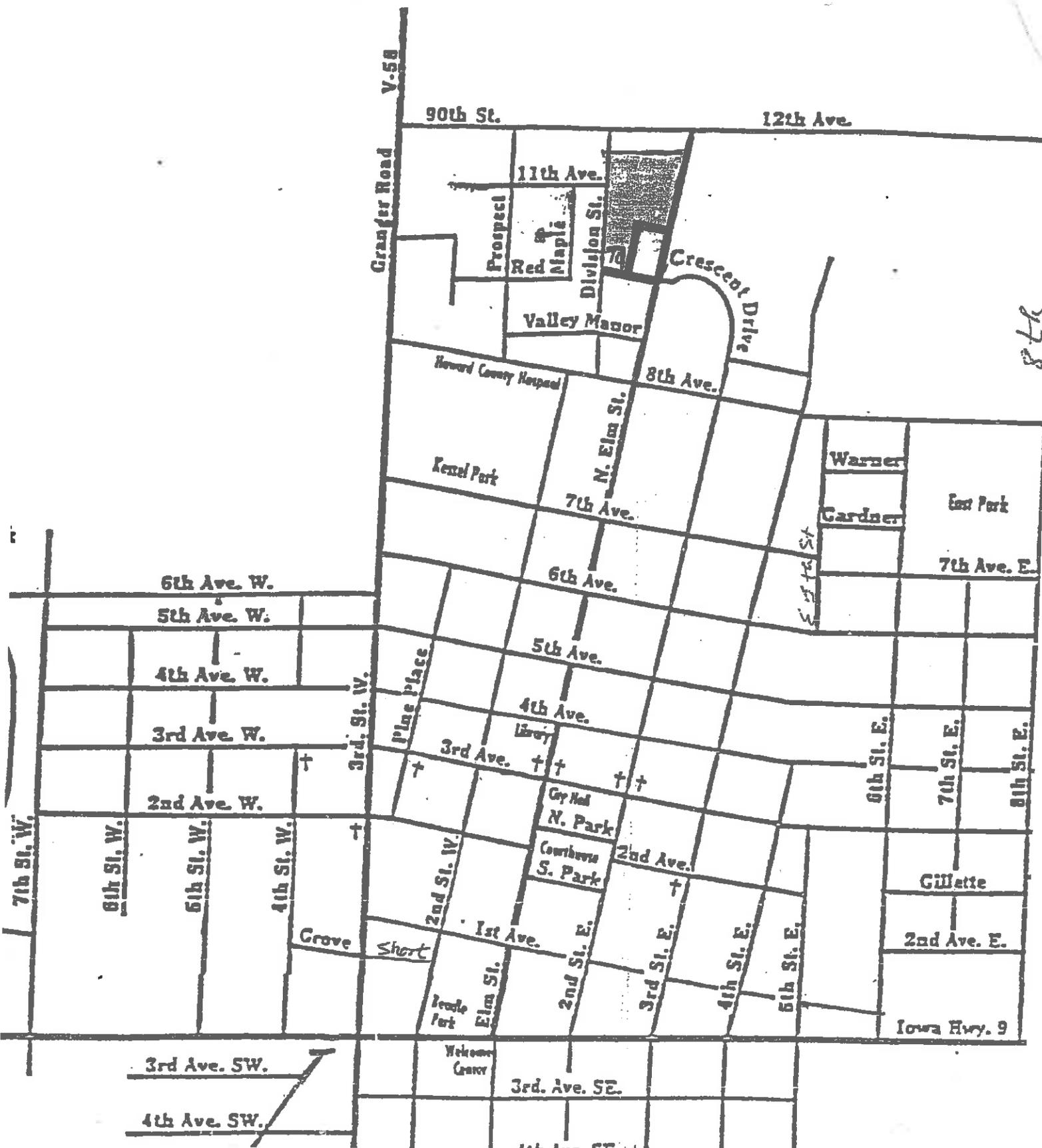


City Clerk

DLILLEBOM068124110349.068

EVANS HOME ASSISTED LIVING
REVITALIZATION AREA

Exhibit



ORDINANCE NO. 460

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA, BY ADDING NEW CHAPTER 101 PERTAINING TO PROHIBITION ON DISCHARGE OF STORM WATER AND GROUNDWATER INTO CITY SANITARY SEWER SYSTEM

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

SECTION 1. The Code of Ordinances of the City of Cresco, Iowa, is hereby amended by adding a new Chapter 101, entitled PROHIBITION ON DISCHARGE OF STORM WATER AND GROUNDWATER INTO CITY SANITARY SEWER SYSTEM, which is hereby adopted to read as follows:

CHAPTER 101

PROHIBITION ON DISCHARGE OF STORM WATER AND GROUNDWATER INTO CITY SANITARY SEWER SYSTEM

101.01 Purpose	101.06 Time Limit to Allow Inspection
101.02 Restrictions and Definitions	101.07 Time Limit for Disconnection
101.03 Method of Installation	101.08 Sanitary Sewer Surcharge
101.04 Disconnections Ordered	101.09 Penalties and Enforcement
101.05 Inspections	

101.01 PURPOSE. The discharge of water from any roof, surface, ground, sump pump, footing tile or swimming pool or other natural precipitation into the city sanitary sewer collection system has the potential to cause damage to property and overload the city wastewater collection, conveyance and treatment system. Such discharge may result in the backup of sewage into living quarters of residential homes or other buildings, creating a potential health hazard and potentially exceeding the capacity of the city wastewater collection, conveyance and treatment system. Therefore, the City finds that it is essential to the maintenance of public health, minimization of damage to property and to maintain the functioning and capacity of the city wastewater collection, conveyance and treatment system, that the provisions of this section be strictly enforced.

101.02 RESTRICTIONS AND DEFINITIONS. No water from any roof, surface, ground, sump pump, footing tile, swimming pool or other natural precipitation shall be discharged into the sanitary sewer collection system. Dwellings, including new housing construction or houses under construction, and other buildings and structures which require, because of the infiltration of water into basements, crawl spaces and the like, a seepage collection system, or "beaver drain" or sump pump system to discharge water shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer collection system. A permanent installation shall be one which provides for a year-round discharge connection to the city

subdrain/storm sewer system. If there is no subdrain available, the surface discharge point shall be located no closer than four feet from the curb or as approved by the City. Such discharge line shall consist of a rigid discharge line inside the structure, without valving or quick connections for altering the path of discharge and, if connected to the city subdrain/storm sewer system, shall include a check valve.

101.03 SUMP, PUMP, AND RIGID PIPE: METHOD OF INSTALLATION.

- A. A discharge pipe shall be installed through the outside foundation wall of the building with rigid pipe (plastic, copper or galvanized) one and one-half (1½") inch inside diameter minimum, without valves or quick connections that would alter the path of discharge. The discharge shall be directed away from the foundation wall.
- B. No discharge shall be directed so as to impact neighboring properties or any sidewalks, streets or right-of-way unless approved by the City.
- C. Where a sump pit exists in any building, it shall have a pump installed with rigid piping as specified above.
- D. Any plumber or contractor who knowingly installs a sump, pump and/or piping that is not in conformance with this ordinance shall be liable to the City for all damages that arise and be subject to the penalties set forth in Section 101.09.

101.04 DISCONNECTIONS ORDERED. Any owner of any dwelling, building or other structure having a roof, surface, ground, sump pump, footing tile or swimming pool now connected and/or discharging into the city sanitary sewer system shall disconnect and/or remove the same. Any disconnects or openings in the city sanitary sewer system shall be closed or repaired in a manner as approved by the Public Works Director or his or her representative.

101.05 INSPECTIONS. Every owner of any dwelling, building or other structure subject to this section, shall allow an employee of the city, or their designated representative, to gain admittance to the owner's property in order to inspect such dwelling, building or other structure, to confirm that there is no sump pump or other prohibited discharge from said property into the city sanitary sewer system. This requirement may also be met by having the property owner contract with a licensed plumber to perform the inspection. The plumber must inspect the property and the sump pump system, and shall complete, sign and return an inspection form, provided by the City, documenting the results of the inspection. All costs associated with an inspection by a privately retained plumber shall be the responsibility of the property owner.

101.06 TIME LIMIT TO ALLOW INSPECTION. The owner of any dwelling, building or other structure shall have a period of thirty (30) days from the date the city, or their designated representative, sends a written notice to the owner requesting admittance to the property for an inspection, to either allow a city inspection of the property, or to contract with a licensed plumber to perform the inspection, and notify the city of the results thereof as provided in section 101.05 of this chapter.

101.07 TIME LIMIT FOR DISCONNECTION OF DISCHARGE. Upon completion of a city inspection of a property, or upon the city's receipt of an inspection form from the licensed plumber hired by the owner of the property, the city shall determine whether any such property is improperly discharging storm water into the city sanitary sewer system,

and shall send a notice to the property owner regarding the results of said inspection if there is a violation. If the property is found to be discharging storm water into the city sanitary sewer system, then the owner shall have a period of ninety (90) days from the date the city sends such written notice to the owner to disconnect the owner's sump pump or other prohibited discharge into the city sanitary sewer system, and to request an inspection, certifying that all work necessary to disconnect the owner's sump pump or other prohibited discharge from said property into the city sanitary sewer system has been completed.

101.08 SANITARY SEWER SURCHARGE. Any owner who fails to timely comply with the requirements of either section 101.06 or of section 101.07 of this chapter shall thereupon be subject to and shall pay a monthly surcharge on the property owner's or tenant's city sewer bill in the amount of \$100.00 per month. Said surcharge shall commence on the first day of the month following the expiration of the thirty (30) day period set forth in section 101.06 of this chapter, or the ninety (90) day period set forth in section 101.07 of this chapter, as applicable, when either the property owner has failed to timely allow a city inspection or has failed to timely correct any illegal connections to the city sanitary sewer system, or has failed to contract with a licensed plumber to inspect the property and correct any illegal connections to the city sanitary sewer system. Such surcharge shall continue to be imposed on the owner's city sanitary sewer bill for as long as the property owner continues to own the property without complying with the requirements of this division. This monthly surcharge is intended to offset the added cost to the city associated with having the city wastewater collection, conveyance and treatment system process clear or clean water unnecessarily, when the status of the property owner's connection or non-connection to the city sanitary sewer system cannot be ascertained, or when the owner has failed to timely disconnect any discharge of storm water to the city sanitary sewer system.

101.09 PENALTIES AND ENFORCEMENT. Whoever shall violate any provision of this chapter for which no specific penalty is provided may be punished as set forth below.

- A. Any person found to be violating any provision of this chapter, shall be served by the city with written notice stating the nature of the violation and providing at least ninety (90) days for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. A surcharge fee shall be added to the property's city sewer bill, as provided in section 101.08 of this code.
- B. Any person who shall continue any violation beyond the time limit provided for in subsection (1) of this section shall be guilty of a municipal infraction. Each day in which any such violation occurs shall be deemed a separate offense.
- C. Any person violating any of the provisions of this ordinance shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation. The City will also retain any and all civil remedies including but not limited to injunction or abatement actions to remedy a violation.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY. 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 and approved this _____ day of _____, 2016.

Mayor Mark Bohle

ATTEST: _____
City Clerk Michelle Girolamo

1st Reading _____ 2nd Reading _____ 3rd Reading _____

I certify that the foregoing was published as Ordinance No. 460 on the _____ day of _____, 2016.

City Clerk Michelle Girolamo

Applicant License Application ()

Name of Applicant:	<u>Wemark22 LLC</u>		
Name of Business (DBA):	<u>The Ox & Wren Spirits & Wine</u>		
Address of Premises:	<u>708 2nd Avenue SE</u>		
City	<u>Cresco</u>	County:	<u>Howard</u> Zip: <u>52136</u>
Business	<u>(563) 547-3900</u>		
Mailing	<u>708 2nd Avenue SE</u>		
City	<u>Cresco</u>	State	<u>IA</u> Zip: <u>52136</u>

Contact Person

Name	<u>Maria Larson</u>		
Phone:	<u>(563) 547-3900</u>	Email	<u>mtwemark@mabeltel.coop</u>

Classification Class E Liquor License (LE)

Term:12 months

Effective Date: 01/01/1900

Expiration Date: 01/01/1900

Privileges:

- Class B Wine Permit
- Class C Beer Permit (Carryout Beer)
- Class E Liquor License (LE)
- Sunday Sales

Status of Business

Business Type:	<u>Limited Liability Company</u>		
Corporate ID Number:	<u>789dlc-421630</u>	Federal Employer ID	<u>45-2760396</u>

Ownership

Aaron Wemark

First Name: Aaron **Last Name:** Wemark
City: Cresco **State:** Iowa **Zip:** 52136
Position: OWNER
% of Ownership: 100.00% **U.S. Citizen:** Yes

Insurance Company Information

Insurance Company:	<u>Grinnell Mutual Group</u>		
Policy Effective Date:		Policy Expiration	
Bond Effective		Dram Cancel Date:	
Outdoor Service Effective		Outdoor Service Expiration	