

11/13/2014

Mayor and Council,

See attached letter from Adam and Kerri Schatz. See attachments from City Code Book and map from google earth.

Adam and Kerri Schatz DBA Schatzees Speed Shop is asking for a zoning change at 214 5<sup>th</sup> St SE in Cresco, IA 52136 from a C-2 TO M-1 which would allow for a shop that does body and fender work. They have made an offer on this property contingent on a zoning change.

Per the City Code Book chapter 165.61 The Council on its own motion can approve this change, it would however still need public notice and a hearing. If Council does not approve on its own motion the matter would then need to go through the petition process mentioned in 165.61 and brought in front of the P&Z Commission.

Thanks,

Rod

**Attn: Cresco City Council**

Schatzees Speedshop is purchasing the Dale and Barbara Lickteig property, located at 214 5<sup>th</sup> Street SE, in Cresco. We are requesting that the property be rezoned from "C-2" to "M-1" in order to allow for an auto body shop. The purchase of this property is contingent on rezoning. We are painting all of Alum-Line's truck beds, while also performing basic auto body and collision work. Please know that this business arrangement reaches far beyond the scope of Schatzees Speedshop, as it affects the many employees who work at Alum-Line, as well.

We plan to utilize the entire property. Within two years, we would like to construct an addition to the existing shop in order to allow for a larger work area and more storage, as well as fulfilling the need to hire more employees.

We plan to operate a clean and tidy shop, while also securing our roots in the community. We will follow all federal and state regulations required to operate an auto body and paint shop.

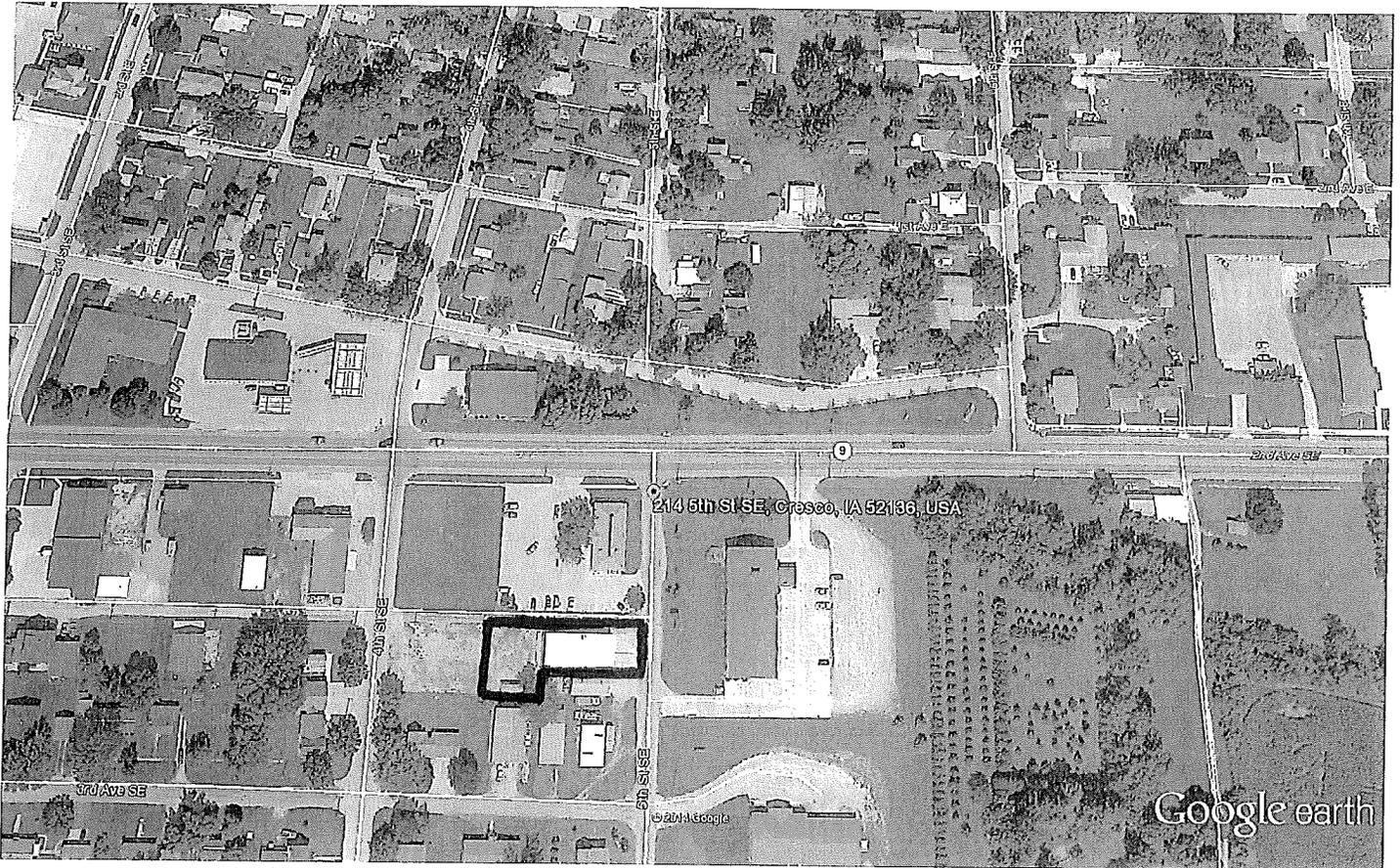
A new paint booth will be installed with all of the appropriate filters necessary to meet federal and state requirements.

Please feel free to contact Adam Schatz with any questions or concerns.

Respectfully,

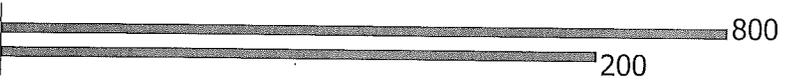
A handwritten signature in black ink, appearing to read "Adam and Keri Schatz". The signature is fluid and cursive, written over a white background.

**Adam and Keri Schatz**  
723 3<sup>rd</sup> Street SE  
Cresco, IA 52136  
Cell phone: 563.379.8483



Google earth

feet  
meters



*Property at 214 5th St SE  
Outlined in black*

*Request is to change this property from  
C-2 to M-1  
which would allow a Body Shop*

*See attached from City Code Book*

165.22 **C-1 COMMERCIAL DISTRICT.** The regulations set forth in this section apply in the C-1 Commercial District.

1. Principal Permitted Uses. A building or premises shall be used only for the following purposes:

- A. Any use permitted in the R-3 District.
- B. Retail business or service establishments such as the following:
  - Animal hospital, veterinary clinic or kennel; providing any exercising runway or pasture shall be at least 200 feet from any R District.
  - Antique shops.
  - Apparel shops, infant, teenage and adult.
  - Art goods and bric-a-brac shops.
  - Artist shops and studios.
  - Automobile, trailer and farm implement establishment for display, hire, sales, and minor repairs, including sales lots but not including body and fender work.
  - Bakery, whose products are sold only at retail and only on the premises.
  - Ballrooms and dance halls.
  - Banks, including drive-in teller service.
  - Barber shop or beauty salon.
  - Bath and massage parlors.
  - Bicycle sales.
  - Billiard parlors and pool halls.
  - Bookstore.
  - Bowling alley.
  - Business, commercial, dancing or music schools.
  - Candy shops, retail sales only.
  - Cigar and cigarette stores.
  - Clothes cleaning and laundry pickup stations.
  - Cocktail lounge or tavern.
  - Collection office of a public utility.
  - Confectionary and ice cream stores.
  - Curio stores.
  - Dairy store.
  - Dance and/or music studio.
  - Drive-in eating and drinking establishments, summer gardens, and road houses, including entertainment and dancing, provided the principal building is distant at least 200 feet from any R District.
  - Drugstore.
  - Florist shop, retail sales only.
  - Furniture stores.
  - Garden shops.
  - Gasoline service station.
  - General hardware stores, including display plumbing and electrical fixtures, but not in connection with a plumbing or electrical shop.
  - Gift shop.
  - Grocery, delicatessen or meat market, except those dealing in live poultry.
  - Haberdashery.
  - Hobby shop.
  - Hotels.
  - Household appliance stores and hardware store. Ice cream parlor.
  - Ice storage and distributing station of not more than five-ton capacity.
  - Jewelry stores

**165.23 C-2 CENTRAL BUSINESS COMMERCIAL DISTRICT.** The regulations set forth in this section apply in the C-2 Commercial District.

1. Principal Permitted Uses.
  - A. Any use permitted in the C-1 District, provided that such use shall comply with the minimum requirements of the C-2 District. However, any multiple dwelling units or two-family dwelling units located in the Central Business Commercial District shall be permitted on the second floor or above only. No multiple dwelling units or two-family dwelling units shall be permitted on the ground floor of the C-2 District.
  - B. Manufacture or treatment of products clearly incidental to the conduct of a retail business conducted on the premises.
  - C. Printing or publishing houses.
2. Accessory Uses.
  - A. Accessory uses permitted in the C-2 District.
  - B. Any exterior or roof sign the height of which shall not exceed 40 percent of the building height above the roof line, but not to exceed 50 feet above the roof line in any case. For buildings less than 40 feet in height, the maximum height above the roof line for any exterior or roof sign shall be 16 feet.
3. Height Regulations. No building shall exceed 35 feet in height.
4. Lot Area, Lot Frontage and Yard Requirements. The following minimum requirements shall be observed:

| Principal Use | Lot Area   | Lot Width | Lot Area Per Family | Front Yard Depth* | Side Yard Least Width on Any One Side                                      | Width Minimum Sum of Both Side Yards | Rear Yard Depth   |
|---------------|--|-----------|---------------------|-------------------|--|--------------------------------------|---|
| All uses      | None required unless the proposed right-of-way of a thoroughfare shown on Official Major Street Plan, in which case the building setback line shall be the proposed right-of-way line. |           |                     |                   | None except adjacent to an R District, in which case not less than 10 feet |                                      | None except abutting an R District, in which case not less than 25 feet |

5. Firewalls. All buildings or structures located in the C-2 District shall comply with the following regulations if the walls are located closer than seven feet to the property line except those walls which abut a street or alley.
  - A. Minimum Type III construction with a one-hour fire resistance construction on the exterior of the walls.
    - (1) A signed statement from the material supplier that the material meets a minimum Type III one-hour fire resistance construction.
    - (2) A signed statement from the property owner or agent that they have read the regulations, understand the regulations, that they

**165.24 M-1 LIGHT INDUSTRIAL DISTRICT.** The regulations set forth in this section apply in the M-1 Light Industrial District.

1. Principal Permitted Uses. A building or premises shall be used only for the following purposes:

A. Any business or service establishment permitted in a C District which is incidental to a industrial or manufacturing use.

B. Industrial, manufacturing, major repair, processing, storage and wholesale establishments and services such as the following:

Automobile body and fender repair shop.

Automobile repair garage.

Automobile construction, assembly or factories specializing in the re-work or re-building or automobile components.

Bag, carpet and rug cleaning.

Bakeries.

Carpenter and cabinet shops.

Concrete mixing concrete products manufacture.

Contractor's equipment and materials storage yard.

Creamery, bottling works, dairy ice cream manufacturing, ice manufacturing and cold storage plant.

Enameling, lacquering or japanning.

Flammable liquids, underground storage only, not to exceed 25,000 gallons and located not less than 200 feet from any R District.

Foundry casting lightweight non-ferrous metals or electric foundry not causing noxious fumes or odors.

Laboratories, experimental, film or testing.

Laundries.

Lumber and building supply yards.

Machine shop.

Milk distributing station.

Motor freight terminal.

Plumbing, heating and air-conditioning shops.

Sawmill, planing mill, including manufacture of wood products.

Sheet metal shops.

C. Any residential use shall be prohibited, except for caretaker's quarters incidental to a permitted industrial use.

2. Accessory Uses. Any accessory use customarily accessory and incidental to a permitted principal use.

3. Required Condition. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious, offensive or pollute the air or water due to the emission of cinders, dust, gas fumes, noise, odor, smoke, refuse matter or water-carried waste.

4. Height Regulations. No building shall exceed 45 feet in height.

**DUTIES OF ADMINISTRATIVE OFFICER, BOARD OF ADJUSTMENT  
COUNCIL AND COURTS ON MATTERS OF APPEAL**

**165.60 DUTIES OF ADMINISTRATIVE OFFICER, BOARD OF ADJUSTMENT, COUNCIL AND COURTS ON MATTERS OF APPEAL.** It is the intent of these zoning regulations that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator for resolution and decision. In the event the questions of interpretation are not satisfactorily resolved by the interpretation of the Zoning Administrator, then the matter of questions of interpretation shall be submitted to the Board of Adjustment for decision. The decision of the Board of Adjustment may be appealed to the District Court of Iowa in and for Howard County. It is the further intent of this chapter that the duties of the City Council in connection with this chapter shall not include hearing and deciding questions of interpretation and enforcement since questions of interpretation and enforcement shall be first decided by the Zoning Administrator and if a dispute still arises then the Board of Adjustment shall decide the matter and issues. Under these zoning regulations, the City Council shall have only the duties of:

1. Considering and adopting or rejecting proposed amendments or the repeal of these zoning regulations as provided by law.
2. Considering applications for special permits for temporary uses as specified in Sections 165.26 through 165.31 of this chapter.

**165.61 CHANGES AND AMENDMENTS, MAP REPLACEMENT AND ZONING OR ANNEXED AREAS.** The City Council may on its own motion or on petition after public notice and hearing as provided by law, and after report by the Commission, amend, supplement or change the boundaries or regulations herein or subsequently established. Any owner or owners of property may present a petition duly signed and verified, requesting an amendment, supplement or change in the regulations prescribed for a district or part thereof. Such petition shall be signed by the owners of at least 50 percent of the area included in such proposed change and by the owners of 50 percent of the property within 300 feet therefrom, and said petition shall be filed with the Commission. The Commission shall make a report to the City Council within 60 days from the date of receipt of such petition. In case the proposed amendment, supplement or change be disapproved by the Commission, or in case of a protest against any proposed amendment or change signed by the owners of 20 percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof, extending the depth of one lot or not to exceed 200 feet therefrom, or of those directly opposite thereto, extending the depth of one or not to exceed 200 feet therefrom, or of those directly opposite thereto, extending the depth of one lot or not to exceed 200 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of at least three-fourths (3/4) of all the members of the Council.

**165.62 RENEWAL OF PETITION AFTER DENIAL.** Whenever a petition requesting an amendment, supplement, or change of any regulation prescribed by this chapter has been denied by the City Council, such petition cannot be renewed for one year thereafter unless it be signed by the owners who previously objected to the change; this provision, however, shall not prevent the City Council from action on its own initiative in any case or at any time as provided in this section.

CRESKO PARK BOARD

TO: CRESKO CITY COUNCIL

RE: Appointment/Reappointment

We, the Park Board for the City of Cresko, recommend that the City Council

1.   X   Appoint (Name) **Marshall Rogne**

(To replace **Scott Wiley**)

2. \_\_\_\_\_ Reappoint (Name) \_\_\_\_\_

to the Cresko Park Board.

Term to run from 1/1/15 to expire 12/31/17

|          | Signed                  | Date           |
|----------|-------------------------|----------------|
| Chairman | <u>Michelle Suchala</u> | <u>11-5-14</u> |
|          | <u>Barbra Jones</u>     | <u>11-5-14</u> |
|          | <u>Scott Blythe</u>     | <u>11-5-14</u> |
|          | <u>Scott Wiley</u>      | <u>11-5-14</u> |
|          | <u>[Signature]</u>      | <u>11-5-14</u> |

CRESKO PARK BOARD

TO: CRESKO CITY COUNCIL

RE: Appointment/Reappointment

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

1. \_\_\_\_\_ Appoint (Name) \_\_\_\_\_

(To replace \_\_\_\_\_)

2.  Reappoint (Name) **Keith Anderlik**

to the Cresco Park Board.

Term to run from 1/1/15 to expire 12/31/17

|          | Signed                 | Date           |
|----------|------------------------|----------------|
| Chairman | <u>Michelle Inckel</u> | <u>11-5-14</u> |
|          | <u>Barbie Tracy</u>    | <u>11-5-14</u> |
|          | <u>Jeff Blythe</u>     | <u>11-5-14</u> |
|          | <u>Scott Wiley</u>     | <u>11-5-14</u> |
|          | _____                  | _____          |

City of Cresco  
 Comparison of Copy Machine Bids  
 November 17, 2014

Copier - Color and B&W  
 60 month lease

| Company                                  | RICOH                         | MARCO                     | RICOH                          |
|--|-------------------------------|---------------------------|--------------------------------|
| Model                                    | Ricoh Aficio MP2503           | Konica Bizhub C284E       | Ricoh Aficio MP3003            |
| Pages Per Minute                         | 25                            | 28                        | 30                             |
| Salesperson                              | Lori Patterson                | Gary Winter               | Lori Patterson                 |
| Certified Technician                     | Service Tech for our area     | David Andera (Cresco)     | Service Tech for our area      |
| First Copy Time B&W {seconds}            | 5.3                           | 5.9                       | 4.6                            |
| First Copy Time Color {seconds}          | 7.5                           | 7.7                       | 7.1                            |
| Warm-Up Time {seconds}                   | 19                            | 18                        | 20                             |
| Power Consumption<br>TEC Value           | 1580W or less<br>.91 kWh/week | 1500W or less<br>1.65 kWh | 1584W or less<br>1.16 kWh/week |
| Monthly Lease Payment                    | \$143.88                      | \$165.00                  | \$197.63                       |
| B&W Copies included/year                 | 0                             | 30,000                    | 0                              |
| Color Copies included/year               | 0                             | 4,800                     | 0                              |
| B&W Copy price per page for overages     | \$0.0078                      | \$0.0090                  | \$0.0080                       |
| Color Copy price per page for overages   | \$0.0578                      | \$0.0720                  | \$0.0514                       |
| EXAMPLES:                                |                               |                           |                                |
| Annual Cost (30,000 B&W and 6,000 color) | \$2,307.36                    | <b>\$1,980.00</b>         | \$2,919.96                     |
| Annual Cost (45,000 B&W and 7,000 color) | \$2,482.16                    | <b>\$2,187.00</b>         | \$3,091.36                     |
| Annual Cost (70,000 B&W and 9,000 color) | \$2,792.76                    | <b>\$2,556.00</b>         | \$3,394.16                     |
| Annual Cost (25,000 B&W and 3,000 color) | \$2,094.96                    | <b>\$1,980.00</b>         | \$2,725.76                     |
| Annual Cost (17,000 B&W and 2,000 color) | <b>\$1,974.76</b>             | \$1,980.00                | \$2,610.36                     |

## Proposed Solution

### Ricoh Aficio MP C2503

*Color and Black/White Multifunctional Device*



The Ricoh MP C2503 offers customizable tools to simplify how users in smaller offices manage everyday document management tasks. Print handouts, flyers and other collateral pieces in vibrant colors. Scan and share documents in moments with one-touch controls. Add the final touches for your next important presentation with the optional internal finisher. And perform every task with security and convenience from almost any location — even from your smartphone or tablet.

#### **Key Features**

- Fast output speed of 25 pages per minute color and black-and-white
- Includes 4 paper trays and bypass tray for a total paper capacity of 2,300 pages
- Includes finisher and surge protector
- Includes print, scan, copy
- Warm-up time less than 19seconds
- Up to 166-lb index
- 1,200 x 1,200 dpi resolution
- Energy Star® compliant

#### **Financial Considerations State of Iowa Pricing**

##### **Purchase Price Option**

**\$6,615**

**\$7,310 with hole punch**

##### **60-month Lease Option Monthly Payment**

**\$143.88**

**\$158.89 with hole punch**

- *Service Pricing is based on Usage only*
- *B&W \$0.0078 per-copy charge*
- *Color \$0.0578 per-copy charge*
- *This price is based on a 60- month agreement*

**RICOH**  
imagine. change.

## Current Situation

You are currently leasing Ricoh MP C2800 system with 4 drawers, staple, & faxing.

Marco recommends the following for your consideration:

## Document System Recommendation

| ITEM    | DESCRIPTION   | QUANTITY |
|---------|---|----------|
| A5C2011 | KONICA BIZHUB C284E COLOR MFP COPIER /<br>PRINTER / SCANNER / FAX | 1        |

### Specifications

- 28 Black and White Pages Per Minute
- 28 Color Pages Per Minute
- 100 Sheet Reversing Document Feeder
- (2) 500 Sheet Paper Trays & Choice of (2) 500 Sheet or 2500 Sheet Cabinet
- 150 Sheet Bypass Tray
- Reduction Enlargement Capabilities—25% to 400% Zoom Range
- Automatic Duplexing
- Network Printing—**Standard PCL & Postscript 3 Printer Languages**
- Network COLOR Scanning
- Stapling Finisher—Inner Stapler Finisher with 2 & 3 Hole Punching
- Scan to E-Mail / Network Folder / Scan to USB Thumb Drive—**STANDARD**

## Managed Account Program (MAP)

Marco's Managed Account Program is designed as an "equipment as a service" model. The program **includes** the **equipment, service, and supplies** (except staples, paper and network troubleshooting services). The result is a system with the capabilities and features you need—without the administrative headaches. You may also upgrade or downgrade your equipment at any time as your needs change. **It's a Single Easy to Budget Payment including Everything!**

- **60 Month MAP** .....\$165/Month w/ Punch OR, \$161 w/o Punch
- Black and White Prints **Included** per Month: 2,500 pages (**30,000 pages annually**)
- Black and White Print Overages: \$0.009/Page
- Color Prints **Included** per Month: 500 pages (**6,000 pages annually**)
- Color Print Overages: \$0.072/Page
- **The Overages can be billed on Quarterly, Semi-Annual, or Annual Basis—You Choose!**

**\*\* This can be "wrapped in with your printer" into one simple billing package. At 400 pages per month, this would run \$6.50 per month...giving you access to helpdesk.**

### **DELIVERY, INSTALLATION, INITIAL SUPPLIES AND INITIAL TRAINING**

Delivery, Installation, Initial Supplies & Initial Training ..... **INCLUDED**

*The above pricing does not include applicable sales tax.*

*Prices quoted are subject to change and should be verified before placing your order.*

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

By signing this proposal, you are authorizing Marco, Inc. to order, install and invoice the above listed equipment.

## Proposed Solution

### Ricoh Aficio MP C3003

*Color and Black/White Multifunctional Device*



Transform your MFP into an information portal by connecting to the cloud from your smartphone, tablet or other mobile device and use this powerful system to print, share and discover the value of customized convenience. Packed with advanced versatility and energy-saving features in a space-saving design, it's ideal for fast-paced offices with heavy workloads.

#### **Key Features**

- Fast output speed of 30 pages per minute color and black-and-white
- Includes 4 paper trays and bypass tray for a total paper capacity of 2,300 pages; 100-sheet ARDF
- Includes print, scan, copy
- Includes finisher and surge protector
- 7.1-second color/ 4.6-second black-and-white first-print speed
- 1.5GB RAM and 250GB HDD
- Up to 166-lb index
- 1,200x1,200-dpi print resolution
- Energy Star® compliant

#### **Financial Considerations**

##### **State of Iowa Pricing**

##### **Purchase Price Option**

**\$8,834.12**

**\$9,337.27 with hole punch**

##### **60-month Lease Option**

##### **Monthly Payment**

**\$197.63**

**\$212.59 with hole punch**

- *Service Pricing is based on Usage only*
- *B&W \$0.0080 per-copy charge*
- *Color \$0.0514 per-copy charge*
- *This price is based on a 60- month agreement*

**RICOH**  
imagine. change.

Council Member \_\_\_\_\_ introduced the following Resolution entitled "RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSITION TO AUTHORIZE A LEASE AGREEMENT IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$12,000, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF," and moved that the same be adopted. Council Member \_\_\_\_\_ seconded the motion to adopt. The roll was called and the vote was,

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

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

Whereupon, the Mayor declared the resolution duly adopted as follows:

RESOLUTION FIXING DATE FOR A MEETING ON  
THE PROPOSITION TO AUTHORIZE A LEASE  
AGREEMENT IN THE PRINCIPAL AMOUNT OF NOT  
TO EXCEED \$12,000, AND PROVIDING FOR  
PUBLICATION OF NOTICE THEREOF

WHEREAS, it is deemed necessary and advisable that the City of Cresco, Iowa, should enter into a lease agreement for personal property in the principal amount of not to exceed \$12,000 as authorized by Sections 364.4 and 384.25 of the Code of Iowa, for the purpose of providing funds to pay costs of renting office equipment, more particularly described as copy machines; and

WHEREAS, the term of the proposed lease agreement does not exceed the economic life of the property to be acquired; and

WHEREAS, the lease agreement shall be payable from the General Fund and Proprietary Funds; and

WHEREAS, the payments to be made under the lease agreement will not cause the total of annual lease or lease-purchase payments of the City due from the General Fund to exceed ten percent of the last certified General Fund budget; and

WHEREAS, there has been presented to this meeting the form of lease agreement between the City and \_\_\_\_\_ which the City proposes to enter into and such lease agreement is attached as Exhibit A to this resolution; and

WHEREAS, before a lease agreement may be authorized, it is necessary to comply with the provisions of the Code, and to publish a notice of the proposal and of the time and place of the meeting at which the Council proposes to take action for the authorization of the lease agreement and to receive oral and/or written objections from any resident or property owner of the City to such action.

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

Section 1. That this Council shall meet in the Council Chambers, City Hall, 130 North Park Place, Cresco, Iowa, at \_\_\_\_\_ o'clock \_\_\_\_\_.M., on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, for the purpose of taking action on the matter of the authorization of a lease agreement, in the principal amount of not to exceed \$12,000, the proceeds of which will be used to provide funds to pay costs of renting office equipment.

Section 2. That the Clerk is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said City, said publication to be not less than ten nor more than twenty days before the date of said public meeting on the authorization of the lease agreement of said copier.

Section 3. The notice of the proposed action to authorize the lease agreement shall be in the following form:

NOTICE OF MEETING OF THE CITY COUNCIL OF THE CITY  
OF CRESCO, IOWA, ON THE MATTER OF THE PROPOSED  
AUTHORIZATION OF A LEASE AGREEMENT IN  
THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$12,000, AND  
THE PUBLIC HEARING ON THE AUTHORIZATION THEREOF

PUBLIC NOTICE is hereby given that the Council of the City of Cresco, Iowa, will hold a public hearing on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, at \_\_\_\_\_ o'clock \_\_\_\_\_.M., in the Council Chambers, City Hall, 130 North Park Place, Cresco, Iowa, at which meeting the Council proposes to take action for the authorization of a five year lease agreement for personal property in the principal amount of not to exceed \$12,000, the proceeds of which will be used in order to provide funds to pay costs of renting office equipment, more particularly described as copy machines.

At anytime before the date of said meeting, citizens of the City of Cresco may submit a written objection or be in attendance at the meeting to object to the proposed lease agreement. After all objections have been received and considered, the Council will at this meeting or at any adjournment thereof, take additional action for the authorization of the lease agreement or will abandon the proposal.

This notice is given by order of the Council of Cresco, Iowa, as provided by Sections 364.4 and 384.25 of the Code of Iowa

Dated this 17<sup>th</sup> day of November, 2014.

---

City Clerk Michelle Girolamo

(End of Notice)

RESOLUTION NUMBER 111407

**RESOLUTION ADOPTING CRESCO POLICE DEPARTMENT  
SOCIAL MEDIA POLICY**

WHEREAS, the Cresco Police Department has a written Policy and Procedures Guide for the conduct of the Police Department; and

WHEREAS, the use of social media is increasing so there needs to be an updated Social Media Policy implemented for the Cresco Police Department.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Cresco, Iowa, that the Cresco Police Department Social Media Policy be adopted.

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

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

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

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

Thereupon, the Mayor declared said Resolution duly passed and announced that the Cresco Police Department Social Media Policy be adopted.

PASSED AND APPROVED THIS 17<sup>TH</sup> DAY OF NOVEMBER, 2014.

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

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

# CRESCO POLICE DEPARTMENT SOCIAL MEDIA

NOVEMBER 17TH, 2014

## I. PURPOSE

The department endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes this department's position on the utility and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media, rather social media in general, as advances in technology will occur and new tools will emerge.

## II. POLICY

Social media provides a new and potentially valuable means of assisting the department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The department also recognizes the role that these tools play in the personal lives of some department personnel. The personal use of social media can have bearing on departmental personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by department personnel.

## III. DEFINITIONS

*Blog:* A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web log."

*Page:* The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

*Post:* Content an individual shares on a social media site or the act of publishing content on a site.

*Profile:* Information that a user provides about himself or herself on a social networking site.

*Social Media:* A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), micro-blogging sites (Twitter, Nixle), photo- and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

*Social Networks:* Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

*Speech:* Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

*Web 2.0:* The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

*Wiki:* Web page(s) that can be edited collaboratively.

#### IV. ON-THE-JOB USE

##### A. Department-Sanctioned Presence

###### 1. Determine strategy

- a. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
- b. Where possible, the page(s) should link to the department's official website.
- c. Social media page(s) shall be designed for the target audience(s) such as youth or potential police recruits.

###### 2. Procedures

- a. All department social media sites or pages shall be approved by the Police Chief or his or her designee and shall be administered by the departmental information services section or as otherwise determined.
- b. Where possible, social media pages shall clearly indicate they are maintained by the department and shall have department contact information prominently displayed.
- c. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
  - (1) Content is subject to public records laws. Relevant records retention schedules apply to social media content.
  - (2) Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.
- d. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.
  - (1) Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove obscenities, off-topic comments, and personal attacks.
  - (2) Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

###### 3. Department-Sanctioned Use

- a. Department personnel representing the department via social media outlets shall do the following:
  - (1) Conduct themselves at all times as representatives of the department and, accordingly, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.

- (2) Identify themselves as a member of the department.
- (3) Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without express written permission.
- (4) Not conduct political activities or private business.
- b. The use of department computers by department personnel to access social media is prohibited without authorization.
- c. Department personnel use of personally owned devices to manage the department's social media activities or in the course of official duties is prohibited without express written permission.
- d. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

#### B. Potential Uses

1. Social media is a valuable investigative tool when seeking evidence or information about
  - a. missing persons;
  - b. wanted persons;
  - c. gang participation;
  - d. crimes perpetrated online (i.e., cyberbullying, cyberstalking); and
  - e. photos or videos of a crime posted by a participant or observer.
2. Social media can be used for community outreach and engagement by
  - a. providing crime prevention tips;
  - b. offering online-reporting opportunities;
  - c. sharing crime maps and data; and
  - d. soliciting tips about unsolved crimes (i.e., Crimestoppers, text-a-tip).
3. Social media can be used to make time-sensitive notifications related to
  - a. road closures,
  - b. special events,
  - c. weather emergencies, and
  - d. missing or endangered persons.
4. Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.
5. This department has an obligation to include Internet-based content when conducting background investigations of job candidates.
6. Searches should be conducted by a non-decision maker. Information pertaining to protected classes shall be filtered out prior to sharing any information found online with decision makers.
7. Persons authorized to search Internet-based content should be deemed as holding a sensitive position.

8. Search methods shall not involve techniques that are a violation of existing law.
9. Vetting techniques shall be applied uniformly to all candidates.
10. Every effort must be made to validate Internet-based information considered during the hiring process.

## V. PERSONAL USE

### A. Precautions and Prohibitions

Barring state law or binding employment contracts to the contrary, department personnel shall abide by the following when using social media.

1. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.
2. As public employees, department personnel are cautioned that speech on- or off-duty, made pursuant to their official duties—that is, that owes its existence to the employee’s professional duties and responsibilities—is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.
3. Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Police Chief or his or her designee.
4. For safety and security reasons, department personnel are cautioned not to disclose their employment with this department nor shall they post information pertaining to any other member of the department without their permission. As such, department personnel are cautioned not to do the following:
  - a. Display department logos, uniforms, or similar identifying items on personal web pages.
  - b. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this department. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.
5. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the department’s code of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:
  - a. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule,

- malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
- b. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
6. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination of office.
  7. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.
  8. Department personnel should be aware that they may be subject to civil litigation for
    - a. publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
    - b. publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
    - c. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
    - d. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
  9. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
  10. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.
  11. Reporting violations—Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.

Policy reviewed and enacted on November 17<sup>th</sup>, 2014 at Cresco, Iowa 52136.

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Chief of Police

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Mayor

RESOLUTION NO. 111406

RESOLUTION FIXING DATE FOR PUBLIC HEARING ON SALE OF REAL ESTATE AND MANNER AND METHOD OF SALE OF REAL ESTATE

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

Lot One (1), except the West 27 1/2 feet thereof, Block 4, Park Addition to Cresco, Howard County, Iowa

WHEREAS, the City Council has determined that it may be in the best interest of the City to sell said real estate if it is determined that it serves no public purpose, and

WHEREAS, the City Council of the City of Cresco, Iowa desires to sell the real estate described above in the following manner:

A public notice will be published in the Times Plain Dealer in Cresco, Howard County, Iowa announcing that this real estate will be sold by auction sale before the City Council at a specific date, time and place and that anyone interested in purchasing this real estate must submit a bid of at least \$ \_\_\_\_\_. All bids must be submitted to the City Clerk at the City Hall in Cresco, Iowa, by the prescribed date, with each bid specifying the bid purchase price for the real estate and the bid being enclosed in a sealed envelope. All bidders must be present at the City Council meeting in order to be eligible to raise their bids after the bids are opened. The City Council will proceed to auction the property among those bidders for the highest and best responsible bid. Only those persons submitting a qualifying written sealed bid will be eligible to participate in the auction sale bidding by increasing their bid at the auction sale.

The City reserves the right to reject any or all bids and reserves the right to determine whether a bid is responsible and in the best interest of the City.

The City will convey title to the real estate by Quit Claim Deed.

An abstract of title to the property continued to November 19, 2013 will be provided.

The structure on the property must be demolished or rehabilitated within 90 days of the date of closing such that the property is no longer a public nuisance. The City of

Cresco reserves the right to impose other conditions upon the sale at the time the bids are opened.

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

1. That at a public hearing is hereby set before the City Council of Cresco, Iowa, at 7:00 PM on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ in the City Council Chambers in the City Hall of Cresco, Iowa and that said public hearing shall be to determine that the following estate should be sold by auction sale in the manner described above:

Lot One (1), except the West 27 1/2 feet thereof, Block 4, Park Addition to Cresco, Howard County, Iowa

2. At said public hearing the Mayor or designee shall open any and all sealed bids and the City Council will then determine whether or not to sell the above described real estate pursuant to the above described terms.

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

\_\_\_\_\_ and the following council persons voted against the foregoing resolution:

\_\_\_\_\_ The Mayor thereupon declared the resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF CRESCO, IOWA

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

ATTEST:

By: \_\_\_\_\_  
Michelle Girolamo, City Clerk