

RESOLUTION NUMBER 091204

RESOLUTION ADOPTING A STANDARD RULE REGARDING THE  
EFFECT OF A COUNCIL MEMBER'S ABSTENTION WHEN  
NOT REQUIRED BY A CONFLICT OF INTEREST

WHEREAS, pursuant to Section 380.4 of the State Code, in the absence of a conflict of interest a Council member who abstains from voting is included for purposes of determining whether a measure has passed; and

WHEREAS, legal significance or effect must be given to a Council Member's abstention when the abstention is not required by a conflict of interest in order to prevent frustration or abuse of the legislative process; and

WHEREAS, in order to assure that a Council Member must vote "no" in order to defeat a measure and may not do so by inaction, the City Council desires to adopt a standing rule that abstentions not due to a stated conflict of interest shall be deemed to be a vote with the majority or, in cases of a tie vote, a vote in the affirmative.

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

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Cresco, Iowa, hereby adopts a standing rule that an abstention for reasons other than a conflict of interest shall be deemed a vote with the majority or, in cases of a tie vote, a vote in the affirmative.

PASSED AND APPROVED THIS 5<sup>th</sup> DAY OF SEPTEMBER, 2012.

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

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

## City Street Financial Report

City Name <b>CRESCO</b>	City Number <b>1705</b>	City Population <b>3,868</b>	Fiscal Year <b>2012</b>
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### Cover Sheet

Now therefore let it be resolved that the city council of CRESCO, Iowa  
(city name)

on 09/05/2012 did hereby approve and adopt the annual  
(month/day/year)

City Street Financial Report from July 1, 2011 to June 30, 2012.  
(year)

#### Contact Information

Name	E-mail Address	Street Address	City	ZIP Code
Michelle Girolamo	cityhall3@iowatelecom.net	130 N Park Place	Cresco	52136
Hours	Phone	Extension	Alternate Phone	
8 am to 4:30 pm Mon - Fri	(563) 547-3101		(563) 547-3101	

#### Preparer Information

Name	Phone
Sue Murphy	(563) 547-3101
E-mail Address	Extension
deputyclerk@iowatelecom.net	

#### Mayor Information

Name	E-mail Address	Street Address	City	ZIP Code
Mark Bohle	mbohle@gmail.com	130 N Park Place	Cresco	52136
Phone	Extension			
(563) 547-3101				

Resolution Number	091205
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\_\_\_\_\_  
Signature Mayor

\_\_\_\_\_  
Signature City Clerk

# City Street Financial Report

City Name	City Number	City Population	Fiscal Year
CRESCO	1705	3,868	2012

## Summary Statement Sheet

Column 1    Column 2    Column 3    Column 4  
 Road Use    Other Street    Street Debt    Totals  
 Tax Fund    Monies

Round Figures to Nearest Dollar

A. BEGINNING BALANCE				
1. July 1 Balance	468,937	334,571	0	803,508
2. Adjustments (Note on Explanation Sheet)		107,613		107,613
3. Adjusted Balance	468,937	442,184	0	911,121
B. REVENUES				
1. Road Use Tax	366,884			366,884
2. Transfer of Jurisdictions Fund				
3. Property Taxes	108,703	186,305		295,008
4. Special Assessments	102,024			102,024
5. Miscellaneous	144,319			144,319
6. Proceeds from Bonds, Notes, and Loans	250,000			250,000
7. Interest Earned	1,389			1,389
<b>8. Total Revenues (Lines B1 thru B7)</b>	366,884	606,435	186,305	1,159,624
<b>C. Total Funds Available (Line A3 + Line B8)</b>	835,821	1,048,619	186,305	2,070,745

Round Figures to Nearest Dollar

EXPENSES				
D. Maintenance				
1. Roadway Maintenance	267,554	237,803		505,357
2. Snow and Ice Removal	9,059	11,557		20,616
E. Construction, Reconstruction and Improvements				
1. Engineering		20,731		20,731
2. Right of Way Purchased				
3. Street/Bridge Construction		243,948		243,948
4. Traffic Services	11,472			11,472
<b>F. Administration</b>	11,598	6,931		18,529
<b>G. Equipment (Purchased or Leased)</b>	11,199	21,780		32,979
<b>H. Miscellaneous</b>		9,524	506	10,030
J. Street Debt				
1. Bonds, Notes, and Loans - Principal Paid			147,045	147,045
2. Bonds, Notes and Loans - Interest Paid			38,754	38,754
TOTALS				
<b>K. Total Expenses (Lines D thru J)</b>	310,882	552,274	186,305	1,049,461
<b>L. Ending Balance (Line C-K)</b>	524,939	496,345	0	1,021,284
<b>M. Total Funds Accounted For (K + L = C)</b>	835,821	1,048,619	186,305	2,070,745

## City Street Financial Report

City Name CRESCO	City Number 1705	City Population 3,868	Fiscal Year 2012
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### Miscellaneous Revenues and Expenses Sheet

Code Number and Itemization of Miscellaneous Revenues (Line B5 on the Summary Statement Sheet) (See Instructions)	Column 2 Other Street Monies	Column 3 Street Debt
174 Sales Tax / Local Option	139,374	
170 Reimbursements (misc.)	422	
171 Sales of New Material (Rock, Culverts, etc.)	586	
181 Junk and Old	3,937	
<b>Line B5 Totals</b>	<b>144,319</b>	

Code Number and Itemization of Miscellaneous Expenses (Line H on the Summary Statement Sheet) "On street" parking expenses, street maintenance, buildings, insurance, administrative costs for printing, legal fees, bond fees etc. (See instructions)	Column 2 Other Street Monies	Column 3 Street Debt
240 Administrative Costs (Printing, Legal Fees, etc.)	9,524	506
<b>Line H Totals</b>	<b>9,524</b>	<b>506</b>

## City Street Financial Report

City Name <b>CRESCO</b>	City Number <b>1705</b>	City Population <b>3,868</b>	Fiscal Year <b>2012</b>
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### Bonds, Notes and Loans Sheet

New Bond ?	Debt Type	Debt Purpose	DOT Use Only	Issue Date	Issue Amount	% Related to Street	Year Due	Principal Balance as of 7/1 or after	Total Principal Paid	Total Interest Paid	Principal Roads	Interest Roads	Principal Balance as of 6/30
<input type="checkbox"/>	General Obligation	Paving & Construction	301	11/23/2010	670,568	100%	2026	670,568	105,208	19,192	105,208	19,192	565,360
<input type="checkbox"/>	General Obligation	Bridge or Building	601	01/01/2007	608,658	100%	2026	488,622	41,837	19,562	41,837	19,562	446,785
<input checked="" type="checkbox"/>	General Obligation	Paving & Construction		11/23/2010	250,000	100%	2026	250,000					250,000
			<b>New Bond Totals</b>		<b>250,000</b>	<b>250,000</b>	<b>Totals</b>	<b>1,409,190</b>	<b>147,045</b>	<b>38,754</b>	<b>147,045</b>	<b>38,754</b>	<b>1,262,145</b>

## City Street Financial Report

City Name	City Number	City Population	Fiscal Year
CRESCO	1705	3,868	2012

### Project Final Costs Sheet

For construction, reconstruction, and improvement projects with costs equal to or greater than 90% of the bid threshold in effect as the beginning of the fiscal year.

Check here if there are no entries for this year

**Section A**

Line No.	1. Project Number	2. Estimated Cost	3. Project Type	4. Public Letting?	5. Location/Project Description (limits, length, size of structure)
1	314	410,000	Miscellaneous	Yes	1st Ave East Street Reconstruction

**Section B**

Line No.	1. Project Number	6. Contractor Name	7. Contract Price	8. Additions/Deductions	9. Labor	10. Equipment	11. Materials	12. Overhead	13. Total
1	314	Skyline Construction	315,651	8,704					324,355

## City Street Financial Report

City Name CRESCO	City Number 1705	City Population 3,868	Fiscal Year 2012
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### Road/Street Equipment Inventory Sheet

Check here if there are no reportable equipment

1. Local Class I.D. #	2. Model Year	3. Description	4. Purchase Cost	5. Lease Cost	6. Rental Cost	7. Used on Project this FY?	8. Status
	1996	International Oil Truck	28,500			No	No Change
	1984	Caterpillar 140G Motorgrader	32,200			No	No Change
	2011	Freightliner Dump Truck	89,679			No	No Change
	2010	Elgin Pelican Sweeper	150,326			No	No Change
	2008	JCB Wheel Loader 416	61,638			No	No Change
	2005	Sterling L7501	49,635			No	No Change
	1980	Chev Pickup Truck	9,485			No	Sold
	1995	1 ton w/box Chevy	19,900			No	Sold
	1997	truck 1800 Ford	44,807			No	No Change
	1999	1 ton truck Chevy	23,545			No	No Change
	1994	Dump Truck Int	40,000			No	Sold
	2003	17501 Sterling truck	53,885			No	No Change
	1991	Greco Line Layer	4,200			No	No Change
	2000	Case 621C loader	127,000			No	No Change
	1984	Air Compressor	5,500			No	No Change
	1999	Vermeer Chipper MDL 125A	26,000			No	No Change
	1994	Honda trash pump 4"	2,000			No	No Change
	1974	IHC Tractor with mower mount	8,000			No	No Change
	2007	Case Skidloader & bucket	48,474			No	No Change
	1982	Caterpillar 120G	50,000			No	No Change
	2012	Chev 3500 4WD truck	32,669			No	New

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CRESCO	1705	3,868	2012

### Explanation Sheet

**Comments**

Page 1 A2 adjustment: The Street Trust Fund balance has never been reported in the past. To correctly report the fund balance, we are adjusting the beginning balance to include \$107,613.

Bonds / Loans page: The new bond listed was actually a transfer of excess bond proceeds from other departments over to the street department for street improvements. For next year, the \$250,000 could be added to the \$670,568 bond as they are the same issue.

## City Street Financial Report

City Name <b>CRESCO</b>	City Number <b>1705</b>	City Population <b>3,868</b>	Fiscal Year <b>2012</b>
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### Monthly Payment Sheet

Month	Road Use Tax Payments	Transfer of Jurisdictions Payments
JULY	\$30,057.95	
AUGUST	\$38,692.36	
SEPTEMBER	\$36,028.68	
OCTOBER	\$28,369.06	
NOVEMBER	\$31,741.92	
DECEMBER	\$28,391.42	
JANUARY	\$28,788.28	
FEBRUARY	\$34,182.96	
MARCH	\$34,786.41	
APRIL	\$30,022.17	
MAY	\$28,580.42	
JUNE	\$17,242.43	
<b>Totals</b>	<b>\$366,884.06</b>	

RESOLUTION NUMBER 091206

RESOLUTION TO APPROVE THE MOTION TO ACCEPT THE  
WWTP BIOSOLIDS HANDLING AND STORAGE IMPROVEMENTS

WHEREAS, on March 22, 2011, the City of Cresco, Iowa, entered into contract with Magney Construction, Inc. of Chanhassen, Minnesota, for the construction of the Wastewater Treatment Plant Sludge Handling and Storage Improvements; and

WHEREAS, the City contracted the engineering firm, WHKS & Co., to represent the City and to inspect the public improvements; and

WHEREAS, said contractor has fully completed the construction of the improvements, known as the Wastewater Treatment Plant Sludge Handling and Storage Improvements, in accordance with the terms and conditions of said contract and WHKS & Co. recommends to Council that the project be accepted; and

WHEREAS, the City Council unanimously accepted the project by motion on July 16, 2012 and now formally recognizes the motion as a resolution.

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

Section 1. That the report of the Engineer is hereby approved and adopted and the improvements are hereby accepted as having been fully completed in accordance with the plans, specifications and contract. The total contract cost of the improvements payable under said contract is hereby determined to be \$572,470.31.

Section 2. The total project cost including construction, engineering, legal and administrative cost is determined to be approximately \$806,321.

Section 3. Funding was provided in part by an I-Jobs Small Community Water Quality Grant of \$275,000. Additional funding of \$463,000 was made available from a Sewer Revenue Bond with the remaining funds covered by a General Obligation Note.

Council member \_\_\_\_\_ moved the adoption of the foregoing Resolution formally accepting the Wastewater Treatment Plant Sludge Handling and Storage Improvements that was officially accepted on July 16, 2012. 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 Wastewater Treatment Plant Sludge Handling and Storage Improvements were officially accepted on July 16, 2012 by the City of Cresco.

PASSED AND APPROVED THIS 5<sup>TH</sup> DAY OF SEPTEMBER, 2012.

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

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

RESOLUTION NO. 091207

RESOLUTION CHANGING SPEED ZONES ON CERTAIN CITY STREETS

WHEREAS, the City of Cresco regulates speed zones in Chapter 63 of the Code of Ordinances; and

WHEREAS, Code Section 63.03 states that a speed in excess of 25 miles per hour in any school or residence district, unless specifically designated otherwise in this chapter, is unlawful; and

WHEREAS, the following streets are deemed to be residential districts:

1. Yankee Avenue North from 7<sup>th</sup> Avenue East to 12<sup>th</sup> Avenue
2. 3<sup>rd</sup> Street SW/Granger Road South from 12<sup>th</sup> Avenue to Highway 9
3. 10<sup>th</sup> Avenue West from 5<sup>th</sup> Street SE to 3<sup>rd</sup> Street SW/Protivin Road
4. 5<sup>th</sup> Street SE South from 10<sup>th</sup> Avenue to 110<sup>th</sup> Street
5. 7<sup>th</sup> Avenue E East from Yankee Avenue to City Limits

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Cresco, Iowa, hereby designates the speed limit to be 25 miles per hour and instructs that speed limit signs be appropriately placed on the above mentioned residential streets.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

BY: \_\_\_\_\_  
Mark Bohle, Mayor

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

Mayor and Council,

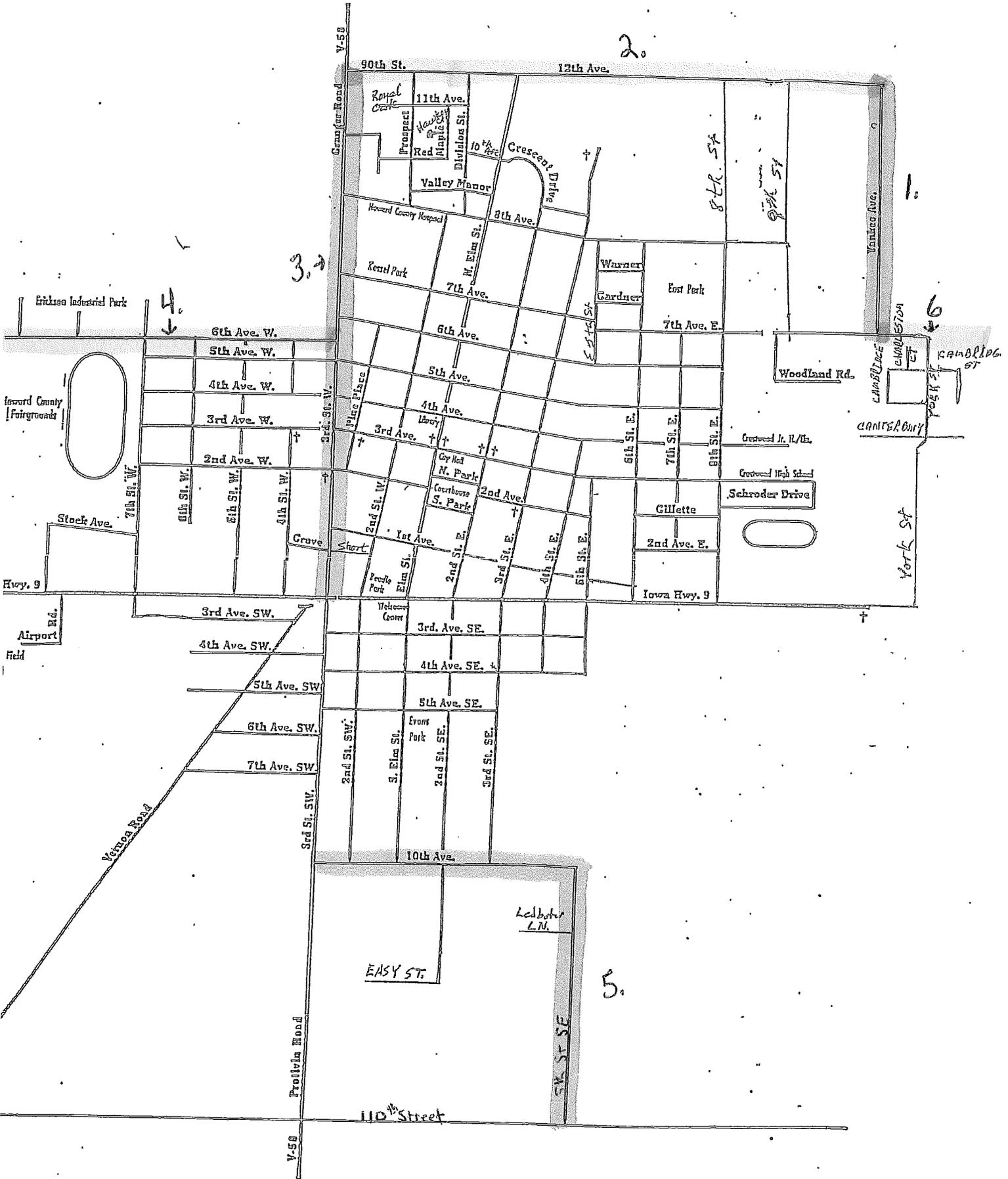
Tim Ruroden, Chief of Police, and I took a drive around Cresco to look at some of the inconsistencies brought up at a recent Council Meeting regarding speed zones. Below is a list of what we came up with to address the problems. John Schmauss the Street Dept superintendent also looked at our suggestions and agreed with us. We believe all of these areas except 6<sup>th</sup> Ave W can be considered residential 6<sup>th</sup> Ave W has heavy pedestrian traffic because of Featherlite parking.

Thanks  
Rod

### **Speed Zones**

- 1. Yankee – change to 25mph – 45mph now**
- 2. 12<sup>th</sup> Ave/90<sup>th</sup> – change to all 25mph – parts are 35mph now**
- 3. 3<sup>rd</sup> St W/Granger Rd – change to all 25mph – parts are 45 & 35mph now**
- 4. 6<sup>th</sup> Ave W – change to all 25mph until it turns into 45mph west of Donaldson's driveway – parts are 35mph now** (See ordinance 63.10 (2))
- 5. 10<sup>th</sup> Ave SE/SW & 5<sup>th</sup> St SE from 110<sup>th</sup> to 3<sup>rd</sup> St SW/Protivin Rd – change to all 25mph – parts are 35mph now**
- 6. Place a 25mph sign East of the North entrance into Webster's Addn on 7<sup>th</sup> Ave E near the City Limit line. 55mph now until Yankee.**

# Cresco, Iowa



## CHAPTER 60

### ADMINISTRATION OF TRAFFIC CODE

60.01 Title  
60.02 Definitions  
60.03 Administration and Enforcement  
60.04 State Law Applicable  
60.05 Power to Direct Traffic

60.06 Traffic Accidents: Reports  
60.07 Peace Officer's Authority  
60.08 Obedience to Peace Officers  
60.09 Parades Regulated

**60.01 TITLE.** Chapters 60 through 70 of this Code of Ordinances may be known and cited as the "Cresco Traffic Code."

**60.02 DEFINITIONS.** Where words and phrases used in the Traffic Code are defined by State law, such definitions apply to their use in said Traffic Code and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, have the following meanings:

*(Code of Iowa, Sec. 321.1)*

1. "Business District" means the area zoned C-2.
2. "Park" or "parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
3. "Peace officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
4. "Residence district" means the territory contiguous to and including a highway not comprising a business, suburban or school district, where forty percent (40%) or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business.
5. "School district" means the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house.
6. "Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
7. "Stop" means when required, the complete cessation of movement.

## CHAPTER 63

### SPEED REGULATIONS

63.01 General  
63.02 Business District  
63.03 Residence or School District  
63.04 Suburban District  
63.05 Parks, Cemeteries and Parking Lots  
63.06 Minimum Speed

63.07 Emergency Vehicles  
63.08 Special Speed Restrictions  
63.09 Special 15 MPH Speed Zones  
63.10 Special 25 MPH Speed Zones  
63.11 Special 35 MPH Speed Zones  
63.12 Special 45 MPH Speed Zones

**63.01 GENERAL.** Every driver of a motor vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other conditions then existing, and no person shall drive a vehicle on any street at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said street will observe the law.

*(Code of Iowa, Sec. 321.285)*

**63.02 BUSINESS DISTRICT.** A speed in excess of twenty (20) miles per hour in the business district, unless specifically designated otherwise in this chapter, is unlawful.

*(Code of Iowa, Sec. 321.285 [1])*

**63.03 RESIDENCE OR SCHOOL DISTRICT.** A speed in excess of twenty-five (25) miles per hour in any school or residence district, unless specifically designated otherwise in this chapter, is unlawful.

*(Code of Iowa, Sec. 321.285 [2])*

**63.04 SUBURBAN DISTRICT.** A speed in excess of forty-five (45) miles per hour in any suburban district, unless specifically designated otherwise in this chapter, is unlawful.

*(Code of Iowa, Sec. 321.285 [4])*

**63.05 PARKS, CEMETERIES AND PARKING LOTS.** A speed in excess of fifteen (15) miles per hour in any public park, cemetery or parking lot, unless specifically designated otherwise in this chapter, is unlawful.

*(Code of Iowa, Sec. 321.236[5])*

**63.06 MINIMUM SPEED.** No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of

traffic, except when reduced speed is necessary for safe operation, or in compliance with law.

*(Code of Iowa, Sec. 321.294)*

**63.07 EMERGENCY VEHICLES.** The speed limitations set forth in this chapter do not apply to authorized emergency vehicles when responding to emergency calls and the drivers thereof sound audible signal by bell, siren or whistle. This provision does not relieve such driver from the duty to drive with due regard for the safety of others.

*(Code of Iowa, Sec. 321.231)*

**63.08 SPECIAL SPEED RESTRICTIONS.** In accordance with requirements of the Iowa State Department of Transportation, or whenever the Council shall determine upon the basis of an engineering and traffic investigation that any speed limit herein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the City street system, the Council shall determine and adopt by ordinance such higher or lower speed limit as it deems reasonable and safe at such location.

*(Code of Iowa, Sec. 321.290)*

**63.09 SPECIAL 15 MPH SPEED ZONES.** A speed in excess of fifteen (15) miles per hour is unlawful on any of the following designated streets or parts thereof.

1. In any alley;
2. North Schroder Drive from Eighth Street East to Tenth Street East;
3. South Schroder Drive from Eighth Street East to Tenth Street East;
4. Tenth Street East from North Schroder Drive to South Schroder Drive;
5. Eighth Street East from Gillette Avenue to Fifth Avenue East;
6. Second Avenue East from East Second Street to East Third Street;
7. Second Street East from North Park Place to First Avenue East when children are present.

*(Ord. 426 – Jul. 11 Supp.)*

**63.10 SPECIAL 25 MPH SPEED ZONES.** A speed in excess of twenty-five (25) miles per hour is unlawful on any of the following designated streets or parts thereof.

- 1. Vernon Road from Highway 9 West to Sixth Avenue Southwest;
- 2. Sixth Avenue West from Granger Road (Third Street West) to Donaldson Road; *(Ord. 255)* OK
- 3. County Road V-58 from Highway 9 West to Tenth Avenue Southwest.

**63.11 SPECIAL 35 MPH SPEED ZONES.** A speed in excess of thirty-five (35) miles per hour is unlawful on any of the following designated streets or parts thereof.

- 1. Vernon Road from Sixth Avenue Southwest to Tenth Avenue Southwest;
- 2. 12<sup>th</sup> Avenue East from Yankee Avenue to a point one hundred and fifty-four (154) feet east of the center of the intersection of North Elm Street and 12<sup>th</sup> Avenue.

*(Ord. 350 - Sep. 01 Supp.)*

**63.12 SPECIAL 45 MPH SPEED ZONES.** A speed in excess of forty-five (45) miles per hour is unlawful on any of the following designated streets or parts thereof.

- 1. Vernon Road from Tenth Avenue Southwest to south City limits;
- 2. Sixth Avenue West from Donaldson Road West to ~~Cargill Road~~ *Valley Ave.* *move*
- 3. County Road V-58 from Tenth Avenue Southwest to south City limits.

Our neighborhood on Royal Oaks Drive would like to ask the City of Cresco to place a street light at the curve of the street area between condos 217 and 227 and across from house addresses 230, 224, and 218. The area is very dark at night. We feel that it is unsafe for both pedestrians and vehicles.

Name, Address, Telephone

Date Signed

David + Linda Wilgenbusch 224 Royal Oaks Dr 547-2908	8-28-12
Ann Sullivan 230 Royal Oaks Dr 547-1716	
Leonard + Doris Macal 238 Royal Oaks Dr. Cresco Ia. 52136 547-5750	
Elaine M. Gaul 229 Royal Oaks Dr. Cresco, IA 52136 547-3460	
Howard + Jean Adcock 231 Royal Oaks Dr. Cresco Ia 52136 547 3642	
Judy Kerian 217 Royal Oaks Dr. Cresco Ia 52136 547-3570	
Luella D. Proctor 209 Royal Oaks Drive 547-4016	
Peg Seifried 212 Royal Oaks Dr. 547-4287	
Kate Jones 218 Royal Oaks Dr. 547-2921	
Janette Gpat 547-3896	