

RESOLUTION NUMBER _____

**RESOLUTION COMMITTING FUND BALANCE RESOURCES FOR
GENERAL FUNDS AND SPECIAL REVENUE FUNDS (GASB 54)**

WHEREAS, the Governmental Accounting Standards Board (GASB) has issued its Statement No. 54, Fund Balance reporting and Governmental Fund Type Definitions, requiring, among other things, all state and local governmental entities to adopt a Resolution committing fund balance resources for general funds and special revenue funds; and

WHEREAS, CITY OF CRESCO receives franchise fees and local option sales tax; and

WHEREAS, it is the intent of the City of Cresco City Council to adopt this resolution to restrict and commit the fund balance resources of the general and special revenue funds in accordance with Generally Accepted Accounting Principles (GAAP) and GASB 54.

NOW, THEREFORE, BE IT RESOLVED by the City of Cresco City Council that it commits:

Fund 001 General Fund \$8,955.76 _____

Purpose: RAGBRAI – startup money for future RAGBRAI celebrations

Fund 184 Park Trust Fund \$ _____

Purpose: East Park Bleacher Project – Donations and Grants received

Fund 184 Park Trust Fund \$ _____

Purpose: Kessel Park Dugouts Project – Donations and Grants received

Council member _____ moved the adoption of the foregoing Resolution Committing Fund Balances. 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: _____

PASSED AND APPROVED THIS 21ST DAY OF JUNE, 2021.

Mayor Mark Bohle

ATTEST: _____
City Clerk Michelle Elton

RESOLUTION NO. _____

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR FY 2021
JUNE TRANSFERS

WHEREAS, the City of Cresco authorizes the transfer between funds in the budget based on estimated revenues and expenses; and

WHEREAS, the transfers were included in the current budget as adopted and amended for the 2020/2021 Fiscal Year; and

WHEREAS, to increase the transparency of the transfers, they are listed below:

<u>From Fund</u>	<u>To Fund</u>	<u>Amount</u>	<u>Description</u>
#001 General - Airport Trust for future airport expenditures	#094 Airport Trust Fund	\$8,550	Transfer profit to
#022 LOST Fund Option Sales Tax to cover a portion of the net loss from operations	#001 General – Fitness Ctr	\$20,000	Transfer Local
#091 Street Trust Fund assessment revenue to payoff inter-fund loan for 2 nd St Project (Final payment)	#001 General Fund	\$100,000	Transfer street
#022 LOST Fund for East Park Bleacher Project (if needed)	#184 Park Trust Fund	\$10,000	Transfer from LOST

BE IT THEREFORE RESOLVED, that the City of Cresco is allowing the transfer of funds indicated above and all are included in the budget as amended for FYE June 30, 2021.

PASSED AND APPROVED THIS 21ST DAY OF JUNE, 2021

Mayor Mark Bohle

Attest: _____
City Clerk Michelle Elton

RESOLUTION NO. _____

RESOLUTION AUTHORIZING TRANSFER OF FUNDS OVER-BUDGET

WHEREAS, the City of Cresco authorizes the transfer between funds in the Budget based on estimated revenues and expenses; and

WHEREAS, the total of the transfers will be less than currently budgeted as adopted in the original and amended budget for 2020/2021 Fiscal Year; and

WHEREAS, certain specific transfers will be more than currently budgeted as indicated below:

#001 Airport General Fund transfer to #094 Airport Trust should be increased to approximately \$10,000 to transfer the profit remaining from operations to the Trust (approximately \$1,450 more than budgeted due to expenses less than budgeted this year)

#112 Employee Benefits Trust Fund transfer to #001 General Fund may need to be increased to the actual amount of employee benefit expenses incurred (amount will be determined after posting the final payroll dated June 25, 2021)

#119 Emergency Fund transfer to #001 General Fund needs to be increased approximately \$300 for the actual property taxes and interest received this fiscal year

BE IT THEREFORE RESOLVED, that the City of Cresco is allowing the transfer of funds indicated above and verifies that the total Transfer-In and Transfer-Out is under the final budget as amended for FYE June 30, 2021.

BE IT ALSO RESOLVED, that the City Clerk be directed by the Mayor and the City Council to make the above referenced changes and correct the books accordingly.

PASSED AND APPROVED THIS 21ST DAY OF JUNE, 2021.

Mayor Mark Bohle

Attest: _____
City Clerk Michelle Elton

**Request for write off of uncollectible customer accounts for fiscal year ending
June 30, 2021.**

Al & Rhonda Dehning
329 4th Ave SW
Cresco, IA 52136

Final billed 11/30/2020

\$186.35

This house was sold and torn down. Not able to attach to property taxes of new owner.

RESOLUTION NUMBER _____

**RESOLUTION AUTHORIZING THE CITY CLERK TO SIGN
DOCUMENTS AND FILE NECESSARY PAPERWORK FOR THE
AMERICAN RESCUE PLAN ACT**

WHEREAS, the City Council of the City of Cresco, Iowa is eligible to receive funding under the American Rescue Plan Act; and

WHEREAS, the City must applications, forms, and documentation to the U.S. Department of the Treasury and/or the State of Iowa; and

WHEREAS, the City Council understands that the funds will need to be used for eligible expenditures and in compliance with Civil Rights Requirements; and

WHEREAS, the projects must be identified by December 31, 2024 and completed by December 31, 2026.

BE IT RESOLVED, by the City Council of the City of Cresco, Iowa, that the Council hereby directs the City Clerk to file all necessary paperwork and applications for the American Rescue Plan Act on behalf of the City of Cresco.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021.

Mayor Mark Bohle

ATTEST: _____
City Clerk Michelle Elton

OMB Approved No. 1505-0271
Expiration Date: November 30, 2021

Emailed
6-15-21
AR.city@iowa.gov

U.S. DEPARTMENT OF THE TREASURY
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

Recipient name and address: City of Cresco 130 N Park Place Cresco, IA 52136	DUNS Number: 52262938 Taxpayer Identification Number: 426004441 Assistance Listing Number: 21.019
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Sections 602(b) and 603(b) of the Social Security Act (the Act) as added by section 9901 of the American Rescue Plan Act, Pub. L. No. 117-2 (March 11, 2021) authorize the Department of the Treasury (Treasury) to make payments to certain recipients from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund.

Recipient hereby agrees, as a condition to receiving such payment from Treasury, to the terms attached hereto.

Recipient:

Michelle Elton

Authorized Representative: Michelle Elton

Title: City Clerk

Date signed: 06/15/2021

U.S. Department of the Treasury:

Authorized Representative:

Title:

Date:

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 15 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

U.S. DEPARTMENT OF THE TREASURY
CORONAVIRUS LOCAL FISCAL RECOVERY FUND
AWARD TERMS AND CONDITIONS

1. Use of Funds.
 - a. Recipient understands and agrees that the funds disbursed under this award may only be used in compliance with section 603(c) of the Social Security Act (the Act), Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. Recipient will determine prior to engaging in any project using this assistance that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of such project.
2. Period of Performance. The period of performance for this award begins on the date hereof and ends on December 31, 2026. As set forth in Treasury's implementing regulations, Recipient may use award funds to cover eligible costs incurred during the period that begins on March 8, 2021, and ends on December 31, 2024.
3. Reporting. Recipient agrees to comply with any reporting obligations established by Treasury as they relate to this award.
4. Maintenance of and Access to Records
 - a. Recipient shall maintain records and financial documents sufficient to evidence compliance with section 603(c) of the Act, Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. The Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Recipient in order to conduct audits or other investigations.
 - c. Records shall be maintained by Recipient for a period of five (5) years after all funds have been expended or returned to Treasury, whichever is later.
5. Pre-award Costs. Pre-award costs, as defined in 2 C.F.R. § 200.458, may not be paid with funding from this award.
6. Administrative Costs. Recipient may use funds provided under this award to cover both direct and indirect costs.
7. Cost Sharing. Cost sharing or matching funds are not required to be provided by Recipient.
8. Conflicts of Interest. Recipient understands and agrees it must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict of interest policy is applicable to each activity funded under this award. Recipient and subrecipients must disclose in writing to Treasury or the pass-through entity, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.

9. Compliance with Applicable Law and Regulations.
- a. Recipient agrees to comply with the requirements of section 603 of the Act, regulations adopted by Treasury pursuant to section 603(f) of the Act, and guidance issued by Treasury regarding the foregoing. Recipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Recipient shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this award.
 - b. Federal regulations applicable to this award include, without limitation, the following:
 - i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
 - ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
 - iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
 - iv. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.
 - v. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
 - vi. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
 - vii. New Restrictions on Lobbying, 31 C.F.R. Part 21.
 - viii. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655) and implementing regulations.
 - ix. Generally applicable federal environmental laws and regulations.
 - c. Statutes and regulations prohibiting discrimination applicable to this award include, without limitation, the following:
 - i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;

- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
 - iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
 - iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
 - v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.
10. **Remedial Actions.** In the event of Recipient's noncompliance with section 603 of the Act, other applicable laws, Treasury's implementing regulations, guidance, or any reporting or other program requirements, Treasury may impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of section 603(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in section 603(e) of the Act.
11. **Hatch Act.** Recipient agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.
12. **False Statements.** Recipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.
13. **Publications.** Any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number [enter project FAIN] awarded to [name of Recipient] by the U.S. Department of the Treasury."
14. **Debts Owed the Federal Government.**
- a. Any funds paid to Recipient (1) in excess of the amount to which Recipient is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused; or (3) that are determined by Treasury to be subject to a repayment obligation pursuant to section 603(e) of the Act and have not been repaid by Recipient shall constitute a debt to the federal government.
 - b. Any debts determined to be owed the federal government must be paid promptly by

Recipient. A debt is delinquent if it has not been paid by the date specified in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made or if the Recipient knowingly or improperly retains funds that are a debt as defined in paragraph 14(a). Treasury will take any actions available to it to collect such a debt.

15. Disclaimer.

- a. The United States expressly disclaims any and all responsibility or liability to Recipient or third persons for the actions of Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award.
- b. The acceptance of this award by Recipient does not in any way establish an agency relationship between the United States and Recipient.

16. Protections for Whistleblowers.

- a. In accordance with 41 U.S.C. § 4712, Recipient may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.
- b. The list of persons and entities referenced in the paragraph above includes the following:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Treasury employee responsible for contract or grant oversight or management;
 - v. An authorized official of the Department of Justice or other law enforcement agency;
 - vi. A court or grand jury; or
 - vii. A management official or other employee of Recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.
- c. Recipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

17. Increasing Seat Belt Use in the United States. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Recipient should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.

18. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Recipient should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.

Emailed
6-15-21

OMB Approved No. 1505-0271
Expiration Date: November 30, 2021

ASSURANCES OF COMPLIANCE WITH CIVIL RIGHTS REQUIREMENTS

ASSURANCES OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

As a condition of receipt of federal financial assistance from the Department of the Treasury, the recipient named below (hereinafter referred to as the "Recipient") provides the assurances stated herein. The federal financial assistance may include federal grants, loans and contracts to provide assistance to the Recipient's beneficiaries, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and other arrangements with the intention of providing assistance. Federal financial assistance does not encompass contracts of guarantee or insurance, regulated programs, licenses, procurement contracts by the Federal government at market value, or programs that provide direct benefits.

The assurances apply to all federal financial assistance from or funds made available through the Department of the Treasury, including any assistance that the Recipient may request in the future.

The Civil Rights Restoration Act of 1987 provides that the provisions of the assurances apply to all of the operations of the Recipient's program(s) and activity(ies), so long as any portion of the Recipient's program(s) or activity(ies) is federally assisted in the manner prescribed above.

1. Recipient ensures its current and future compliance with Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal financial assistance, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d *et seq.*), as implemented by the Department of the Treasury Title VI regulations at 31 CFR Part 22 and other pertinent executive orders such as Executive Order 13166, directives, circulars, policies, memoranda, and/or guidance documents.
2. Recipient acknowledges that Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English proficiency (LEP). Recipient understands that denying a person access to its programs, services, and activities because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and the Department of the Treasury's implementing regulations. Accordingly, Recipient shall initiate reasonable steps, or comply with the Department of the Treasury's directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. Recipient understands and agrees that meaningful access may entail providing language assistance services, including oral interpretation and written translation where necessary, to ensure effective communication in the Recipient's programs, services, and activities.
3. Recipient agrees to consider the need for language services for LEP persons when Recipient develops applicable budgets and conducts programs, services, and activities. As a resource, the Department of the Treasury has published its LEP guidance at 70 FR 6067. For more information on taking reasonable steps to provide meaningful access for LEP persons, please visit <http://www.lep.gov>.

4. Recipient acknowledges and agrees that compliance with the assurances constitutes a condition of continued receipt of federal financial assistance and is binding upon Recipient and Recipient's successors, transferees, and assignees for the period in which such assistance is provided.
5. Recipient acknowledges and agrees that it must require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with assurances 1-4 above, and agrees to incorporate the following language in every contract or agreement subject to Title VI and its regulations between the Recipient and the Recipient's sub-grantees, contractors, subcontractors, successors, transferees, and assignees:

The sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.

6. Recipient understands and agrees that if any real property or structure is provided or improved with the aid of federal financial assistance by the Department of the Treasury, this assurance obligates the Recipient, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is provided, this assurance obligates the Recipient for the period during which it retains ownership or possession of the property.
7. Recipient shall cooperate in any enforcement or compliance review activities by the Department of the Treasury of the aforementioned obligations. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Recipient shall comply with information requests, on-site compliance reviews and reporting requirements.
8. Recipient shall maintain a complaint log and inform the Department of the Treasury of any complaints of discrimination on the grounds of race, color, or national origin, and limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, pending or completed, including outcome. Recipient also must inform the Department of the Treasury if Recipient has received no complaints under Title VI.
9. Recipient must provide documentation of an administrative agency's or court's findings of non-compliance of Title VI and efforts to address the non-compliance, including any voluntary compliance or other

OMB Approved No. 1505-0271
Expiration Date: November 30, 2021

agreements between the Recipient and the administrative agency that made the finding. If the Recipient settles a case or matter alleging such discrimination, the Recipient must provide documentation of the settlement. If Recipient has not been the subject of any court or administrative agency finding of discrimination, please so state.

10. If the Recipient makes sub-awards to other agencies or other entities, the Recipient is responsible for ensuring that sub-recipients also comply with Title VI and other applicable authorities covered in this document. State agencies that make sub-awards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of sub-recipients.

The United States of America has the right to seek judicial enforcement of the terms of this assurances document and nothing in this document alters or limits the federal enforcement measures that the United States may take in order to address violations of this document or applicable federal law.

Under penalty of perjury, the undersigned official(s) certifies that official(s) has read and understood the Recipient's obligations as herein described, that any information submitted in conjunction with this assurances document is accurate and complete, and that the Recipient is in compliance with the aforementioned nondiscrimination requirements.

City of Cresco
Recipient

6-15-2021
Date

Michelle Elton City Clerk
Signature of Authorized Official

PAPERWORK REDUCTION ACT NOTICE

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Board or Commission	Name	Expires	Term (Years)	Male Female	First Appointed	Years Served	Eligible for Reappoint
Airport	Lawrence, Joseph	6/30/2021	3	M	1/1/2016	5.50	Y
Airport	Schrage, Kevin	6/30/2021	3	M	7/1/2018	3.00	Y
Airport	Ferrie, Gerald	6/30/2022	3	M	7/7/2014	7.99	Y
Airport	Schmitt, Bryan	6/30/2023	3	M	7/1/2020	3.00	Y
Airport	Mahr, Neil	6/30/2023	3	M	7/1/2020	3.00	Y
Bd Adjustment	Balk, Brian	6/30/2021	3	M	7/1/2006	15.01	N
Bd Adjustment	Holten, Richard	6/30/2021	3	M	9/20/2017	3.78	Y
Bd Adjustment	Dohlman-Govern, Emily	6/30/2022	3	F	7/1/2017	5.00	Y
Bd Adjustment	Weinacht, Kevin	6/30/2022	3	M	7/1/2019	3.00	Y
Bd Adjustment	Dale Ernst	6/30/2023	3	M	7/1/2020	3.00	Y
Library	Rockabrand, Janis	6/30/2021	3	F	12/19/2016	4.53	Y
Library	Sally Godwin	6/30/2021	3	F	5/15/2017	4.13	Y
Library	Kowalke, Ward	6/30/2021	3	M	7/1/2018	3.00	Y
Library	Bronner, Patsy	6/30/2022	3	F	7/1/2001	21.01	N
Library	Dana, Daniel	6/30/2022	3	M	1/14/2019	3.46	Y
Library	Lueschow, Christine	6/30/2022	3	F	3/12/2018	4.30	Y
Library	Kissinger, Mark	6/30/2023	3	M	2/12/2018	5.38	Y
Library	Pecinovsky, Felicia	6/30/2023	3	F	7/1/2020	3.00	Y
Library	VACANT	6/30/2023	3	M		123.58	Y
Park Board	Ernst, Dale	6/30/2021	3	M	7/1/2018	3.00	Y
Park Board	O'Brien, Holly	6/30/2022	3	F	11/17/2015	6.62	Y
Park Board	Riley, Kris	6/30/2022	3	M	1/1/2018	4.50	Y
Park Board	Denner, Justin	6/30/2023	3	M	7/1/2020	3.00	Y
Park Board	Herold, Dave	6/30/2023	3	M	7/1/2020	3.00	Y
Planning & Zoning	Holten, Alison	6/30/2021	3	F	7/1/2011	10.01	N
Planning & Zoning	Kingsley, Bruce	6/30/2021	3	M	7/1/2001	20.01	N
Planning & Zoning	Willis, George	6/30/2021	3	M	7/1/2010	11.01	N
Planning & Zoning	Omar, Kris	6/30/2022	3	F	7/1/2015	7.00	Y
Planning & Zoning	Schorr, Dick	6/30/2022	3	M	7/1/2019	3.00	Y
Planning & Zoning	McConnell, Rich	6/30/2023	3	M	7/1/2020	3.00	Y
Planning & Zoning	Conlan, Mike	6/30/2023	3	M	7/1/2015	8.00	Y
Theatre	Waterbeck, Kari	6/30/2021	3	F	7/1/2018	3.00	Y
Theatre	Henry, Tara	6/30/2021	3	F	6/16/2020	1.04	Y
Theatre	Riedel, Lesa	6/30/2022	3	F	6/16/2020	2.04	Y
Theatre	Hayek, Jon	6/30/2022	3	M	7/1/2019	3.00	Y
Theatre	Myers, Leigh	6/30/2023	3	F	7/1/2017	6.00	Y
Theatre	Wilson, Julie	6/30/2023	3	F	7/1/2020	3.00	Y
Theatre	Hughes, Ronda	6/30/2023	3	F	7/1/2017	6.00	Y

3 Year Terms

Limited to 3 Consecutive Terms (or 9 years)

BOA, Lib, Airport, Theatre - Approvals June 21, 2021

Park, P+Z - approvals July 2021

Display Fireworks

There is some confusion as to the time limits for the Permit for Supervised Display of Fireworks.

The application and permit shows that the permit is valid from 9 am – 11 pm.

Alan Lewis' permit was approved at the last meeting. When they called asking if the time limits were the same as the Ordinance states we said yes so July 3rd would only be allowed until 10 pm. They then decided to move the date to July 4th so that they could have until 11 pm so we said they would need to re-apply and that is why it is on this agenda again.

In reviewing the Ordinance closer, I do not believe that Display Fireworks time limits are addressed. I have enclosed the City's Code as well as the State Code. The time limits all refer to Consumer Fireworks not to Display Fireworks. Therefore, I want Council to determine the times that the permits will be valid. I would hope that it could be uniform so easier for everyone to understand and the Police to enforce.

According to Google, sunset on July 4, 2021 will be 8:52 pm. Most people enjoy the fireworks when it is completely dark so the question becomes on average when is it dark enough to see the fireworks. The flip side is what time is bedtime and expected quiet time for residents of Cresco? Often times the day following the 4th is a regular work day if it is mid-week.

This year we have four applications all with different dates July 2nd, 3rd, 4th, and 10th (with a rain date of 17th).

Consumer Fireworks = small fireworks that anyone can purchase at local fireworks stands

Display Fireworks = bigger fireworks that are not readily available and cost more. These need to be done by a competent person authorized to conduct the display and proof of insurance.

The Council needs to decide on the time frames for the Display Fireworks since these permits are allowed outside the dates allowed for the Consumer Fireworks.

41.06 INTERFERENCE WITH OFFICIAL ACTS. No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, emergency medical care provider or firefighter, whether paid or volunteer, in the performance of any act that is within the scope of the lawful duty or authority of that officer, emergency medical care provider, or firefighter, or shall knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or order of any court. The terms "resist" and "obstruct" as used in this section do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically.

(Code of Iowa, Sec. 719.1)

41.07 ABANDONED OR UNATTENDED REFRIGERATORS. No person shall abandon or otherwise leave unattended any refrigerator, ice box, or similar container, with doors that may become locked, outside of buildings and accessible to children, nor shall any person allow any such refrigerator, ice box, or similar container, to remain outside of buildings on premises in the person's possession or control, abandoned or unattended and so accessible to children.

(Code of Iowa, Sec. 727.3)

41.08 ANTENNA AND RADIO WIRES. It is unlawful for a person to allow antenna wires, antenna supports, radio wires, or television wires to exist over any street, alley, highway, sidewalk, public way, public ground, or public building without written consent of the Council.

(Code of Iowa, Sec. 364.12[2])

41.09 BARBED WIRE AND ELECTRIC FENCES. It is unlawful for a person to use barbed wire or electric fences to enclose land within the City limits without the written consent of the Council unless such land consists of ten (10) acres or more and is used as agricultural land.

41.10 DISCHARGING WEAPONS.

1. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns, or other firearms of any kind within the City limits except by written consent of the Council.
2. No person shall intentionally discharge a firearm in a reckless manner.

41.11 THROWING AND SHOOTING. It is unlawful for a person to throw stones, bricks, or missiles of any kind or to shoot arrows, paintballs, rubber guns, slingshots, air rifles, BB guns, or other dangerous instruments or toys on or into any street, alley, highway, sidewalk, public way, public ground, or public building, without written consent of the Council.

(Code of Iowa, Sec. 364.12[2])

41.12 URINATING AND DEFECATING. It is unlawful for any person to urinate or defecate onto any sidewalk, street, alley, or other public way, or onto any public or private building, including but not limited to the wall, floor, hallway, steps, stairway, doorway, or window thereof, or onto any public or private land.

41.13 FIREWORKS. The sale, use and exploding of fireworks within the City are subject to the following:

1. **Definition.** Consumer fireworks shall have the same meanings as defined in Iowa Code Section 727.2. Consumer fireworks do not include novelties enumerated in Chapter 3 of the American Pyrotechnic Association's Standard 87-1.

A. First-class consumer fireworks include aerial shell kits and reloadable tubes; chasers; helicopter and aerial spinners; firecrackers; mine and shell devices; missile-type rockets; roman candles; sky rockets and bottle rockets; multiple tube devices manufactured in accordance with APA 87-1, Section 3.5.

B. Second-class consumer fireworks include cone fountains; cylindrical fountains; flitter sparklers; grand and hand-held sparkling devices; ground spinners; illuminating torches; toy smoke devices and wheels and wire or dipped sparklers that are not classified as novelties pursuant to APA 87-1, Section 3.2.

C. Display fireworks include any explosive composition, or combination of explosive substances, or article prepared of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. Display fireworks do not include consumer fireworks.

2. **Discharge of Consumer Fireworks.**

A. A person shall not use or explode consumer fireworks on days other than July 3rd between the hours of 9:00 a.m. and 10:00 p.m. and July 4th between 9:00 a.m. and 11:00 p.m.

B. A person shall not use consumer fireworks on real property other than that person's real property or on property where consent has been given.

C. Consumer fireworks shall not be discharged by persons showing visible signs of, or determined to be, intoxicated or under the influence of a drug or narcotic.

D. Any person discharging a consumer fireworks device assumes all responsibility for its operation and the consequences thereof. No person shall discharge a consumer fireworks device in a reckless manner or manner likely to cause death, injury, fire, or property damage.

E. Violation of this subsection commits a simple misdemeanor punishable by a fine of not less than \$250.00 up to \$625.00.

3. **Exception for Display Fireworks.** The City may, upon application in writing, grant a permit for display fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator.

A. Competent operator must either be a PGI-Certified Shooter or must attest to following safety precautions and studied the Iowa Pyrotechnic Association Display Operator Course online.

B. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

(1) Personal Injury \$250,000 per person

- (2) Property Damage \$50,000
- (3) Total Exposure \$1,000,000

4. Other Exceptions. This section does not prohibit the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

5. Sales. No person shall sell or offer for sale consumer grade fireworks without first securing a Retail Fireworks License through the State Fire Marshal's Office for the State of Iowa.

A. City Permit. An application must be filed with City Hall that includes:

(1) The location and dates for the sale of fireworks. Sales of consumer fireworks are allowed only within districts zoned as Commercial C-1 or C-2 and Industrial M-1.

(2) Proof of licensing from the Office of the State Fire Marshal.

(3) Proof of liability insurance covering all aspects of consumer fireworks sales for a minimum amount per occurrence of \$1,000,000 and a minimum aggregate amount of \$2,000,000.

(4) Sales within a permanent structure or building shall be allowed between June 1 and July 8 and December 10 until January 3.

(5) Approved temporary structure or stand sales shall be allowed between June 13 and July 8.

(6) The following information must be stated in an easily readable type size and prominently posted at the place of payment at each location selling consumer fireworks:

a. The use or explosion of consumer fireworks within the City limits is prohibited on days other than July 3rd between the hours of 9:00 a.m. and 10:00 p.m. and July 4th between 9:00 a.m. and 11:00 p.m.; and

b. A violation of the City of Cresco Code Section 41.13(2) constitutes a simple misdemeanor, punishable by a fine of not less than \$250.00 up to \$625.00.

(Section 41.13 - Ord. 486 - Feb. 21 Supp.)

41.14 REMOVAL OF AN OFFICER'S COMMUNICATION OR CONTROL DEVICE. No person shall knowingly or intentionally remove or attempt to remove a communication device or any device used for control from the possession of a peace officer or correctional officer, when the officer is in the performance of any act which is within the scope of the lawful duty or authority of that officer and the person knew or should have known the individual to be an officer.

(Code of Iowa, Sec. 708.12)

[The next page is 197]

727.2 Fireworks.**1. Definitions.** For purposes of this section:

a. *“Consumer fireworks”* includes first-class consumer fireworks and second-class consumer fireworks as those terms are defined in section 100.19, subsection 1. *“Consumer fireworks”* does not include novelties enumerated in chapter 3 of the American pyrotechnics association’s standard 87-1 or display fireworks enumerated in chapter 4 of the American pyrotechnics association’s standard 87-1.

b. *“Display fireworks”* includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. *“Display fireworks”* does not include novelties or consumer fireworks enumerated in chapter 3 of the American pyrotechnics association’s standard 87-1.

c. *“Novelties”* includes all novelties enumerated in chapter 3 of the American pyrotechnics association’s standard 87-1, and that comply with the labeling regulations promulgated by the United States consumer product safety commission.

2. Display fireworks.

a. A person, firm, partnership, or corporation who offers for sale, exposes for sale, sells at retail, or uses or explodes any display fireworks, commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars. However, a city council of a city or a county board of supervisors may, upon application in writing, grant a permit for the display of display fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by the city or the county board of supervisors when the display fireworks will be handled by a competent operator, but no such permit shall be required for the display of display fireworks at the Iowa state fairgrounds by the Iowa state fair board, at incorporated county fairs, or at district fairs receiving state aid. Sales of display fireworks for such display may be made for that purpose only.

b. (1) A person who uses or explodes display fireworks while the use of such devices is prohibited or limited by an ordinance or resolution adopted by the county or city in which the firework is used commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

(2) A person who uses or explodes display fireworks while the use of such devices is suspended by an order of the state fire marshal commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

3. Consumer fireworks and novelties.

a. A person or a firm, partnership, or corporation may possess, use, or explode consumer fireworks in accordance with this subsection and subsection 4.

b. A person, firm, partnership, or corporation who sells consumer fireworks to a person who is less than eighteen years of age commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars. A person who is less than eighteen years of age who purchases consumer fireworks commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

c. (1) A person who uses or explodes consumer fireworks or novelties while the use of such devices is prohibited or limited by an ordinance adopted by the county or city in which the fireworks are used commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

(2) A person who uses or explodes consumer fireworks or novelties while the use of such devices is suspended by an order of the state fire marshal commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

4. Limitations.

a. A person shall not use or explode consumer fireworks on days other than June 1 through July 8 and December 10 through January 3 of each year, all dates inclusive.

b. A person shall not use or explode consumer fireworks at times other than between the hours of 9:00 a.m. and 10:00 p.m., except that on the following dates consumer fireworks shall not be used at times other than between the hours specified:

(1) Between the hours of 9:00 a.m. and 11:00 p.m. on July 4 and the Saturdays and Sundays immediately preceding and following July 4.

(2) Between the hours of 9:00 a.m. on December 31 and 12:30 a.m. on the immediately following day.

(3) Between the hours of 9:00 a.m. and 11:00 p.m. on the Saturdays and Sundays immediately preceding and following December 31.

c. A person shall not use consumer fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of consumer fireworks on that property.

d. A person who violates this subsection commits a simple misdemeanor. A court shall not order imprisonment for violation of this subsection.

5. *Applicability.*

a. This section does not prohibit the sale by a resident, dealer, manufacturer, or jobber of such fireworks as are not prohibited by this section, or the sale of any kind of fireworks if they are to be shipped out of the state, or the sale or use of blank cartridges for a show or the theater, or for signal purposes in athletic sports or by railroads or trucks, for signal purposes, or by a recognized military organization.

b. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

c. Unless specifically provided otherwise, this section does not apply to novelties.

[C39, §13245.08 - 13245.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §732.17 - 732.19; C79, 81, §727.2]

92 Acts, ch 1163, §120; 99 Acts, ch 153, §22; 2008 Acts, ch 1032, §106; 2017 Acts, ch 115, §10, 12

Referred to in §100.1, §101A.1, §331.301, §331.304, §364.2, §461A.42
Section amended

RESOLUTION NUMBER _____

**RESOLUTION AUTHORIZING THE CITY CLERK TO SIGN
AGREEMENTS ACTIVATING FRONTDESK WITH GWORKS AND
PROCESSING PAYMENTS THROUGH FORTE**

WHEREAS, the City of Cresco shall implement a website platform entitled FrontDesk administered by gWORKS for patrons to access utility bill account information and make payments; and

WHEREAS, the City of Cresco will pay the transaction fees for bills paid automatically by ACH or E-Check Fees as required for encryption and NACHA guidelines to securely process payment through CSG Systems International, Inc d/b/a Forte.

NOW, THEREFORE, BE IT RESOLVED THAT the City Clerk is authorized and directed to sign the Agreements with gWorks in Omaha, Nebraska and CSG Systems International, Inc d/b/a Forte, a Delaware corporation having a principal place of business in Allen, Texas.

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 Agreements between the City of Cresco and gWorks and Forte is approved and that the City Clerk is authorized to execute the agreement on behalf of the City of Cresco.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021.

BY: _____
Mayor Mark Bohle

ATTEST: _____
City Clerk Michelle Elton