

## NOTICE AND CALL OF PUBLIC MEETING

GOVERNMENTAL BODY: THE CITY COUNCIL OF CRESCO, IOWA  
DATE OF MEETING: JUNE 17, 2019  
TIME AND PLACE OF MEETING: 7:00 P.M. AT CRESCO CITY HALL

PUBLIC NOTICE IS HEREBY GIVEN THAT THE ABOVE MENTIONED GOVERNMENTAL BODY WILL MEET AT THE DATE, TIME AND PLACE SET OUT ABOVE. THE TENTATIVE AGENDA FOR SAID MEETING IS AS FOLLOWS:

ROLL CALL: BRENNO, McCARVILLE, FORTUNE, BOUSKA, CARMAN

ACT ON THE CONSENT AGENDA: All items listed under the consent agenda will be enacted by one motion. There will be no separate discussion of these items unless a request is made prior to the time council votes on the motion.

1. Approval of the Agenda
2. Approval of the Claims
3. Approval of Minutes from June 3, 2019
4. Approval of Permit for Supervised Display of Fireworks by H&S Motors at 710 2<sup>nd</sup> Ave SW on July 3, 2019
5. Approval of Cigarette/Tobacco Permits for Dolgencorp, LLC dba Dollar General #2400
6. Approval of Tax Abatement under the Urban Revitalization Plan for Paul and Teresa Wolter
7. Approval of Class C Liquor License (LC) (Commercial) with Sunday Sales to Cuautla Jalisco

STAFF REPORTS: There may be action taken on each of the items listed below.

1. Public Works
2. Police
3. Administration
4. Committee Updates

BUSINESS: There may be action taken on each of the items listed below.

1. Public Hearing for Ordinance No. 478 to Add Chapter 57 to the City of Cresco Code of Ordinances Pertaining to Urban Chickens
2. First Reading of Ordinance No. 478 Pertaining to Urban Chickens
3. Public Hearing for Ordinance No. 477 to Amend City of Cresco Code of Ordinances Chapter 55 Pertaining to Livestock in City Limits
4. First Reading of Ordinance No. 477 Pertaining to Livestock in City Limits
5. Nick Rissman, Howard County Engineer, to Discuss Vernon Road Project
6. Resolution Authorizing the Mayor and City Clerk to Enter into a 28E Agreement with Howard County to Pave the Rural Section of Vernon Road within City Limits
7. Review Quotes and Possible Award of Contract for Excavation Work for July 1, 2019 through June 30, 2020

8. Resolution Authorizing the Mayor and City Clerk to Enter into an Industrial Sewer Rental Agreement with Cresco Food Technologies LLC
9. Motion to Write Off Uncollectible Accounts Receivable
10. Resolution Naming Depositories
11. Resolution Committing Fund Balance Resources for General Funds and Special Revenue Funds (GASB 54)
12. Resolution Authorizing Transfer of Funds
13. Recommendation of the Park Board to Reappoint Kris Riley for a Term of Three Years Expiring 6/30/2022
14. Recommendation of the Park Board to Reappoint Holly O'Brien for a Term of Three Years Expiring 6/30/2022
15. Set Public Hearing to Amend FY2019/2020 City Budget
16. Resolution Authorizing the Mayor to Enter into a Five Year Sewer Maintenance Contract with Municipal Pipe Tool Company, LLC
17. Discuss Downtown Sidewalk Issues and Possible Motion to Proceed
18. Discuss Diseased and Dying Trees on Private Property

COMMENTS FROM AUDIENCE:

ADJOURN:

THIS NOTICE IS GIVEN AT THE DIRECTION OF THE MAYOR PURSUANT TO CHAPTER 21, CODE OF IOWA AND THE LOCAL RULES OF SAID GOVERNMENTAL BODY. POSTED JUNE 14, 2019.

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You are hereby notified that the City Council of the City of Cresco, Iowa, will hold a Public Hearing on the 17<sup>th</sup> day of June, 2019, in Council Chambers at City Hall. At this meeting the Council proposes to add ordinance chapter 57 regarding urban chickens.

The proposed ordinance may be viewed at Cresco City Hall during normal office hours. This hearing will be conducted during a regular Cresco City Council Meeting starting at 7:00 pm.

Any resident of Cresco wishing to be heard concerning the reasons for or objections to the amendment, must appear at said hearing and voice your opinions.

BY ORDER OF THE CITY COUNCIL OF CRESCO, IOWA

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City Clerk Michelle Girolamo

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You are hereby notified that the City Council of the City of Cresco, Iowa, will hold a Public Hearing on the 17<sup>th</sup> day of June, 2019, in Council Chambers at City Hall. At this meeting the Council proposes to amend ordinance chapter 55 section 5 regarding livestock.

The proposed amendment may be viewed at Cresco City Hall during normal office hours. This hearing will be conducted during a regular Cresco City Council Meeting starting at 7:00 pm.

Any resident of Cresco wishing to be heard concerning the reasons for or objections to the amendment, must appear at said hearing and voice your opinions.

BY ORDER OF THE CITY COUNCIL OF CRESCO, IOWA

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City Clerk Michelle Girolamo

Chickens – public hearing to hear comments from the public regarding changing the code of ordinances to allow up to 6 chickens per household with a valid permit. If council decides to move forward with the change, the first reading of three will be performed. It is not approved until after 3 readings at public meetings.

Vernon Road – the public works committee met with Nick Rissman, Jeff Freidhof and Pat Murray from the County. They gave an estimate of \$205,000 for the City's cost for 1850 feet but we may do a little less. The County will be paying all of the mobilization fees, traffic control, dust control, detour costs, and anything else that they would have incurred without the City's additional work. The City will reimburse the County for the actual costs incurred above the County's direct costs. The Public Works Committee is recommending doing this rural section with the County at this time because all of the property is ag land which would be deferred in an assessment project anyways. Also they felt the County was being more than generous in the allocation of costs and we will get the worst section of the road repaired now. The drainage issues will still need to be addressed as well.

CFT – This agreement must be updated annually. They will come to a meeting soon to explain the expansion that they are planning to do so the council can have input on issuing a building permit.

Write-Offs – unfortunately we have 11 accounts that we are unable to collect or assess for a total of \$1,328.09. Please see attached form for the reasons and/or collection efforts that have been tried.

Budget Amendment – we need to do a budget amendment at the next meeting because of projects/equipment not getting done in this fiscal year.

Municipal Pipe – in January 2018 we entered into a five-year contract that locked our rates with a minimum of \$3,000 per year commitment for work done. However, there was a clause that either party could terminate the agreement with a 30 day notice. They are terminating that contract and issuing a new contract with significant increases in rates. The rate increases range from 18% to 76% on a per unit charge and also a 3% increase every June. We have discussed it with them and reviewed quotes that we looked at last December from another company. Unfortunately there are only two major companies doing this work in our area for small towns. This is still cheaper than the other company due to mobilization costs. We also asked about not contracting and just hiring as needed. It would cost us about \$2,745 more per visit (our annual work on lift stations and televising as an example). Therefore, we think it is in our best interest to enter into this contract with the knowledge we can terminate at any time with a 30 day notice if we find better prices somewhere else.

Sidewalks – The County is willing to work with us and will replace the sidewalk as needed on North Elm. We may look into making a handicap accessible parking spot as well. We need to discuss if we are ready to move forward with the project as discussed and contacting impacted business owners.

Dying Trees – As the emerald ash borer has moved in, we noticed there are many trees on private property that are starting to die. Enclosed are excerpts from our two ordinances addressing diseased and dying trees. We are looking for council input on how to proceed with addressing these problems.

Michelle

Mayor Bohle called the Cresco City Council meeting to order on June 3, 2019, at 7:00 pm at City Hall. Council Members Brenno, McCarville, Fortune, Bouska and Carman were present. No council members were absent.

Carman made the motion to approve the consent agenda which included approval of the agenda; claims; minutes of the May 20, 2019 meeting and May 20 and 21 worksessions; permit for supervised display of fireworks for Alan Lewis on July 4, 2019 at 808 Vernon Road; Cigarette/Tobacco Permits for: Casey's Marketing dba Casey's General Store #2511; Fareway Stores Inc. dba Fareway Store #815; JAGDAMBE, LLC dba Cresco Mart; Aaron & Sheila Wemark dba The Ox & Wren Spirits and Gifts; Big Daddy Hideaway Corp. dba Hideaway Lounge; Kwik Trip, Inc. dba Kwik Star #428; James & Barb Holstrom dba The Pub; Pay Request #6 for \$98,611.90 to Cresco Building Service Inc for the City of Cresco Fire Department Storage Facility. Fortune seconded and it passed all ayes.

Public Works Director Freidhof reported: (a) seeding on 2<sup>nd</sup> Street so hopefully we can get that street opened up; (b) still working on frost boils and potholes; (c) cleaning up at the trailer park and mowing what we can; (d) getting sanitary manholes to grade which makes it easier to access when needed; (e) working on some abandoned properties under Code 657A; (f) sent 22 letters for lawn mowing violations; (g) Mike, Michelle and I are meeting with Cresco Food Technologies regarding the renewal of the treatment agreement. CFT will come to the Council to discuss their expansion so we can get some Council input before approving the building permit.

Police Chief Ruroden presented the monthly police report. Cresco Police worked with Howard County Sheriff's Department and Iowa State Patrol on a special project last week on Highway 9 that was a good joint project. May had thirteen burglaries but happy to report an adult was caught in the act and arrested.

City Clerk Girolamo reported they have been very busy especially getting ready for the meeting and ordinance changes. Department Heads are finishing their projects for end of the year.

Council Member Bouska reported she attended nuisance abatement training and unfortunately all cities are dealing with the same issues we are in regard to nuisances.

Mayor Bohle opened the public hearing on the proposed Ordinance No. 479 pertaining to fireworks. There were no written or oral comments and the public hearing was closed. Mayor Bohle performed the second reading of Ordinance No. 479. Bouska made the motion to approve the second reading of Ordinance No. 479. Carman seconded and it passed all ayes. Carman made the motion to approve the resolution waiving the 3rd reading and consideration of Ordinance No. 479. Brenno seconded and it passed all ayes. McCarville made the motion to approve Ordinance No. 479 pertaining to fireworks. Fortune seconded and it passed all ayes.

Nick Rissman, Howard County Engineer, discussed the Vernon Road Project that the County is doing. He asked the City if they wanted to consider doing the rural portion of the City's section of Vernon Road as part of the County's project. The Council was interested in possibly doing the rural section so the County will present cost estimates at the next City Council meeting. There is a drainage issue that needs to be addressed even if the road is not replaced.

Mike Gooder explained the extensive expansion that Plantpeddler is doing. This multi-million dollar project will add an additional 100,000 square feet and will create about 20 new jobs. They will be bringing some of the genetic testing to Cresco that is currently done in Holland and Canada now. He invited Council and the public to their open house at 9:00 am on Monday, June 17, 2019.

The Council revisited the request to change the City's ordinance that disallows chickens within the city limits. After a lengthy discussion of the pros and cons of allowing chickens, a few

additional items will be added to the proposed ordinance. The greatest concern is the enforcement of all the regulations required by the permit. Carman made the motion to proceed with revising the proposed draft of the ordinance by allowing up to six chickens per household, imposing a \$250 fine if a valid permit is not obtained, and a notice that loose chickens will not be returned. Fortune seconded. McCarville, Fortune and Carman voted aye. Brenno and Bouska voted nay. The motion passed by majority vote.

Fortune made the motion to set the Public Hearing for June 17, 2019 to amend Ordinance No. 477 pertaining to livestock. Carman seconded. McCarville, Fortune and Carman voted aye. Brenno and Bouska voted nay. The motion passed by majority vote.

Carman made the motion to set the Public Hearing for June 17, 2019 to amend Ordinance No. 478 adding a chapter pertaining to urban chickens. Fortune seconded. McCarville, Fortune and Carman voted aye. Brenno and Bouska voted nay. The motion passed by majority vote.

Mayor Bohle performed the third reading of Ordinance No. 475 pertaining to water rates. Bouska made the motion to approve the third reading. Carman seconded and it passed all ayes. McCarville made the motion to approve Ordinance No. 475 pertaining to water rates. Bouska seconded and it passed all ayes.

Mayor Bohle performed the third reading of Ordinance No. 476 pertaining to sewer service charges. Bouska made the motion to approve the third reading. Carman seconded and it passed all ayes. Brenno made the motion to approve Ordinance No. 476 pertaining to sewer service charges. Bouska seconded and it passed all ayes.

Bouska made the motion to approve a resolution approving a wage and benefit agreement for full-time nonunion employees. Fortune seconded and it passed all ayes.

Carman made the motion to approve a resolution approving wage increase for specified permanent part-time employees. Fortune seconded and it passed all ayes.

Carman made a motion to approve a resolution authorizing the Public Works Director to increase the credit limit to \$10,000 for the credit card. Bouska seconded and it passed all ayes.

Bouska made the motion to suspend the Retail Cigarette/Tobacco Permit for The Pub for 30 days beginning June 10, 2019 through July 9, 2019. Fortune seconded and it passed all ayes.

Carman made the motion to close City Hall on June 28, 2019 for end of year processing. Brenno seconded and it passed all ayes.

Daren Sikkink, Engineer from WHKS, made recommendations on where crosswalks with ADA compliant pedestrian ramps should be placed and which crosswalks should be removed. They also submitted estimated costs per item. Girolamo prepared mini-projects with total costs per project if only portions were done at one time. Unfortunately, each project runs into the next one so the most logical option is to do all of the crosswalks/ped ramps/curb & gutters on North Elm Street from the corner of North Park Place to South Park Place at one time. The proposed project will remove four crosswalks and install two new crosswalks across N. Elm. The three crosswalks going north and south across S Plark Place, N Park Place and 2<sup>nd</sup> Ave W would be replaced. All ped ramps would be ADA compliant and curb and gutters replaced. We will need a few adjoining property owners to agree to replace their sidewalks after crosswalks are removed. The Howard County courthouse sidewalk will be impacted the most so the City Clerk was instructed to attend a Supervisor's meeting to ask for a commitment to work with the City on this project. If the County is agreeable, adjacent property owners will be contacted for cooperation on the project as well. The estimated cost for the City's portion will be about \$100,000. Bouska made the motion to proceed with the crosswalks/ped ramps/curb & gutters on North Elm Street from North Park Place to South Park Place if the County upgrades their sidewalk. McCarville seconded and it passed all ayes.

Mayor asked for comments from the audience. Library Director Kay reported the summer reading program will be on Wednesdays in June so there will be a lot of activity around the Library on those days. Steve McCarville reported the new marquee in Beadle Park is now working and thanked Alum-Line and Bob's Electric for their labor donations to help with the project. This project was paid by donations received from the Howard County Business & Tourism auction.

Carman moved to adjourn at 8:21 pm. Fortune seconded and it passed all ayes. The next regular Cresco City Council meeting will be June 17, 2019 at 7:00 pm at Cresco City Hall.

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Mayor Mark Bohle

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City Clerk Michelle Girolamo

Following is a list of claims approved for payment:

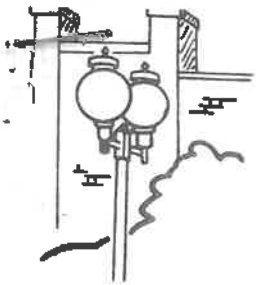
AHLERS&COONEY	LegalSrv	1,565.96
ALLIANT	Elect	10,702.63
ANNAPURNA	Movie	268.96
BILLMYER	Srvc	45.00
BLACK HILLS	NatGas	2,968.29
BOB'S ELEC	Srvc	1,923.12
BRITTEN,CHASITY	DepApp	80.00
BRUENING ROCK	Rock	2,681.94
CINEVIZION	Movie	40.00
CITY OF CRESCO	Util	1,262.21
CITY LAUNDERING	Serv	648.93
COAST TO COAST	Supp	239.84
COMPLETE TREE	Srvc	10,000.00
CPU	Supp	65.98
CR BUILDING	Srvc	98,611.90
CREATIVE PROD	Supp	257.15
CR FIRE SAFETY	Srvc	790.00
CR SMALL ENG	Supp	25.90
CRESCO TPD	Notices	260.27
CROELL	Concr	989.25
CULLIGAN	Srvc	91.74
DALCO	Supp	1,072.05
DC COMM	Phone	37.35
DOZARK,WILLIAM	DepApp	80.00
DREW,KYLE	DepApp	80.00
DRUNK BUSTERS	Supp	89.00
FARMERS WIN	Supp	69.50
FT ATKIN NURSERY	Trees	2,455.00
GREAT PLAINS	Supp	2,167.50
HACH	Supp	127.49
HOVEY OIL	Supp	788.50
HC RECORDER	Fees	69.00
HC TREAS	PropTax	324.00
IA DNR	Certs	420.00
IA LEAGUE CITIES	Trng	900.00
IA ONE CALL	OneCalls	107.10
IA PRISON	Signs	772.00
JD FIN	Supp	1,743.59
K&W COATINGS	Srvc	29,700.00
LT MECH	Srvc	1,074.29
MARINER,PARKER	DepRef/Ap	80.00
MC2	Supp	12,611.05
MEHMERT	Srvc	14,386.89
NARTEC	Supp	313.34
O'HENRY'S	Supp	770.00
PAYROLL		72,453.76
PECINOVSKY,CLAIR	Reimb	21.40
PEPSI-COLA	Conces	917.21
POOL TECH	Srvc	23,880.00
POSTMASTER	Postage	432.11
PRINCIPAL LIFE	Ins	105.90
RACOM	Equip	2,413.00
SAM'S MC	Supp	3,087.53
SEC OF ST	Dues	30.00
SMI	Chips	55.00



SOLAR PRO	Solar	4,316.48
STILL, RON	DepApp	80.00
TASC	Fees	231.84
VERIZON	Wireless	102.25
WINDRIDGE IMP	Supp	352.00
WINDSTREAM	Phone	812.35
WILSON, MIKE	Srvc	150.00
WILSON CUST TREE	Srvc	900.00

GENERAL	172,926.70
LOST	36,328.12
NUISANCE	15,257.75
FIRE STATION BLDG	284.29
MEDIACOM	351.05
DRUG DOG	402.34
CR COMM FIRE	3,688.20
ROAD USE	17,265.48
EMPLOYEE BEN	250.99
WATER	10,653.61
WATER DEP	400.00
WATER EQUIP	29,700.00
SEWER OP	25,677.49
CAP IMPR	21.61
YARDWASTE	889.92

EXPENDITURES	314,097.55
Revenues 5/21-6/3/19	174,801.83



# THE CITY OF Cresco IOWA

130 N. Park Place Cresco, IA 52136  
(563) 547-3101 FAX (563) 547-4525  
www.cityofcresco.com

## PERMIT FOR SUPERVISED DISPLAY OF FIREWORKS

Application having been made in accordance with the laws of the State of Iowa.

Permission is hereby granted to H & S Motors  
(Your Organization)

to have a supervised display of fireworks at (give specific location)

710 2nd Ave SW in the County of Howard and the State of Iowa

to be shown on 7-3, 2019 The competent

person authorized to conduct the display Bryan Sheehy  
(Lead Shooter for J & M DISPLAYS)

Signature of applicant

Bryan J Sheehy 563-547-0064  
Printed name of applicant Telephone number

710 2nd Ave SW Cresco IA  
Address of applicant

6-4-19  
Date of application

This permit for supervised display of fireworks is granted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
9am - 11pm

Signature of authorized person issuing permit

Name and title

APPLICATION FOR TAX ABATEMENT UNDER THE  
URBAN REVITALIZATION PLAN FOR

CRESCO, IOWA

Date 6-5-19

Prior Approval for  
Intended Improvements

Approval of Improvements  
Completed

Address of Property: 1110 3<sup>rd</sup> St SW

Legal Description: Lot 2 of 1 of 4 NE SE

Title Holder or Contract Buyer: Paul and Teresa Walter

Address of Owner (if different than above): 523 Gardner Ave Cresco, IA 52136

Phone Number (to be reached during the day): 641-832-0545

Property Use:  Residential  Multi-Residential  Commercial

Nature of Improvements:  New Construction  Rehab/Addition  General Improvements

Specify: New single family home

Estimated or Actual Cost of Improvement

Estimated or Actual Date of Completion: no later than 05/31/2020

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

Signed: Paul Walter

Tax Exemption Schedule:

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

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

**Applicant License Application ( LC0043547 )**

<b>Name of Applicant:</b> <u>Cuautla Jalisco Inc</u>		
<b>Name of Business (DBA):</b> <u>Cuautla Jalisco Inc</u>		
<b>Address of Premises:</b> <u>223 N Elm St</u>		
<b>City</b> <u>Cresco</u>	<b>County:</b> <u>Howard</u>	<b>Zip:</b> <u>52136</u>
<b>Business</b>	<u>(563) 203-8067</u>	
<b>Mailing</b>	<u>223 N Elm St</u>	
<b>City</b> <u>Cresco</u>	<b>State</b> <u>IA</u>	<b>Zip:</b> <u>52136</u>

**Contact Person**

<b>Name</b> <u>Esperanza Barajas</u>	
<b>Phone:</b> <u>(859) 652-5750</u>	<b>Email</b> <u>dkagr@dkarndtcpa.net</u>

**Classification** Class C Liquor License (LC) (Commercial)

**Term:** 12 months

**Effective Date:** 06/20/2019

**Expiration Date:** 06/19/2020

**Privileges:**

Class C Liquor License (LC) (Commercial)

Sunday Sales

**Status of Business**

<b>BusinessType:</b> <u>Privately Held Corporation</u>	
<b>Corporate ID Number:</b> <u>XXXXXXXXXX</u>	<b>Federal Employer ID</b> <u>XXXXXXXXXX</u>

**Ownership**

**Eduardo Cibrian**

**First Name:** Eduardo

**Last Name:** Cibrian

**City:** Garner

**State:** Iowa

**Zip:** 50438

**Position:** Owner

**% of Ownership:** 100.00%

**U.S. Citizen:** Yes

**Insurance Company Information**

<b>Insurance Company:</b> <u>MOUNT VERNON FIRE INS CO</u>	
<b>Policy Effective Date:</b> <u>06/20/2019</u>	<b>Policy Expiration</b> <u>06/20/2020</u>
<b>Bond Effective</b>	<b>Dram Cancel Date:</b>
<b>Outdoor Service Effective</b>	<b>Outdoor Service Expiration</b>
<b>Temp Transfer Effective</b>	<b>Temp Transfer Expiration Date:</b>

**CITY OF CRESCO  
CASH & INVESTMENT BY FUND  
AS OF MAY 31, 2019**

	<b>CASH BALANCE</b>	<b>MONEY MKT BALANCE</b>	<b>CD BALANCE</b>	<b>OTHER BANK BALANCE</b>	<b>FUND BALANCE</b>	
001	General Fund	49,200.64	533,000.00	400,000.00	492.21	982,692.85
001	General Fund - Theatre	-	-	-	8,922.02	8,922.02
001	General Fund - Credit Card Processing	-	-	-	2,500.00	2,500.00
001	General Fund - RAGBRAI	-	-	8,710.24	-	8,710.24
002	General Fund-Hotel/Motel	749.86	28,500.00	-	-	29,249.86
022	Local Option Tax Project	2,896.82	592,000.00	500,000.00	-	1,094,896.82
065	Nuisance House Fund	1,003.12	9,000.00	-	-	10,003.12
078	Fire Station Building	321.11	11,500.00	-	-	11,821.11
081	Cresco Telecommunic	866.35	9,000.00	30,000.00	-	39,866.35
087	Equipment Replace	343.56	11,000.00	15,000.00	-	26,343.56
090	Office/Computer Equip.	1,017.04	9,000.00	-	-	10,017.04
091	Street Equipment Trust	1,746.81	29,000.00	50,000.00	-	80,746.81
092	Theatre Trust	573.70	4,772.25	-	-	5,345.95
093	Drug Dog Fund	755.38	5,000.00	-	-	5,755.38
094	Airport Trust	991.64	12,000.00	5,000.00	-	17,991.64
098	Cresco Community Fire	133.43	43,000.00	35,000.00	-	78,133.43
110	Road Use Tax Fund	4,670.47	362,000.00	385,000.00	-	751,670.47
112	Employee Benefits Trust	2,718.01	254,000.00	500,000.00	-	756,718.01
119	Emergency Fund	685.57	31,000.00	-	-	31,685.57
160	CIDC/CityRevol.Loan-bus.	1,071.09	56,000.00	60,000.00	-	117,071.09
177	Police Forfeiture Fund	115.13	-	-	-	115.13
182	Rehab Housing	888.23	59,000.00	-	-	59,888.23
183	Equip.Repair-Fitness Ctr	423.24	34,000.00	20,000.00	-	54,423.24
184	City Park Trust	1,148.94	7,000.00	-	-	8,148.94
185	Recreation Supply	757.76	13,000.00	-	-	13,757.76
188	Fire Equipment Trust	1,039.95	189,000.00	-	-	190,039.95
189	Library Trust Fund	-	-	-	518.80	518.80
200	Debt Service Fund	517.93	50,000.00	-	-	50,517.93
319	Street Assessment Project Fund	1,023.85	120,000.00	0.00	-	121,023.85
600	Water Utility Fund	6,668.03	176,000.00	350,000.00	-	532,668.03
601	Water Deposit Trust	1,063.50	15,500.00	15,000.00	-	31,563.50
602	Water Utility Replacement	2,110.42	352,000.00	-	-	354,110.42
610	MSSU Revenue	6,028.18	324,000.00	500,000.00	-	830,028.18
612	MSSU Operation/Maint	1,210.62	-	-	-	1,210.62
613	MSSU Replacement	988.51	205,000.00	350,000.00	-	555,988.51
614	MSSU Rev.Bond Int	131.06	20,000.00	85,000.00	-	105,131.06
620	Cap Imp Water, Sewer, Storm	1,303.69	111,000.00	100,000.00	-	212,303.69
670	Yard Waste Fund	552.12	23,000.00	100,000.00	-	123,552.12
820	Health Ins Partial Self Fund	-	-	-	99,803.28	99,803.28
<b>Totals</b>		<b>95,715.76</b>	<b>3,698,272.25</b>	<b>3,508,710.24</b>	<b>112,236.31</b>	<b>7,414,934.56</b>
		<b>1%</b>	<b>50%</b>	<b>47%</b>	<b>2%</b>	<b>7,414,934.56</b>

Checking - Cresco Bank & Trust (operating)	0.15%	95,715.76
Checking - CUSB (credit cards)	0.35%	492.21
Checking - CB&T (credit cards)	0.00%	2,500.00
Theatre Checking	0.00%	8,922.02
Money Market - Cresco Bank & Trust	1.90%	3,698,272.25
MMKT Hlth Ins Partial Self Funded	1.65%	99,803.28
Library MMKT	1.65%	518.80
CD RAGBRAI - 36 month - matures 9/14/20	1.64%	8,710.24
CD - 12 month - matures 6/25/19	2.38%	3,500,000.00

**\$ 7,414,934.56**

CITY OF CRESCO  
 REVENUE REPORT  
 CALENDAR 5/2019, FISCAL 11/2019

ACCOUNT NUMBER	ACCOUNT TITLE	MTD BALANCE	YTD BALANCE	BUDGET	% RECEIVED
	GENERAL TOTAL	217,620.83	2,797,577.21	3,322,493.00	84.20
	HOTEL/MOTEL TAX TOTAL	.00	17,483.26	21,000.00	83.25
	LOST PROJECT TOTAL	47,175.82	480,353.40	508,000.00	94.56
	NUISANCE HOUSE TOTAL	16.79	148,256.18	190,000.00	78.03
	FIRE STATION BUILDING TOTAL	20.18	21,977.11	20,600.00	106.69
	MEDIACOM TOTAL	483.71	9,077.90	11,700.00	77.59
	EQUIPMENT REPLACEMENT TOTAL	19.30	4,328.84	4,000.00	108.22
	OFFICE EQUIPMENT TOTAL	15.79	146.26	.00	.00
	STREET TRUST TOTAL	731.18	13,577.04	8,200.00	165.57
	THEATRE TRUST FUND TOTAL	5,528.38	15,427.24	17,250.00	89.43
	DRUG DOG TOTAL	8.77	126.50	.00	.00
	AIRPORT TRUST FUND TOTAL	21.06	254.70	12,750.00	2.00
	CRESCO COMMUNITY FIRE TOTAL	108.10	75,297.04	77,900.00	96.66
	ROAD USE TAX TOTAL	46,631.54	459,206.48	520,000.00	88.31
	EMPLOYEE BENEFITS TOTAL	35,655.29	573,346.48	601,388.00	95.34
	EMERGENCY FUND TOTAL	2,032.97	31,685.57	33,000.00	96.02
	LOCAL OPTION SALES TAX TOTAL	39,000.14	469,924.27	509,000.00	92.32
	REVOLVING LOAN TOTAL	3,638.84	42,837.88	26,770.00	160.02
	REHAB HOUSE TOTAL	103.54	62,504.59	279,000.00	22.40
	FITNESS CENTER TRUST TOTAL	259.65	21,252.87	22,600.00	94.04
	PARK TRUST TOTAL	172.28	8,030.68	10,000.00	80.31
	RECREATION SUPPLY TOTAL	22.81	9,088.33	10,000.00	90.88
	FIRE EQUIPMENT TOTAL	331.68	140,652.06	132,150.00	106.43
	LIBRARY TOTAL	.72	8.20	1,000.00	.82
	DEBT SERVICE TOTAL	63,280.17	430,277.47	450,570.00	95.50
	STREET ASSESSMENT TOTAL	250,210.59	309,874.70	426,000.00	72.74
	WATER TOTAL	49,882.66	528,190.77	569,800.00	92.70
	WATER DEPOSIT TOTAL	1,360.00	9,340.00	13,000.00	71.85
	WATER EQUIPMENT REPLACE TOTAL	644.94	135,707.67	143,000.00	94.90
	SEWER TOTAL	76,464.21	831,881.29	886,800.00	93.81
	SEWER OPERATIONS TOTAL	45,500.00	497,000.00	610,000.00	81.48
	SEWER REPLACEMENT PROJ TOTAL	58,859.76	124,278.93	122,000.00	101.87
	SEWER SINKING TOTAL	35.10	75,829.66	74,200.00	102.20
	PROPRIETARY CAP IMPROVE TOTAL	7,113.32	74,966.35	58,700.00	127.71
	YARDWASTE TOTAL	3,366.74	36,860.85	39,300.00	93.79
	SELF INSURANCE TOTAL	2,770.73	34,027.35	.00	.00
	TOTAL REVENUE BY FUND	959,087.59	8,490,655.13	9,732,171.00	87.24

CITY OF CRESCO  
 BUDGET REPORT - *Expenses*  
 CALENDAR 5/2019, FISCAL 11/2019

PCT OF FISCAL YTD 91.6%

ACCOUNT NUMBER	ACCOUNT TITLE	MDT BALANCE	YTD BALANCE	BUDGET	% SPENT
	GENERAL TOTAL	558,876.18	3,400,343.19	4,218,015.00	80.61
	HOTEL/MOTEL TAX TOTAL	745.16	19,625.85	21,000.00	93.46
	LOST PROJECT TOTAL	45,412.14	355,257.29	534,200.00	66.50
	NUISANCE HOUSE TOTAL	1,114.28	149,599.12	202,700.00	73.80
	FIRE STATION BUILDING TOTAL	738.42	19,742.47	22,600.00	87.36
	MEDIACOM TOTAL	1,471.32	14,751.63	19,500.00	75.65
	EQUIPMENT REPLACEMENT TOTAL	.00	651.41	1,300.00	50.11
	OFFICE EQUIPMENT TOTAL	.00	.00	600.00	.00
	THEATRE TRUST FUND TOTAL	11,042.28	14,251.47	17,250.00	82.62
	DRUG DOG TOTAL	.00	4,147.51	9,800.00	42.32
	CRESCO COMMUNITY FIRE TOTAL	2,321.10	64,571.73	97,900.00	65.96
	ROAD USE TAX TOTAL	36,918.56	458,130.89	582,200.00	78.69
	EMPLOYEE BENEFITS TOTAL	45,456.62	448,287.84	601,150.00	74.57
	EMERGENCY FUND TOTAL	.00	.00	33,000.00	.00
	LOCAL OPTION SALES TAX TOTAL	39,000.14	469,924.27	509,000.00	92.32
	REVOLVING LOAN TOTAL	.00	50,019.00	70,200.00	71.25
	REHAB HOUSE TOTAL	306.94	2,616.36	279,000.00	.94
	FITNESS CENTER TRUST TOTAL	.00	2,748.00	20,000.00	13.74
	PARK TRUST TOTAL	.00	6,430.00	13,000.00	49.46
	RECREATION SUPPLY TOTAL	.00	8,194.70	10,000.00	81.95
	FIRE EQUIPMENT TOTAL	.00	178,829.10	356,400.00	50.18
	LIBRARY TOTAL	.00	800.00	1,800.00	44.44
	DEBT SERVICE TOTAL	396,064.75	442,003.50	442,683.00	99.85
	STREET ASSESSMENT TOTAL	210,104.85	599,349.47	851,000.00	70.43
	WATER TOTAL	37,219.72	500,660.81	570,400.00	87.77
	WATER DEPOSIT TOTAL	620.08	9,971.76	13,000.00	76.71
	WATER EQUIPMENT REPLACE TOTAL	9,800.00	63,710.36	422,800.00	15.07
	SEWER TOTAL	104,000.00	689,000.00	802,000.00	85.91
	SEWER OPERATIONS TOTAL	45,132.66	500,190.46	609,400.00	82.08
	SEWER REPLACEMENT PROJ TOTAL	4,951.97	183,444.11	221,500.00	82.82
	SEWER SINKING TOTAL	67,993.00	74,090.50	74,200.00	99.85
	PROPRIETARY CAP IMPROVE TOTAL	25,328.56	175,828.20	197,500.00	89.03
	YARDWASTE TOTAL	4,486.23	37,790.99	36,200.00	104.40
	SELF INSURANCE TOTAL	.00	27,000.00	.00	.00
	TOTAL EXPENSES BY FUND	1,649,104.96	8,971,961.99	11,861,298.00	75.64

## ORDINANCE 478

### AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA, BY ADDING A NEW CHAPTER PERTAINING TO URBAN CHICKENS

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

SECTION 1. NEW CHAPTER. The Code of Ordinances of the City of Cresco, Iowa, is amended by adding a new Chapter 57, entitled URBAN CHICKENS, which is hereby adopted to read as follows:

#### CHAPTER 57 URBAN CHICKENS

57.01 Purpose

57.02 Definitions

57.03 Where Permitted

57.04 Enclosure Requirements

57.05 Number of Chickens Permitted

57.06 Permit Requirements

**57.01 PURPOSE.** The purpose of this chapter is to protect the health, safety and welfare of the citizens within the City by allowing a process by which a property owner may keep a limited number of domesticated chickens on their property while observing minimum property standards.

**57.02 DEFINITIONS.** For use in this Chapter the following terms are defined:

1. "Chicken" means a member of the subspecies *Gallus gallus domesticus*, a domesticated fowl.
2. "Urban Chicken" means a chicken kept on a permitted tract of land pursuant to a permit issued under this Chapter.
3. "Coop" means a cage enclosure or building used for housing and protecting chickens from weather and predators.
4. "Pen" means an enclosure for chickens which allows freedom of movement but also prevents escape.
5. "Permittee" means an applicant who has been granted a permit to raise, harbor or keep chickens pursuant to this Chapter.

**57.03 WHERE PERMITTED.** Notwithstanding the provisions of this section, the keeping of domestic chickens (sub species *gallus gallus domesticus*), except roosters, shall be permitted in single family residential properties lying within residential zoning districts as shown on the City of Cresco official Zoning Map so long as such keeping is in compliance with this subsection and all other applicable City ordinances.



**57.04 ENCLOSURE REQUIREMENTS.** The following criteria shall be considered a minimum form of compliance for the City to consider issuing a permit allowing for the presence of any particular chickens unless allowing such chickens would endanger the health, safety, peace, quiet, comfort, enjoyment of, or otherwise become a public nuisance to nearby residents or occupants or places of business:

- A. Chickens must be confined in a coop, fowl house, or mobile coop, known as a chicken tractor, not less than 18 inches in height. In addition to be confined within a coop, a fenced pen area at a size outlined below shall be maintained. Chickens must be kept within the coop, the fowl house, or the fenced pen area at all times unless removed for a temporary time for the safety of the chicken.
- B. The coop, the fowl house, or the fenced pen area must be of such a design to be reasonably expected to prevent entry by dogs, cats, or other animals and shall be completely enclosed.
- C. The coop or fowl house must be used for chickens only and must be well ventilated.
- D. The coop, the fowl house, or the fenced pen area shall have a minimum of four (4) square feet of floor area for each chicken but shall not be any larger than twelve (12) square feet of area for each chicken.
- E. The coop, fowl house, or the fenced pen area shall be a minimum of twenty-five (25) feet from any neighboring dwelling property line at all times. In the event a zoning or other ordinance requires a greater distance, the more restrictive regulations shall apply.
- F. Any coop, fowl house, or fenced pen area must be well drained so there is no accumulation of moisture.
- G. Any coop, fowl house, or the fenced pen area shall be kept clean, sanitary and free from accumulation of chicken excrement and objectionable odors. All droppings and body excretions shall be either placed in fly-proof containers and double-bagged in plastic bags or, in the alternative, used as fertilizer on the same property or, with the owner's permission, on other property within the City, so long as the droppings and body excretions are spread and incorporated into the soil within twenty four (24) hours.
- H. In addition to the coop, fowl house, or fenced pen area, the permittee shall be responsible for sufficiently confining chickens to the permitted property and prevent chickens from entering upon any adjacent property. Loose chickens may not be returned if City personnel are required to capture them.
- I. All chicken feed shall be stored in rodent-proof containers.
- J. All such chickens shall be hens; no roosters are permitted.

- K. The City shall not be liable for injury or death of chickens caused by dogs, cats, or other animals, domestic or wild, whether such animals are licensed by the City or not. Further, injury or death of a chicken caused by an animal is not, in and of itself, sufficient grounds for the City to determine that the animal is a vicious animal pursuant to this Code of Ordinances.
- L. Any dead chicken shall be disposed of immediately upon discovering said chicken in a manner so as to not cause a nuisance pursuant to this Code of Ordinances.
- M. Slaughtering of chickens or selling of eggs is forbidden.
- N. An owner or possessor of animals on property that is newly annexed or rezoned to a residential classification has ninety (90) days from the date of annexation or rezoning to bring the property into compliance required by this section.
- O. A violation of this subsection is a municipal infraction as provided in the Code of Ordinances.

**57.05 NUMBER OF CHICKENS PERMITTED.** No more than six (6) chickens shall be kept or maintained per property at any time. Roosters are not allowed.

**57.06 PERMIT REQUIREMENTS.** No person shall keep any chickens unless they possess a City of Cresco permit issued by the City Public Works Director or their designee. A fine of two hundred fifty (\$250) dollars will be imposed for having chickens without a valid permit.

- A. Fee. The fee for such permit shall be ten (\$10) dollars.
- B. Permits will be granted for one (1) year valid from January 1<sup>st</sup> through December 31<sup>st</sup> and shall not be pro-rated for partial year.
- C. Permits may be purchased at any time during the year but will be valid only through December 31<sup>st</sup>.
- D. Property owner shall notify the City upon discontinuance of housing chickens.
  - a. As part of discontinuing of housing chickens on the property, the pen and coop areas shall be cleaned in a timely manner so as to not provide a nuisance to neighboring property owners.
  - b. Fees shall not be refunded if the property owner removes the chickens from the premises.
- E. The permit may be suspended or revoked by the Public Works Director, or their designee, upon hearing and finding evidence that the permittee has violated the conditions of the permit listed in this Section of the Code.

- a. All chickens must be removed from the premises and disposed of in accordance with public health practices upon revocation of the permit.
- b. There will be no refund of the permit fee.
- c. All associated costs of removal of the chickens shall be assessed back to the property owner.

F. By the granting of the permit to raise chickens and the application thereof, the permittee authorizes that the City or its agents have the right to go onto permittee's property any time for the limited purpose of inspection of the premises to ensure that all applicable conditions have been met.

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

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

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

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

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

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

I certify that the following summary of Ordinance No. 478 was published on the \_\_\_\_\_ day of \_\_\_\_\_, 2019 and the full copy was available at City Hall 130 N Park Place, Cresco, IA 52136.

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

ORDINANCE 478 SUMMARY

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA, BY ADDING A NEW CHAPTER PERTAINING TO URBAN CHICKENS

Below is a summary of ORDINANCE 478, a full copy of said ordinance may be obtained at City Hall 130 N Park Place Cresco, IA 52136

CHAPTER 57 URBAN CHICKENS

No more than six (6) chickens shall be kept or maintained per property at any time. Roosters are not allowed. An annual application and permit fee of \$10 is required. A fine will be imposed of \$250 for keeping chickens without a valid permit. Random inspections will be conducted to ensure applicable conditions have been met.

Chickens must be confined in a coop, fowl house, or mobile coop not less than 18 inches in height. An area of 4 to 12 square feet per chicken is required and must be a minimum of 25 feet from any property line. It must be completely enclosed and designed to prevent entry of predators. It must be well ventilated and drained and kept clean and sanitary. Slaughtering of chickens or selling of eggs is forbidden.

SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

WHEN EFFECTIVE. The foregoing Ordinance shall be in full force and effect from and after the date of passage and publication of this ordinance as provided by law.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2019.

CITY OF CRESCO

ATTEST:

\_\_\_\_\_  
MARK BOHLE, MAYOR

\_\_\_\_\_  
MICHELLE GIROLAMO, CITY CLERK

1<sup>st</sup> Reading Summary \_\_\_\_\_ 2<sup>nd</sup> Reading Summary \_\_\_\_\_ 3<sup>rd</sup> Reading Summary \_\_\_\_\_

I certify that the foregoing was published as Summary of Ordinance No. 478 on the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
City Clerk Michelle Girolamo

ORDINANCE NO. 477

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA, BY AMENDING PROVISIONS PERTAINING TO LIVESTOCK

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

SECTION 1. Chapter 55, Section 05, of the Code of Ordinances of the City of Cresco, Iowa, is repealed and the following adopted in lieu thereof:

**55.05 LIVESTOCK.** It is unlawful for a person to keep livestock except chickens within the corporate limits of the City except in an area zoned for this purpose. Chickens are allowed by permit only and according to regulations in Chapter 57 of the Code of Ordinances. No roosters are allowed within corporate limits of the City.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

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

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

1<sup>st</sup> Reading \_\_\_\_\_ 2<sup>nd</sup> Reading \_\_\_\_\_ 3<sup>rd</sup> Reading \_\_\_\_\_

I certify that the foregoing was published as Ordinance No. 477 on the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
City Clerk Michelle Girolamo

RESOLUTION NUMBER \_\_\_\_\_

RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK  
TO ENTER INTO A 28E AGREEMENT WITH HOWARD COUNTY  
TO PAVE THE RURAL SECTION OF VERNON ROAD WITHIN CITY LIMITS

WHEREAS, the City of Cresco and Howard County will jointly undertake to provide a construction project within the Corporate Limits of the City of Cresco; and

WHEREAS, Howard County will plan, design and let for bidding, the reconstruction of a portion of Vernon Road within the corporate limits of the City of Cresco; and

WHEREAS, Howard County shall initially finance the cost of the project and the City of Cresco shall reimburse Howard County for the actual cost of construction above and beyond the Howard County cost of construction; and

WHEREAS, Howard County Secondary Roads Department shall provide all engineering services before, during and after construction.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor is authorized and directed to sign the written 28E Agreement with Howard County to pave the rural section of Vernon Road within city limits.

Council Person \_\_\_\_\_ moved the adoption of the foregoing Resolution Authorizing the Mayor and City Clerk to enter into a 28E Agreement with Howard County. Council Person \_\_\_\_\_ seconded said motion. A roll call vote was requested by the Mayor and said roll call vote resulted as follows:

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

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

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

Thereupon, the Mayor declared said Resolution duly passed and announced that the agreement dated \_\_\_\_\_, 2019, between the City of Cresco and HOWARD COUNTY is approved and that the Mayor and City Clerk are authorized to execute the agreement on behalf of the City of Cresco.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

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

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

Prepared by & Return to:  
Nick Rissman, Howard County Engineer, 114 7<sup>th</sup> Street West, Cresco, IA 52136 PH: 563-547-2620

**28E County/City Project Agreement – Project No. LFM-(Vernon Rd)--7X-45**

WHEREAS, both Howard County and the City of Cresco are a public agency as is defined by Section 28E.2 of the Code of Iowa, and

WHEREAS, Section 28E.3 of the Code of Iowa provides that any power or powers, privileges or authority exercised or capable of exercise by a public agency of the State of Iowa may be exercised and enjoyed jointly by a public agency of the State of Iowa having such power or powers, and

WHEREAS, it is deemed to be in the best interest of Howard County, the City of Cresco, and their respective citizens, that the County and City jointly undertake to provide a construction project within the Corporate Limits of the City of Cresco.

WHEREAS, it is proposed, that Howard County plan, design and let for bidding, the reconstruction of Vernon Road from the Corporate Limits of the City of Cresco, Northeast to a point determined by the City of Cresco.

WHEREAS, the Howard County Board of Supervisors and the Cresco City Council have informed themselves as to the proposed improvement.

IT IS NOW AGREED that Howard County and the City of Cresco enter into an agreement pursuant to Chapter 28E of the Code of Iowa providing for cooperative action pursuant to the proposed roadway construction project and, said cooperative actions include the following:

1. SCOPE OF WORK – Howard County will design, let and construct improvements to Vernon Road.
2. DURATION – This agreement shall commence on the date that both parties sign this agreement and shall continue thereafter until the final completion of the project and settlement of the financial conditions of this agreement.
3. PURPOSE – The purpose of this agreement is to accomplish the proposed project as described herein in accordance with the aforesaid scope of work and in agreement with conditions specified in this agreement.
4. FINANCING – Howard County shall initially finance the cost of the project. The City of Cresco shall reimburse Howard County for the actual cost of construction above and beyond the Howard County cost of construction. Reimbursement shall be paid over a period not to exceed six months from the date of final project acceptance by the Howard County Engineer.

5. **ADMINISTRATION** – All engineering services provided before, during and after construction shall be administered by Howard County through its Secondary Roads Department, which shall be responsible for all procedural and substantive matters relating thereto. These services shall be provided by the Howard County Engineer or his authorized representative and shall be in accordance with appropriate standards of the Iowa Department of Transportation. The Howard County Engineer shall determine when, in his judgment, performance is complete and shall thereafter recommend to the County and City that the project be finally accepted.
6. The County and City agree to save and indemnify and keep harmless, each other against all liabilities, judgments, costs, and expenses which may in any way come against either party or which in any way result from carelessness or neglect of either party or its agents, employees, or workmen in any respect whatsoever.
7. The County and City agree to indemnify and hold each other, their employees and agents, wholly harmless from any damages, claims, demands, or suits by any person or persons arising out of any acts or omissions by either party, its agents, servants or employees in the course of any work done in connection with any of the matters set forth in this agreement.
8. **TERMINATION:** -
  - a. This agreement shall be considered binding upon both Howard County and the City of Cresco and shall not be terminated until provisions of paragraph 8b are met after actual work has begun on the project.
  - b. This agreement will be terminated upon final acceptance of the work and final settlement of the financial conditions set forth in paragraph 4 thereof.

[Signatures are on the following pages]



PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

HOWARD COUNTY, STATE OF IOWA  
BOARD OF SUPERVISORS

\_\_\_\_\_  
Pat Murray, Board Chairperson

ATTEST:

\_\_\_\_\_  
Julie Chapman, County Auditor

STATE OF IOWA                    )  
  ) SS  
COUNTY OF HOWARD         )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019, before me a Notary Public in and for the State of Iowa, personally appeared **Pat Murray** and **Julie Chapman** to me personally known, who being duly sworn, did say that they are the Chairperson and Auditor, respectively, of Howard County, State of Iowa, a political subdivision, and that the seal affixed to the foregoing instrument is the seal of said political subdivision, and that said instrument was signed and sealed on behalf of said political subdivision by authority of its Board of Supervisors, and said Chairperson and Auditor acknowledged said instrument to be the free act and deed of said political subdivision by it voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

CITY OF CRESCO, STATE OF IOWA  
CITY COUNCIL

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

ATTEST:

\_\_\_\_\_  
Michelle Girolamo, City Clerk

STATE OF IOWA            )  
                                      ) SS  
COUNTY OF HOWARD    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019, before me a Notary Public in and for said County, personally appeared **Mark Bohle** and **Michelle Girolamo** to me personally known, who being duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Cresco, State of Iowa, a Municipal Corporation, created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said Municipal Corporation, and that said instrument was signed and sealed on behalf of said Municipal Corporation by authority of its City Council, and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said Municipal Corporation by it voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa