

City of  
**CRESTON, IOWA**

116 W. Adams • P.O. Box 449 • Creston, Iowa 50801-0449  
Phone 641-782-2000 • Fax 641-782-6377



*Creston's Restored Depot and City Hall*

**MAYOR:** Warren Woods  
**COUNCIL:** Larry Wynn, Randy White, Loyal Winborn, Betty Shelton, Marsha Wilson, Larry Wagner, Terri Koets  
**CITY CLERK:** Lisa Williamson  
**CITY ADMINISTRATOR:** Mike Taylor  
**CITY ATTORNEY:** Skip Kenyon

**Regular Meeting Agenda**  
**City Hall/Restored Depot**  
**Council Chambers**  
**Tuesday, March 1, 2011**  
**6:00 p.m.**  
**Last updated: 02/25/2011 3:48 PM**

1. **Call Meeting to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Consideration of Agenda**
5. **Consider Adoption of the Consent Agenda – NOTE:** *These items are routine items and will be enacted by one motion without separate discussion unless a Council member requests an item be removed for separate consideration.*
  - a. **Minutes:** February 15, 2011 – Regular Meeting
  - b. **Claims and Fund Transfers:**
    - i. Total Claims - \$129,014.85
  - c. **Licenses/Permits:**
    - i. Liquor – Walmart; Sidetracked Again; Elm's Club
6. **Public Forum** – *The Mayor and City Council welcome comments from the public on any subject pertaining to City business, including items on this agenda. You are asked to state your name and address for the record and to limit your remarks to 3 minutes in order that others may be given the opportunity to speak. The Order of Business is at the discretion of the Chair. No action will be taken.*
7. **New Business**
  1. Public Hearing and Final Adoption of Fiscal Year 2012 Budget
  2. Public Hearing for the 2011 Northeast Area Sanitary Sewer Rehabilitation Project (I-Jobs)
  3. Resolution to award contract for the 2011 Northeast Area Sanitary Sewer Rehabilitation Project (I-Jobs)
  4. Resolution to reappoint Galen Zumbach to the Civil Service Commission
  5. Resolution to approve Engineer's Statement of Completion for the Snow Removal Equipment Acquisition Project
  6. Resolution to approve Final Payment Estimate of \$6,549.50 to O'Halloran International, Inc. for the Snow Removal Equipment Acquisition Project

7. Resolution to set date for Bid Letting on March 31, 2011, at 11:00 a.m. and Public Hearing on April 5, 2011, at 6:00 p.m. for the Airport Fuel System Upgrade Project
8. Resolution to set Public Hearing on March 15, 2011 at 6:00 p.m. for Tobacco Violation – Creston Farm & Home
9. Resolution to proceed with acquisition of K-9 police dog and all associated equipment
10. Resolution to set Public Hearing on March 15, 2011 at 6:00 p.m. for Rental Housing Regulatory and Inspection Program Ordinance 11-130
11. Resolution to approve request of \$5,000 from Hotel/Motel Fund for the 10,000 Crestonians 4<sup>th</sup> of July Celebration
12. Resolution to approve Final Drawdown #7 of \$15,764.27 for McKinley Park Safe Room
13. Closed Session per Iowa Code 21.5(j) – the public will be asked to leave the Council Chambers during this discussion

**8. Other**

**9. Adjournment**

## REGULAR MEETING OF THE CRESTON CITY COUNCIL FEBRUARY 15, 2011

The Creston City Council met in regular session at 6:00 o'clock P.M. on the above date in the Council Chambers of the City Hall Complex with Mayor Woods presiding.

Roll call being taken with the following Council members present: Wynn, White, Winborn, Shelton, Wilson, Wagner and Koets.

Mayor Woods made a correction to the agenda for Item 1 – Resolution to adopt proposed budget for Fiscal Year 2011 should read 2012. Wilson moved seconded by Shelton to approve the agenda. All voted aye. Motion declared carried.

Shelton moved seconded by Koets to approve the consent agenda, which included approval of minutes of February 1, 2011 regular meeting, claims of \$178,311.23 and transfers of \$5,000.00. All voted aye. Motion declared carried.

No one spoke during Public Forum.

A resolution was offered by Wagner seconded by Wilson to adopt proposed budget for Fiscal Year 2012 and set a Public Hearing for March 1, 2011 at 6:00 p.m. and authorize the Mayor and Clerk to execute the proper documentation. Koets, Wynn, White, Winborn, Shelton, Wilson and Wagner voted aye. Resolution declared passed.

A resolution was offered by Wilson seconded by Shelton to designate No Parking Zones and authorize the Mayor and Clerk to execute the proper documentation. Wagner, Koets, Wynn, White, Winborn, Shelton and Wilson voted aye. Resolution declared passed.

A resolution was offered by Koets seconded by White to approve Park & Recreation Board's request for \$5,000 funding from the Hotel/Motel Fund for the McKinley Park Concert on June 18, 2011 and authorize the Mayor and Clerk to execute the proper documentation. Winborn, Shelton, Wilson, Wagner, Koets, Wynn and White voted aye. Resolution declared passed.

A resolution was offered by Koets seconded by White to approve Park & Recreation Board's recommendation to approve final payment of \$11,395.75 to Betts & Beer, which includes Contractor Affidavit of Release of Liens, Consent of Surety to final Payment and Contractor's Affidavit of Payment of Debts and Claims and authorize the Mayor and Clerk to execute the proper documentation. Shelton, Wilson, Wagner, Koets, Wynn, White and Winborn voted aye. Resolution declared passed.

A resolution was offered by White seconded by Wilson to proceed with the acquisition by abandonment of dangerous property located at 507 N. Cherry Street by Iowa Code 657A.10A and authorize the Mayor and Clerk to execute the proper documentation. Wagner, Koets, Wynn, White, Winborn, Shelton and Wilson voted aye. Resolution declared passed.

A resolution was offered by Wilson seconded by White to approve building plans by Roger Saxton for 609 New York Avenue per Resolution No. 126, dated May 16, 2006 and

authorize the Mayor and Clerk to execute the proper documentation. Winborn, Shelton, Wilson, Wagner, Koets, Wynn and White voted aye. Resolution declared passed.

Police Chief Ver Meer approached Council to discuss the possibility of obtaining a patrol dog. To date, the Police Department has raised \$9,000 and local businesses and private citizens have raised \$41,600 to go toward the cost of obtaining a patrol dog, a transport vehicle for the K-9, necessary equipment and a K-9 cage. Chief Ver Meer recommends a dual-purpose dog, which would be for narcotics, tracking humans, apprehension of fugitives if they were to run, and handler protection. It takes approximately 5-7 weeks for the handler to become trained. The average length of service from a K-9 is approximately seven years. They will interview the police officers that are interested in becoming the handler of the K-9.

Mayor Woods is requesting this be put on the next regularly scheduled meeting agenda of March 1, 2011, to vote on.

Wagner moved seconded by Wilson to adjourn the meeting. All voted aye. Motion declared carried. Council adjourned at 6:15 P.M.

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Mayor

Attest:

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City Clerk

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
NON-DEPARTMENTAL	GENERAL FUND	AMERICAN ADMINISTRATORS (PREMIUMS)	GRP 93001 PREMIUM-MAR'11	2,400.61
			TOTAL:	2,400.61
LE PROTECTION	GENERAL FUND	IOWA POLICE CHIEFS ASSOCIATION	LECC ANNUAL CONFERENCE	100.00
			TOTAL:	100.00
DETENTION & CORRECTINS	GENERAL FUND	UNION CO AUDITOR	LEC BILLING-JAN'11	5,382.40
			TOTAL:	5,382.40
FIRE PROTECTION	GENERAL FUND	CRESTON PUBLISHING CO	1 YR RENEWAL-FIRE 03/11-03	99.00
		IOWA STATE UNIVERSITY	MANUALS-HANDBOOK-DVD	1,102.00
		WAL-MART COMMUNITY	SURGE PROTECTOR	22.94
			CLEANING SUPPLIES	47.89
		VIERS, JAMES	WEB SITE RNWL RMBRSMT	115.60
			TOTAL:	1,387.43
BUILDING & HSNG SAFETY	GENERAL FUND	GREATER REG MEDICAL CNTR	DRUG SCREEN-LYBARGER	25.00
			TOTAL:	25.00
ANIMAL CONTROL	GENERAL FUND	ORNELIS, TAMMI	REFUND	20.00
		WAL-MART COMMUNITY	CAT LITTER	5.94
			TOTAL:	25.94
AIRPORT	GENERAL FUND	O'HALLORAN INTERNATIONAL INC	FINAL PAYMENT-SNOW REMOVAL	6,549.50
		OLSEN FUEL SUPPLY INC	941 G 100 LL @ 3.579	3,367.84
			928.6 G JET A @ 4.41	4,095.13
		WEST AVIATION INC	PER FBO CONTRACT	1,354.17
			TOTAL:	15,366.64
LIBRARY SERVICES	GENERAL FUND	CENGAGE LEARNING	CHILTON BOOKS	59.96
			CHILTON BOOKS	59.96
		ED M FELD EQUIP CO INC	MONITORING	72.00
		ALLIANT ENERGY-INT PWR&LGHT	1001 W JEFFERSON ST-ELECTR	55.57
			1001 W JEFFERSON ST-NAT GA	1,868.29
		INGRAM	RETURNED BOOK	5.99
			BOOKS	53.91
			BOOKS	15.36
		MICROMARKETING LLC	BOOKS ON CD	116.93
			BOOKS ON CD	114.45
		OMAHA WORLD-HERALD	SUBSCRIPTION	102.44
		SNOWFLAKE ENTERPRISES LLC	BOOK	30.00
			TOTAL:	2,542.78
PARKS	GENERAL FUND	BARKER IMPLEMENT & MOTOR CO INC	OIL/HYD/FUEL FILTERS	311.90
			DUST CAPS-DECK WHEEL	259.38
			OIL LINE FOR 1020	60.70
		CRESTON CITY WATER WORKS	WATER-HISTORICAL COMPLEX	8.04
		ZEE MEDICAL INC	FIRST AID KIT	135.90
		ALLIANT ENERGY-INT PWR&LGHT	MCKINLEY PARK VFW/FLAGS	171.21
		MEDART INC	BLADES FOR 997	156.54
			TOTAL:	1,103.67
RECREATION	GENERAL FUND	ALLIANT ENERGY-INT PWR&LGHT	600 MCKINLEY PARK SEC LIGH	12.23
			TOTAL:	12.23
CEMETERY	GENERAL FUND	ORR HEATING & AIR CONDITIONING	FURNACE REPAIR	79.95

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		SCHILDBERG CONSTRUCTION COMPANY INC	53.20 T GRAVEL	609.14
			TOTAL:	609.09
SWIMMING POOL	GENERAL FUND	CRESTON CITY WATER WORKS	WATER-POOL	8.04
			TOTAL:	8.04
FINANCIAL ADMINISTRATN	GENERAL FUND	CRESTON CITY WATER WORKS	WATER-407 S VINE	8.04
		HEARTLAND TECHNOLOGY SOLUTIONS	REMOTE LABOR	28.75
		ALLIANT ENERGY-INT PWR&LGT	NSP-407 S VINE ST	104.26
			NSP-505 N ELM	170.59
		IOWA CODIFICATION INC	FEB'11 SUPPLEMENT	81.00
		M&M SALES CO	COPIER READINGS	58.86
		RAY AND ASSOCIATES INC	NEG/CONS SVC-FEB'11	691.67
		THE PAPER CORPORATION	REG/3HP COPY PAPER	615.50
			TOTAL:	1,758.67
CITY HALL	GENERAL FUND	CRESTON CITY WATER WORKS	WATER-CITY HALL	19.52
		PETTY CASH - STREET	#1717-FLUORESENT LIGHT	19.79
			#1718-LIGHT BULBS	38.50
			TOTAL:	77.81
INSURANCE (GENERAL)	GENERAL FUND	EMC INSURANCE COMPANIES	WORKERS COMP-LUTH/JOHNSTON	260.78
			TOTAL:	260.78
NON-DEPARTMENTAL	ROAD USE TAX	AMERICAN ADMINISTRATORS (PREMIUMS)	GRP 93001 PREMIUM-MAR'11	879.39
			TOTAL:	879.39
F MAINTENANCE	ROAD USE TAX	ARAMARK (LAUNDRY ACCTS)	LAUNDRY SERVICE	33.22
		CRESTON AUTO PARTS INC	CASE SEAFOAM-CASE SOLVENT	173.70
		CRESTON CITY WATER WORKS	WATER-SHOP	11.48
			WATER-BARN	9.47
		GREATER REG MEDICAL CNTR	DRUG/BREATH SCREEN-HARRIS	59.00
		LAWSON PRODUCTS INC	BUTT CONNECTORS	323.55
		NAPA	DUCT TAPE	19.18
		PETTY CASH - STREET	#1716-CALENDAR	15.29
		ZIEGLER INC	CLUTCH SPRING-GRADER	28.24
			TOTAL:	673.13
SNOW AND ICE CONTROL	ROAD USE TAX	HALLETT MATERIALS	22.16T ICE CONTROL SAND	222.71
			TOTAL:	222.71
SELF FUNDING INSURANCE PAYROLL TAX BENEFIT		AMERICAN ADMINISTRATORS (PREMIUMS)	GRP 93001 PREMIUM-MAR'11	16,089.68
		TOTAL ADMINISTRATIVE SERVICES CORP	SVC PERIOD 04/01-04/30/11	99.00
			TOTAL:	16,188.68
MC KINLEY PARK RENOVAT RESTRICTED GIFTS-M		SNYDER & ASSOCIATES, INC.	MCKINLEY LAKE WATER IMPR.	18,941.00
			TOTAL:	18,941.00
LIBRARY (RESTRICTED GIF RESTRICTED GIFTS-L		CENTRAL IOWA LIBRARY SERVICE AREA	WILBOR E BOOKS	175.00
			WILBOR AUDIO	178.10
		GALE CENGAGE LEARNING	BOOKS	85.57
			BOOKS	94.48
			BOOKS	47.99
			BOOKS	89.98
			BOOKS	113.23
		INGRAM	SERENDIPITY	8.99

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			BOOKS	4.79
			QUANTITY ERROR	52.88
			BOOKS-ISSB	129.91
			BOOKS-ISSB	8.99
			BOOKS-ISSB	11.49
			BOOKS	0.77
			BOOKS-ISSB	14.21
			QUANTITY ERROR	29.99
		PROFESSIONAL COMPUTER SOLUTIONS	COMPUTER WORK	200.00
		PUMPKIN BOOKS	BOOKS	118.44
		WAL-MART COMMUNITY	BOOK-TICK TOCK	19.59
			DVD PLAYER	29.88
			NOOK	161.88
			TOTAL:	1,419.42
NON-DEPARTMENTAL	SEWER OPERATING FU	AMERICAN ADMINISTRATORS (PREMIUMS)	GRP 93001 PREMIUM-MAR'11	360.00
			TOTAL:	360.00
SANITARY SEWER/WASTWTR	SEWER OPERATING FU	CRESTON CITY WATER WORKS	WATER-WWTP	242.20
		ED M FELD EQUIP CO INC	2-SIGNS	25.98
		FARM & HOME SUPPLY INC	2-MILKHOUSE HEATERS	66.96
		HACK COMPANY	METER-TOC RE AGENT	1,177.90
		HEARTLAND TIRE & AUTO	MOUNT NEW TIRE	155.00
		IOWA TOOL & MANUFACTURING INC	SHAFT REPAIR	60.00
		IOWA WATER ENVIRONMENT ASSOCIATION	COLLECTION SYSTEM CONF	85.00
		JETCO INC	1-UPD DRIVE & LABOR	3,339.90
		NAPA	SUPPLIES	38.00
			TPS SENSOR	45.49
		PETTY CASH - SANITATION	#497313-KEROSEN	20.00
			#497314-BRASS PIPE	1.73
			#497315-FERTILIZFP	18.50
		PETTY CASH - STREET	#1719-HAMMER, REEL TAPE	21.64
		REGION IV IA WATER POLLUTION	2-REGION MEETING	64.00
		UPS	POSTAGE	19.60
			TOTAL:	5,381.90
ANIMAL CONTROL	ANIMAL SHELTER *AG	CRESTON VET CLINIC PC	TESTING & EUTHANIZE DOG	119.85
			FECAL TEST-POUND DOG	12.50
			NEUTER CAT-FOGLE	35.00
		DOWNNEY, MYCALE	ARL REIMBURSEMENT-GAS	94.00
		SOUTHERN HILLS VET SVC INC	SPAY CAT-MARK BAGLEY	75.00
			TOTAL:	336.35

## ----- FUND TOTALS -----

001	GENERAL FUND	31,141.09
110	ROAD USE TAX	1,775.23
112	PAYROLL TAX BENEFIT	16,188.68
166	RESTRICTED GIFTS-MCKNLY P	18,941.00
167	RESTRICTED GIFTS-LIBRARY	1,419.42
610	SEWER OPERATING FUND	5,741.90
953	ANIMAL SHELTER *AGENCY FU	336.35

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 GRAND TOTAL: 75,543.67  
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CITY OF CRESTON  
MANUAL CHECKS/DEBITS – PERIOD ENDING 03/01/11

NO DEPT ENTERED		
ELECTRONIC FEDERAL TAX	TAX DEPOSIT	13,524.17
IOWA DEPT OF REVENUE	STATE TAX	5,854.00
IPERS	PENSION	10,020.96
TOTAL ADMINISTRATIVE SVC	FLEX	917.29
COLLECTION SERVICES		216.46
NO DEPT ENTERED	<b>TOTAL</b>	<b>\$30,532.88</b>
SELF FUNDING INSURANCE		
AMERICAN ADMINIS – CLAIMS (2)	INV CHECK RUN	22,938.30
SELF FUNDING INSURANCE	<b>TOTAL</b>	<b>\$22,938.30</b>
	<b>GRAND TOTALS</b>	<b>\$53,471.18</b>

## NOTICE OF PUBLIC HEARING BUDGET ESTIMATE

FISCAL YEAR BEGINNING JULY 1, 2011 - ENDING JUNE 30, 2012

City of Creston, Iowa

The City Council will conduct a public hearing on the proposed Budget at Creston City Hall  
on 03/01/2011 at 6:00 PM  
*(Date) xx/xx/xx (hour)*

The Budget Estimate Summary of proposed receipts and expenditures is shown below.  
Copies of the the detailed proposed Budget may be obtained or viewed at the offices of the Mayor,  
City Clerk, and at the Library.

The estimated Total tax levy rate per \$1000 valuation on regular property ..... \$ 13.85255  
The estimated tax levy rate per \$1000 valuation on Agricultural land is ..... \$ 3.00375

At the public hearing, any resident or taxpayer may present objections to, or arguments in favor of, any part of the proposed budget.

641-782-2000  
phone number

Lisa Williamson  
City Clerk/Finance Officer's NAME

	Budget FY 2012	Re-estimated FY 2011	Actual FY 2010
	(a)	(b)	(c)
<b>Revenues &amp; Other Financing Sources</b>			
Taxes Levied on Property	1 2,198,939	2,146,279	2,213,325
Less: Uncollected Property Taxes-Levy Year	2 0	0	0
<b>Net Current Property Taxes</b>	<b>3 2,198,939</b>	<b>2,146,279</b>	<b>2,213,325</b>
Delinquent Property Taxes	4 0	0	0
TIF Revenues	5 841,784	860,294	830,465
Other City Taxes	6 946,312	974,780	995,380
Licenses & Permits	7 34,000	77,466	45,691
Use of Money and Property	8 82,735	94,424	195,153
Intergovernmental	9 2,701,175	2,304,798	2,914,855
Charges for Fees & Service	10 11,485,358	15,674,356	4,016,206
Special Assessments	11 0	0	0
Miscellaneous	12 222,900	402,936	3,964,078
Other Financing Sources	13 2,509,107	3,484,668	2,757,084
<b>Total Revenues and Other Sources</b>	<b>14 21,022,310</b>	<b>26,020,001</b>	<b>17,932,237</b>
<b>Expenditures &amp; Other Financing Uses</b>			
Public Safety	15 1,462,604	1,412,806	1,291,229
Public Works	16 2,202,011	3,368,635	1,606,900
Health and Social Services	17 0	0	0
Culture and Recreation	18 711,773	721,400	579,235
Community and Economic Development	19 77,740	82,186	34,522
General Government	20 2,890,014	2,113,895	2,288,799
Debt Service	21 1,060,523	1,071,188	1,088,399
Capital Projects	22 4,936	437,507	118,361
<b>Total Government Activities Expenditures</b>	<b>23 8,409,601</b>	<b>9,207,617</b>	<b>7,007,445</b>
Business Type / Enterprises	24 10,850,951	14,698,676	8,589,162
<b>Total ALL Expenditures</b>	<b>25 19,260,552</b>	<b>23,906,293</b>	<b>15,596,607</b>
Transfers Out	26 2,509,107	2,197,693	1,820,505
<b>Total ALL Expenditures/Transfers Out</b>	<b>27 21,769,659</b>	<b>26,103,986</b>	<b>17,417,112</b>
<b>Excess Revenues &amp; Other Sources Over (Under) Expenditures/Transfers Out</b>	<b>28 -747,349</b>	<b>-83,985</b>	<b>515,125</b>
Continuing Appropriation	29 0	0	
Beginning Fund Balance July 1	30 8,628,445	8,712,430	8,197,305
Ending Fund Balance June 30	31 7,881,096	8,628,445	8,712,430



February 24, 2011

Mike Taylor  
City Administrator  
City of Creston  
P.O. Box 449  
116 West Adams  
Creston, Iowa 50801

REC'D FEB 25 2011

CRESTON, IOWA  
NORTHEAST AREA SANITARY SEWER REHABILITATION  
RECOMMENDATION TO AWARD CONTRACT

The City of Creston received bids on February 23, 2011 for the Northeast Area Sanitary Sewer Rehabilitation project. A total of three bids were received as follows:

<b>Contractor</b>	<b>Total Bid</b>
Visu-Sewer, Inc.	\$712,894.80
Municipal Pipe Tool Co., LLC	732,826.84
Insituform Technologies U S A, Inc.	784,433.90

The apparent low bid was submitted by Visu-Sewer, Inc. of Pewaukee, Wisconsin. The low total bid for the project was \$712,894.80.

Veenstra & Kimm, Inc. recommends the City of Creston designate Visu-Sewer, Inc. as the apparent low bidder and award the contract to the company for the Northeast Area Sanitary Sewer Rehabilitation project.

Enclosed is a copy of our tabulation of bids.

If you have any questions or comments, please contact us at 1-800-241-8000.

VEENSTRA & KIMM, INC.

Jordan D. Kappos

JDK:mue  
25146  
Enclosure

**BID TABULATION  
CRESTON, IOWA  
NORTHEAST AREA SANITARY SEWER REHABILITATION**

1. Construct Base Bid - Northeast Area Sanitary Sewer Rehabilitation for the following unit and lump sum prices:				Visu-Sewer, Inc. P.O. Box 804 Pewaukee, WI 53072		Municipal Pipe Tool Co., LLC P.O. Box 398 Hudson, IA 50643		Insituform Technologies U S A, Inc. 17988 Edison Avenue Chesterfield, MO 63005	
ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
1.1	Traffic Control	LS	XXXXX	XXXXXX	\$ 3,500.00	XXXXXX	\$ 4,000.00	XXXXXX	\$ 7,722
1.2	Construction Staking	LS	XXXXX	XXXXXX	1,000.00	XXXXXX	4,200.00	XXXXXX	4,118
1.3	Seeding	LS	XXXXX	XXXXXX	6,825.00	XXXXXX	2,500.00	XXXXXX	6,692
1.4	Erosion Control and Pollution Prevention Plan	LS	XXXXX	XXXXXX	1,000.00	XXXXXX	2,735.88	XXXXXX	10,810
							483.75		
1.5	Granular Surfacing	Tons	18	\$ 26.50	477.00	\$ 26.88	483.84	\$ 25.70	462
							121,896.40		
1.6	8" Sump Lines in Place	LF	3,040	39.25	119,320.00	40.10	121,904.00	38.40	116,736
							5,616.88		
1.7	Sump Line Cleanouts	Ea.	11	500.00	5,500.00	510.63	5,616.93	489.10	5,380
1.8	Connection to Existing Manhole/Intake	Ea.	6	1,260.00	7,560.00	1,290.00	7,740.00	1,235.50	7,413
1.9	SW-507 Intake	Ea.	1	3,150.00	3,150.00	3,225.00	3,225.00	3,088.80	3,088
							21,435.59		
1.10	Sanitary Manhole	Ea.	4	5,235.00	20,940.00	5,358.88	21,435.52	5,132.60	20,530
1.11	Plug Existing Sewer	Ea.	1	550.00	550.00	537.50	537.50	1,544.40	1,544
							18,436.25		
1.12	8" PCC Pavement	SY	100	180.00	18,000.00	184.36	18,436.00	176.60	17,660
1.13	3' PCC Curb and Gutter	LF	20	61.00	1,220.00	62.35	1,247.00	59.70	1,194
1.14	6" PCC Driveway	SY	206	116.00	23,896.00	118.25	24,359.50	113.30	23,339
1.15	4" PCC Sidewalk	SF	230	11.00	2,530.00	10.75	2,472.50	10.30	2,369
1.16	Hot Mix Asphalt Pavement	Tons	40	447.00	17,880.00	376.25	15,050.00	437.60	17,504

**BID TABULATION  
CRESTON, IOWA  
NORTHEAST AREA SANITARY SEWER REHABILITATION**

1. Construct Base Bid - Northeast Area Sanitary Sewer Rehabilitation for the following unit and lump sum prices:				Visu-Sewer, Inc. P.O. Box 804 Pewaukee, WI 53072		Municipal Pipe Tool Co., LLC P.O. Box 398 Hudson, IA 50643		Insituform Technologies U S A, Inc. 17988 Edison Avenue Chesterfield, MO 63005	
ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
1.17	Cured in Place Pipe Lined Sewer								
	1.17.1 8"	LF	9,982	\$ 21.40	\$ 213,614.80	\$ 21.50	\$ 214,613.00	\$ 23.40	\$ 233,578.80
	1.17.2 10"	Ea.	363	34.00	12,342.00	23.00	8,349.00	28.00	10,164.00
1.18	8" CIPP Patch	Ea.	1	2,500.00	2,500.00	3,000.00	3,000.00	2,574.00	2,574.00
1.19	CIPP Sewer Service Connection	Ea.	147	50.00	7,350.00	75.00	11,025.00	107.60	15,817.20
1.20	Cleanout for CIPP Service Line	Ea.	38	1,160.00	44,080.00	1,176.00	44,688.00	1,153.20	43,821.60
1.21	5' CIPP Service Line	Ea.	38	2,570.00	97,660.00	2,570.40	97,675.20	2,520.50	95,779.00
1.22	Extra Length CIPP Service Line	LF	1,215	52.00	63,180.00	51.45	62,511.75	50.50	61,357.50
1.23	Manhole Chimney Seal	Ea.	19	585.00	11,115.00	602.00	11,438.00	978.10	18,583.90
1.24	Line Manhole	Ea.	16	1,020.00	16,320.00	2,000.00	32,000.00	1,132.60	18,121.60
1.25	Remove and Replace Manhole Chimney Section	Ea.	9	315.00	2,835.00	322.50	2,902.50	1,132.60	10,199.40
1.26	Remove and Replace Manhole Casting	Ea.	19	450.00	8,550.00	456.88	8,680.72	1,467.20	27,876.80
<b>TOTAL BASE BID (Items 1.1 - 1.26)</b>				<b>\$712,894.80</b>		<b>\$732,819.23 \$732,826.84</b>		<b>\$784,433.90</b>	

**BID TABULATION  
CRESTON, IOWA  
NORTHEAST AREA SANITARY SEWER REHABILITATION**

I hereby certify that this is a true tabulation of  
bids received on February 23, 2011 by the City  
of Creston, Iowa.

  
\_\_\_\_\_  
Jordan D. Kappos

# Engineer's Statement of Completion

**Project:** Snow Removal Equipment Purchase  
Creston Municipal Airport  
Creston, Iowa 50801

**Contractor:** O'Halloran International, Inc.  
3311 Adventureland Drive  
Altoona, IA 50009

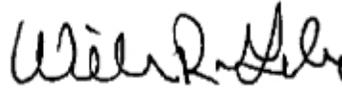
TO: City of Creston, Iowa

I hereby state that the purchase of Snow Removal Equipment for the Creston Municipal Airport by a Contract dated August 3, 2010, has been substantially completed in general compliance with the terms, conditions, and stipulations of said Contract.

I further state that the total amount due to the Contractor for the fulfillment of said Contract is One Hundred Thirty Thousand Nine Hundred Ninety and 00/100 dollars (\$130,990.00). The derivation of this total amount is tabulated on the attached sheet.

The remaining balance of the total amount earned, as detailed on the attached sheets can now be paid. The Contractor will receive interest on any unpaid balance at the maximum legal rate from and after thirty (30) days following acceptance of the vehicle/equipment by the City Council.

CLAPSADDLE-GARBER ASSOCIATES, INC.



William R. Grabe, P.E.  
Iowa License No. 9221

Date: February 24, 2011

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

Distribution: Engineer  
Contractor  
FAA  
City

Signed: \_\_\_\_\_

Attest: \_\_\_\_\_

# CONSTRUCTION PROGRESS REPORT

Project Description: Snow Removal Equipment Acquisition

Date of Contract: 8/3/2010  
 Completion Date:

Estimate No: Final

Contractor: O'Halloran International, Inc.  
 3311 Adventureland Drive  
 Altoona, IA 50009

Owner: City of Creston  
 116 West Adams  
 Creston, IA 50801

Base Contract Price	\$130,990.00	Materials on Hand (See Attached Tab)	\$0.00
Work Order No.		Construction Completed (See Attached Tab)	\$130,990.00
Work Order No.		Total Amount Earned	\$130,990.00
Work Order No.		Less Retainage	\$0.00
Work Order No.		Less Previous Payment	\$124,440.50
<b>TOTAL CONTRACT PRICE</b>	<b>\$130,990.00</b>	<b>AMOUNT DUE THIS ESTIMATE</b>	<b>\$6,549.50</b>

Requested For Contractor By Bob Kayser Bob Kayser

Title Senior Sales Adviser

Date 2/24/10

Recommended By Engineer William R. Grabe  
 William R. Grabe, P.E.

Title Project Engineer

Date 2-24-2011

Approved For Owner By \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

## TABULATION OF CONSTRUCTION QUANTITIES

PROJECT: Snow Removal Equipment Acquisition  
 PROJECT NUMBER: 4346.06  
 ESTIMATE NO.: Final

FOR THE PERIOD  
 FROM: 1/13/2011  
 TO: 2/24/2011

Item No.	Item Description	Contract Quantity and Units		Unit Price	Total To Date		Previous Period		Completed This Period	
		Quantity	Units		Quantity	Cost	Quantity	Cost	Quantity	Cost
1	Single Axle Carrier Vehicle w/ 4-Wheel Drive	1	LS	\$95,402.00	100%	\$95,402.00	100%	\$95,402.00	0%	\$0.00
2	Heavy Duty Multiple-Purpose Dump Body	1	LS	\$17,747.00	100%	\$17,747.00	100%	\$17,747.00	0%	\$0.00
3	Front Mounted Reversible Displacement Plow	1	LS	\$8,218.00	100%	\$8,218.00	100%	\$8,218.00	0%	\$0.00
4	Tailgate Sander	1	LS	\$2,161.00	100%	\$2,161.00	100%	\$2,161.00	0%	\$0.00
5	Rear Mounted Two-Stage Rotary Plow for Existing Tractor	1	LS	\$7,462.00	100%	\$7,462.00	100%	\$7,462.00	0%	\$0.00
CGA Consultants Marshalltown, IA 50158		Contract Amount		Total Earned to Date	Previously Earned	Completed This Period				
TOTALS				\$130,990.00	\$130,990.00	\$130,990.00	\$0.00			

**NOTICE TO BIDDERS AND  
NOTICE OF PUBLIC HEARING**  
CITY OF CRESTON PUBLIC IMPROVEMENT PROJECT

Time and Place for Filing and Opening of Sealed Proposals. Sealed proposals will be received by the City Clerk of the City of Creston, Iowa at her office at City Hall, 116 W. Adams Street, Creston, IA 50801, until 11:00 A.M. local time on March 31, 2011, for the project described below. Proposals will be opened and read aloud at that time.

Time and Place Proposals Will be Considered. Bids will be considered and acted upon by the Creston City Council at a meeting to be held at City Hall, 116 W. Adams Street, Creston, IA 50801 at 6:00 P.M. local time on April 5, 2011, or at such later time and place as may then be fixed. The City of Creston reserves the right to reject any and all bids.

Time for Commencement and Completion of Work. The work on the proposed contract may actively commence as soon as a signed contract, insurance certificate and bond are presented by the Contractor and accepted by the City of Creston. The project shall be completed by June 30, 2011.

Bid Security. Each bidder shall accompany its bid with bid security as security that the successful bidder will enter into a contract for the work bid upon and will furnish after the award of contract a corporate surety bond, in form acceptable to the Jurisdiction, for the faithful performance of the contract, in an amount equal to one hundred percent of the amount of the contract. The bidder's security shall be in the amount fixed in the Instruction to Bidders and shall be in the form of a cashier's check, a certified check, or a bank money order drawn on a FDIC insured bank in Iowa or on a FDIC insured bank chartered under the laws of the United States; or a certified share draft drawn on a credit union in Iowa or chartered under the laws of the United States; or a bid bond on the form provided in the contract documents with corporate surety satisfactory to the Jurisdiction. The bid shall contain no condition except as provided in the specifications.

Contract Documents. Copies of the plans and specifications may be obtained for this project from Clapsaddle-Garber Associates (CGA), 16 East Main Street, Suite 400, Marshalltown, Iowa 50158, at a cost of \$50 per set of plans and specifications. This fee is REFUNDABLE, provided the following conditions are met: 1) The plans and specifications are returned to CGA complete and in good usable condition and 2) they are returned to the above address within fourteen (14) calendar days after the award of the project.

Public Hearing on Proposed Contract Documents and Estimated Costs for Improvement. A public hearing will be held by the Creston City Council on the proposed contract documents (plans, specifications and form of contract) and estimated cost for the improvement at its meeting at 6:00 P.M. local time on April 5, 2011, at City Hall, 116 W. Adams Street, Creston, IA 50801.

Preference of Products and Labor. By virtue of statutory authority, preference will be given to products and provisions grown and coal produced within the State of Iowa, and to Iowa domestic labor, to the extent lawfully required under Iowa statutes.

General Nature of Public Improvement. The extent of the work is as follows: Installation of an Aviation Fueling System at the Creston Municipal Airport.

This Notice is given by authority of City of Creston

By: \_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
City Clerk

**The following penalties shall be assessed:**

1. 1<sup>st</sup> violation: \$300.00 fine. Failure to pay this penalty as ordered shall result in automatic suspension of the permit for 14 days. Iowa Code section 453A.22(2)(a).
2. 2<sup>nd</sup> violation within 2 years: \$1,500.00 fine or 30 day suspension. Iowa Code section 453A.22(2)(b).
3. ~~3<sup>rd</sup> violation within 3 years: \$1,500.00 fine and 30 day suspension. Iowa Code section 453A.22(2)(c).~~
4. 4<sup>th</sup> violation within 3 years: \$1,500.00 fine and 60 day suspension. Iowa Code section 453A.22(2)(d).
5. 5<sup>th</sup> violation within 4 years: Revocation. Iowa Code section 453A.22(2)(e).

If the employee of a retailer violates section 453A.2(1), the retailer may use an affirmative defense once in a four-year period if the employee holds a valid certificate of completion of the tobacco compliance employee training program provided by the Alcoholic Beverages Division. The retailer shall not be assessed a penalty under subsection 2, and the violation shall be deemed not to be a violation of section 453A.2(1) for the purpose of determining the number of violations for which a penalty may be assessed.

Case Num	Retailer	Address	City	Zip Cd	Date Check	1	2	3	4	5	Affid	Clerkfirstname	Clerklastname	Lawenforcement	Issueauthor
	American Legion	119 North Walnut	Creston		2/13/2001	x								Creston	Creston
2004-0526	American Legion	119 North Walnut	Creston	50801	1/15/2004	x						Danny	Hacker	Creston Police D	Creston
	American Legion	119 N Walnut	Creston	50801	11/5/2009	x						Lisa	Miller	Creston	Creston
	Casey's General S	621 New York Aven	Creston		2/12/2001	x								Creston	Creston
2003-0127	Casey's General S	621 New York Aven	Creston		5/22/2001	x								Creston	Creston
	Casey's General S	403 East Townline	Creston		2/12/2001	x								Creston	Creston
	Casey's General S	403 East Townline	Creston	50801	4/10/2008	x						Angela	Craven	Creston Police D	Creston
	Creston Farm and	408 S Sumner Ave	Creston	50801	3/12/2009	x						Jessica	Victor	Creston PD	Creston
	Creston Farm and	408 S Sumner Ave	Creston	50801	11/5/2009	x						Amie	Rauenhorst	Creston PD	Creston
	Creston Farm and	408 S Sumner Ave	Creston	50801	12/30/2010		x					Diana	Jagger	Creston Police D	Creston
	Eagles	300 East Montgome	Creston		12/10/2001	x								Creston	Creston
2003-0069	EconoFoods	801 West Townline	Creston		2/12/2001	x								Creston	Creston
2003-0126	EconoFoods	801 West Townline	Creston		5/22/2001	x								Creston	Creston
2004-0527	EconoFoods	801 West Townline	Creston	50801	1/15/2004		x					Kole	Young	Creston Police D	Creston
	Elk's Lodge	403 West Montgom	Creston		12/10/2001	x								Creston	Creston
	Elm's Club	108 North Elm	Creston		12/10/2001	x								Creston	Creston
	Elm's Club	108 North Elm	Creston		4/4/2002	x								Creston	Creston
	Fareway Stores	105 East Adams	Creston		2/12/2001	x								Creston	Creston
2004-0085	Fareway Stores	105 East Adams	Creston	50801	1/4/2003	x									
	Farm and Home	154 Bennett Avenue	Creston	50801	2/1/2007	x						Amanda	Dressler	Creston	Creston
	HyVee	600 Sheldon Ave	Creston		4/4/2002	x								Creston	Creston
	HyVee	600 Sheldon Ave	Creston	50801	3/24/2005	x						Stacy	Andreason	Creston Police D	Creston
	Hy-Vee #1095	600 Sheldon Ave	Creston	50801	12/11/2008	x						Natasha	Kernen	Creston Police	Creston
2006-0089	Hy-Vee 1095	600 Sheldon Ave	Creston	50801	3/16/2006	x						Timothy	Conrad	Creston Police D	Creston
	Kum & Go #500	903 N Sumner Ave	Creston	50801	12/11/2008	x						Kristie	Terlizzi	Creston Police	Creston
	Kum and Go	Hwy 34 @ Elm Stre	Creston		12/10/2001	x								Creston	Creston
	Kum and Go	903 N. Sumner Ave.	Creston		12/10/2001	x								Creston	Creston
2003-0767	Kum and Go	903 N. Sumner Ave.	Creston	50801	1/4/2003	x									
	Kum and Go	903 N. Sumner Ave.	Creston	50801	3/24/2005	x						Christopher	Novak	Creston Police D	Creston
	Kum and Go	301 W. Taylor	Creston	50801	12/31/2007	x						Janet	Osterhout	Creston Police D	Creston
	Thompson Furnitu	801 West Townline	Creston	50801	3/24/2005	x						David	Hays	Creston Police D	Creston
	Twilight Zone	129 North Pine Stre	Creston	50801	3/24/2005	x						Heather	Davis	Creston Police D	Creston
2003-0371	WallMart	612 New York Ave	Creston	50801	1/4/2003	x									

## ORDINANCE 11-130

### AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESTON, IOWA, 1996, BY AMENDING PROVISIONS PERTAINING TO BUILDING AND PROPERTY REGULATIONS – RENTAL HOUSING REGULATORY AND INSPECTION PROGRAM

Be It Enacted by the City Council of the City of Creston, Iowa:

**SECTION 1. NEW CHAPTER.** Chapter 147, Sections 01 - 17 of the Code of Ordinances of the City of Creston, Iowa, 1996, is added and the following adopted in lieu thereof:

**147.01 PURPOSE AND INTENT.** The purpose of this chapter is to establish minimum quality standards for all residential rental dwellings, rental dwelling units, rooming houses and rooming units; to provide for the enforcement of such standards; to establish a program of regular rental inspections; and to protect the health, safety and general welfare of the residents of the City. In order to meet the purpose of this chapter, the City intends:

1. To establish standards for basic equipment and facilities for light, ventilation and thermal conditions; for safety from fire or accident; for an adequate level of maintenance; and for the use, location and amount of space for human occupancy;
2. To define the responsibility of owners, operators and occupants of dwellings in securing City-wide compliance with minimum physical standards for rental property;
3. To contain and eliminate urban blight and deterioration of rental property and neighborhoods;
4. To prevent the unintentional development of conditions hazardous to the public health and safety;
5. To assure that dangerous conditions be prevented or abated;
6. To establish the authority, responsibility and administrative mechanism to inspect rental dwelling places through a systematic, area-by-area procedure;
7. To establish the authority, responsibility and administrative mechanism to treat specific problems on a complaint bases; and
8. To establish a baseline for minimum design and installation standards for dwelling units that may have been constructed without benefit of codes.

It is not the intent of this chapter to protect the individual, but rather to protect the public as a whole.

**147.02 DEFINITIONS.** For the purposes of the interpretation and enforcement of this chapter, the following definitions shall apply:

1. "Dwelling" means any building or structure, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants, but does not include dormitories, hotels or motels. Whenever the word "dwelling" is used in this chapter, it shall be construed as though it were followed by the words "or any part thereof."
2. "Dwelling unit" means any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking and eating of meals. Whenever the term "dwelling unit" is used in this chapter, it shall be construed as though it were followed by the words "or any part thereof."
3. "Non-dwelling structure" means any structure, except a dwelling or rooming house, used or intended to be used for the shelter or enclosure of any person, animal or property of any kind used in conjunction with a rental dwelling or rental dwelling unit.
4. "Occupancy" means the act or acts of living, sleeping or cooking in, or having actual possession of a dwelling, dwelling unit or rooming unit.
5. "Occupant" means any person more than one year of age, including an owner or operator, living, sleeping or cooking in, or having actual possession of a dwelling, dwelling unit or rooming unit.
6. "Operator" means any person who has charge, care or control of a building, or any part thereof, in which any dwelling units or rooming units are let, either as owner or agent of the owner.
7. "Owner" means any person who, alone or jointly or severally with others:
  - A. Has legal title or equitable title to any dwelling, dwelling unit, rooming house or rooming unit;
  - B. Has charge, care or control of any dwelling, dwelling unit, rooming house or rooming unit, as executor, executrix, administrator, administratrix, trustee, or guardian of the estate or as the owner.
8. "Rental property" means any dwelling for which a stated return or payment is made for the temporary possession or use thereof.
9. "Roomer" means an occupant of a rooming house who is charged rent and is not a member of the rooming house owner's or operator's family.

10. "Rooming house" means any dwelling or that part of any dwelling containing one or more rooming units in which space is let by the owner or operator to one or more roomers.
11. "Rooming unit" means any room or group of rooms forming a single habitable unit in a rooming house used or intended to be used for living and sleeping, but not for cooking or eating of meals.

**147.03 TERMS DEFINED IN OTHER CODES.** Where terms are not defined in this chapter and are defined in the Building, Electrical, Plumbing or Mechanical Codes, they shall have the same meanings ascribed to them as in those codes.

**147.04 TERMS NOT DEFINED.** Where terms are not defined under the provisions of this chapter or under the provisions of the Building, Electrical, Plumbing or Mechanical Codes, they shall have ascribed to them their ordinarily accepted meanings or such as a context herein may imply.

**147.05 INSPECTIONS BY CITY ADMINISTRATOR.** The City Administrator or his/her designee is authorized and directed to enter and make such inspections as are necessary to determine the condition of dwellings, dwelling units, rooming houses, rooming units and the premises thereof including but not limited to any non-dwelling structures used by tenants within the City limits in order to perform his or her duty of safeguarding the health, safety and welfare of the occupants and of the general public.

**147.06 LANDLORD AND OPERATORS TO REGISTER WITH CITY.**

1. All landlords and operators of rental property shall register their rental properties with the City. Each unit will be required to be registered annually. The registration shall be due February 28, and there will be no penalty so long as all rental properties are registered prior to March 1.
2. The City will provide an application form which must be completed and updated upon request. The following information shall be provided to the City:
  - A. The street address of the dwelling or rooming house;
  - B. The number of rental units contained in the dwelling or rooming house; and
  - C. The name, address and telephone number of the owner and any agent of the owner of the dwelling or rooming house.
3. Upon receipt of the application and fee, the City shall provide to the applicant a sticker evidencing the fact that the unit has been registered and the landlord/operator shall cause said sticker to be posted on the rental property in a location approved by the City.

4. If a rental property is not registered by March 1 of each year, a late fee for each structure shall be added to the registration fee.
5. No person shall rent to another or offer to rent to another any dwelling, dwelling unit or rooming unit unless the owner or operator of the same has registered the rental property with the City and posted the sticker evidencing said registration on the subject property.
6. The registration, administrative and other fees outlined in this section shall be set by resolution of the Council and kept in the City Clerk's office.

#### **147.07 FEES.**

1. Any person who fails to pay any fee required by this chapter is guilty of a municipal infraction.
2. For newly constructed rental housing, the administrative fee will commence thirty (30) calendar days after the certificate of occupancy has been issued.
3. For rental housing that transfers ownership, the administrative fee will commence thirty (30) calendar days after the final transfer and/or the recording of such.
4. The administrative fee for a rooming house will commence fourteen (14) calendar days after the license (not the registration) expires.

#### **147.08 PROGRAM FOR RENTAL INSPECTION.**

1. Self-Inspections. At the time of registration the City shall provide to the applicant a checklist and guidelines to assist with a self-inspection of each rental unit. The checklist will identify all items that are to be inspected and provide a space for the landlord to indicate compliance with the applicable standard. The self-inspection will be completed, and the certification form provided by the City shall be due at the time the registration fee is paid, but no later than March 1 of each year.
2. Spot Inspections. A spot inspection is an inspection conducted by City officials and which is conducted in one of two ways: either upon the observation by City officials of units which are obviously and substantially out of compliance, or by lot. These inspections will be scheduled with the owner and/or operator of the units.
3. Requested Inspections. Upon the request of the owner or operator of a rental unit, the City shall inspect said rental unit to determine compliance with the Housing Code. Upon a successful completion of such inspection, the unit will be exempt from spot inspections determined by lot for a period of three years.
4. Section 8 Inspections. Units which have been inspected for and passed Section 8 rental requirements shall be deemed to have been spot inspected and exempt from

spot inspections determined by lot for a period of three years. It shall be the duty of the owner and/or operator of such rental units to provide proof of a Section 8 inspection to the City.

5. Failed Inspections. A rating system developed by the City shall establish three classifications: substantially in compliance; out of compliance; and substantially out of compliance. If after City inspection, a rental unit is deemed to be substantially in compliance, a list of needed repairs will be provided to the owner and/or operator with a stated time in which to make the repairs. There will be duty on the owner and/or operator to notify the City once the identified repairs have been completed.

- A. If after an inspection a rental unit is deemed to be out of compliance, a list of needed repairs will be provided to the owner and/or operator with a stated time in which to make the repairs. Upon completion of the repairs, the owner and/or operator shall schedule a re-inspection of the property to confirm compliance. The owner and/or operator shall pay the re-inspection fee set out in the current schedule of fees adopted by the Council upon completion of said inspection.

- B. If after City inspection a rental unit is deemed to be substantially out of compliance, a list of needed repairs will be provided to the owner and/or operator with a stated time in which to make the repairs. The owner and/or operator shall schedule a re-inspection of the property to confirm compliance. The owner and/or operator shall pay the re-inspection fee set out in the current schedule of fees adopted by the Council upon the completion of said inspection. The City may also schedule inspection of all units owned by said owner/operator upon a finding that one of the owner/operator's rental properties is substantially out of compliance.

**147.09 COMPLAINTS.** All persons making complaints concerning the compliance with the provisions of this chapter of any dwelling, dwelling unit, rooming house or rooming unit shall do so in the following manner:

1. The complaints shall be signed and in writing upon a form to be provided by the City.
2. Such complaints shall state the address of the premises, the name of the owner, landlord or operator, and shall state the nature of the alleged violation with specificity.
3. In the case of tenants making complaints concerning the dwelling or dwelling unit in which they reside, such tenant shall attach a dated copy of the notice in which they requested the owner or operator to correct the alleged violation, unless complaint pertains to an emergency situation as determined by the administration.

4. It is a violation of the provisions of this chapter for an owner or operator to take reprisals against any tenant making a complaint under the provisions of this chapter. Any such reprisals shall constitute a municipal infraction.

#### **147.10 RIGHT OF ENTRY.**

1. The Creston Fire Department is authorized and directed to enforce all of the provisions of this ordinance and to perform the duties of safeguarding the health, safety and welfare of the occupants of all rental dwellings and the general public.
2. The Creston Fire Department personnel are authorized to enter and make inspection to enforce any of the provisions of this chapter, or whenever there is reasonable cause to believe that there exists in any building or upon any premises located within the City any condition or code violation which makes such building or premises unsafe, dangerous or hazardous.
3. The Fire Department personnel may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon them by this chapter, provided that if such building or premises is occupied, said official shall first present proper credentials and request entry; and if such building or premises is unoccupied, such official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.
4. The Fire Department personnel may make inspections of all rental premises pursuant to the City's regular inspection program as frequently as may be necessary, and may make an inspection at any reasonable time based upon the need for code enforcement determined by the age of the area, the nature of the building and premises, or the condition of the entire area.
5. If such entry is refused for regular request or complaint inspections, the Fire Department personnel shall have recourse to every remedy provided by law to secure entry. When the Fire Department personnel shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect to promptly permit entry therein by the authorized personnel for the purpose of inspection and examination pursuant to this chapter.

**147.11 ACCESS BY OWNER OR OPERATOR.** Every occupant of a dwelling, dwelling unit or rooming unit shall give the owner or operator or his or her agent or employee access to any part of such dwelling, dwelling unit or rooming unit for the purposes of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this chapter; provided, the occupant shall be given twenty-four (24) hours' written notice prior to any inspection, except in case of emergency, when immediate access shall be granted.

**147.12 UNRECORDED LAND CONTRACTS OR PURCHASE AGREEMENTS.** For purposes of this chapter, any residential property which is the subject of an unrecorded land contract or purchase agreement shall be treated the same as rental property. The contract seller shall have the duties and responsibilities and shall be subject to the same penalties as the owner of rental property.

**147.13 CHAPTER DOES NOT IMPAIR AUTHORITY TO ACT ON NUISANCES.** Nothing in this chapter shall be construed or interpreted to impair or limit in any way the authority of the City to define and declare nuisances or of the City Administrator, the Police Chief or other City officials to cause the removal or abatement of nuisances by summary proceedings or other appropriate proceedings.

**147.14 CHAPTER DOES NOT ABROGATE PROVISIONS OF OTHER CODES AND ORDINANCES.** The provisions of this chapter shall not abrogate the responsibility of any person to comply with any provision of the Plumbing, Electrical, Building, Fire Prevention and Zoning Codes or other ordinances of the City.

**147.15 EFFECT OF PARTIAL INVALIDITY.** In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire safety or health ordinance or code of the City existing on the effective date of the ordinance codified in this chapter, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of the City existing on the effective date of the ordinance codified in this chapter which establishes a lower standard for the promotion and protection of the health and safety of the people, the provision of this chapter shall be deemed to prevail, and such other ordinances or codes are declared to be repealed to the extent that they may be found in conflict with this chapter.

**147.16 ADOPTION OF RULES AND REGULATIONS BY THE CITY ADMINISTRATOR.** The City Administrator is authorized and empowered to make and adopt written rules and regulations necessary for the proper enforcement of the provisions of this chapter.

**147.17 LIABILITY OF LANDLORD OR NON-OCCUPYING PROPERTY OWNER.**

1. Any non-occupying property owner or landlord with actual knowledge of a nuisance on such person's real property or after being served with written notice of a nuisance condition on such real property shall abate such nuisance within ten (10) calendar days after having actual notice or receiving written notice. Written notice shall be personally served on the non-occupying property owner, landlord, or managing or leasing agent thereof, or shall be mailed to the person by certified mail, return receipt requested. If the certified mail notice is returned to the person issuing the notice, then notice may be posted on the subject real property. If any other section of this chapter specifically provides for a different method of notice and/or a different time frame for notice, then the provisions of the other section may be followed instead of the

provisions of this section. If the non-occupying owner or landlord fails to abate the nuisance condition as required, such non-occupying owner or landlord, or agent thereof, shall be guilty of violating Chapter 50 of this Code of Ordinances. It shall be an affirmative defense for a non-occupying owner or landlord to show that said person is either: (i) evicting or permanently removing the tenant from all premises owned or managed by such person; or (ii) acting diligently in terminating the nuisance. If specific sections of this chapter provide for liability to landlords or owners with less notice, then the specific sections will apply.

2. For the purpose of this section, the term "landlord" includes property manager, resident manager, rental agent, or any person responsible for showing the property to prospects, renting to tenants, collecting rent or lease payments, evicting tenants or maintaining the property. If the non-occupying owner or landlord is an entity other than human being, then the term "landlord" includes the officers, partners, executives, owners, or other humans responsible for managing the entity.

**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 by the Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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WARREN WOODS  
Mayor, City of Creston

ATTEST:

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LISA WILLIAMSON  
Clerk, City of Creston

Program Name

**IOWA HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION  
MITIGATION PAYMENT REQUEST FORM**

**SECTION I: TO BE COMPLETED BY REQUESTING AGENCY / ENTITY**

"X" only ONE  Advance Request  Reimbursement Request

SUBGRANTEE NAME: City of Creston  
 SUBGRANTEE FEDERAL ID #: 42-6004446 PAY REQUEST #: 7 (final)  
 GRANT AGREEMENT NUMBER: HMGP-DR-1705-0033-01 PROJECT NUMBER: DR-1705-88-01  
 PROJECT NAME: City of Creston McKinley Park Safe Room  
 MAILING ADDRESS: PO Box 449  
 CITY / STATE / ZIP: Creston, Iowa 50801  
 POC NAME & PHONE #: Mike Taylor, 641.782.2000 Ext. 4  
 Email: mike@crestoniowa.org

Source document(s) must accompany this request in order to receive payment. For a REIMBURSEMENT request: this must include payment verification (i.e. paid invoices, receipts, payroll records with personnel activity reports, cancelled checks, general ledger print outs.) For an ADVANCE request: this must include a detailed cost estimate (i.e. invoices, quotes, or other document). **Note:** If this request is an ADVANCE, payment verification source documents for this advance must be submitted to HSEMD within 30 days after the funds are advanced, future advances will not be made until this documentation is recieved.

**Total Approved Project Amount: \$267,600.00**

Grant Year	FEDERAL GRANT	STATE GRANT	LOCAL SHARE	Total Funds	Approved Adm Funds
Approved Grant Award Amounts	\$200,700.00	\$26,760.00	\$40,140.00	\$267,600.00	\$4,000.00
Less Funds received to date	\$185,954.00	\$24,792.00	\$37,196.35	\$247,942.35	
Funds available before this Request	\$14,746.00	\$1,968.00	\$2,943.65	\$19,657.65	
Amount this Payment Request #	\$11,821.00	\$1,574.00	\$2,369.27	\$15,764.27	
HSEMD use only (adjustments)				na	
Funds Spent to Date	\$197,775.00	\$26,366.00	\$39,565.62	\$263,706.62	
Remaining Grant Funds Available	\$2,925.00	\$394.00	\$574.38	\$3,893.38	
Percentage of funds spent	73.91%	9.85%	14.79%	98.55%	

I certify that this Payment Request does not exceed the total amount of HMGP Grant Assistance in accordance with the Grant Agreement; that all claimed project work has been/will be completed; and all project costs which are claimed have been/will be paid in full, and that all costs incurred are eligible and allowable.

Mayor Warren Woods

^ SUBGRANTEE AUTHORIZED REPRESENTATIVE ^ SIGNATURE ^ DATE

Description	Grant Year

**SECTION II: TO BE COMPLETED BY IOWA HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION**

FUND	ORG	SUB ORG	OBJECT	FED Approved	STATE Approved	ADMIN Approved
Totals						

**APPROVED EXPENDITURE REQUEST TOTAL \$**

I certify that this Pay Request was reviewed and that funds claimed will be expended in accordance with provisions set forth in the FEMA-State Agreement

^ FINANCE OFFICER DATE ^ GAR/DESIGNEE DATE

City of  
**CRESTON, IOWA**

116 W. Adams • P.O. Box 449 • Creston, Iowa 50801-0449  
Phone 641-782-2000 • Fax 641-782-6377



*Creston's Restored Depot and City Hall*

**Board of Adjustment  
Meeting Minutes  
February 15, 2011**

Tom Braymen called the meeting to order at 5:08 p.m.

Board members present were Dick Lechtenberger, Tom Braymen, and Ken Stults.

Board members not present were Gary Bucklin, Dick Lechtenberger.

Others present; Gary Lybarger; Building Inspector, Kevin Kruse; Zoning Administrator and Don Duskin.

The first item for consideration was a request from Daniel R. Martwick to construct a detached garage at 602 West Mills Street. The reason for the variance request is for failure to have a principal building on a lot, only an accessory building, as set forth in Chapter 166.05 of the Zoning Code. Dan Martwick was unable to attend so Don Duskin, Daniel's grandfather, was present to explain the request. All adjacent neighbors were notified by petition with no objections being received. After due consideration Stults moved and Lechtenberger seconded to approve the request. With a voice vote all present voted in favor of the motion.

The meeting was adjourned at 5:12 p.m.

Respectfully submitted,

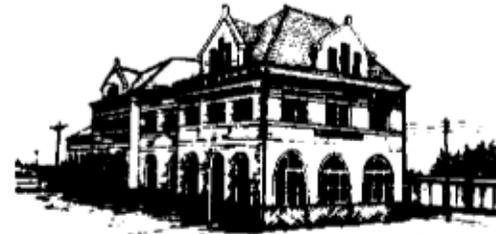
Handwritten signature of Kevin Kruse.

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Kevin Kruse  
Board Secretary

City of  
**CRESTON, IOWA**

116 W. Adams • P.O. Box 449 • Creston, Iowa 50801-0449  
Phone 641-782-2000 • Fax 641-782-6377



*Creston's Restored Depot and City Hall*

**GRACELAND CEMETERY BOARD MEETING  
RESTORED DEPOT / MEALSITE**

**January 17, 2011**

**5:00 P.M.**

The meeting was called to order by Chairperson Sue Bergstrom. Others present were Board members John Coulter and Nadine Scadden, Superintendent Bruce Hodge, Council Representative Randy White, and one guest.

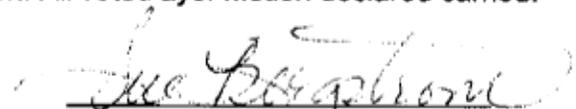
Coulter moved seconded by Scadden to approve the agenda. All voted aye. Motion declared carried.

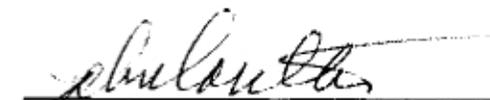
Scadden moved seconded by Coulter to approve minutes of December 20, 2010. All voted aye. Motion declared carried.

Hodge reported they had seven trees down and eight more to go. All are dead Pine trees.

Reviewed FY 2012 Proposed Budget with Council Representative White including the snow blower and a furnace for the building.

Scadden moved seconded by Coulter to adjourn. All voted aye. Motion declared carried.

  
Sue Bergstrom, Chairperson

  
Attest, John Coulter, Secretary

Park and Recreation Board  
Meeting Minutes  
Tuesday, January 25, 2011

The Park and Recreation Board met in regular session. Attending were:

John Kawa  
Gary Borcharding  
Mark Huff

Jamie Beggs  
Birdie Sandeman

The Board approved the minutes of the January 18, 2011 meeting.

Motion—Kawa  
Second—Borcharding  
All voted aye. Motion carried.

The Board discussed the January 29, 2011 Bowling Tournament.

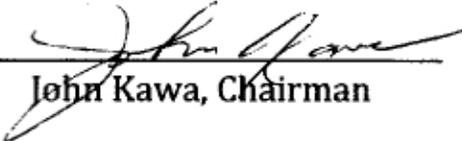
The Board approved payment to Snyder and Associates for \$2,944.50 for McKinley Lake Water Quality Improvements from the McKinley Park Restricted Gift Fund.

Motion—Kawa  
Second—Borcharding  
All voted aye. Motion carried.

The Board approved payments to CAC signs (\$105.00) and Built Networks (\$235.00) from the McKinley Park Restricted Gift Fund.

Motion—Kawa  
Second—Borcharding  
All voted aye. Motion carried.

The meeting adjourned at 6:00 P.M.

  
John Kawa, Chairman

  
Jade Brown, Secretary

Park and Recreation Board  
Teleconference Minutes

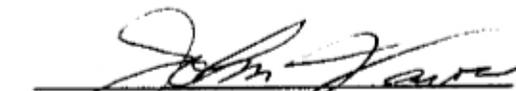
John Kawa  
Jane Brown

Gary Borcharding  
Mark Huff

The Board recommended the payment of \$11,395.75 to Garden and Associates for the McKinley Park Saferoom by teleconference at 3:45 P.M. on Wednesday, February 9, 2011.

Motion Brown  
Second Borcharding  
All voted aye. Motion carried.

Teleconference adjourned at 3:50 P.M.



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John Kawa, Chairman



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Jane Brown, Secretary