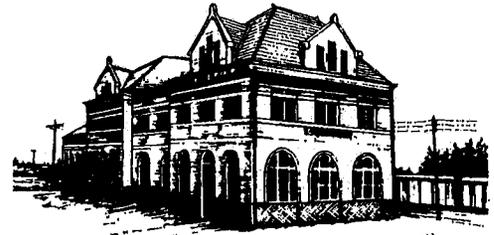


City of  
**CRESTON, IOWA**

116 W. Adams • P.O. Box 449 • Creston, Iowa 50801-0449  
Phone 641-782-2000 • Fax 641-782-6877



*Creston's Restored Depot and City Hall*

**MAYOR:** Gary Lybarger  
**COUNCIL:** Ron Higgins, Rich Madison, Gabe Carroll,  
Marsha Wilson, Dave Koets, Steve Wintermute, At-  
Large Seat: VACANT  
**CITY CLERK:** Lisa Williamson  
**CITY ADMINISTRATOR:** Mike Taylor  
**CO-CITY ATTORNEYS:** Todd Nielsen, Marion James

**Regular Meeting Agenda**  
**City Hall/Restored Depot**  
**Council Chambers**  
**Tuesday, November 1, 2016**  
**6:00 p.m.**  
**10/28/2016 3:46 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.**
  1. **Minutes:** October 18, 2016 – Regular Meeting; October 14, 2016 – Special Meeting
  2. **Claims & Fund Transfers:**
    - i) **Total Claims** - \$385,505.78
    - ii) **Fund Transfers** - \$148,180.24
    - iii) **Appointments** – Jerry White & BrendaLee Lyell-Keate to the Planning & Zoning Commission; Brian Jack to the Library Board of Trustees
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 can be taken.**
7. **New Business**
  1. **Public Hearing** for the purpose of selling city-owned property located at 308 N Elm
  2. **Resolution** to approve the sale of city-owned property located at 308 N. Elm to Robert & Marsha Jimerson for \$3,000
  3. **Public Hearing** for the purpose of selling city-owned property located south of 311 N Poplar
  4. **Resolution** to approve the sale of city-owned property located south of 311 N Poplar to Phillip & Judy Davis for \$1,000
  5. **Public Hearing** regarding amending the Urban Renewal Plan – Creston Economic Development Area (also known as R-95) Amendment #1 – 2016 and entering into a Development Agreement with HS Creston Development Group, LLC
  6. **Resolution** to approve amending the Urban Renewal Plan – Creston Economic Development Area (also known as R-95) Amendment #1 – 2016
  7. **Resolution** to approve entering into a Development Agreement with HS Creston Development Group, LLC

8. **Resolution** to approve Annual Financial Report for the City of Creston
9. **Resolution** to approve Pay Estimate No. 1 of \$75,782.70 to Voltmer, Inc., for work completed on the Replace Runway 16-34 VASIs (with PAPIs) and REILs Project at the Creston Municipal Airport
10. **Resolution** to approve WIRB Drawdown request of \$33,770.21 based on recommendation of the Park & Recreation Board
11. **Resolution** to approve Change Order #1 from C&J Conservation, L.L.C., for an additional \$26,233.10 to facilitate future dredging on the Hurley Creek WIRB Project and Contract Amendment for Snyder & Associates Engineering Professional Services to complete the construction documents for the expanded planting areas based on recommendation of the Park & Recreation Board
12. **Resolution** to approve Waste Water Treatment Plant Facility Plan and authorize Veenstra & Kimm to submit to the IDNR on behalf of the City
13. **Resolution** to set a Public Hearing on November 15, 2016 at 6:00 p.m. for the purpose of receiving public comment on amending Ordinance 17-172 – AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESTON, IOWA, 1996, BY AMENDING CHAPTER 55 AND ADDING A NEW SECTION 55.22 – PROVISIONS PERTAINING TO FEEDING STRAY OR FERAL ANIMALS
14. **Resolution** to special assess nuisance abatement charges due to non-payment by property owners
15. **Resolution** to approve Bids and Select Contractor for James Subdivision Ditch Repair Project
16. **Resolution** to name streets deeded to City by Jerry Abell
17. **Resolution** to approve Master Tax-Exemption Lease/Purchase Agreement for street equipment
18. **Discuss** BNSF repair proposal for New York Avenue and Elm Street crossings
19. **Appointment** with Garden & Associates to review West Adams Street Improvement Project
  - **Resolution** to approve Engineering Services Agreement with Garden & Associates for West Adams Street Improvement Project

8. **Other**

9. **Adjournment**

REGULAR MEETING OF THE CRESTON CITY COUNCIL OCTOBER 18, 2016

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 Lybarger presiding.

Roll call being taken with the following Council members present: Wintermute, Koets, Wilson, Carroll, Madison, Higgins and Nielsen.

Wilson moved seconded by Madison to approve the agenda. All voted aye. Motion declared carried.

Wilson moved seconded by Wintermute to approve the consent agenda, which included approval of minutes of October 4, 2016, regular meeting; claims of \$773,673.82 and fund transfers of \$500,000.00. All voted aye. Motion declared carried.

No one spoke during Public Forum.

Charlie Westman spoke on behalf of Habitat for Humanity regarding the proposal to purchase city-owned property located at 308 N. Elm Street for \$1.00. Habitat's plan consists of partnering with Southwestern Community College Carpentry and Electrical students to build a home with an approximate value of \$110,000, which would create approximately \$2,500 in property taxes.

Bob Jimerson spoke on his own behalf regarding the proposal to purchase city-owned property located at 308 N. Elm Street for \$3,000. Mr. Jimerson has resided at 310 N. Elm Street for 45 years and would like to purchase this lot located next to his property to use as a buffer zone.

A resolution was offered by Wintermute seconded by Wilson to set a Public Hearing on November 1, 2016, at 6:00 p.m. for the purpose of selling city-owned property located at 308 N. Elm Street and authorize the Mayor and Clerk to execute the proper documentation. Carroll, Madison, Higgins, Nielsen, Wintermute, Koets and Wilson voted aye. Resolution declared passed.

Phil and Judy Davis have recently purchased property located at 311 N. Poplar and have been approved to construct a garage on the lot. They are interested in purchasing property located south of this lot from the City and continue maintaining it. They have proposed an offer of \$1,000.

A resolution was offered by Wilson seconded by Wintermute to set a Public Hearing on November 1, 2016, at 6:00 p.m. for the purpose of selling city-owned property located south of 311 N. Poplar and authorize the Mayor and Clerk to execute the proper documentation. Koets, Wilson, Carroll, Madison, Higgins, Nielsen and Wintermute voted aye. Resolution declared passed.

A resolution was offered by Wilson seconded by Madison to approve Economic Development Grant Payment #1 to Sonntag Development, LLC, for \$500,000.00 and authorize the Mayor and Clerk to execute the proper documentation. Higgins, Nielsen, Wintermute, Koets, Wilson, Carroll and Madison voted aye. Resolution declared passed.

Councilperson Wintermute asked Mr. Sonntag for an update of the low-to-moderate income homes being built on Elm Street. He said Elm Street is coming along and if the college is interested in building another home, he will consider putting another one next to the current ones. Wintermute asked if these could be purchased or rented. Sonntag said either one. They have one person that qualifies as a low-to-moderate income person who is interested in purchasing the fourth unit. Three are currently occupied. He also mentioned they are looking for dryer weather for the Cottonwood project. Four foundations are in and they have two more to be put in. That will give them twelve units to be built during the winter. Seven homes have been sold. The water line is in and the sewer line is about two-thirds in, and they have the power, gas and electricity.

A resolution was offered by Madison seconded by Carroll to set a Consultation Meeting date for October 27, 2016, at 10:00 a.m. and a Public Hearing date on November 1, 2016, at 6:00 p.m. regarding amending the Urban Renewal Plan (R-95) Amendment #1 – 2016 and authorize the Mayor and Clerk to execute the proper documentation. Higgins, Nielsen, Wintermute, Koets, Wilson, Carroll and Madison voted aye. Resolution declared passed.

A resolution was offered by Wilson seconded by Madison to approve Partial Payment Estimate No. 3 to Herberger Construction Company in the amount of \$148,180.24 for work completed on the Adams Street Bridge Replacement Project and to submit a Reimbursement Request of \$95,891.38 to the IDOT and authorize the Mayor and Clerk to execute the proper documentation. Nielsen, Wintermute, Koets, Wilson, Carroll, Madison and Higgins voted aye. Resolution declared passed.

An appointment was scheduled with Bruce Kerr regarding the state of a Nuisance Abatement at 310-312 Livingston Avenue, but Mr. Kerr did not attend the meeting.

An appointment was held with Forrest Aldridge and Libby Patten of Veenstra & Kimm, Inc. to further discuss Waste Water Treatment Plant topics. Through their studies, they have discovered Ammonia and E-coli showing up in some of the testing. Through new Iowa Department of Natural Resource regulations, the Waste Water Treatment Plant will have to have a UV Disinfection System installed to treat the ammonia and E-coli in order to meet the required compliance schedule. They are requesting approval from the City Council to submit a Facility Plan to the IDNR. This will be on the next agenda for approval.

Because of the numerous complaints regarding individuals feeding stray and feral cats throughout the City, City Administrator Mike Taylor has been working with Co-city Attorney Marion James on amending Chapter 55 of the Code of Ordinances to include a section pertinent to people feeding stray and feral cats. This would end up being a standard penalty and the individual(s) could get fined anywhere from \$65 to \$625.

Wintermute moved seconded by Wilson to approve temporary street closings at 6:00 p.m. and a parade permit for the Lighted Christmas Parade on Thursday, December 1, 2016, at 7:00 p.m. All voted aye. Motion declared carried.

Under Other, Mayor Lybarger told Council that the City will be temporarily closing McKinley Street at the corner of Stone Street Extension and at the intersection of Kirby Street on Saturday, October 29, 2016, from 4:00 – 7:00 p.m. for those attending Bright Eyes.

Public Works Director Kevin Kruse told Council that CWC, Inc., has offered to purchase and donate 14 LED Christmas Decorations to the City to replace the current Christmas decorations located on Highway 34. Council was very appreciative and has accepted their generous offer.

Councilperson Nielsen regrettably turned in her resignation effective October 19, 2016.

Wintermute moved seconded by Madison to adjourn the meeting. All voted aye. Council adjourned at 6:59 p.m.

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Mayor

Attest:

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City Clerk

SPECIAL MEETING OF THE CRESTON CITY COUNCIL OCTOBER 14, 2016

The Creston City Council met in special session at 12:00 o'clock p.m. on the above date in the Council Chambers of the City Hall Complex with Mayor Lybarger presiding.

Roll call being taken with the following Council members present: Wilson, Carroll, Madison, Higgins and Nielsen. Wintermute and Koets were absent.

Wilson moved seconded by Carroll to approve the agenda. All voted aye. Wintermute and Koets were absent. Motion declared carried.

Carroll moved seconded by Wilson to approve a new liquor license for Mario's Sports Bar & Grill. All voted aye. Wintermute and Koets were absent. Motion declared carried.

Motion was made by Wilson seconded by Madison to adjourn the meeting. All voted aye. Wintermute and Koets were absent. Council adjourned at 12:01 p.m.

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Mayor

Attest:

---

City Clerk

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT		
POLICE PROTECTION	GENERAL FUND	CARPENTER UNIFORM CO &	PATROL JACKET-PASHEK	317.89		
		WINDSTREAM	PHONE	57.28		
		STALKER CHEVROLET	REPLACE THROTTLE BODY	455.12		
		CRESTON MOTOR SUPPLY INC	OIL FILTERS-#15, 18	23.10		
			TOTAL:	853.39		
FIRE PROTECTION	GENERAL FUND	ED M FELD EQUIP CO INC	GLOVES/HOODS/BROOMS	1,067.65		
		FARM & HOME SUPPLY INC	OIL ABSORBENT	64.90		
		WINDSTREAM	PHONE	226.83		
		CRESTON MOTOR SUPPLY INC	POWER OUTLET-ENG 2	7.19		
			PUSH BUTTON SWITCH	20.94		
		SERVICE TECHS INC	2 CYCLE FUEL	47.94		
		WAL-MART SUPERCENTER	CLEANING SUPPLIES, PT, TP	73.15		
			TOTAL:	1,508.60		
		BUILDNG & HSNG SAFETY	GENERAL FUND	WINDSTREAM	PHONE	59.60
				CRESTON MOTOR SUPPLY INC	OIL FILTERS	23.15
	TOTAL:			82.75		
STREET LIGHTING	GENERAL FUND	ECHO GROUP INC	BULB FOR HWY 34 WEST SIGN	18.69		
			TOTAL:	18.69		
AIRPORT	GENERAL FUND	WINDSTREAM	PHONE	167.84		
		SIRWA	WATER-AIRPORT/CEMETERY	33.00		
		VOLTMER INC	REPLACE PAPIs & REIL	75,782.70		
		WEST AVIATION INC	PER FBO CONTRACT	1,354.17		
			TOTAL:	77,337.71		
LI SERVICES	GENERAL FUND	HARGROVE, DAVID	REIMB MILEAGE & LODGING	563.84		
		BYERS, JUSTIN G	REPAIR FURNACE ROOM DOOR	210.00		
		WINDSTREAM	PHONE	250.41		
		MADISON, TERESA	REIMB MILEAGE & REGISTRATI	169.88		
		MICROMARKETING LLC	NEW AUDIOBOOKS	123.50		
			NEW AUDIOBOOKS	40.00		
			TOTAL:	1,357.63		
PARKS	GENERAL FUND	AKIN BUILDING CENTER	56 BAGS CONCRETE	243.44		
			CREDIT FOR PALLET RETURNED	20.00-		
		ARAMARK UNIFORM & CAREER APPAREL GROUP	UNIFORMS-STREET/PARK/CEMET	8.00		
			UNIFORMS-STREET/PARK/CEMET	8.00		
		NORTHLAND PRODUCTS CO	SERVICE CLEANING UNIT-PARK	110.95		
		CRESTON CITY WATER WORKS	WATER-RAINBOW PARK FOUNTAI	523.65		
			WATER-RAINBOW PARK	11.49		
			WATER-MCKINLEY PARK	11.79		
			WATER-TAYLOR PARK	9.67		
		WINDSTREAM	PHONE	55.15		
		CRESTON MOTOR SUPPLY INC	WASHERS-GANG MOWER	4.36		
		PETTY CASH - MAINTENANCE	FARM & HOME-GANG MOWER HIT	12.95		
			TOTAL:	979.45		
		RECREATION	GENERAL FUND	CRESTON CITY WATER WORKS	WATER-MCKINLEY BALLFIELD	9.67
	WATER-BILL SEARS FOUNTAIN			9.67		
	WATER-SEARS COMPLEX			9.67		
WINDSTREAM	PHONE			59.60		
	TOTAL:			88.61		

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
CEMETERY	GENERAL FUND	ARAMARK UNIFORM & CAREER APPAREL GROUP	UNIFORMS-STREET/PARK/CEMET	4.00
			UNIFORMS-STREET/PARK/CEMET	4.00
		AGRIVISION EQUIPMENT GROUP	SPARK PLUGS/FILTER-GATOR	46.19
			GATOR REPAIR	213.18
		WINDSTREAM	PHONE	57.28
		PETTY CASH - MAINTENANCE	FARM & HOME-SPAYER SCREENS	11.97
		SIRWA	WATER-AIRPORT/CEMETERY	33.00
	TOTAL:	369.62		
SWIMMING POOL	GENERAL FUND	WINDSTREAM	PHONE	15.98
			TOTAL:	15.98
ECONOMIC DEVELOPMENT	GENERAL FUND	UNION CO PUBLIC FUNDING COUNCIL	1ST 1/2 ECON DEVELOP-FY'17	10,000.00
			TOTAL:	10,000.00
FINANCIAL ADMINISTRATN	GENERAL FUND	TAYLOR, MICHAEL	REIMBURSE-PLANNER	55.03
			WILLIAMSON, LISA	REIMB MILEAGE-IMFOA CONF
		NEWTEK TECHNOLOGY SOLUTIONS	3 MONTH SVC-CITY WEBSITE	50.85
		WINDSTREAM	PHONE	362.40
		HOLIDAY INN DES MOINES AIRPORT	1 NIGHT STAY-IMFOA CONFERE	95.20
		SWICAA TREASURER	SWICCA MEMBERSHIP 2017	20.00
			TOTAL:	665.56
LEGAL SERVICES	GENERAL FUND	LYNCH DALLAS, PC	PROF SERVICES-OSHA MATTERS	264.00
			TOTAL:	264.00
CITY HALL	GENERAL FUND	CRESTON CITY WATER WORKS	WATER-CITY HALL	31.43
			TOTAL:	31.43
ROAD MAINTENANCE	ROAD USE TAX	NORRIS ASPHALT PAVING COMPANY	100T ASPHALT	2,115.75
			HUDDLESON, ZAC	51 STUMPS GROUND OUT
		HAYS, JOHN	REIMBURSE WORK BOOTS	100.00
			OMG MIDWEST, INC.	13 YDS M-4
			12 YDS M-4	895.94
			12 YDS M-4	726.25
			6.75YDS C-4	976.94
		ARAMARK UNIFORM & CAREER APPAREL GROUP	UNIFORMS-STREET/PARK/CEMET	47.92
			UNIFORMS-STREET/PARK/CEMET	95.60
		NORTHLAND PRODUCTS CO	SERVICE CLEANING UNIT-STRE	110.95
		EASTERN IOWA TIRE, INC	RECAP SKIDLOADER TIRES	1,037.24
		FASTENAL	(7) 6V BATTERIES	45.27
			(6) 6V BATT-BARRICADES	29.03
		WINDSTREAM	PHONE	180.50
		GRIMES ASPHALT & PAVING CORP	8T COLD PATCH	878.92
		LOGAN CONTRACTORS SUPPLY INC	SCREED BOARD/FORM PINS	250.22
		CRESTON MOTOR SUPPLY INC	BOLTS FOR PAVER	1.36
			FILTER/DRAIN HOSE	27.63
			TIRE SEALANT-SKID	62.98
			STEP BIT KIT	49.99
		O'HALLORAN INTERNATIONAL INC	TRUCK REPAIR-#30	7,426.80
		PETTY CASH - MAINTENANCE	FARM & HOME-FLEX COUPLING	5.47
			POKORNY-CHAINS AW GAS	27.36
			FARM & HOME-CONCRETE BRUS	16.58
			HULETT'S-MECH TRUCK BACK G	75.00
			FARM & HOME-FLEX COUPLING	5.47
			FARM & HOME-CLEANING SUPPL	8.14

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		SCHILDBERG CONSTRUCTION COMPANY INC	500T CLASS D ROAD ROCK	1,241.50
			500T CLASS D ROAD ROCK	95.68
		TRANS-IOWA EQUIPMENT, INC	MAIN BROOM/GUTTER BROOM	550.80
		K & J HARDWARE INC	KM 130R POWERHEAD/SWEEP	682.00
			TOTAL:	21,657.60
SNOW AND ICE CONTROL	ROAD USE TAX	HAWKEYE TRUCK EQUIPMENT	BOSS BLADE MOUNT	6,450.00
		IOWA DEPT OF TRANSPORTATION	SNOW PLOW BLADE BITS	879.03
			TOTAL:	7,329.03
ADMIN-STREETS(ENGINR)	ROAD USE TAX	WINDSTREAM	PHONE	59.60
			TOTAL:	59.60
MC KINLEY PARK RENOVAT RESTRICTED GIFTS-M		C&J CONSERVATION LLC	MCKLY LK IMPROV PROJ-PH 1	63,764.76
		CRESTON ROOFING & SIDING	NEW ROOF SHELTER #5	3,290.00
		SNYDER & ASSOCIATES, INC.	HURLEY CREEK ENG SVC	2,496.22
			TOTAL:	69,550.98
LIBRARY(RESTRICTED GIF RESTRICTED GIFTS-L		MARKETING KINETICS LLC	MONTHLY CONTRACT-OCT'16	5,514.24
		INGRAM	NEW MATERIALS	37.18
			NEW MATERIALS	234.80
			NEW MATERIALS	40.25
			NEW MATERIALS	18.23
			NEW MATERIALS	46.21
			TOTAL:	5,890.91
CAPITAL PROJECTS	CAPITAL PROJECTS F	CALHOUN-BURNS AND ASSOCIATES INC	PHASE 3 ENG ADAMS ST BRID	13,886.64
			TOTAL:	13,886.64
SANITARY SEWER/WASTWTR	SEWER OPERATING FU	TESTAMERICA LABORATORIES, INC	PLANT TESTING	341.00
			WEEKLY SAMPLE, BODS	409.00
			PLANT TESTING/BODS	388.00
			WEEKLY TESTING/BODS	364.50
			WEEKLY TESTING/BODS	23.50
		HUTCHESON ENGINEERING PRODUCTS INC	RRP SLUDGE MIXING PUMP	3,016.00
		NEWTON OVERHEAD DOORS	REPAIR TIMING STOP WHEEL	85.00
		ARAMARK UNIFORM & CAREER APPAREL GROUP	UNIFORMS-WWTP	28.50
			UNIFORMS-WWTP	28.50
		CJ COOPER & ASSOCIATES INC	RANDOM DRUG SCREEN	35.00
		FARM & HOME SUPPLY INC	WIRE PANELS/STEEL POSTS	288.41
		WINDSTREAM	PHONE	438.78
		JETCO INC	COMP PROGRAM/FLOW METER	11,086.26
		VEENSTRA & KIMM INC	ENG SVC FACILITY PLAN	4,359.50
			TOTAL:	20,891.95
ANIMAL CONTROL	ANIMAL SHELTER *AG	CRESTON VET CLINIC PC	MEDICAL FOR CARE CAT	582.70
			SPAY DOG FOR L. THOMPSON	112.00
			TEST/TREAT/BOARD "DALILA"	188.85
			MEDICAL-R. YOUNGBLOOD DOG	42.42
		SOUTHERN HILLS VET SVC INC	TNR #1 MELISSA JACKSON	87.00
			EXAM/TREAT POUND CATS	121.25
			TNR DEANN SCHULTZ CAT #1	82.00
			VACC/NEUTER	165.02
			SPAY FOR FOR TIMMY KOHL	181.90
			TNR #2 - MELISSA JACKSON	160.00
			KITTEN VACC/DEWORM FOSTER	38.20

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			NEUTER DOG FOR B. MASON	113.00
			SPAY POUND CAT "WILLOW"	78.06
		JONES, MICHELLE	REIMB BRIGHT EYES SUPPLIE	103.38
			TOTAL:	2,055.78

===== FUND TOTALS =====

001	GENERAL FUND	93,573.42
110	ROAD USE TAX	29,046.23
166	RESTRICTED GIFTS-MCKNLY P	69,550.98
167	RESTRICTED GIFTS-LIBRARY	5,890.91
301	CAPITAL PROJECTS FUND	13,886.64
610	SEWER OPERATING FUND	20,891.95
953	ANIMAL SHELTER *AGENCY FU	2,055.78
GRAND TOTAL:		234,895.91

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CITY OF CRESTON  
MANUAL CHECKS/DEBITS - PERIOD ENDING 11/1/16

**SELF FUNDING INSURANCE**

SISCO	CLAIMS	1,734.53
SISCO	CLAIMS	<u>665.10</u>
<b>SELF FUNDING INSURANCE</b>	<b>TOTAL</b>	<b>\$ 2,399.63</b>

**ANIMAL CONTROL**

CARE	DONATION	\$ 30.00
<b>ANIMAL CONTROL</b>		<b>\$ 30.00</b>

**CAPITAL PROJECTS**

HERBERGER CONSTRUCTION	ADAMS STREET BRIDGE	\$ 148,180.24
<b>CAPITAL PROJECTS</b>		<b>\$ 148,180.24</b>

**MANUAL CHECKS/DEBITS TOTAL**

**\$ 150,609.87**

FUND TRANSFERS FOR PERIOD ENDING:

11/02/16

POSTING DATE

LOWING TRANSFERS ARE SCHEDULED TO BE MADE AFTER COUNCIL APPROVAL:

AMOUNT	FROM	TO	-G/L ACCT-	DR	CR
\$ 148,180.24	122 L.O.S.T.-STR/SWR RPR/RPLC(50%)	301 CAPITAL PROJECTS FUND	122 3-6910	148,180.24	
			301 3-4830		148,180.24
			122 1110		148,180.24
			301 1110	148,180.24	

FOR: ADAMS ST BRIDGE CONSTRUCTION SERVICES VENDOR: HERBERGER CONSTRUCTION
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Creston, Iowa  
**URBAN RENEWAL PLAN**  
**AMENDMENT**  
**CRESTON ECONOMIC DEVELOPMENT**  
**URBAN RENEWAL AREA**  
 (also known as R-95)  
**Amendment #1 – 2016**

The Urban Renewal Plan (the “Plan”) for the Creston, Iowa Urban Renewal Area (the “Area”) is being amended for the purposes of (1) identifying a new economic development project to be undertaken within the Area.

1) Economic Development Project. The following economic development project is hereby added to the list of authorized projects under the Urban Renewal Plan:

(A) The City may use its urban renewal authority, including the use of tax increment financing to provide financial assistance for eligible public and private development for the promotion and implementation of economic development in the Area.

(B) The City intends to enter into a Development Agreement with HS Creston Development Group, LLC. with respect to the Project for a one-time economic development payment funded with incremental property tax revenues to be derived from the Development Area. It is anticipated that the City’s total commitment of incremental property tax revenues under the Development Agreement with respect to the Project will not exceed \$100,000.

2) Financial Data. The following information is provided in accordance with the requirements of Section 403.17 of the Code of Iowa:

- |  |                  |
|--|------------------|
| • As of January 1, 2015, Valuation:                          | \$352,531,510.   |
| • July 1, 2016 Constitutional debt limit:                    | \$17,626,576.    |
| • July 1, 2016, Current outstanding general obligation debt: | \$2,565,000.     |
| • Proposed debt to be incurred in Urban Renewal Area:        | <u>\$100,000</u> |



## DEVELOPMENT AGREEMENT

This Agreement is entered into between the City of Creston, Iowa (the "City") and HS Creston Development Group, LLC, (the "Company") as of the \_\_\_\_ day of \_\_\_\_\_, 2016 (the "Commencement Date").

WHEREAS, the City has established the Creston Economic Development Urban Renewal Area (the "Urban Renewal Area"), and has adopted a tax increment ordinance for the Urban Renewal Area; and

WHEREAS, the Company owns certain real property which is situated in the City and lies within the Urban Renewal Area and is more specifically described on Exhibit A hereto (the "Property"); and

WHEREAS, the Company has proposed to undertake the construction and operation of Hibbett Sports retail store on the Property (the "Project"); and

WHEREAS, the Company has requested that the City provide financial assistance in the form of incremental property tax payments to be used by the Company in paying the costs of constructing and maintaining the Project; and

WHEREAS, the base valuation of the Property for purposes of Section 403.19 of the Code of Iowa is \$7,100 (the "Base Valuation"), which represents the valuation in 1989 when the TIF area was established; and

WHEREAS, Chapter 15A of the Code of Iowa authorizes cities to provide grants, loans, guarantees, tax incentives and other financial assistance to or for the benefit of private persons;

NOW THEREFORE, the parties hereto agree as follows:

**A. Company's Covenants**

**1. Project Construction.** The Company agrees to construct the Project on the Property and to maintain and use the completed Project as part of its business operations throughout the Term, as hereinafter defined. Furthermore, the Company agrees to invest not less than \$800,000 into capital improvements for the Project, including construction work and other furnishings. The Company has submitted a detailed site plan (the "Site Plan") for the development of the Project to the City which was approved on August 16, 2016 and is set forth as Exhibit B hereto. The Company agrees to construct the Project in accordance with the Site Plan and to substantially complete such construction by no later than June 1, 2017.

**2. Property Taxes.** The Company agrees to make timely payment of all property taxes as they come due with respect to the Property with the completed Project thereon throughout the Term, as hereinafter defined, and to submit a receipt or cancelled check in evidence of each such payment.

3. **Company's Certifications.** The Company agrees to submit documentation to the satisfaction of the City by no later than each October 15 during the Term, as hereinafter defined, commencing October 15, 2017, demonstrating that the completed Project is being used as part of the Company's business operations.

4. **Property Tax Payment Certification.** Furthermore, the Company agrees to certify to the City by no later than October 15 of each year, commencing October 15, 2018, an amount (the "Company's Estimate") equal to the estimated Incremental Property Tax Revenues anticipated to be paid in the fiscal year immediately following such certification with respect to the taxable valuation of the Property. In submitting each such Company's estimate, the Company will complete and submit the worksheet attached hereto as Exhibit C. The City reserves the right to review and request revisions to each such Company's Estimate to ensure the accuracy of the figures submitted. For purposes of this Agreement, Incremental Property Tax Revenues are determined by: (1) determining the consolidated property tax levy (city, county, school, etc.) then in effect with respect to taxation of the Property; (2) subtracting (a) the debt service levies of all taxing jurisdictions, (b) the school district instructional support and physical plant and equipment levies and (c) any other levies which may be exempted from such calculation by action of the Iowa General Assembly; and (3) multiplying the resulting modified consolidated levy rate times any incremental growth in the taxable valuation of the Property, as shown on the property tax rolls of Union County, above and beyond the Base Valuation.

Upon request, the City staff shall provide reasonable assistance to the Company in completing the worksheet required under this Section A.4.

5. **Property Tax Exemptions.** The Company agrees that the property will not be eligible to receive a partial exemption from taxation, or Commercial Property Tax Exemption, as defined under the Code of Ordinances for the City.

6. **Remedy.** The Company hereby acknowledges that failure to comply with the requirements of this Section A, will result in the City having the right to withhold Payments under Section B of this Agreement at its sole discretion, until such time as the Company has demonstrated, to the satisfaction of the City, that it has cured such non-compliance.

**B. City's Obligations**

1. **Payments.** In recognition of the Company's obligations set out above, the City agrees to make twenty (20) semiannual economic development tax increment payments (the "Payments") to the Company during the Term, as hereinafter defined, pursuant to Chapters 15A and 403 of the Code of Iowa, provided however that the aggregate, total amount of the Payments shall not exceed \$100,000 (the "Maximum Payment Total"), and all Payments under this Agreement shall be subject to annual appropriation by the City Council, as provided hereunder.

The Payments shall not constitute general obligations of the City, but shall be made solely and only from Incremental Property Tax Revenues received by the City from the Union County Treasurer attributable to the taxable valuation of the Property.

It is assumed that the new valuation from the Project will go on the property tax rolls as of January 1, 2018. Accordingly, the Payments will be made on the first check run in December and June of each fiscal year, beginning in December 2019 and continuing to, and including, June

2029, or until such earlier date upon which total Payments equal to the Maximum Payment Total have been made.

**2. Annual Appropriation.** Each Payment shall be subject to annual appropriation by the City Council. Prior to December 1 of each year during the Term of this Agreement, the City Council of the City shall consider the question of obligating for appropriation to the funding of the Payments due in the following fiscal year, an amount (the "Appropriated Amount") of Incremental Property Tax Revenues to be collected in the following fiscal year equal to or less than the most recently submitted Company's Estimate.

In any given fiscal year, if the City Council determines to not obligate the then-considered Appropriated Amount, then the City will be under no obligation to fund the Payments scheduled to become due in the following fiscal year, and the Company will have no rights whatsoever to compel the City to make such Payments or to seek damages relative thereto or to compel the funding of such Payments in future fiscal years. A determination by the City Council to not obligate funds for any particular fiscal year's Payments shall not render this Agreement null and void, and the Company shall make the next succeeding submission of the Company's Estimate as called for in Section A.4 above, provided however that no Payment shall be made after June 2029.

**3. Payment Amounts.** Each Payment shall be in an amount equal to the corresponding Appropriated Amount (for example, for the Payments due in December 2019 and June 2020, the aggregate amount of such Payments would be determined by the Appropriated Amount determined for certification by December 1, 2018), provided, however, that each Payments shall not exceed the amount of Incremental Property Tax Revenues received by the City from the Union County Treasurer attributable to the taxable valuation of the Property.

**4. Certification of Payment Obligation.** In any given fiscal year, if the City Council determines to obligate the then-considered Appropriated Amount, as set forth in Section B.2 above, then the City Clerk will certify by December 1 of each such year to the Union County Auditor an amount equal to the most recently obligated Appropriated Amount.

**C. Administrative Provisions**

**1. Amendment and Assignment.** This Agreement may not be amended or assigned by either party without the written consent of the other party. However, the City hereby gives its permission that the Company's rights to receive the Payments hereunder may be assigned by the Company to a private lender, as security on a credit facility taken with respect to the Project, without further action on the part of the City.

**2. Successors.** This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties.

**3. Term.** The term (the "Term") of this Agreement shall commence on the Commencement Date and end on June 30, 2029 or on such earlier date upon which the aggregate sum of Payments made to the Company equals the Maximum Payment Total.

**4. Choice of Law.** This Agreement shall be deemed to be a contract made under the laws of the State of Iowa and for all purposes shall be governed by and construed in

accordance with laws of the State of Iowa.

The City and the Company have caused this Agreement to be signed, in their names and on their behalf by their duly authorized officers, all as of the day and date written above.

CITY OF CRESTON, IOWA

By: \_\_\_\_\_  
Gary Lybarger, Mayor

Attest:

\_\_\_\_\_  
Lisa Williamson, City Clerk

HS CRESTON DEVELOPMENT  
GROUP, LLC

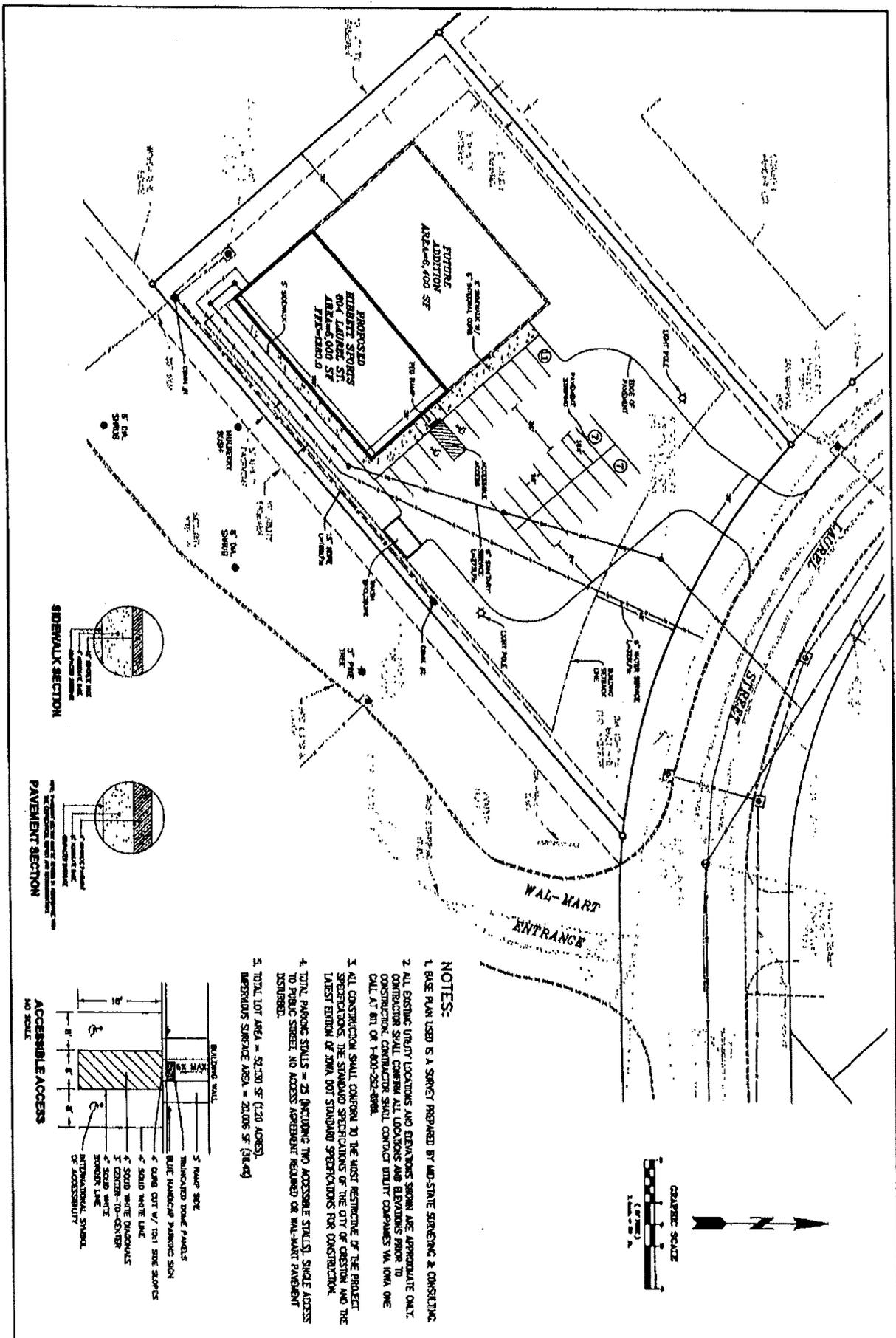
By: \_\_\_\_\_

**Exhibit A**

**LEGAL DESCRIPTION OF THE PROPERTY**

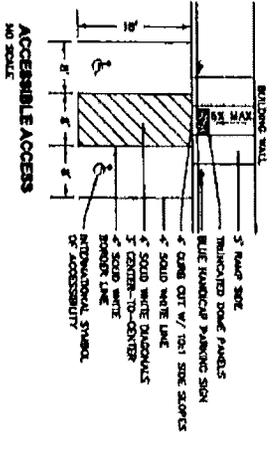
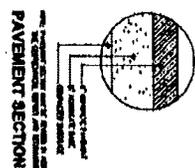
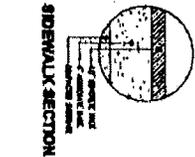
Certain real property situated in the City of Creston, County of Union, and State of Iowa legally described as follows:

LOT TWO (2), BLOCK ONE (1), WAL-MART FIRST ADDITION TO CRESTON,  
UNION COUNTY, IOWA.



**NOTES:**

1. BASE PLAN USED IS A SURVEY PREPARED BY LAND-STATE SURVEYING & CONCRETING.
2. ALL EXISTING UTILITY LOCATIONS AND ELEVATIONS SHOWN ARE APPROXIMATE ONLY. CONTRACTOR SHALL CORRECT ALL LOCATIONS AND ELEVATIONS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL CONTACT UTILITY COMPANIES VIA IOWA ONE CALL AT 811 OR 1-800-252-8988.
3. ALL CONSTRUCTION SHALL CONFORM TO THE MOST RESTRICTIVE OF THE PROJECT SPECIFICATIONS, THE STANDARD SPECIFICATIONS OF THE CITY OF CRESTON AND THE LATEST EDITION OF IOWA DOT STANDARD SPECIFICATIONS FOR CONSTRUCTION.
4. TOTAL PARKING STALLS = 28 (INCLUDING TWO ACCESSIBLE STALLS). SINCE ACCESS TO PUBLIC STREET, NO ACCESS PAVEMENT REQUIRED OR WAL-MART FRONTAGE DISTURBED.
5. TOTAL LOT AREA = 51,200 SF (1.20 ACRES). IMPROVED SURFACE AREA = 21,000 SF (0.48 AC).



HIBBETT SPORTS BUILDING  
CRESTON, IOWA  
for  
CRESTON DEVELOPMENT GROUP

**SITE AND UTILITY PLAN**

NO.	REVISIONS

**STARK ENGINEERING**

www.starkeng.com  
800-244-2611  
East Moline, Illinois

**EXHIBIT C**

COMPANY'S ESTIMATE WORKSHEET

- (1) Date of Preparation: October \_\_\_\_, 20 \_\_\_\_.
- (2) Assessed Valuation of Property as of January 1, 20 \_\_\_\_ :  
\$ \_\_\_\_\_.
- (3) Base Valuation of Property:  
\$ \_\_\_\_\_.
- (4) Incremental Valuation of Property (2 minus 3):  
\$ \_\_\_\_\_ (the "TIF Value").
- (5) Current City fiscal year consolidated property tax levy rate for purposes of calculating Incremental Property Tax Revenues (the "Adjusted Levy Rate"):  
\$ \_\_\_\_\_ per thousand of value.
- (6) The TIF Value (4) factored by the Adjusted Levy Rate (5).  
\$ \_\_\_\_\_ x \$ \_\_\_\_\_ /1000
- (7) Company's Estimate = \$ \_\_\_\_\_

**STATE OF IOWA**  
**2016**  
**FINANCIAL REPORT**  
**FISCAL YEAR ENDED**  
**JUNE 30, 2016**

CRESTON  
CITY OF CRESTON, IOWA

16208800300000  
CITY CLERK  
116 W ADAMS  
CRESTON, IA 50801

**DUE: December 1, 2016**

*(Please correct any error in name, address, and ZIP Code)*

**WHEN COMPLETED, PLEASE RETURN TO**  
Mary Mosiman, CPA  
Office of Auditor of State  
Lucas State Office Building  
321 E. 12th Street, 2nd Floor  
Des Moines, IA 50319

NOTE - The information supplied in this report will be shared by the Iowa State Auditor's Office, the U.S. Census Bureau, various public interest groups, and State and federal agencies.

**ALL FUNDS**

Item description	Governmental (a)	Proprietary (b)	Total actual (c)	Budget (d)
<b>Revenues and Other Financing Sources</b>				
Taxes levied on property	2,683,483		2,683,483	2,392,365
Less: Uncollected property taxes-levy year	0		0	
<b>Net current property taxes</b>	<b>2,683,483</b>		<b>2,683,483</b>	<b>2,392,365</b>
Delinquent property taxes	0		0	
TIF revenues	697,428		697,428	651,442
Other city taxes	1,039,566	0	1,039,566	1,090,917
Licenses and permits	44,719	0	44,719	42,900
Use of money and property	102,532	13,104	115,636	77,450
Intergovernmental	1,506,249	227,136	1,733,385	1,619,989
Charges for fees and service	865,165	3,733,631	4,598,796	5,783,724
Special assessments	6,954	0	6,954	2,500
Miscellaneous	608,518	125,874	734,392	528,447
Other financing sources	1,565,258	206,359	1,771,617	2,194,786
<b>Total revenues and other sources</b>	<b>9,119,872</b>	<b>4,306,104</b>	<b>13,425,976</b>	<b>14,384,520</b>
<b>Expenditures and Other Financing Uses</b>				
Public safety	1,606,192	0	1,606,192	1,640,210
Public works	1,675,071	0	1,675,071	1,784,069
Health and social services	0	0	0	
Culture and recreation	696,820	0	696,820	922,064
Community and economic development	31,617	0	31,617	31,660
General government	1,860,501	0	1,860,501	1,959,285
Debt service	908,363	0	908,363	908,363
Capital projects	104,764	0	104,764	200,000
<b>Total governmental activities expenditures</b>	<b>6,883,328</b>	<b>0</b>	<b>6,883,328</b>	<b>7,445,651</b>
Business type activities	0	3,554,804	3,554,804	4,514,256
<b>Total ALL expenditures</b>	<b>6,883,328</b>	<b>3,554,804</b>	<b>10,438,132</b>	<b>11,959,907</b>
Other financing uses, including transfers out	1,236,958	517,444	1,754,402	2,194,786
<b>Total ALL expenditures/And other financing uses</b>	<b>8,120,286</b>	<b>4,072,248</b>	<b>12,192,534</b>	<b>14,154,693</b>
<b>Excess revenues and other sources over (Under) Expenditures/And other financing uses</b>	<b>999,586</b>	<b>233,856</b>	<b>1,233,442</b>	<b>229,827</b>
Beginning fund balance July 1, 2015	7,004,086	3,222,760	10,226,846	8,876,038
Ending fund balance June 30, 2016	8,003,672	3,456,616	11,460,288	9,105,865

Note - These balances do not include \$ \_\_\_\_\_ held in non-budgeted internal service funds; \$ \_\_\_\_\_ held in Pension Trust Funds; \$ \_\_\_\_\_ held in Private Purpose Trust funds and \$ 37,890 held in agency funds which were not budgeted and are not available for city operations.

Indebtedness at June 30, 2016	Amount - Omit cents	Indebtedness at June 30, 2016	Amount - Omit cents
General obligation debt	\$ 2,565,000	Other long-term debt	\$ 0
Revenue debt	\$ 968,000	Short-term debt	\$ 0
TIF Revenue debt	\$ 10,900		
		General obligation debt limit	\$ 15,937,313

**CERTIFICATION**

THE FOREGOING REPORT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

Signature of city clerk		Date Published/Posted	Mark (x) one <input type="checkbox"/> Date Published <input type="checkbox"/> Date Posted
Printed name of city clerk LISA WILLIAMSON	Telephone →	Area Code 641	Number 782-2000 Extension 203
Signature of Mayor or other City official (Name and Title)		Date signed	

**PLEASE PUBLISH THIS PAGE ONLY**

# CONSTRUCTION PROGRESS REPORT

**Project Description:** Replace Runway 16/34 VASIs (with PAPIs) and REILs  
Creston Municipal Airport

**Date of Contract:** June 7, 2016

**Estimate:** No. 1

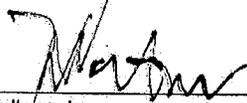
**Completion Date:**

**Contractor:** Voltmer, Inc.

**Owner:** Creston, Iowa

Base Bid + Alternate Bid	\$138,963.78	Construction Completed ( See Attached Tab)	79,771.27
		Total Amount Earned	\$79,771.27
		Less 5% Retainage	-\$3,988.56
		Subtotal	\$75,782.70
		Less Previous Payment	\$0.00
<b>Total Contract Amount</b>	<b>\$138,963.78</b>	<b>AMOUNT DUE THIS ESTIMATE</b>	<b>\$75,782.70</b>

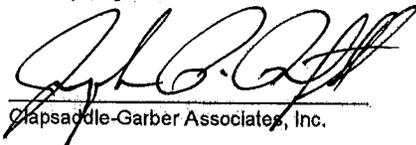
*Requested by Contractor:*

  
\_\_\_\_\_  
Voltmer, Inc.

**Mike Voltmer, President**  
\_\_\_\_\_  
Title

10/11/16  
Date

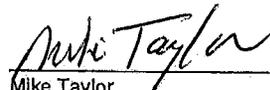
*Recommended by Engineer:*

  
\_\_\_\_\_  
Clapsaddle-Garber Associates, Inc.

Project Engineer  
\_\_\_\_\_  
Title

10/17/16  
Date

*Approved by Owner:*

  
\_\_\_\_\_  
Mike Taylor  
City of Creston

City Administrator  
\_\_\_\_\_  
Title

10/19/2016  
Date

Prepared by:  
CGA Consultants  
Marshalltown, Iowa 50158

CGA Project No. 4445.06  
October 10, 2016

Tabulation of Construction Quantities  
 Replace Runway 16/34 VASIs (with PAPIs) and REILs  
 Creston Municipal Airport  
 Creston, Iowa

Period Ending: October 7, 2016

Item No	Description	Unit	Unit Bid Price	Contract		Completed	
				Quantity	Amount	Quantity	Amount
	Base Bid						
1	Safety Plan Compliance Document	LS	\$500.00	1	\$500.00	1	\$500.00
2	CSPP and SPCD Compliance	LS	\$1,500.00	1	\$1,500.00	0.75	\$1,125.00
3	Mobilization	LS	\$14,574.00	1	\$14,574.00	0.90	\$13,116.60
4	#4 AWG, 600V, L-824, Thwn-2 Cable, Installed Conduit or Duct	LF	\$0.72	25,000	\$18,000.00	22,526	\$16,218.72
5	#6 AWG, Insulated, Stranded Equipment Ground, 600V, L-824, Thwn-2 C	LF	\$0.44	7,000	\$3,080.00	6,526	\$2,871.44
6	#6 AWG, Solid Bare Counterpoise Wire, Installed in Trench w/Ground Ro	LF	\$1.93	800	\$1,544.00	506	\$976.58
7	1 Way 2 Inch Schedule 40 PVC Conduit, Including Trench and Backfill	LF	\$3.62	6,400	\$23,168.00	6,097	\$22,071.14
8	1 Way 2 Inch Type III-HDPE Conduit, Directional Bored	LF	\$24.55	110	\$2,700.50	110	\$2,700.50
9	L-867 Electrical Handhole	EA	\$595.81	15	\$8,937.15	15	\$8,937.15
10	Install LED REIL System	EA	\$10,386.46	2	\$20,772.92	0.30	\$3,115.94
11	Install PAPI System	EA	\$15,843.09	2	\$31,686.18	0.00	\$0.00
12	Removal of Existing REIL System	LS	\$2,400.00	1	\$2,400.00	0.25	\$600.00
13	Removal of Existing VASI System	LS	\$2,400.00	1	\$2,400.00	0.25	\$600.00
14	Replacement of Existing Obstruction Lighting and Connection to REIL	LS	\$2,943.19	1	\$2,943.19	0.50	\$1,471.60
1-11	Deduct Install PAPI System	EA	-\$15,843.09	2	(\$31,686.18)	0.00	\$0.00
1-15	Add Install LED PAPI System	EA	\$18,222.01	2	\$36,444.02	0.30	\$5,466.60
<b>Total</b>					<b>\$138,963.78</b>		<b>\$79,771.27</b>

Prepared by  
 Clapsaddle-Garber Associates, Inc.  
 Marshalltown, Iowa

PN 4445.06

*Park and Recreation*

*Meeting Minutes*

October 28, 2016

**I. Call to order**

John Kawa called to order the special meeting of the Park and Recreation Board at 5:15am on October 28, 2016 at Jane Browns Physical Therapy.

**II. Roll call**

John Kawa conducted a roll call. The following persons were present: Gary Borcharding, John Kawa, Jane Brown.

**III. Open issues**

- a) The Board recommended the council approve the WIRB drawdown of 33,770.21 for the Wetland Restoration Project and Change Order #1 from C&J Conservation L.L.C. for 26,233.00. Amendment for Synder and Associates Engineering and Professional Services to complete construction documents for expanding planting areas. Motion... Kawa. Second...Brown. All voted aye. Motion carried.

The next meeting is scheduled for November 8, 2016 at 5:30pm in the Restored Depot.

**Adjournment**

John Kawa adjourned the meeting at 5:20am

Minutes submitted by: Mark Huff

Minutes approved by:

Chairman-----

Secretary-----

# STATE OF IOWA

# GAX

<b>BUDGET FY</b>		<b>GENERAL ACCOUNTING EXPENDITURE</b>				<b>DOCUMENT NUMBER</b>	
2016		DATE 08/16/16	ACCTG PERIOD (mm/yy) 7/30/16		7		
VENDOR CODE							
VENDOR NAME AND ADDRESS			BILL TO ADDRESS (ORDERING AGENCY)		SHIP TO ADDRESS		
City of Creston 116 W. Adams St. Creston, Iowa 50801			City of Creston 116 W. Adams St. Creston, Iowa 50801				
TERMS		FOB	ORDER APPROVED BY			GOODS RECEIVED/SERVICES PERFORMED	
			Mayor Gary Lybarger			DATE	
QUANTITY		VENDOR'S INVOICE DATE	VENDOR'S INVOICE NUMBER			INITIALS	
ORDERED	RECEIVED	UNIT OF MEASURE	DESCRIPTION	UNIT PRICE	TOTAL PRICE		
			Engineering 20% cost share (total \$2,591.52)	1.00	518.30		
			Wetland Restoration and Enhancement (total \$57,330.88)	1.00	33,251.91		
<b>DOCUMENT TOTAL</b>					<b>\$33,770.21</b>		
<b>CLAIMANT'S CERTIFICATION</b>				<b>DEPARTMENT CERTIFICATION</b>			
I CERTIFY THAT THE ITEMS FOR WHICH PAYMENT IS CLAIMED WERE FURNISHED FOR STATE BUSINESS UNDER THE AUTHORITY OF THE LAW AND THAT THE CHARGES ARE REASONABLE, PROPER, AND CORRECT, AND NO PART OF THIS CLAIM HAS BEEN PAID.				I CERTIFY THAT THE ABOVE EXPENSES WERE INCURRED AND THE AMOUNTS ARE CORRECT AND SHOULD BE PAID FROM THE FUNDS APPROPRIATED BY:			
DATE	11/01/2016	TITLE	Mayor	CODE OR CHAPTER SECTION(S)			
CLAIMANT'S SIGNATURE							
<b>DOCUMENT TOTAL</b>					<b>33,770.21</b>		

## GAX

WARRANT # \_\_\_\_\_

PAID DATE \_\_\_\_\_

**CHANGE ORDER NO. 1**

OWNER: City of Creston, Iowa

PROJECT: McKinley Lake Water Quality Improvements - Phase 1  
PROJECT #: 110.0945A

To: C&J Conservation, L.L.C.  
Contractor  
1691 205th St.  
Address  
Creston, Ia 50801  
City, State, Zip

You are directed to make the following changes in this contract:

1. **Description of change to be made:**  
All Items Listed Below: Added additional earthwork and riprap to grade a maintenance access into project.

2. **Reason for Change:**  
All Items Listed Below: Added additional earthwork and riprap to allow for maintenance access.

3. **Settlement for the cost of making the change shall be as follows:**

Item No.	Item Description	Quantity	Unit	Unit Price	Total Price
1.	Excavation, Class 13	1126	CY	\$1.85	\$2,083.10
4.	Rip Rap (Class E)	390	TON	\$60.00	\$23,400.00
14.	Embankment Construction, Type A Compaction	250	CY	\$3.00	\$750.00
<b>TOTAL</b>					<b>\$26,233.10</b>

4. **This change order will result in a net change in the contract completion date and a net change in the cost of the project of \$26,233.10 divided as follows:**

	<u>Contract Amount</u>	<u>Contract Completion Date</u>
Approved funds and contract completion date as per (Engineer's Estimate, Contract or last approved C.O.)	\$218,570.00	September 30, 2016
Change due to this C.O. (+ or -)	\$26,233.10	November 18, 2016
Totals including this C.O.:	\$244,803.10	-

The change described herein is understood, and the terms of settlement are hereby agreed to:

C&J Conservation, L.L.C.  
CONTRACTOR

By \_\_\_\_\_

DATE: \_\_\_\_\_

Snyder & Associates, Inc.  
ENGINEER

By \_\_\_\_\_

DATE: \_\_\_\_\_

City of Creston  
OWNER

By \_\_\_\_\_

DATE: \_\_\_\_\_

## SUPPLEMENTAL AGREEMENT FOR ADDITIONAL SERVICES

To: **Snyder & Associates, Inc.**  
2727 SW Snyder Boulevard  
Ankeny, Iowa 50023  
Phone: 515.964.2020  
Fax: 515.964.7938

Attn: Mark A. Land

This is authorization for Snyder & Associates, Inc. to proceed with the following described additional services.

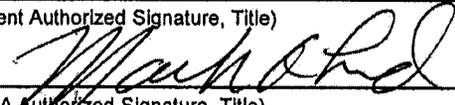
<b>Client: Parks and Recreation Board – City of Creston</b>	
<b>Project Name: McKinley Lake Water Quality Improvement Phase I</b>	
<b>S&amp;A Project Number: 110.0945.01A</b>	<b>Date: 10/25/2016</b>

### DESCRIPTION OF ADDITIONAL SERVICES:

See Exhibit A

- Lump Sum in the amount of: \$ \$4,716.00
- Hourly in accordance with the original agreement fee schedule, or attached, with not to exceed budget of: \$ [Click here to enter text.]
- Document attached: Click here to enter text.

The undersigned, on behalf of the Client, understands and agrees that the services described in this Supplemental are additional service, scope of which is not contained within the original scope of services defined in the original agreement. The Additional Services in this Supplemental are subject to the general conditions contained in the original Professional Services Agreement dated 9/14/2014.

By: \_\_\_\_\_  
(Client Authorized Signature, Title)  
  
\_\_\_\_\_  
(S&A Authorized Signature, Title)

\_\_\_\_\_  
(Date)  
10/25/16  
\_\_\_\_\_  
(Date)

**EXHIBIT "A"**

**SCOPE OF SERVICES & FEE PROPOSAL  
MCKINLEY LAKE WATER QUALITY IMPROVEMENTS  
CITY OF CRESTON  
CRESTON, IOWA**

**I. GENERAL**

This Scope of Services & Fee Proposal is for the planting plan associated with the McKinley Lake Water Quality Improvements project Creston, Iowa. The scope was developed per outline of issues provided by the City of Creston.

**II. PLANTING PLAN**

The PROFESSIONAL will develop a planting plan that is consistent with the current US Army Corps of Engineers and Iowa Department of Natural Resources permitting. The planting plan will consist of plan sheets for the native planting area(s), seed mix specifications, quantities, planting specifications, and maintenance specifications. A draft plan to review with the Parks Board prior to finalizing the plan in order to gather input from the Board.

**III. PROJECT FEE AND SCHEDULE**

PROFESSIONAL will complete the above services for \$4,700.

The PROFESSIONAL will begin work upon notice to proceed with the planting plan. The draft planting plan will be completed within two weeks of authorization.

## Lisa Williamson

---

**From:** Marion James <jameslaw@iowatelecom.net>  
**Sent:** Tuesday, October 25, 2016 2:55 PM  
**To:** Lisa Williamson  
**Subject:** RE: ORDINANCE NO 17-172 ANIMAL PROTECTION & CONTROL

Good afternoon, Lisa:

Thank you for your inquiry regarding the punishment applicable to a violation of the proposed amendment to chapter 55 of the Code of Ordinances. If a criminal citation is issued for the violation, the punishment is governed by section 1.10 of the Code of Ordinances, standard penalty, which provides for the imposition of a fine of not less than \$65 but not to exceed \$625. The court may also order imprisonment not to exceed 30 days in lieu of a fine or in addition to a fine.

On the other hand, if a civil citation is issued to a person who violates the ordinance in question, section 4.03, penalties, of the Code of Ordinances applies which provides for the imposition of a civil penalty not to exceed \$500 for the first offense and not to exceed \$750 for each repeat offense.

Thus, the amendment does not need to contain a separate penalty provision. This is already covered by the existing provisions of the Code of Ordinances as explained above.

If I can be of further assistance, please do not hesitate to contact me.

Thank you,

Marion

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**From:** Lisa Williamson [mailto:LWilliamson@crestoniowa.org]  
**Sent:** Tuesday, October 25, 2016 9:15 AM  
**To:** Marion James <jameslaw@iowatelecom.net>  
**Subject:** ORDINANCE NO 17-172 ANIMAL PROTECTION & CONTROL

Hello Marion,

During Council discussion of the proposed amendment to the Ordinance, Chapter 55, one of the council members thought we should have something specific regarding the fines in that chapter. We are wondering if Chapter 4, Municipal Infractions section would be sufficient, or should we add something regarding criminal fines?

Thank you,

*Lisa Williamson*

City Clerk  
City of Creston (7834)  
PO Box 449  
Creston, IA 50801-0449  
T: 641-782-2000 Ext 203  
F: 641-782-6377  
[lwilliamson@crestoniowa.org](mailto:lwilliamson@crestoniowa.org)

## **ORDINANCE NO. 17-172**

### **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESTON, IOWA, 1996, BY AMENDING CHAPTER 55, AND ADDING A NEW SECTION 55.22 – PROVISIONS PERTAINING TO FEEDING ANIMALS**

**BE IT ENACTED** by the City Council of the City of Creston, Iowa:

**SECTION 1. NEW SECTION.** The Code of Ordinances of the City of Creston, Iowa, 1996, is amended by adding a new Section in Chapter 55, numbered 55.22, entitled FEEDING ANIMALS, which is hereby adopted to read as follows:

**55.22 FEEDING ANIMALS.** It is unlawful for any person to feed and water any stray or feral animal. Owners shall only put out food and water sufficient to meet the needs of the animals under their care. For purposes of this ordinance, a stray or feral animal is deemed to be an animal that is unowned, unclaimed, or a cat or dog that does not possess a collar, harness or microchip. This provision does not apply to the feeding of wild birds or squirrels.

**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.

**RESOLUTION NO. ?? – 17**

**RESOLUTION TO SPECIAL ASSESS NUISANCE ABATEMENT CHARGES DUE TO NON-PAYMENT BY PROPERTY OWNERS:**

**WHEREAS**, the Creston City Council was presented with an estimate and a list of mowing nuisance abatements for the Summer of 2016; and,

**WHEREAS**, the City’s Mowing Ordinance is advertised in the local newspaper and posted each season; and,

**WHEREAS**, if the length of vegetation is 12 inches or taller by the 1<sup>st</sup> and the 15<sup>th</sup> of each month, May through October, the City may mow said properties and charge the property owners; and,

**WHEREAS**, the City Administrator ordered the nuisances abated; and,

**WHEREAS**, the City Clerk billed the property owners and the City was never paid.

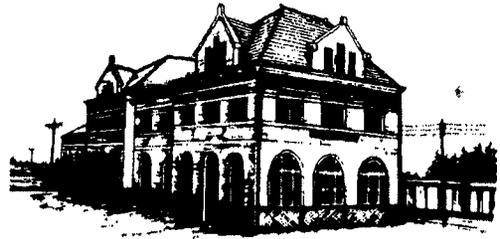
**BE AND IT IS HEREBY RESOLVED** that the Creston City Council approves that the charges shall be collected in the same manner as general property taxes for the properties legally described as –

102 S Sumner – S 40' Lot 100 & N 10' Lot 101, West Creston, Section C; Parcel #24010-360-087-00 .....	250.00
805 ½ W Jefferson – W 38 2/3' of Lot 10, in a subdivision of Lot 240, West Creston, Section A; Parcel #24010-340-271-00 .....	\$175.00
417 N Jarvis – N 40 Ft Lot 64, Railroad Addition; Parcel #24010-560-055-00 .....	\$175.00
415 N Jarvis – S 4 Ft Lot 64, All Lot 65 and N 10 Ft Lot 66, Railroad Addition; Parcel #24010-560-056-75 .....	\$175.00
405 N Cherry – Lot 16, McDonalds North, Section A; Parcel #24010-390-013-00 .....	\$175.00
609 N Maple – Lot 11, Block 1, 2 <sup>nd</sup> Northern; Parcel #24010-520-011-00 .....	\$175.00
504 S Mulberry – Lots 68-69, McDonalds S; Parcel #24010-3880-048-00 .....	\$250.00
311 S Maple – Lot 283, Original Plat; Parcel #24010-320-246-00 .....	\$250.00
426 Wyoming – North ½ Lot 184 & All of Lots 185-186, West Creston, Section B; Parcel #24010-350-120-00 .....	\$250.00

**BE AND IT IS FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to execute the proper documentation necessary.

City of  
**CRESTON, IOWA**

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



*Creston's Restored Depot and City Hall*

October 27, 2016

TO: Mayor Lybarger and City Council

RE: Bids and Selection of Contractor for James Subdivision Ditch

We have solicited bids to repair the ditch that runs down through the James Subdivision Green Area. The ditch has cut deeper in some areas requiring some attention.

This repair will be using WIRB grant funds to pay for a portion of the costs.

The repair will consist of building some rock structures to help slow the water down so that the present cutting away of the ditch banks does not happen. Two of the rock structures will be made so that mowers can be driven across.

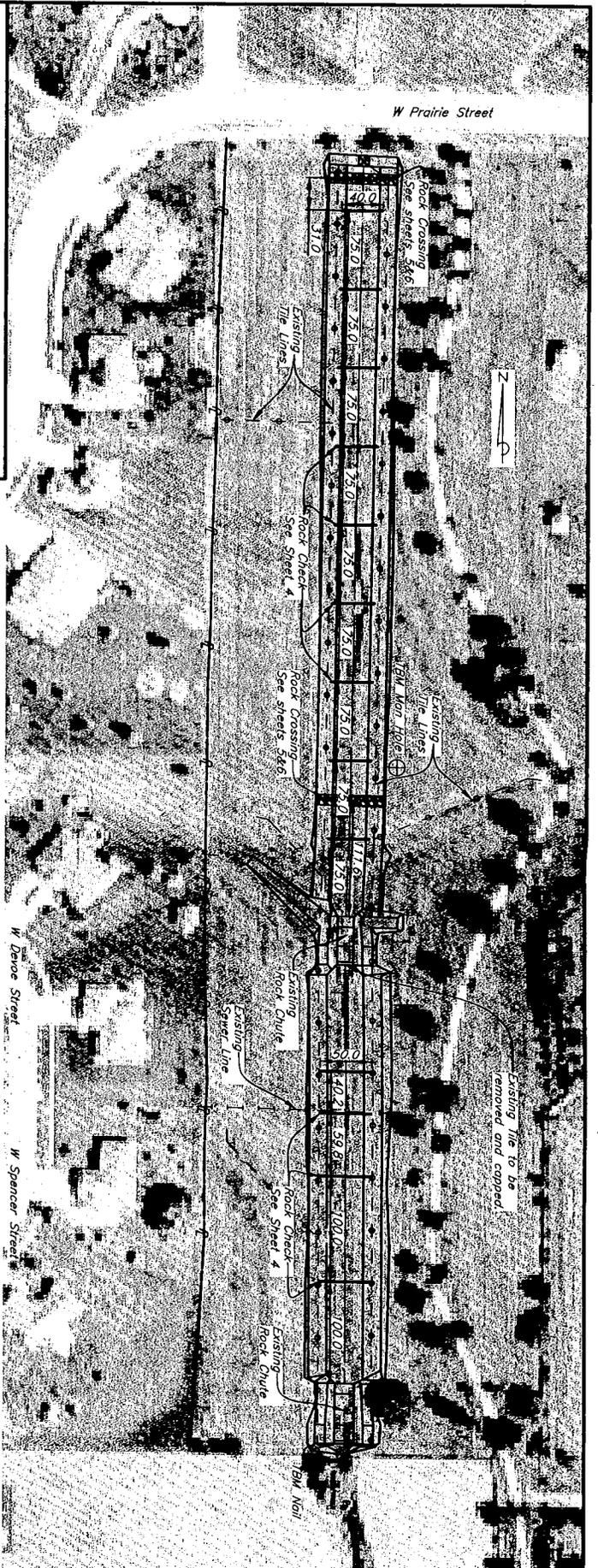
These bids are scheduled to come in Monday Oct. 31<sup>st</sup>, for opening and will be presented at the Council meeting on Nov. 1<sup>st</sup>.

Please contact me with any questions.

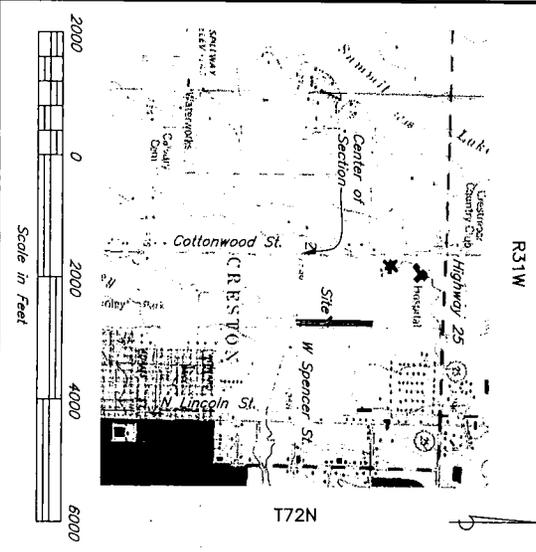
Respectfully,

Handwritten signature of Kevin Kruse.

Kevin Kruse  
Public Works Director



**LOCATION MAP**



- Notes**
1. Manufactured Mulch Blanket shall be installed a minimum of 1.0 foot into rock check trenches and rock crossing excavations. Inlet below existing rock chute to be constructed as shown in "Inlet Detail" or earthfill option on sheet 3.
  2. Woody vegetation shall be removed and killed with chemical treatment in existing rock chutes. Care shall be used as to not destroy gibbon basket wire.
  3. Earthfill Compaction shall be accomplished by Method 1.
  4. Earthfill Compaction around Sewer Main shall be hand tamped.
  5. Manufactured mulch blanket and rock checks shall be inspected by NRCS personnel.

**CONTROL POINT COORDINATES UTM NAD 83, ZONE 15, INTERNATIONAL FEET**

ITEM	NORTHING	EASTING	ELEVATION
TBM Nail	14917448.89	1259056.43	1250.57
TBM Man Hole	14918105.16	1259735.54	1281.24

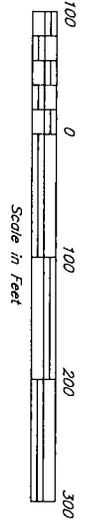
NO.	ELEV.	DESCRIPTION
TBM NAIL	1250.57	Top of 40d nail and NRCS disc. 6 inches above ground north east side of 6 inch diameter wood post of at top of bank in east west property line fence.

**LIST OF QUANTITIES**

1,120 Linear Feet  
 Manufactured Mulch Blanket (See Sheet 3 for Quantities)  
 Rock Checks (See Sheet 4 for Quantities)  
 Rock Ford Crossing (See Sheet 6 for Quantities)  
 1.5 Acres  
 Seeding

If a cultural resource is identified during construction, stop immediately and notify the Natural Resources Conservation Service Archeologist at (515) 284-4370.

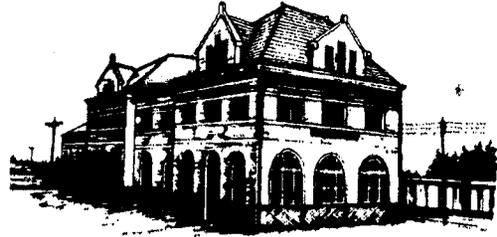
CONTRACTOR IS RESPONSIBLE FOR CALLING IOWA ONE CALL 1-800-292-8989



<p>United States Department of Agriculture          Natural Resources Conservation Service</p>	<b>CITY OF CRESTON - JAMES ADDITION</b> <b>WATERWAY REPAIR</b> <b>PLAN VIEW</b> Job Class II Union County, Iowa		Date <b>7/16</b> Designed <b>Bruce D. Dake</b> Drawn <b>Bruce D. Dake</b> Checked <b>Tim A. Mensing</b> Approved <b>Bruce D. Dake</b>
	File No. <b>James Addition W/049</b> Drawing No. <b>10/3/16 830 PM</b> Sheet 7 of 6		
			Date <b>7/16</b> Drawn <b>Bruce D. Dake</b> Checked <b>Tim A. Mensing</b> Approved <b>Bruce D. Dake</b>
			Date <b>10/16</b> Checked <b>Tim A. Mensing</b> Approved <b>Bruce D. Dake</b>
			Date <b>10/16</b> Approved <b>Bruce D. Dake</b>

City of  
**CRESTON, IOWA**

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



*Creston's Restored Depot and City Hall*

October 27, 2016

TO: Mayor Lybarger and City Council Members

RE: Naming of Streets deeded to City from Jerry Abell

Now that the City has been deeded the streets from Jerry Abell located by Fastenal and the Pier we should officially name them.

My suggestions are as follows:

1. The portion of the street that extends south of Wyoming Avenue be called Wyoming Ave.
2. The north – south portion of the street that extends south of HWY 34 on the west side of Iowa State Savings Bank and Fastenal be called Abell Street, as it is now.
3. The east – west portion of the street be called Ringgold Street. I looked at this portion to also possibly be Abell St. but ran into issues with addressing.

Fastenal's address is 805 Abell Street, since it falls into the 800 block range of addresses for north - south streets. Once you turn the corner to head west you would be in the 600 block range of addresses for east – west streets and once west of Wyoming Ave. you would be in the 700 block range. This would cause confusion as to location an address with driving past an 800 address, turning a corner and finding out you are in the 600 block and then 700 block of the same street name. Or coming off of Sumner Street the addressing would go 700, 600 and then the 800 blocks.

Naming this portion Ringgold Street would eliminate most confusion. This east-west street, while it does not line up perfectly with Ringgold Street to the east, it is close enough to name it Ringgold Street also.

Please contact me with any questions.

Respectfully,

  
Kevin Kruse  
Public Works Director

**Kevin Kruse**

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**From:** Union County Emergency Management Agency <ucema@mchsi.com>  
**Sent:** Wednesday, October 26, 2016 9:52 AM  
**To:** Kevin Kruse; 'Lyn Hansen'  
**Subject:** RE: Street names

Kevin,  
In regards to the changes that you have planned for the streets deeded to the City from Jerry Abell. I think the schema is ideal. In fact, historically on the maps, the streets have been just as you have laid out, and it. I also know through the years, Wyoming Ave., south of Taylor St. was always thought to be "just a parking lot entrance", signing this would make sense and eliminate confusion. It also makes sense to have Abell Street remain on the east side of ISSB down to Fastenal.

Respectfully,

Jo

**Hansen's M & M Services**

202 North Division Street  
Audubon, Iowa 50025

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Telephone or Fax Number: 712-563-2030  
Email [lynhansen@iowatelecom.net](mailto:lynhansen@iowatelecom.net)

October 25, 2016

Ref: Naming of Streets deeded to City from Jerry Abell

To: Mayor Lybarger and Creston City Council Member

Good afternoon,

Kevin asked me to provide my thoughts on the naming of streets in Abell St area. You are probably thinking who are you? I have been working with Kevin for a lot of years in the setup of the Creston map for your city and also maintaining it for 911. We have worked together on issuing of new addresses, new street segments, and any changes that occur with your city.

The suggestions that Kevin has provided in his letter will work with your current street names and with the addressing you now have in place. The street ranges Kevin is suggesting also works with your current ranges.

Please consider Kevin Kruse suggestions.

Respectfully,

Lyn Hansen

## Mike Taylor

---

**cc:** Richard Madison (rich@abundantlifefamilychurch.net); 'Marsha' (admiral@iowatelecom.net); dkoets@lenoxschools.org; Gabriel Carroll (gabriel.jon.carroll@gmail.com); steve@wintermutebiz.com; ron.higgins@stalkergm.com

**Subject:** FW: Creston, IA crossings

Hello City Council,  
Please see the email below.  
Thanks,  
Mike

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**From:** Kevin Kruse  
**Sent:** Friday, October 21, 2016 4:09 PM  
**To:** Mike Taylor  
**Cc:** Mayor Lybarger  
**Subject:** FW: Creston, IA crossings

---

**From:** Nutt, Calvin G [<mailto:Calvin.Nutt@BNSF.com>]  
**Sent:** Friday, October 21, 2016 4:00 PM  
**To:** Kevin Kruse  
**Cc:** Nutt, Calvin G  
**Subject:** RE: Creston, IA crossings

Kevin,

BNSF plans to get the approaches asphalted on the two main tracks at New York Avenue. The work on the Cedar Street Underpass was awarded for completion in 2016, and I am gathering information as to the planned schedule.

Both main tracks at New York Avenue as well as the main tracks and yard tracks at Elm Street have been the subject of surface issues in the last two years. While they are comfort issues, and not safety issues, BNSF would like to partner with the City to resolve them if possible. If the City would like to partner with BNSF on a surface rehabilitation project, we could improve the track structure to ensure that the riding surface stays smooth in the future. The approximate cost of crossing rehabilitation is \$1,500 per track foot. Each crossing at New York Avenue is 56', the mains at Elm Street are 64', and the yard track at Elm Street is 56'. For 296 total feet of track rehabilitation, the project cost is roughly \$444,000. BNSF's cost-share of a crossing rehabilitation would be 20% BNSF, 80% road authority, with the City's share coming to \$355,200. As mentioned on the phone, we could also execute easements at each of these crossings as part of this agreement, which would give the City rights that do not exist today to have a crossing at these locations.

Please give me a call if you have any questions or would like to discuss.

Thanks

Calvin Nutt  
BNSF Railway  
Manager Public Projects  
IA, IL, WI  
763-782-3495  
[Calvin.Nutt@BNSF.com](mailto:Calvin.Nutt@BNSF.com)

**From:** Kevin Kruse [<mailto:KKruse@crestoniowa.org>]  
**Sent:** Tuesday, October 18, 2016 8:52 AM  
**To:** Nutt, Calvin G <[Calvin.Nutt@BNSF.com](mailto:Calvin.Nutt@BNSF.com)>  
**Subject:** Creston, IA crossings

EXTERNAL EMAIL

Calvin:

Earlier this summer BNSF crews raised the tracks at the New York Ave. crossing to the extent that it is dangerous for motorcycles and bicycles to cross as well as being very rough for autos.

We were going to place asphalt in between the tracks to help take care of this situation but the day before we were going to do that I was informed by a BNSF representative that those tracks were not done correctly and would be lowered. This was about 2 months ago.

This crossing has not improved and probably gotten worse on the south bound side of New York Ave.

I have contacted Jeremy Bertoni on several occasions to see what the schedule is but nothing has happened yet.

If you would like to discuss this with me you may call my cell phone at 641-344-9426 or at my office phone listed below.

Also, any news on the Cedar Street Underpass?

Thank you,

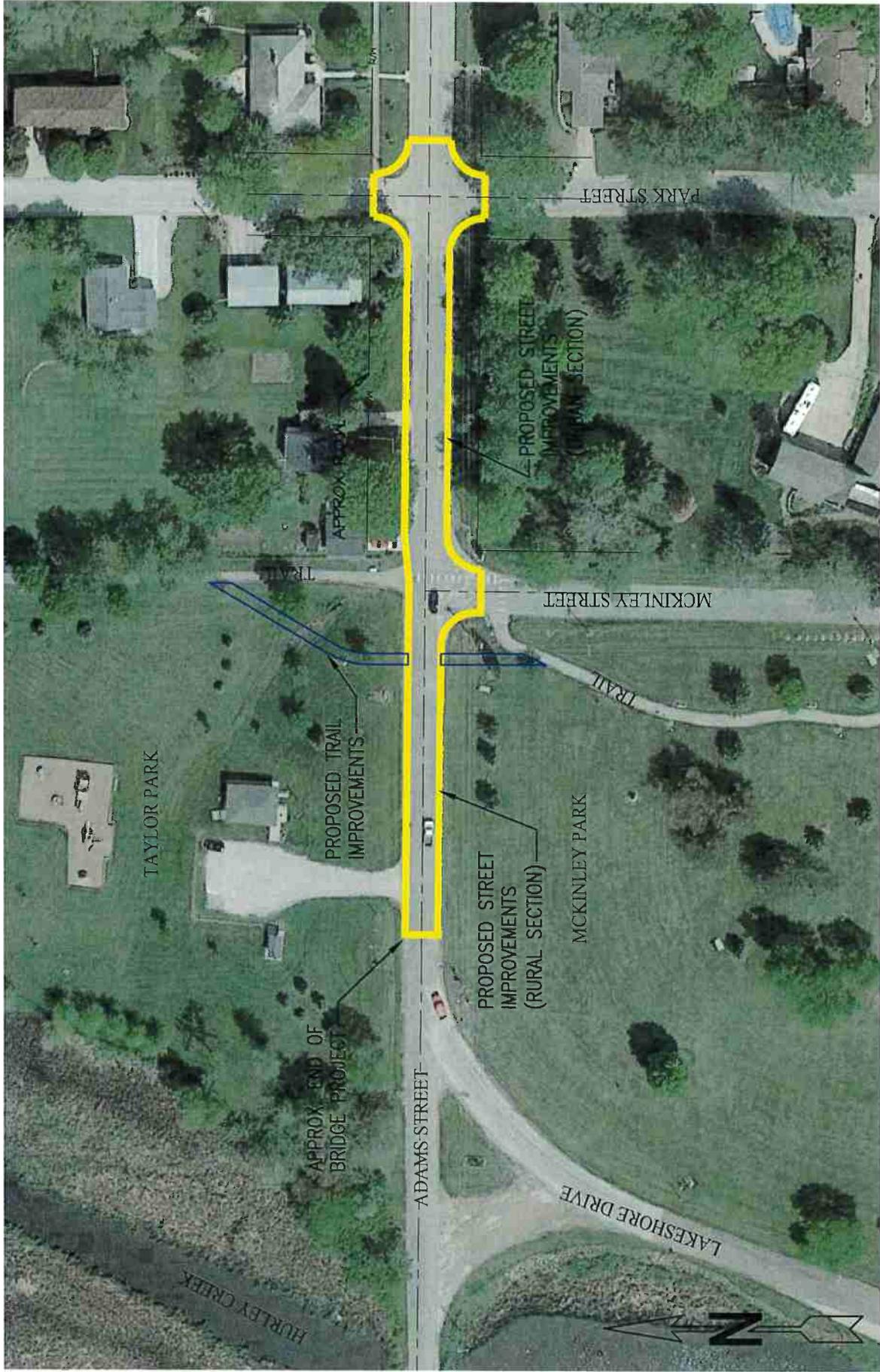
Kevin Kruse  
Public Works Director  
City of Creston  
P.O. Box 449, 116 West Adams  
Creston, Iowa 50801  
641-782-2000 ext. 207  
641-782-6377 Fax  
[kkruse@crestoniowa.org](mailto:kkruse@crestoniowa.org)  
<http://crestoniowa.gov>

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**ENGINEER'S OPINION OF PROBABLE COST  
ADAMS STREET: LAKE SHORE DRIVE TO PARK STREET  
CRESTON, IOWA**

7/18/2016

Item	Bid Item Description	Unit	Estimated Quantity	Unit Price	Extended Price
<b>Grading, Paving, &amp; Storm Sewer</b>					
1	Excavation, Class 10	CY	825	\$12.00	\$9,900.00
2	Subgrade Preparation	SY	2,450	\$2.00	\$4,900.00
3	Subbase, Modified Subbase, Granular	SY	2,450	\$8.00	\$19,600.00
4	Compaction Testing	LS	1	\$3,500.00	\$3,500.00
5	Trench Compaction Testing	LS	1	\$3,500.00	\$3,500.00
6	Pavement, PCC, 8" Thick (with CD baskets)	SY	2,160	\$45.00	\$97,200.00
7	PCC Pavement Samples and Testing	LS	1	\$3,000.00	\$3,000.00
8	Removal of Sidewalk	SY	10	\$5.00	\$50.00
9	Removal of Driveway	SY	30	\$5.00	\$150.00
10	Sidewalk, PCC, 4" Thick	SY	10	\$40.00	\$400.00
11	Detectable Warning	SF	8	\$45.00	\$360.00
12	Driveway, Paved, PCC, 6" Thick	SY	30	\$42.00	\$1,260.00
13	Pavement Removal	SY	2,060	\$5.00	\$10,300.00
14	Granular Shoulder, 8" Thick	TON	50	\$25.00	\$1,250.00
15	Conventional Seeding, Seeding, Fertilizing, and Mulching	LS	1	\$4,000.00	\$4,000.00
16	Traffic Control	LS	1	\$5,000.00	\$5,000.00
17	Mobilization	LS	1	\$20,000.00	\$20,000.00
18	Subdrain, Perforated PE, 4"	LF	1,150	\$10.00	\$11,500.00
19	Subdrain Outlets and Connections, CMP, 4"	EA	6	\$200.00	\$1,200.00
20	Storm Sewer				
	20.1 Storm Sewer, Trenched, RCP, 15"	LF	400	\$40.00	\$16,000.00
	20.2 Storm Sewer, Trenched, RCP, 18"	LF	125	\$45.00	\$5,625.00
21	Storm Sewer Structure				
	21.1 SW-501, Single Grate Intake	EA	8	\$3,000.00	\$24,000.00
22	Silt Fence, Installation	LF	1,200	\$5.00	\$6,000.00
23	Silt Fence, Removal of Sediment	LF	1,200	\$2.00	\$2,400.00
24	Silt Fence, Removal of Device	LF	1,200	\$2.00	\$2,400.00
<b>Grading, Paving, &amp; Storm Sewer Subtotal</b>					<b>\$253,495.00</b>
<b>Contingency @ 10% of Construction</b>					<b>\$25,500.00</b>
<b>Construction Total</b>					<b>\$278,995.00</b>
<b>Engineering Contract</b>					<b>\$53,500.00</b>
<b>Total Project Cost</b>					<b>\$332,495.00</b>



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ADAMS STREET -  
 LAKESHORE DRIVE  
 TO PARK STREET

PROJ. NO.:

**G1 GARDEN & ASSOCIATES, LTD.**  
**ENGINEERS & SURVEYORS**  
 1701 3rd Avenue East, Suite 1  
 P.O. Box 451  
 Oskaloosa, Iowa 52577  
 641.672.2526 Phone  
 641.672.2091 Fax  
 800.491.2524 Iowa Toll Free

500 E. Taylor, Suite C  
 Creston, Iowa 50801  
 641.782.4005 Phone  
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 email@gardenassociates.net