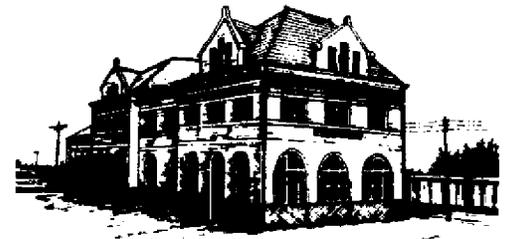


City of
CRESTON, IOWA

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, February 15, 2011
6:00 p.m.
Last updated: 02/11/2011 1:15 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 1, 2011 – Regular Meeting
 - b. **Claims and Fund Transfers:**
 - i. Total Claims - \$178,311.23
 - ii. Transfers - \$5,000.00
 - c. **Licenses/Permits:**
 - i. Liquor – Casey’s #2422 (enlarging sq ft)
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. Resolution to adopt proposed budget for Fiscal Year 2011 and set a Public Hearing for March 1, 2011 at 6:00 p.m.
 2. Resolution to designate No Parking Zones
 3. Resolution to approve Park & Rec Board request for \$5,000 funding from Hotel/Motel Fund for the McKinley Park Festival
 4. Resolution to approve Park & Rec 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
 5. Resolution to proceed with the acquisition by abandonment of dangerous property located at 507 N. Cherry by Iowa Code 657A.10A
 6. Appointment with Chief Ver Meer to discuss K-9
8. **Other**
9. **Adjournment**

REGULAR MEETING OF THE CRESTON CITY COUNCIL FEBRUARY 1, 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 and Wagner. Wilson and Koets were absent.

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

Shelton moved seconded by Wagner to approve the consent agenda, which included approval of minutes of January 18, 2011 regular meeting, correction of November 16, 2010 minutes, claims of \$174,066.46 and transfers of \$5,659.50. All voted aye. Wilson and Koets were absent. Motion declared carried.

No one spoke during Public Forum.

A resolution was offered by Wagner seconded by Shelton to reappoint Brian Zachary and Jane Briley to the Historic Preservation Commission with terms expiring March 3, 2014 and authorize the Mayor and Clerk to execute the proper documentation. Wynn, White, Winborn, Shelton and Wagner voted aye. Wilson and Koets were absent. Resolution declared passed.

Councilperson Koets arrived at 6:05 p.m.

A resolution was offered by Winborn seconded by Shelton to set date for Bid Letting on February 23, 2011, at 2:00 p.m. and Public Hearing on March 1, 2011, at 6:00 p.m. for the 2011 Northeast Area Sanitary Sewer Rehabilitation Project (I-Jobs) and authorize the Mayor and Clerk to execute the proper documentation. Wagner, Koets, Wynn, White, Winborn and Shelton voted aye. Wilson was absent. Resolution declared passed.

Wagner moved seconded by Winborn to Establish the Third and Final Reading of Ordinance 11-129 – AN ORDINANCE AMENDING PROVISIONS PERTAINING TO PARKING REGULATIONS, CHAPTER 69.08. Shelton, Wagner, Koets, Wynn, White and Winborn voted aye. Wilson was absent. Third and Final Reading Established.

A resolution was offered by Wagner seconded by Winborn to review and award bid for City-owned surplus vehicle and authorize the Mayor and Clerk to execute the proper documentation. Koets, Wynn, White, Winborn, Shelton and Wagner voted aye. Wilson was absent. Resolution declared passed.

A resolution was offered by Wagner seconded by Shelton to approve a Blanket Customer System Work Agreement with Interstate Power & Light Company and authorize the Mayor and Clerk to execute the proper documentation. Wynn, White, Winborn, Shelton, Wagner and Koets voted aye. Wilson was absent. Resolution declared passed.

Shelton moved seconded by White to adjourn the meeting. All voted aye. Wilson was absent. Motion declared carried. Council adjourned at 6:18 P.M.

Mayor

Attest:

City Clerk

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT		
POLICE PROTECTION	GENERAL FUND	IOWA TELECOM/WINDSTREAM	TELEPHONE	54.67		
		NAPA	AIR FILTERS	42.70		
			LAMP SOCKET & LAMPS	30.35		
		PETTY CASH - POLICE	#082-POSTAGE	10.95		
		SUPREME CLEANERS	UNIFORM CLEANINGS-JAN'11	119.00		
			TOTAL:	257.67		
FIRE PROTECTION	GENERAL FUND	CRESTON CITY WATER WORKS	WATER-FIRE	11.30		
		IOWA TELECOM/WINDSTREAM	TELEPHONE	228.26		
		ALLIANT ENERGY-INT PWR&LGHT	NATURAL GAS	527.01		
			ELECTRICITY	487.58		
		ECHO GROUP INC	BULB FOR FLAG POLE	27.73		
		MCI MEGA PREFERRED	LONG DISTANCE	4.44		
			TOTAL:	1,286.32		
BUILDING & HSNG SAFETY	GENERAL FUND	CJ COOPER & ASSOCIATES INC	RANDOM DRUG SCREEN	32.00		
		IOWA TELECOM/WINDSTREAM	TELEPHONE	56.99		
			TOTAL:	88.99		
ANIMAL CONTROL	GENERAL FUND	MASON COMPANY	10-GATE UNIT HINGE #350	64.00		
		CRESTON VET CLINIC PC	EUTHANIZE CAT	6.50		
		IOWA DEPT OF AGRICULTURE & LAND STEWAR	ANIMAL WELFARE LICENSE	75.00		
			TOTAL:	145.50		
STREET LIGHTING	GENERAL FUND	ALLIANT ENERGY-INT PWR&LGHT	ELECTRICITY	8,556.20		
			TOTAL:	8,556.20		
TRAFFIC SAFETY	GENERAL FUND	ALLIANT ENERGY-INT PWR&LGHT	ELECTRICITY	1,233.08		
			TOTAL:	1,233.08		
AIRPORT	GENERAL FUND	CLAPSADDLE-GARBER ASSOCIATES INC	ENG SVCS-EQUIPMENT	645.00		
			ENG SVCS-GRANT ADMINISTRAT	2,205.00		
			ENG SVCS FOR STORAGE BLDG	4,120.00		
		CRESTON PUBLISHING CO	SEALD BID NOTICE-3 DAYS	78.37		
		WASTE MANAGEMENT	DUMPSTER-JAN'11	61.96		
		IOWA TELECOM/WINDSTREAM	TELEPHONE	103.58		
		ALLIANT ENERGY-INT PWR&LGHT	ELECTRICITY	467.04		
		SOUTHWEST IOWA RURAL ELECTRIC	ELECTRICITY-AIRPORT	33.00		
		WEST AVIATION INC	PER FBO CONTRACT	1,354.17		
			PASS THRU-01.18.11	16.00		
			FUEL PROFIT-DEC'10	408.29		
			PER FBO CONTRACT	2,500.00		
			TOTAL:	11,992.41		
		SOLID WASTE CLCT/DSPSL	GENERAL FUND	WASTE MANAGEMENT	GARBAGE COLLECT-JAN'11	35,868.57
					TOTAL:	35,868.57
LIBRARY SERVICES	GENERAL FUND	CRESTON CITY WATER WORKS	WATER-LIBRARY	13.20		
			WATER-LINCOLN SCHOOL	8.04		
		WASTE MANAGEMENT	DUMPSTER-JAN'11	40.89		
		IOWA TELECOM/WINDSTREAM	TELEPHONE	228.68		
		ALLIANT ENERGY-INT PWR&LGHT	NATURAL GAS	542.00		
			ELECTRICITY	587.49		
		MCI MEGA PREFERRED	LONG DISTANCE	10.61		
	TOTAL:	1,430.91				

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
PARKS	GENERAL FUND	IOWA TELECOM/WINDSTREAM	TELEPHONE	52.26
		ALLIANT ENERGY-INT PWR&LGHT	ELECTRICITY	1,034.96
		NAPA	SELINOID FOR SNOW PLOW	6.98
			AIR FILTER	13.85
			TPS SENSOR	45.49
		TRUE VALUE HARDWARE & RENTAL	BOLT CUTTERS-DRILL BITS	70.97
			TOTAL:	1,224.51
RECREATION	GENERAL FUND	IOWA TELECOM/WINDSTREAM	TELEPHONE	56.99
		ALLIANT ENERGY-INT PWR&LGHT	ELECTRICITY	118.62
			TOTAL:	175.61
CEMETERY	GENERAL FUND	WASTE MANAGEMENT	DUMPSTER-JAN'11	61.96
		IOWA TELECOM/WINDSTREAM	TELEPHONE	54.67
		ALLIANT ENERGY-INT PWR&LGHT	ELECTRICITY	316.86
		ECHO GROUP INC	6-LAMPS, HOLDERS	190.15
		MCI MEGA PREFERRED	LONG DISTANCE	2.07
		PETTY CASH - CEMETERY	#411745-BOLT SNAP	8.96
			#411746-FLUSH LEVER	4.34
			#411747-GRINDING WHEEL	4.43
			#411748-TIRE REPAIR	10.00
			#411749-TIRE REPAIR	12.00
			#411750-SHARPEN 3 CHAINS	18.00
			#411751-CAP SCREW	3.54
			TOTAL:	686.98
		SWIMMING POOL	GENERAL FUND	IOWA TELECOM/WINDSTREAM
ALLIANT ENERGY-INT PWR&LGHT	NATURAL GAS			20.32
	ELECTRICITY			472.74
	TOTAL:			499.05
ADMINISTRATIVE	GENERAL FUND	WOODS, WARREN	REIMBURSEMENT	37.75
			TOTAL:	37.75
FINANCIAL ADMINISTRATN	GENERAL FUND	BANKERS LEASING CO	COPIER LEASE-MAINTENANCE	325.65
		CRESTON CITY WATER WORKS	WATER-505 N ELM	8.04
		CRESTON PUBLISHING CO	LEGAL ADS/NOTICES-JAN'11	13.35
			LEGAL ADS/NOTICES-JAN'11	200.15
		IOWA TELECOM/WINDSTREAM	TELEPHONE	258.01
		HEWLETT-PACKARD COMPANY	HP LASERJET PRINTER-LISA	219.00
		MCI MEGA PREFERRED	LONG DISTANCE-CITY HALL	15.70
			LONG DISTANCE-FAXES	2.52
		OFFICE DEPOT	2-TONER CARTRIDGES-LISA	167.48
		PETTY CASH - FINANCE	#1279-RECORDING FEES	54.00
			#1280-RECORDING FEES	14.00
			#1281-RECORDING FEES	27.00
			#1282-RECORDING FEES	18.00
		SHRED-IT DES MOINES	1 BAG SHRED	52.80
		STATE OF IOWA - AUDITOR	FILING FEE-FY'10 AUDIT	425.00
		TYLER INSURANCE SERVICES INC	ADD 2 PROPERTIES-NSP	63.00
			TOTAL:	1,863.70
CITY HALL	GENERAL FUND	ALLIANT ENERGY-INT PWR&LGHT	NATURAL GAS	1,408.58
			ELECTRICITY	521.85
		INNOVATIVE INDUSTRIES INC	JANITORIAL SVC-JAN'11	270.00
			TOTAL:	2,200.43

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
INSURANCE (GENERAL)	GENERAL FUND	TYLER INSURANCE SERVICES INC	ADDED AIRPORT INT'L TRK'11	124.00
			TOTAL:	124.00
MAINTENANCE	ROAD USE TAX	ARAMARK (LAUNDRY ACCTS)	LAUNDRY SERVICE	32.70
		ASPEN EQUIPMENT CO	20-CUTTER BITS	160.15
		CJ COOPER & ASSOCIATES INC	RANDOM DRUG SCREEN	32.00
		CRESTON AUTO PARTS INC	WINTER BLADE RETURN	6.76
			WIPER BLADES-MINI LAMPS	40.34
			1 CASE TRANS FLUID	55.08
			1 G FORM CLEANER	51.66
			WINTER BLADES-CAR SOAP	82.09
		IOWA TELECOM/WINDSTREAM	TELEPHONE	175.28
		ALLIANT ENERGY-INT PWR&LGHT	NATURAL GAS	787.37
			ELECTRICITY	456.05
		MCI MEGA PREFERRED	LONG DISTANCE	2.22
		NAPA	OIL FILTERS	92.62
			AIR FILTER-BACKHOE	29.88
			HOSE-FITTINGS-BATTER	364.20
			HEZ BITS & PLIERS	57.30
		PETTY CASH - MAINTENANCE	#2851-HAND TRUCK	89.87
			#2852-SHARPEN CHAIN	6.00
		AGRILAND FS INC	930 G DSL #1 @ 3.131	2,911.83
			930 G DSL #2 @ 2.911	2,707.23
			1078 G UNL @ 2.881	3,105.72
		TRANS IOWA EQUIPMENT	2-STREET SWEEPER CLINIC	110.00
			TOTAL:	11,342.83
AND ICE CONTROL	ROAD USE TAX	BARKER IMPLEMENT & MOTOR CO INC	CUTTER-BOLTS & NUTS	158.46
		DE BRUCE GRAIN INC	12.76 TON ROCK SALT	765.60
		HALLETT MATERIALS	49.7 T ICE CONTROL SAND	499.49
			33.78 T ICE CONTROL SAND	339.48
			8.26 T ICE CONTROL SAND	83.01
			8.35TON ICE CONTROL SAND	83.92
			56.32 T ICE CONTROL SAND	566.01
			14.93 T ICE CONTROL SAND	150.05
		INDEPENDENT SALT COMPANY	25.075 TON ROAD SALT	1,556.66
		IOWA DEPT OF TRANSPORTATION	PLOW BITS	367.37
		PETTY CASH - MAINTENANCE	#2850-PIN FOR PLOW	6.17
			TOTAL:	4,576.22
ADMIN-STREETS (ENGINR)	ROAD USE TAX	IOWA TELECOM/WINDSTREAM	TELEPHONE	56.99
			TOTAL:	56.99
MC KINLEY PARK RENOVAT RESTRICTED GIFTS-M		BUILTNETWORKS	9YR DOMAIN RENEWAL	235.00
		PANTHER LANES	39-TEAMS BOWLED	975.00
			TOTAL:	1,210.00
SAFE ROOM-HSEMD	SAFE ROOM-HSEMD	BETTS & BEER CONSTRUCTION	PAYMENT #5-RETAINAGE FEE	11,395.75
			TOTAL:	11,395.75
SANITARY SEWER/WASTWTR SEWER OPERATING FU		CRESTON AUTO PARTS INC	ACETLYNE BOTTLE REFILL	47.99
		WASTE MANAGEMENT	DUMPSTER-JAN'11	75.14
		GA INDUSTRIES, LLC	CHECK BALLS-COVER GASKETS	171.82
		IOWA TELECOM/WINDSTREAM	TELEPHONE	451.78
		HAWKINS INC.	1-BIO BOGS	415.00
		HYGIENIC LABORATORY	BOD'S	72.00

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			NH3'S	36.00
			2-NH3'S	36.00
			2-NH3'S	36.00
			2-NH3'S; 1- PLANT METAL	152.00
			2-BODS; NH3'S	108.00
		ALLIANT ENERGY-INT PWR&LGHT	NATURAL GAS	1,708.72
			ELECTRICITY	5,561.73
		HYDRO-KLEAN	CCTV INSPECTION SERVICES	6,770.23
		MCI MEGA PREFERRED	LONG DISTANCE	24.13
		NAPA	TOW ROPE-FUEL SHUTOFF	196.28
			RUBBER TUBING-BATTERY	60.94
		OFFICE DEPOT	HP 20 BLACK INK CARTRIDGE	33.65
		OFFICE MACHINES	901 XL & 901 PRINTER CART	61.98
			PRESENTATION COVERS	44.04
		PETTY CASH - SANITATION	#497310-CHOP SAW WHEEL	22.90
			#497311-SUPPLIES	21.70
			#497312-SCREW, LOCK, FLAT	2.28
		QUALITY CONTROL EQUIPMENT CO	25'-SAMPLER HOSE	50.19
		UPS	POSTAGE	84.65
			POSTAGE	12.89
		VEENSTRA & KIMM INC	NE SWR INFILTRATION STUDY	6,300.50
			'11' NE SWR REHABILITATIO	8,980.50
			TOTAL:	31,539.04
ANIMAL CONTROL	ANIMAL SHELTER *AG	CRESTON PUBLISHING CO	CARE ADS-JAN'11	60.17
		CRESTON VET CLINIC PC	SPAY CAT-R YOUNGBLOOD	50.00
			TOTAL:	110.17

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

001	GENERAL FUND	67,671.68
110	ROAD USE TAX	15,976.04
166	RESTRICTED GIFTS-MCKNLY P	1,210.00
170	SAFE ROOM-HSEMD	11,395.75
610	SEWER OPERATING FUND	31,539.04
953	ANIMAL SHELTER *AGENCY FU	110.17
GRAND TOTAL:		127,902.68

CITY OF CRESTON
 MANUAL CHECKS/DEBITS – PERIOD ENDING 02/15/11

NO DEPT ENTERED			
ELECTRONIC FEDERAL TAX	TAX DEPOSIT		13,575.76
TOTAL ADMINISTRATIVE SVC	FLEX		917.29
COLLECTION SERVICES			216.46
NO DEPT ENTERED	TOTAL	\$14,709.51	
RESTRICTED GIFT MCK. PARK			
AMERICAN ARTISTS CORPORATION	50% DEPOSIT		8,750.00
RESTRICTED GIFT MCK. PARK	TOTAL	\$ 8,750.00	
FINANCIAL ADMINISTRATION			
IA DEPT OF NATURAL RESROUCES	SEWER FEE		100.00
FINANCIAL ADMINISTRATION	TOTAL	\$ 100.00	
SELF FUNDING INSURANCE			
AMERICAN ADMINIS – CLAIMS (2)	INV CHECK RUN		26,849.04
SELF FUNDING INSURANCE	TOTAL	\$26,849.04	
	GRAND TOTALS	\$50,408.55	

FUND TRANSFERS FOR PERIOD ENDING:

POSTING DATE

THE FOLLOWING TRANSFERS ARE SCHEDULED TO BE MADE AFTER COUNCIL APPROVAL:

AMOUNT	FROM	TO	-G/L ACCT-	DR	CR
\$ 5,000.00	009 HOTEL-MOTEL TAX	166 RESTR GIFTS-MCKLY PARK RENOV	009 6910	5,000.00	
			009 1110		5,000
	FOR: PROMOTE MCKINLEY PARK CONCERT		166 1110	5,000.00	
	VENDOR: MCKINLEY PARK RESTRICTED GIFT FUND		166 4830		5,000
\$ 5,000.00	TOTAL - TRANSFERS		HASH TOTALS:	\$ 10,000.00	\$ 10,000.

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

City Clerk/Finance Officer's NAME

TYPE THE NAME ABOVE. A SIGNATURE IS NOT NECESSARY.

		Budget FY 2012	Re-estimated FY 2011	Actual FY 2010
		(a)	(b)	(c)
Revenues & Other Financing Sources				
Taxes Levied on Property	1	2,198,939	2,146,279	2,213,325
Less: Uncollected Property Taxes-Levy Year	2	0	0	0
Net Current Property Taxes	3	2,198,939	2,146,279	2,213,325
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
Total Revenues and Other Sources	14	21,022,310	26,020,001	17,932,237
Expenditures & Other Financing Uses				
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
Total Government Activities Expenditures	23	8,409,601	9,207,617	7,007,445
Business Type / Enterprises	24	10,850,951	14,698,676	8,589,162
Total ALL Expenditures	25	19,260,552	23,906,293	15,596,607
Transfers Out	26	2,509,107	2,197,693	1,820,505
Total ALL Expenditures/Transfers Out	27	21,769,659	26,103,986	17,417,112
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out	28	-747,349	-83,985	515,125
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

RESOLUTION NO. 154 – 11

RESOLUTION TO DESIGNATE NO PARKING ZONES:

WHEREAS, the Creston City Council recently amended Chapter 69, Parking Regulations, Section 08, No Parking Zones, of the City of Creston's Code of Ordinance, and;

Per amended ordinance—

WHEREAS, the Creston City Council shall, upon Resolution, designate specific areas for no parking, and shall require such areas to be posted in such a fashion as to provide notice to all persons that the area has been so designated, and;

WHEREAS, the no parking area shall become effective only after the Resolution has been adopted, published and the signs posted and in place for the designated area, and;

WHEREAS, no one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal –

1. In all City-owned off-street parking lots between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m.
2. The portion of the public right-of-way, commonly described as parking, within ten (10) feet of the curb line on both sides of Iowa Highway 25, in the area located between Prairie Street and Spencer Street.
3. The portion of the public right-of-way, commonly described as parking, within ten (10) feet of the curb line on both sides of Cottonwood Street, in the area located between Townline Street and Adams Street.

WHEREAS, the Creston City Council agrees it is in the best interest of the City to designate the above-listed specific areas as no parking zones.

BE AND IT IS HEREBY RESOLVED that the Creston City Council designates the above-listed specific areas as no parking zones.

4. Other Spaces. Any other person may set aside handicapped parking spaces on the person's property provided each parking space is clearly and prominently designated as a handicapped parking space. No person shall establish any on-street handicapped parking spaces without first obtaining Council approval.

(Code of Iowa, Sec. 321L.5[3e])

5. Improper Use. The following uses of a handicapped parking space, located on either public or private property, constitute improper use of a handicapped parking permit, which is a violation of this Code of Ordinances:

(Code of Iowa, Sec. 321L.4[2])

A. Use by a motor vehicle not displaying a handicapped parking permit;

B. Use by a motor vehicle displaying a handicapped parking permit but not being used by a person in possession of a motor vehicle license with a handicapped designation or a nonoperator's identification card with a handicapped designation (other than a person transporting the handicapped or elderly and the persons being so transported in a vehicle displaying a removable windshield placard in accordance with Section 321L.2[1b] of the Code of Iowa);

C. Use by a motor vehicle in violation of the rules adopted under Section 321L.8 of the Code of Iowa.

*Ordinance before
attached -*

69.08 NO PARKING ZONES. No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

(Code of Iowa, Sec. 321.236 [1])

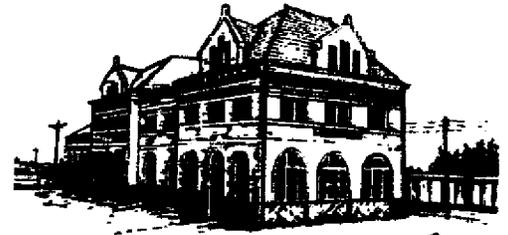
1. In all City-owned off-street parking lots between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m.

(Ord. 03-67 - Oct. 03 Supp.)

2. The portion of the public right-of-way, commonly described as parking, within ten (10) feet of the curb line on both sides of Iowa Highway 25, in the area located between Prairie Street and Spencer Street.

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

February 10, 2011

The Creston Park & Rec. Board along with the McKinley Park Restoration Committee would like to request \$5000 in Hotel/Motel money to help promote our June 18 McKinley Park Concert.

This summer we have an unique opportunity to showcase our city and parks system by hosting The Marshall Tucker Band. This band was one of the top southern rock bands in the country in the late 70's and early 80's. They are still touring with their original lead singer. The band has not performed in Iowa for several years so we are very fortunate to have them.


Gary Borcharding
Creston Parks & Rec. Board Member

APPLICATION FOR PAYMENT NO. 5 (retainage)

To: City of Creston (OWNER)
 From: Betts & Beer Construction, Inc. (CONTRACTOR)
 Contract: McKinley Park - State of Iowa Safe Room
 Project: McKinley Park - State of Iowa Safe Room
 OWNER's Contract No.: _____ ENGINEER's Project No.: 8009199
 For Work Accomplished Through the Date of: Jan. 31, 2011

1. Original Contract Price:	<u>\$223,800</u>
2. Net Change by Change Orders and Written Amendments (+ or -):	<u>4,115</u>
3. Current Contract Price (1 plus 2):	<u>227,915</u>
4. Total Completed and Stored to Date:	<u>227,915</u>
5. Retainage (Per Agreement):	
5% of Completed Work: <u>0</u>	
0% of Stored Material: <u>0</u>	
Total Retainage:	<u>0</u>
6. Total Completed and Stored to Date Less Retainage (4 minus 5):	<u>227,915.00</u>
7. Less Previous Application for Payments:	<u>216,519.25</u>
8. DUE THIS APPLICATION (6 MINUS 7)	<u>11,395.75</u>

Accompanying Documentation:

CONTRACTOR'S Certification:

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied on account to discharge CONTRACTOR's legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered -- through -- inclusive; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application of Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

Payment of the above AMOUNT DUE THIS APPLICATION is **requested**.

Dated: 1-31-11 , Betts & Beer Construction, Inc. - Adair, Iowa
 By: *Jonathan J. Morgan* (CONTRACTOR)

Payment of the above AMOUNT DUE THIS APPLICATION is **recommended**.

Dated: 2-8-2011 , Garden & Associates, Ltd. - Oskaloosa, Iowa
 By: *Jack Pope* (ENGINEER)

Payment of the above AMOUNT DUE THIS APPLICATION is **approved**.

Dated: _____ , City of Creston, Iowa
 By: _____ (OWNER)

CONTRACTOR'S AFFIDAVIT OF RELEASE OF LIENS

AIA Document G706A

(Instructions on reverse side)

OWNER
ARCHITECT
CONTRACTOR
SURETY
OTHER

TO OWNER:

(Name and address)

City of Creston
116 W. Adams
Creston, Iowa 50801

ARCHITECT'S PROJECT NO.: 8009199

CONTRACT FOR: General Construction

PROJECT:

(Name and address)

McKinley Park Restroom
McKinley & Kirby Streets
Creston, Iowa 50801

CONTRACT DATED: April 20, 2010

STATE OF: Iowa
COUNTY OF: Adair

The undersigned hereby certifies that to the best of the undersigned's knowledge, information and belief, except as listed below, the Releases or Waivers of Lien attached hereto include the Contractor, all Subcontractors, all suppliers of materials and equipment, and all performers of Work, labor or services who have or may have liens or encumbrances or the right to assert liens or encumbrances against any property of the Owner arising in any manner out of the performance of the Contract referenced above.

EXCEPTIONS:

Under Iowa Law, the principle of sovereign immunity applies and it is impossible to attach a lien to public property. Thus a lien waiver is a useless instrument. Iowa Law does allow for "construction claims" which require notices within certain time frames. These "claims" then have to be perfected through the court systems. There are no current claims on this project. See Iowa Code Sections 572 and 573.

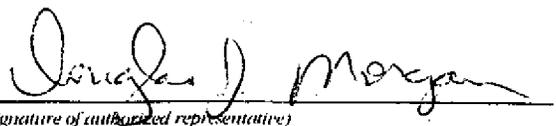
SUPPORTING DOCUMENTS ATTACHED HERETO:

1. Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.
2. Separate Releases or Waivers of Liens from Subcontractors and material and equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.

CONTRACTOR: Betts & Beer Const. Co., Inc.
(Name and address)

309 Audubon Street
Adair, Iowa 50002

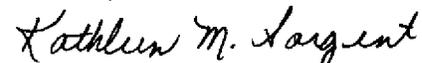
BY:


(Signature of authorized representative)

Douglas J. Morgan, President

(Printed name and title)

Subscribed and sworn to before me on this date: 2-1-11

Notary Public: 

My Commission Expires:



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**CONSENT OF SURETY
TO FINAL PAYMENT**

AIA Document G707

(Instructions on reverse side)

Bond Number 929503672

OWNER	<input type="checkbox"/>
ARCHITECT	<input type="checkbox"/>
CONTRACTOR	<input type="checkbox"/>
SURETY	<input type="checkbox"/>
OTHER	<input type="checkbox"/>

TO OWNER:
(Name and address)
City of Creston

City Hall
Creston IA 50801

PROJECT:
(Name and address)
McKinley Park Restroom

ARCHITECT'S PROJECT NO.:

CONTRACT FOR: General Construction

CONTRACT DATED:

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the
(Insert name and address of Surety)

Western Surety Company
P O Box 9322
Minneapolis MN 55440

, SURETY,

on bond of
(Insert name and address of Contractor)

Betts & Beer Construction Co, Inc
P O Box 278
Adair IA 50002

, CONTRACTOR,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve the Surety of any of its obligations to
(Insert name and address of Owner)

City of Creston
City Hall
Creston IA 50801

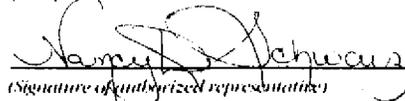
OWNER,

as set forth in said Surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: **January 28, 2011**
(Insert in writing the month followed by the numeric date and year.)

Western Surety Company

(Surety)



(Signature of authorized representative)

Nancy D. Schwarz, Attorney-in-Fact

(Printed name and title)

Attest:
(Seal):





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Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Mark E Keairnes, F Melvyn Hrubetz, Greg T LaMair, Joyce O Herbert, Nancy D Schwarz, Patrick K Duff, Jeffrey R Baker, Jill Shaffer, Joseph I Schmit, Individually

of West Des Moines, IA, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 16th day of December, 2010.



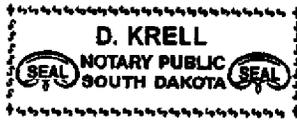
WESTERN SURETY COMPANY

Paul T. Brufat
Paul T. Brufat, Senior Vice President

State of South Dakota }
County of Minnehaha } ss

On this 16th day of December, 2010, before me personally came Paul T. Brufat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires
November 30, 2012



D. Krell
D. Krell, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 28th day of January, 2011



WESTERN SURETY COMPANY

L. Nelson
L. Nelson, Assistant Secretary

Authorizing By-Law

ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

CONTRACTOR'S AFFIDAVIT OF PAYMENT OF DEBTS AND CLAIMS

AIA Document G706

(Instructions on reverse side)

OWNER	<input type="checkbox"/>
ARCHITECT	<input type="checkbox"/>
CONTRACTOR	<input type="checkbox"/>
SURETY	<input type="checkbox"/>
OTHER	<input type="checkbox"/>

TO OWNER:

(Name and address)

City of Creston
116 W. Adams
Creston, Iowa 50801

ARCHITECT'S PROJECT NO.: 8009199

CONTRACT FOR: General Construction

PROJECT:

(Name and address)

McKinley Park Restroom
McKinley & Kirby Streets
Creston, Iowa 50801

CONTRACT DATED: April 20, 2010

STATE OF: Iowa
COUNTY OF: Adair

The undersigned hereby certifies that, except as listed below, payment has been made in full and all obligations have otherwise been satisfied for all materials and equipment furnished, for all work, labor, and services performed, and for all known indebtedness and claims against the Contractor for damages arising in any manner in connection with the performance of the Contract referenced above for which the Owner or Owner's property might in any way be held responsible or encumbered.

EXCEPTIONS:

Under Iowa Law, the principle of sovereign immunity applies and it is impossible to attach a lien to public property. Thus a lien waiver is a useless instrument. Iowa Law does allow for "construction claims" which require notices within certain time frames. These "claims" then have to be perfected through the court systems. There are no current claims on this project. See Iowa Code Sections 572 and 573.

SUPPORTING DOCUMENTS ATTACHED HERETO:

1. Consent of Surety to Final Payment. Whenever Surety is involved, Consent of Surety is required. AIA Document G707, Consent of Surety, may be used for this purpose.

Indicate attachment: yes no

The following supporting documents should be attached hereto if required by the Owner:

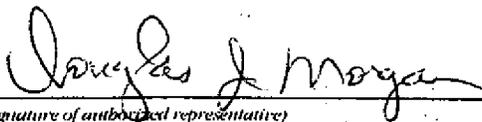
1. Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.
2. Separate Releases or Waivers of Liens from Subcontractors and material and equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.
3. Contractor's Affidavit of Release of Liens (AIA Document G706A).

CONTRACTOR: Betts & Beer Const. Co., Inc.

(Name and address)

309 Audubon Street
Adair, Iowa 50002

BY:



(Signature of authorized representative)

Douglas J. Morgan, President

(Printed name and title)

Subscribed and sworn to before me on this date: 2-01-11

Notary Public:



My Commission Expires:



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