

NOTICE OF REGULAR COUNCIL MEETING
CUMMING CITY COUNCIL
October 12, 2020 – 7:00 p.m.
Cumming City Hall, 649 N 44th St., Cumming Iowa*

- I. **ROLL CALL**
 - II. **APPROVAL OF AGENDA** as presented and/or amended
 - III. **PUBLIC COMMENT**
 - IV. **BOARDS AND COMMISSIONS REPORTS**
 - A. Park and Recreation
 - B. Planning and Zoning
 - V. **CONSENT ITEMS**
 - A. 9/28/20 Regular Meeting Minutes
 - B. 9/22/20 Planning & Zoning Meeting Minutes
 - C. September IPERS Wage & Contribution Report
 - D. September Fund Balance Report
 - E. September Profit & Loss by Fund
 - F. September Profit & Loss Budget vs Actual YTD Summary
 - G. September Claims Paid & Summary of Receipts
 - H. September Revenue Detail
 - I. Claims to Be Approved
 - J. September Building Permit Log
 - VI. **PRESENTATION**
 - A. Centurylink
 - VII. **ACTION/DISCUSSION ITEMS**
 - A. **Second Reading of Ordinance 2020-06** Amending the Official Zoning Map of the City of Cumming, Iowa, as Established by the City Code of The City of Cumming, Chapter 165, Section 165.07 with option to waive the second and third readings and motion for clerk to post
 - B. **Third Reading of Ordinance 2020-07** Amending the Code of Ordinances, City of Cumming, Iowa by Amending Chapter 122 Peddlers, Solicitors and Transient Merchants with option to waive the third reading and motion for clerk to post
 - C. **Resolution 2020-68** Resolution authorizing and approving a Loan Agreement, providing for the issuance of \$450,000 General Obligation Sewer Improvement Bonds, Series 2020 and providing for the levy of taxes to pay the same
 - D. **Resolution 2020-69** Approving Employee Benefits
 - E. CST Bid for Computer Equipment
 - F. CST Bid for Installation
- A. REPORTS:**
- A. Mayor
 - B. Council
 - C. Attorney
 - D. City Administrator
 - F. Deputy Clerk
- B. PUBLIC COMMENT**

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C. UPCOMING CITY COUNCIL MEETING: Regular Meeting: October 26, 7:00 p.m. at City Hall

D. ADJOURN

*This meeting will also be held electronically through the Zoom App. If you would like to participate or view this meeting please download the app and choose "Join Meeting" up to 10 minutes prior. The **meeting ID is: 879 8100 5255 Password: 275696** If you would like to join by telephone please call: 312-626-6799 and enter the Meeting ID and Password when prompted.

Please keep your microphone muted unless you are called upon to speak during public comment. The standard rules of order apply during this meeting.

If have any questions about the operation of this app or how to join please contact City Hall at 515-981-9214.

**OFFICIAL PUBLICATION
CITY OF CUMMING
Regular Council Meeting 9/28/2020
To be Approved at 10/12/20 Regular Meeting**

The Regular City Council Meeting of the City of Cumming was held via Zoom and at City Hall on Monday, September 28, 2020. The Meeting was called to order at 7:00 P.M. by Mayor Tom Becker. Present at Roll Call: Thomas Cackler, Brent Highfill, Kathie Hungerford, Dino Goode and Charlie Ochanpaugh. Motion by Cackler, seconded by Goode, to approve the agenda as presented. Approved 5-0.

Boards and Commissions Reports:

- A. John McPartland of the Park and Recreation Board discussed Fall Fest scheduled for on October 24th.
- B. No Comments by Planning and Zoning

Consent Items:

Motion by Hungerford, seconded by Highfill to approve the consent items as presented. 9/14/20 Council Meeting Minutes, 8/25/20 Planning & Zoning Meeting Minutes, Claims to be Approved. Approved 5-0.

Public Hearings

- A. **Public Hearing:** Amending the Code of Ordinances, City of Cumming, Iowa, by Amending Chapter 90, Water Service System was opened at 7:05 pm and closed at 7:08 pm. No public or written comments were made.
- B. **Public Hearing:** Rezone Certain Property within the City limits of Cumming from A-1 Agriculture District to C-1 Highway Commercial District and Amend the Official Zoning Map of the City of Cumming, Iowa was opened at 7:05 pm and closed at 7:09 pm. No public or written comments were made.
- C. **Public Hearing:** Proposed Development Agreement with Diligent GWC, LLC was opened at 7:05pm and closed at 7:10 pm. Comments by Tim Hogan and Tom Henderson were received during Action/Discussion Item C in regards to this subject.

Action/Discussion Items

- A. No action was taken on the first reading of **Ordinance 2020-05** Amending the Code of Ordinances, City of Cumming, IA by Amending Provisions pertaining to Chapter 90 Water Service System
- B. Motion by Hungerford, seconded by Ochanpaugh to approve the first reading of **Ordinance 2020-06** Amending the Official Zoning Map of the City of Cumming, Iowa, as Established by the City Code of The City of Cumming, Chapter 165, Section 165.07. Approved 5-0.
- C. Motion by Highfill, seconded Goode to approve **Resolution 2020-64** Resolution Approving Development Agreement with Diligent GWC, LLC, Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement. Approved 5-0.
- D. Motion by Cackler, seconded by Ochanpaugh to approve the second reading of **Ordinance 2020-07** Amending the Code of Ordinances, City of Cumming, Iowa by Amending Chapter 122 Peddlers, Solicitors and Transient Merchants Approved 5-0.
- E. Motion by Ochanpaugh, seconded by Cackler to approve **Resolution 2020-65** Fire and Emergency Medical Services Contract Agreement Pursuant to Iowa Code Section 28E Between the City of Cumming, Iowa and the City of Norwalk, Iowa. Approved 5-0.
- F. Motion by Cackler, seconded by Goode to approve **Resolution 2020-66** Resolution Directing the Clerk to Publish Notice of Hearing (October 12, 2020) on the Adoption of the Proposed "Code of Ordinances of the City of Cumming, Iowa" Approved 5-0
- G. Motion by Goode, seconded by Cackler to approve **Resolution 2020-67** Resolution Awarding General Obligation Sewer Improvement Notes. Council voted as follows: YEA's Cackler, Hungerford, Goode, Highfill. Abstained: Ochanpaugh
- H. Motion by Ochanpaugh, seconded by Goode to declare October 30, 2020 as Beggars Night. Approved 5-0.

Reports: Mayor – Orilla road work. City Administrator – LMI comments.

Public Comment: None

Upcoming City Council Meeting: Regular Council Meeting, Monday, October 12, 2020 at 7:00 p.m. at City Hall/Zoom

The meeting was adjourned by the Mayor at 7:53 pm.

Tom Becker, Mayor

Attest: Angie Ritchie, Deputy Clerk

City of Cumming
Planning and Zoning Commission Meeting
September 22, 2020 Minutes

The Cumming Planning and Zoning Commission held scheduled meeting on September 22, 2020 at 7:00 p.m at the Cumming City Hall

The meeting was called to order by Chair, Don Paulin, at 7:04 p.m.

I. ROLL CALL

Present: Jill Stanford, Matt Daniels, Karen McKinney, Holly De Hamer, Ethan Roos, John Botts, Don Paulin

Absent: none

II. APPROVAL OF AGENDA

McKinney moved – Daniels second - unanimously approved

III. CONSENT ITEMS

August 25, 2020 Meeting Minutes

McKinney moved – Daniels second - unanimously approved

IV. PUBLIC COMMENT

V. ACTION/DISCUSSION ITEMS

A. No Parking South Side – All Old Cumming Streets

Motion to recommend the ordinance be updated to include the streets from the city council directive

McKinney moved – Daniels second – unanimously approved

B. C-1 Commercial Sign Regulations

Agree to leave the code as written. No recommended change to the council.

Daniels moved – Botts second – unanimously approved

C. New Ordinance – Animal Registration/Licenses

No recommendation for a new animal licensing ordinance at this time. We would like to hear follow up from city clerk on the complaint from earlier this year.

VI. Upcoming Planning A Zoning Meeting

A. Regular meeting October 27, 2020 at 7:00 P.M. at City Hall

VII. ADJOURN:

Roos moved – Botts second – unanimously approved –Adjourned 7:48 PM

Wage & Contribution Report

Effective Date: 09/01/2020
 Generated On: 09/29/2020 12:18:57
 Due Date:2020-10-15
 WAGE REPORT SEPTEMBER 2020
 Report Status: Initial
 Trans#: 120881371
 Date Released: null
 Member Count: 3
 Report Source: LOB - manual

Employer Name: 91308 CITY OF CUMMING

Wage History Summary

Agreement	Occupation Code	Period Wages	Employer Contributions	Member Contributions	Funds Total
MONTHLY Cities	01-Regular	\$ 3,200.00	\$ 302.08	\$ 201.28	\$ 503.36
MONTHLY Cities	17-Part-time Elected Officials	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Totals		\$ 3,200.00	\$ 302.08	\$ 201.28	\$ 503.36

Cash Summary

Fund	Due	Paid	Balance
Employer Contributions	\$ 302.08	\$ 0.00	\$ 302.08
Member Contributions	\$ 201.28	\$ 0.00	\$ 201.28
Totals	\$ 503.36	\$ 0.00	\$ 503.36

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MONTHLY Cities	01-Regular	\$ 3,200.00	\$ 302.08	\$ 201.28	\$ 503.36
MONTHLY Cities	17-Part-time Elected Officials	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Sep 1, 2020	BECKER, THOMAS B	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Sep 1, 2020	HUNGERFORD, KATHIE E	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Sep 1, 2020	RITCHIE, ANGIE	\$ 3,200.00	\$ 302.08	\$ 201.28	\$ 503.36
		\$ 3,200.00	\$ 302.08	\$ 201.28	\$ 503.36
Totals:		\$ 3,200.00	\$ 302.08	\$ 201.28	\$ 503.36

**City of Cumming
Balance Sheet by Month (Fiscal Year-To-Date)**

As of September 30, 2020

	Jul 31, 20	Aug 31, 20	Sep 30, 20
ASSETS			
Current Assets			
Checking/Savings			
0001110 - Operating Checking	6,517.35	-29,048.12	16,088.91
0001111 - Savings	1,011.32	1,011.32	1,011.32
0001112 - Money Market			
Water Operating	1,630.40	1,630.40	1,630.40
General Fund	1,010,588.02	974,588.02	736,831.87
Total 0001112 - Money Market	1,012,218.42	976,218.42	738,462.27
Total Checking/Savings	1,019,747.09	948,181.62	755,562.50
Accounts Receivable			
1220 - Accounts Receivable	135,595.28	135,595.28	135,545.28
Total Accounts Receivable	135,595.28	135,595.28	135,545.28
Total Current Assets	1,155,342.37	1,083,776.90	891,107.78
TOTAL ASSETS	1,155,342.37	1,083,776.90	891,107.78
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Accounts Payable			
2010 - Wages Payable	0.00	0.00	552,250.00
Total Accounts Payable	0.00	0.00	552,250.00
Other Current Liabilities			
2120 - Accrued Payroll Taxes			
FICA Tax Withholding	669.52	188.66	1,860.84
IPERS	503.36	503.36	503.36
State Withholding	124.00	310.00	604.04
Total 2120 - Accrued Payroll Taxes	1,296.88	1,002.02	2,968.24
Total Other Current Liabilities	1,296.88	1,002.02	2,968.24
Total Current Liabilities	1,296.88	1,002.02	555,218.24
Total Liabilities	1,296.88	1,002.02	555,218.24
Equity			
001-999 - Fund Balances			
001-109 - General Funds			
001e - General Fund	296,766.49	296,766.49	296,766.49
Total 001-109 - General Funds	296,766.49	296,766.49	296,766.49
110-199 - Special Revenue Funds			
110e - Road Use Tax	50,640.56	50,640.56	50,640.56
112e - Employee Benefit	12,618.48	12,618.48	12,618.48
119e - Emergency Fund	85.51	85.51	85.51
121e - Local Option Sales Tax	142,964.57	142,964.57	142,964.57
125e - Tax Increment Financing	23,208.97	23,208.97	23,208.97
Total 110-199 - Special Revenue Funds	229,518.09	229,518.09	229,518.09
200-299 - Debt Service Funds			
200e - Debt Service	8,204.14	8,204.14	8,204.14
Total 200-299 - Debt Service Funds	8,204.14	8,204.14	8,204.14
600-799 - Enterprise and Utility Funds			
600e - Water			
Water Operating	208,436.53	208,436.53	208,436.53
Water Project	127,821.43	127,821.43	127,821.43
Total 600e - Water	336,257.96	336,257.96	336,257.96
610e - Sewer			
Sewer Operating	74,888.15	74,888.15	74,888.15
Sewer Phase 1	7,792.03	7,792.03	7,792.03
Sewer Phase 2	94,443.41	94,443.41	94,443.41
Total 610e - Sewer	177,123.59	177,123.59	177,123.59
Total 600-799 - Enterprise and Utility Funds	513,381.55	513,381.55	513,381.55
Total 001-999 - Fund Balances	1,047,870.27	1,047,870.27	1,047,870.27
Net Income	106,175.22	34,904.61	-711,980.73
Total Equity	1,154,045.49	1,082,774.88	335,889.54
TOTAL LIABILITIES & EQUITY	1,155,342.37	1,083,776.90	891,107.78

City of Cumming
Profit & Loss by Fund (Last Month)
 September 2020

	Governmental Funds	Proprietary Funds	Unclassified	TOTAL
Ordinary Income/Expense				
Income				
A · Taxes	15,841.95	0.00	0.00	15,841.95
B · Licenses & Permits	4,514.75	0.00	0.00	4,514.75
D · Intergovernmental	2,841.34	0.00	0.00	2,841.34
E · Charges for Services	2,217.29	3,027.11	0.00	5,244.40
G · Miscellaneous Revenues	5,695.83	0.00	0.00	5,695.83
Total Income	31,111.16	3,027.11	0.00	34,138.27
Gross Profit	31,111.16	3,027.11	0.00	34,138.27
Expense				
69800 · Uncategorized Expenses	0.00	0.00	552,250.00	552,250.00
100-799 · Governmental Activities	40,086.00	0.00	302.08	40,388.08
800 · Business Type Activities	0.00	190,536.36	0.00	190,536.36
Total Expense	40,086.00	190,536.36	552,552.08	783,174.44
Net Ordinary Income	-8,974.84	-187,509.25	-552,552.08	-749,036.17
Net Income	-8,974.84	-187,509.25	-552,552.08	-749,036.17

City of Cumming
Profit & Loss Budget vs. Actual YTD (Summary)
 July through September 2020

	Jul - Sep 20	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
A · Taxes	26,169.30	519,573.00	-493,403.70	5.0%
B · Licenses & Permits	10,269.25	17,075.00	-6,805.75	60.1%
C · Use of Money & Property	0.00	15,000.00	-15,000.00	0.0%
D · Intergovernmental	8,322.15	26,000.00	-17,677.85	32.0%
E · Charges for Services	147,498.25	64,100.00	83,398.25	230.1%
G · Miscellaneous Revenues	9,166.61	25,000.00	-15,833.39	36.7%
H · Other Financing Sources	0.00	190,042.00	-190,042.00	0.0%
Total Income	<u>201,425.56</u>	<u>856,790.00</u>	<u>-655,364.44</u>	<u>23.5%</u>
Gross Profit	201,425.56	856,790.00	-655,364.44	23.5%
Expense				
69800 · Uncategorized Expenses	552,250.00			
100-799 · Governmental Activities	161,861.02	609,080.00	-447,218.98	26.6%
800 · Business Type Activities	201,502.35	43,250.00	158,252.35	465.9%
900 · Other Activities	0.00	190,042.00	-190,042.00	0.0%
Total Expense	<u>915,613.37</u>	<u>842,372.00</u>	<u>73,241.37</u>	<u>108.7%</u>
Net Ordinary Income	-714,187.81	14,418.00	-728,605.81	-4,953.4%
Other Income/Expense				
Other Expense				
Ask My Accountant	-56.25			
Total Other Expense	<u>-56.25</u>			
Net Other Income	56.25	0.00	56.25	100.0%
Net Income	<u><u>-714,131.56</u></u>	<u><u>14,418.00</u></u>	<u><u>-728,549.56</u></u>	<u><u>-4,953.1%</u></u>

City of Cumming Claims Paid & Summary of Receipts (Last Month) September 2020

Type	Date	Num	Name	Memo	Amount
0001110 · Operating Checking					
Check	09/02/2020	6050	ABC Pest Control	Inv. # 37797	-280.88
Check	09/03/2020	6051	Robert Fagen	Reimbursement of ICMA Membership	-240.00
Check	09/04/2020	6052	Koch Office Group	INV383350	-133.25
Check	09/04/2020	6053	Waste Connections	August 2020 Bill - Inv # 2991301	-2,326.64
Check	09/08/2020	Transfer		MSA - 2256.15, Plum Forward - 7500.00	9,756.15
Check	09/10/2020	6054	Etchus	Posters	-164.00
Check	09/10/2020	6055	Kirk Ford	Inv. #3	-900.00
Check	09/10/2020	6056	Kirk Ford	Inv. #4	-200.00
Check	09/10/2020	6057	Fagen, Robert L.	Invoice #116557	-1,518.29
Check	09/10/2020	6058	Absolute Infrastructure	Partial Pay Number 1, South Trunk Sewer Phase 3	-186,985.86
Check	09/10/2020	6059	Skinner Law Office PC	legal fees 6/9-8/9 Inv.# 15116	-7,163.78
Check	09/10/2020	6060	Skinner Law Office PC	legal fees 8/7-9/2 Inv.# 15441	-5,209.11
Check	09/10/2020	6060	Skinner Law Office PC	legal fees 8/7-9/2 Inv.# 15441	-1,225.00
Paycheck	09/14/2020	6049	Ritchie, Angie		-760.03
Paycheck	09/14/2020	6048	Fagen, Robert L.		-760.03
Deposit	09/14/2020			Property Tax Deposit	12,732.01
Deposit	09/15/2020			Utility Deposit	5,033.30
Check	09/15/2020	Transfer		MM to Checking Transfer	209,000.00
Deposit	09/15/2020			Road Use Tax Deposit	2,841.34
Check	09/16/2020	6061	Broken Arrow	HTP T-Shirts	-1,151.28
Check	09/28/2020	6065	Combined Systems ...	Inv. # 141714	-7.49
Check	09/28/2020	6066	City of Des Moines	WRA Payment - Invoice # 116743	-3,325.10
Check	09/28/2020	6067	US Bank	Copier Lease	-118.64
Check	09/28/2020	6068	Skinner Law Office PC	Reimbursement for Hosting Fees	-193.39
Check	09/28/2020	6069	Midamerican Energy	Invoices 503769643, 503813810	-742.11
Check	09/28/2020	6070	City of Norwalk	FY21 Library Payment	-10,666.55
Paycheck	09/28/2020	6063	Ritchie, Angie		-1,225.00
Paycheck	09/28/2020	6062	Fagen, Robert L.		-760.03
Liability Check	09/28/2020	6064	IPERS		-503.36
Check	09/28/2020	6071	Ben Schuh	Propane Tank Art	-750.00
Deposit	09/29/2020			Deposit	10,214.08
Check	09/29/2020	Transfer		MM to Checking Transfer	19,000.00
Deposit	09/29/2020			LOST Deposit	3,109.94
Total 0001110 · Operating Checking					45,137.03
0001112 · Money Market					
General Fund					
Check	09/08/2020	Transfer		MM To Checking Transfer	-9,756.15
Check	09/15/2020	Transfer		MM to Checking Transfer	-209,000.00
Check	09/29/2020	Transfer		MM to Checking Transfer	-19,000.00
Total General Fund					-237,756.15
Total 0001112 · Money Market					-237,756.15
TOTAL					-192,619.12

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Deposits
9/2020
AK

12,732.01 +
5,033.30 +
2,841.34 +
10,214.08 +
3,109.94 +
33,930.67 *

Revenue					
Date	Rec'd From	For	Amount	Date Deposited	Total for Month
9/11/2020	DMWW	Water, Sewer, Garbage	\$ 4,986.80	9/15/2020	\$ 4,986.80
9/14/2020	Centurylink	Inv. #2030 - Reimburse	\$ 46.50	9/15/2020	\$ 5,033.30
9/14/2020	Warren County	Property Taxes	\$ 12,732.01	9/14/2020	\$ 17,765.31
9/15/2020	State of Iowa	RUT	\$ 2,841.34	9/15/2020	\$ 20,606.65
9/21/2020	Justin Dalton	Inv. #2025	\$ 272.50	9/29/2020	\$ 20,879.15
9/21/2020	Diligent Dev.	Inv. # 2026, 2027, 2028	\$ 5,094.33	9/29/2020	\$ 25,973.48
9/21/2020	Diligent Dev.	Inv. # 2029	\$ 329.00	9/29/2020	\$ 26,302.48
9/21/2020	Matthew Elliott	Permit # 2020-20	\$ 50.00	9/29/2020	\$ 26,352.48
9/22/2020	Kamp	Permit 2020-19	\$ 75.00	9/29/2020	\$ 26,427.48
9/28/2020	Matthew Roth	Inv. # 2020	\$ 385.50	9/29/2020	\$ 26,812.98
9/29/2020	Jeff Miller	Permit #2020-07	\$ 50.00	9/29/2020	\$ 26,862.98
9/29/2020	Unique Homes	Permit #2020-21	\$ 3,957.75	9/29/2020	\$ 30,820.73
9/29/2020	State of Iowa	LOST	\$ 3,109.94	9/29/2020	\$ 33,930.67

City of Cumming Claims To Be Approved All Transactions

Type	Date	Num	Name	Memo	Amount
Check	10/12/2020		Century Link	Bill Date 9/13/20	-326.49
Check	10/12/2020		Kirk Ford	Invoice #5	-300.00
Check	10/12/2020		Waste Connections	September 2020 Bill - Inv # 3019733	-2,263.54
Check	10/12/2020		City of Des Moines	WRA Payment - Invoice # 117063	-3,325.10
Check	10/12/2020		Office Depot	office supplies	-75.59
Check	10/12/2020		Middlebrook Farm	Friday Night at the Farm Vendor Fees	-100.00
Check	10/12/2020		Robert Fagen		-1,504.00
Check	10/12/2020		Absolute Infrastructure	Partial Pay Number 2, South Trunk Sewer Phase 3	-89,344.89
Check	10/12/2020		Cardmember Service	8/25-9/23	-166.40
Check	10/12/2020		Iowa One Call		-45.00
Check	10/12/2020		N/Warren Town & C...	Invoice Dated 9/24/20	-239.96
Check	10/12/2020		Veenstra & Kimm Inc.	Engineering costs	-18,351.13
Check	10/12/2020		Warren County Oil	Ticket # 0306050	-40.47
Check	10/12/2020		Ritchie, Angie		-260.78
Total					-116,343.35

NOTICE OF PUBLIC HEARING CITY OF CUMMING

TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CUMMING, IOWA BY REZONING CERTAIN PROPERTY WITHIN THE CITY LIMITS

Notice is hereby given that the City Council of the City of Cumming, Iowa, will conduct a public hearing on Monday, September 28, 2020, 7:00 P.M. at the Cumming City Hall, 649 N. 44th Street, Cumming, Iowa, to receive comments on the following:

Amend the official zoning map of the City of Cumming, Iowa, by rezoning certain property within the city limits from A-1 Agriculture District to C-1 Highway Commercial District described as follows:

A PARCEL OF LAND IN THE SE 1/4 OF SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE SE CORNER OF SAID SECTION 7; THENCE S89°28'10"W, 724.78 FEET ALONG THE SOUTH LINE OF SAID SE 1/4 TO THE POINT OF BEGINNING; THENCE CONTINUING S89°28'10"W, 696.72 FEET ALONG SAID SOUTH LINE TO THE SE CORNER OF TRACT 'A' AS DEFINED IN THE WARRANTY DEED AND ACQUISITION PLAT RECORDED IN BOOK 2012, PAGE 8767 AT THE WARREN COUNTY RECORDER'S OFFICE; THENCE N03°28'00"W, 40.05 FEET ALONG THE EAST LINE OF SAID TRACT 'A' TO THE NE CORNER OF SAID TRACT 'A'; THENCE S89°28'10"W, 78.56 FEET ALONG THE NORTH LINE OF SAID TRACT 'A' TO A POINT; THENCE N82°31'51"W, 297.94 FEET ALONG SAID NORTH LINE TO THE NW CORNER OF SAID TRACT 'A', SAID NW CORNER ALSO BEING ON THE EAST RIGHT OF WAY LINE OF US INTERSTATE I-35 AS PRESENTLY ESTABLISHED; THENCE N45°52'51"W, 77.59 FEET ALONG SAID EAST RIGHT OR WAY LINE TO A POINT; THENCE N30°10'37"E, 223.32 FEET TO A POINT; THENCE N89°28'10"E, 1013.53 FEET ALONG A LINE THAT IS PARALLEL TO THE SOUTH LINE OF SAID SE 1/4 TO A POINT; THENCE S00°31'50"E, 328.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 7.62 ACRES MORE OR LESS INCLUDING 1.16 ACRES OF PUBLIC RIGHT OF WAY EASEMENT.

Additional information regarding this request may be obtained by contacting the Deputy Clerk at 981-9214.

Anyone wishing to comment on this request should attend this hearing or submit written comments at any time prior to the hearing. Send comments to City of Cumming, P.O. Box 100, Cumming, IA. 50061.

Prepared by and Return to:
Angie Ritchie, Deputy Clerk, 649 N. 44th St., PO Box 100, Cumming, IA 50061

ORDINANCE 2020-06

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CUMMING, IOWA, AS ESTABLISHED BY THE CITY CODE OF THE CITY OF CUMMING, CHAPTER 165, SECTION 165.07

BE IT ENACTED by the City Council of the City of Cumming, Iowa:

SECTION 1. SECTION ONE. The official Zoning Map of the City of Cumming, Iowa is hereby amended in accordance with Section 165.07 of the City Code, and the zoning district designation for the following described property is changed from A-1 Agriculture District to C-1 Highway Commercial District:

PROPERTY DESCRIPTION

A PARCEL OF LAND IN THE SE 1/4 OF SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE SE CORNER OF SAID SECTION 7; THENCE S89°28'10"W, 724.78 FEET ALONG THE SOUTH LINE OF SAID SE 1/4 TO THE POINT OF BEGINNING; THENCE CONTINUING S89°28'10"W, 696.72 FEET ALONG SAID SOUTH LINE TO THE SE CORNER OF TRACT 'A' AS DEFINED IN THE WARRANTY DEED AND ACQUISITION PLAT RECORDED IN BOOK 2012, PAGE 8767 AT THE WARREN COUNTY RECORDER'S OFFICE; THENCE N03°28'00"W, 40.05 FEET ALONG THE EAST LINE OF SAID TRACT 'A' TO THE NE CORNER OF SAID TRACT 'A'; THENCE S89°28'10"W, 78.56 FEET ALONG THE NORTH LINE OF SAID TRACT 'A' TO A POINT; THENCE N82°31'51"W, 297.94 FEET ALONG SAID NORTH LINE TO THE NW CORNER OF SAID TRACT 'A', SAID NW CORNER ALSO BEING ON THE EAST RIGHT OF WAY LINE OF US INTERSTATE I-35 AS PRESENTLY ESTABLISHED; THENCE N45°52'51"W, 77.59 FEET ALONG SAID EAST RIGHT OR WAY LINE TO A POINT; THENCE N30°10'37"E, 223.32 FEET TO A POINT; THENCE N89°28'10"E, 1013.53 FEET ALONG A LINE THAT IS PARALLEL TO THE SOUTH LINE OF SAID SE 1/4 TO A POINT; THENCE S00°31'50"E, 328.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 7.62 ACRES MORE OR LESS INCLUDING 1.16 ACRES OF PUBLIC RIGHT OF WAY EASEMENT.

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

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

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

Passed by the Council the _____ day of _____, 2020, and approved this ____ day of _____, 2020.

Tom Becker, Mayor

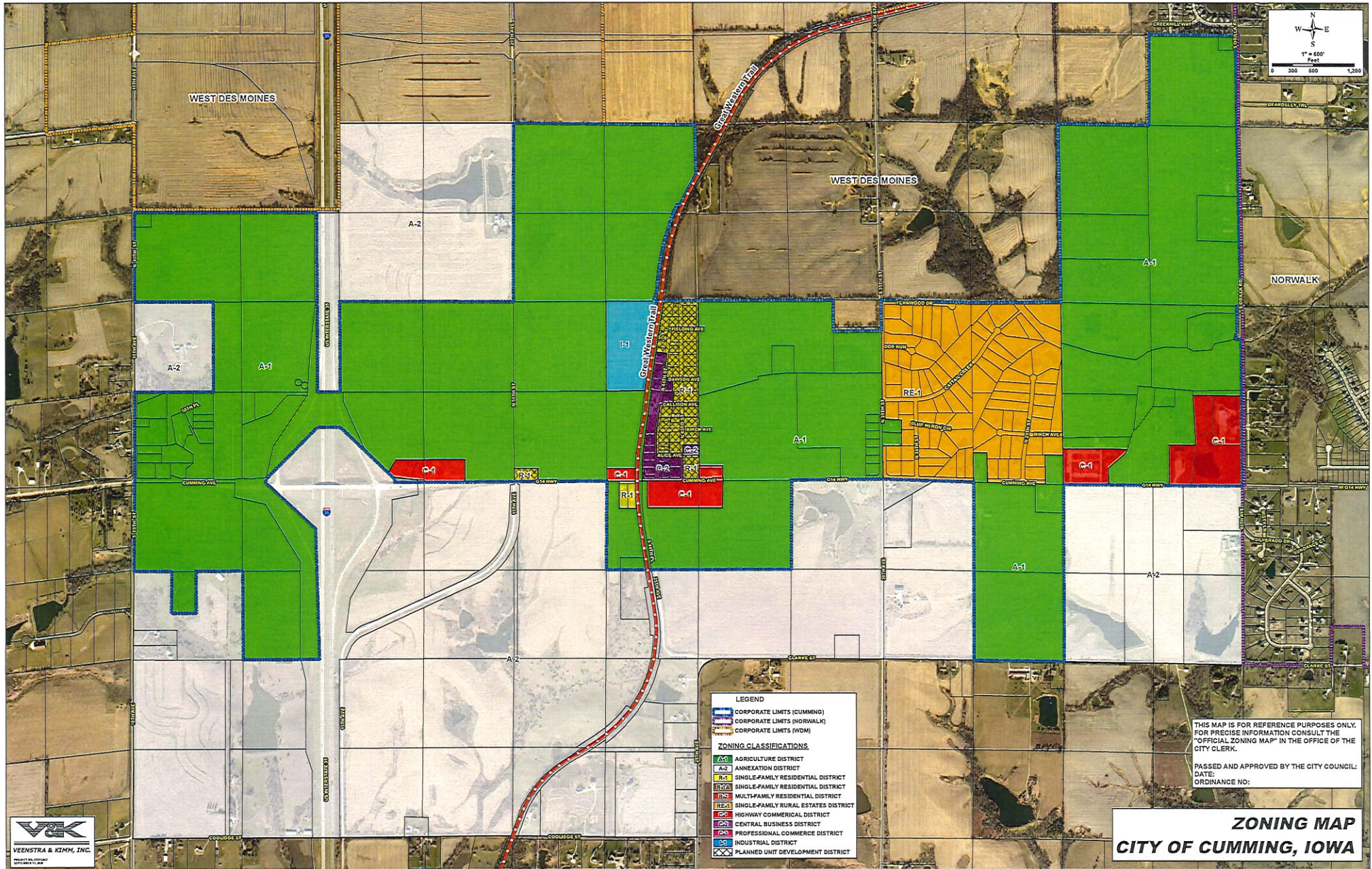
Attest:

Robert Fagen, City Administrator/Clerk

First Reading: 9/28/20
Second Reading:
Third Reading:

I certify that the foregoing was published as Ordinance 2020-06 on the ____ day of _____, 2020.

Angie Ritchie, Deputy Clerk



LEGEND	
	CORPORATE LIMITS (CUMMING)
	CORPORATE LIMITS (NORWALK)
	CORPORATE LIMITS (WDM)
ZONING CLASSIFICATIONS	
	A-1 AGRICULTURE DISTRICT
	A-2 ANNEXATION DISTRICT
	R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT
	RE-1 SINGLE-FAMILY RESIDENTIAL DISTRICT
	RE-2 MULTIFAMILY RESIDENTIAL DISTRICT
	RE-4 SINGLE-FAMILY RURAL ESTATES DISTRICT
	C-1 HIGHWAY COMMERCIAL DISTRICT
	C-2 CENTRAL BUSINESS DISTRICT
	P-1 PROFESSIONAL COMMERCE DISTRICT
	I-1 INDUSTRIAL DISTRICT
	PLANNED UNIT DEVELOPMENT DISTRICT

THIS MAP IS FOR REFERENCE PURPOSES ONLY.
FOR PRECISE INFORMATION CONSULT THE
"OFFICIAL ZONING MAP" IN THE OFFICE OF THE
CITY CLERK.

PASSED AND APPROVED BY THE CITY COUNCIL:
DATE:
ORDINANCE NO:

**ZONING MAP
CITY OF CUMMING, IOWA**

NOTICE OF PUBLIC HEARING

CITY OF CUMMING

AMENDING CHAPTER 122 PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

Notice is hereby given that the City Council of the City of Cumming, Iowa, will conduct a public hearing on Monday, September 14, 2020, 7:00 P.M., at City Hall, 649 N. 44th Street, Cumming, Iowa, to receive comments on the following:

Amending the City of Cumming's Code of Ordinances,
Chapter 122 Peddlers, Solicitors, and Transient Merchants

Additional information regarding this request may be obtained by contacting the Deputy Clerk at 515-981-9214. Anyone wishing to comment on this matter should attend this hearing or submit written comments at any time prior to the hearing. Send comments to City of Cumming, PO Box 100, Cumming, IA, 50061

RECOMMENDATION BY THE PLANNING & ZONING COMMISSION

Recommendation: Aye {Yes} 5 Nay {No} 0
How Many How Many
Adopt Recommend City Council Adopt Revised
Chapter 122: Peddlers, Solicitors and Transient Merchants
New Section 122.10 regarding Mobile Food Vendors and
Revisions to 122.05 Registration Fees and 122.06 Transient Merchant
Bond.

Further Review Requested:

- By Mayor/City Council By City Attorney By City Planner

Additional Information:

One change to ordinance presented to P&Z, 122.10(5)(m)
changed from 1 allowable sign to 2 signs

Requested Action To Be Taken By The City Council:

- Motion
 Resolution
 Ordinance

Date: 7/28/2020 Signature: Caren K. W. [Signature]
Chair/Vice Chair/Secretary City Attorney

ORDINANCE 2020-07

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CUMMING, IOWA, BY AMENDING PROVISIONS PERTAINING TO CHAPTER 122 PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

BE IT ENACTED by the City Council of the City of Cumming, Iowa:

SECTION 1. SECTION MODIFIED, Section 122.06 of the Code of Ordinances of the City of Cumming, Iowa is repealed and the following adopted in lieu thereof:

122.06 TRANSIENT MERCHANT BOND.

1. Except as provided in paragraph (3) below, no transient merchant license shall be issued until the applicant has delivered to the city clerk a cash bond for no less than \$200.00. The bond shall be held to indemnify and pay the city any penalties or costs incurred in the enforcement of any of the sections of this article and indemnify or reimburse any purchaser of goods, wares, merchandise or stock for any judgment which may be obtained by a purchaser for damages in any action commenced within three months from the date of purchase, due to misrepresentations as to the kind, quality or value of such goods, wares, merchandise or stock, whether the misrepresentations were made by the owner or by his or her servants, agents or employees, either at the time of making the sale or through any advertisement of any character, printed or circulated, with reference to such stock of goods, wares or merchandise or any part thereof.
2. A single bond may be used for all licenses obtained by the same transient merchant.
3. The balance of the bond shall be released by the city clerk and returned to the applicant upon request by the applicant at any time more than four months after expiration of all transient merchant licenses for which the cash bond was provided, unless the city clerk has received notice of a pending action in the state or federal courts seeking a judgment upon a claim eligible for payment from the bond. Except as otherwise provided by court order, the city clerk shall not release any bond during the pendency of any such action.

SECTION 2. SECTION ADDED. Section 122.10 of the Code of Ordinances of the City of Cumming, Iowa, is added to Chapter 122, Peddlers, Solicitors and Transient Merchants.

122.10 MOBILE FOOD AND BEVERAGE VENDORS

1. Mobile Food Unit Licensing: It shall be unlawful for any person to engage in the sale of food or beverages to the public from a temporary or mobile facility located on public property within the corporate limits of the City of Cumming without first obtaining a mobile food unit license from the city, in addition to any other state, federal, or county permits, certifications and licenses. Mobile food units located on private property are allowed with a transient merchant permit.

A. A mobile food unit license is an annual license that expires on April 15 each year and must be renewed at least 5 days prior to the first event after that date.

B. Each mobile food unit shall be licensed separately. No license transfer is allowed.

C. Although certain activities may be exempt from the licensing requirements of this chapter, any food service to the public in the City of Cumming shall comply with all other local, county and state requirements for health inspections, licensing, safety and fire code requirements.

D. The following shall be exempt from this requirement:

- (1) Catering businesses.
 - (2) Grilling and food preparation activities, including mobile food units, of brick and mortar establishments on the establishments' premises for immediate consumption by patrons or employees.
 - (3) Concession stands associated with sports or recreational venues that have been approved as part of a site plan.
2. License Fee: At the time of the submittal of a license application, the applicant shall pay to the city clerk's office the applicable license and permit fees in addition to any application fees.
- A. The city council shall establish the amount of the license fee by resolution.
 - B. Any licensee who surrenders their license prior to the date of expiration shall not be entitled to a refund of any portion of the fee.
3. Fire Department Inspection:
- A. All mobile food units that have cooking facilities with grease laden vapors (class III and class IV state licenses) shall be inspected by the Norwalk fire department prior to initiation of business operations within the city. However, at the discretion of the city clerk's office the city may accept the inspection of the mobile food unit by another Iowa Fire Department.
 - B. Inspections are required annually and prior to submittal of a license application to the city. It shall be the obligation of the mobile food vendor to schedule the inspection with the fire department.
 - C. Upon completion of the annual fire inspection, if the fire department determines that the mobile food unit passes the inspection, the Fire Chief or his/her designee shall sign the mobile food unit vendor license application and identify any conditions for operation as deemed appropriate as a result of said inspection.
4. Mobile Food Unit Vendor Annual Licensing Application:
- A. License Required: All mobile food vendors operating on public property within the City of Cumming must obtain a mobile food vendor license from the city.
Exception: Community events sponsored by or approved by City Council. Application requests shall be filed with the city clerk's office on the form provided by the city. No application request shall be accepted for filing and processing unless it conforms to the requirements of this title. This would include a complete and true application and all of the required materials and information prescribed, accompanied by the appropriate fees.
 - B. Submission Time Frame: Applications must be submitted not less than five (5) business days prior to the proposed start date of the mobile food unit activities. The city reserves the right to reject any applications that have not been timely submitted to the city. The city clerk shall have the discretionary right to accept an application made less than five (5) business days prior to desired start date.
 - C. Additional Approvals: Receiving approval of a mobile food unit license from the city shall not preclude, supersede, circumvent, or waive the applicant's responsibility to obtain any additional permits, licenses, and approvals for other applicable local, state, and federal regulations.
 - D. Application Contents: Application shall be made on a form provided by the city and shall include:
 - (1) Full name of the applicant.
 - (2) Applicant's contact information including mailing address, phone numbers and e-mail address.
 - (3) State health inspection certificate with the classification level of the state license identified.
 - (4) Description of the kitchen facilities, cooking facilities, preparation area, safety features (suppression system, etc.) of the mobile food unit.

- (5) Photographs of the mobile food unit.
- (6) Make, model and year of vehicle to be used.
- (7) County, state and license plate number.
- (8) The length and width of the vehicle.
- (9) Fire department signature on application confirming a passing fire department inspection.
- (10) Application and license fee(s)

E. Applications Deemed Withdrawn: Any application received shall be deemed withdrawn if it has been held in abeyance, awaiting the submittal of additional requested information from the applicant, and if the applicant has not communicated in writing with the city and made reasonable progress within thirty (30) days from the last written notification from the city to the applicant. The application fee is nonrefundable. Any application deemed withdrawn shall require submission of a new application and fees to begin a new review and approval process.

F. Issuance of License: Upon completion of the review process and a determination of compliance with the applicable regulations, the city clerk will issue a mobile food unit license. The license shall be placed in the upper left (passenger side) of the front windshield or the left front side of a trailer or cart to aid in the visual verification of the licensing for that year.

G. Modification of License After Issuance: Should the mobile food vendor change the food or beverage being offered during the term of an issued license that would change the designation of the mobile food unit to a higher state licensing level classification, a new application and fire inspection shall be required.

5. Mobile Food Units on Public Property: No mobile food unit may be operated on public property except as approved by the city clerk's office.

6. Unattended Mobile Food Unit: No mobile food unit shall be left unattended on any site overnight, unless that property is under the ownership of the operator of the unit and in compliance with all other city code requirements. No mobile food unit shall be allowed to be stored on a site that is not zoned appropriately for storage and warehousing and/or having received prior city council approval through an entitlement process. Any mobile food unit found unattended shall be considered in violation of these regulations and subject to license revocation, municipal infraction, towing, or any other action legally allowed.

7. Music and Sound Making Devices: The use of music or sound making devices as a part of a mobile food unit shall be prohibited, unless expressly allowed as part of an approved event.

8. Mobile Food Unit Performance Standards: Persons conducting business from a mobile food unit must do so in compliance with the following standards:

A. The mobile food vendor must obtain expressed written consent of the property owner to use the business property on which they propose to operate. The written consent must be kept in the unit at all times that the unit is on the property.

B. The operator of the mobile food unit shall display their city license in full view of the public in the unit.

C. Mobile food units within three hundred feet (300') of a residential use or residentially zoned property, shall be limited to hours of operation between seven o'clock (7:00) A.M. and nine thirty o'clock (9:30) P.M.

D. Mobile food units shall be limited to a maximum duration of 12 hours per day on any site, unless part of an approved event permit. A mobile food unit shall be at one location a maximum of five (5) consecutive days per week.

E. Only one mobile food unit shall be allowed on a property, unless part of an approved event or the property has received a multiple vendor permit. Mobile food units not under a multiple vendor permit and on adjacent properties must maintain a minimum separation between units of twenty (20) feet.

F. Mobile food units shall serve patrons who are on foot only; no drive-up service to the mobile food unit itself shall be provided or allowed.

G. The mobile food unit must be located on a paved surface, unless approved by the city clerk's office.

H. No mobile food unit may be located on a vacant property or lot with a vacant building.

I. No mobile food unit may operate within two hundred feet (200') of a permanent restaurant or business that primarily engages in food services without the written permission of that business.

J. No alcoholic beverages may be sold as a part of a mobile food unit.

K. Except in zone C-2 any mobile food unit shall maintain a minimum fifteen-foot (15') separation from a building as measured to the closest building element including awnings or canopies, tents or membrane structures. Location of the mobile food unit shall not impede pedestrian entering or exiting of a building. In zone C-2 the distance shall be seven (7) feet.

L. Mobile food vendors shall be placed no closer than 15' from a front property line.

M. Signs are limited to those that are attached to the exterior of the mobile unit and must be mounted flat against the unit and not project more than six inches (6") from the exterior of the unit. Only two off premise signs directing patrons to the mobile food unit is allowed.

N. During business hours, the mobile food vendor shall provide a trash receptacle for use by customers.

O. The mobile food vendor shall keep the area around the mobile food unit clear of litter and debris at all times.

P. All mobile food units shall be located in such a manner as to not create a safety hazard, such as blocking emergency access to buildings and the site, obstructing access to fire hydrants and fire department connections, impeding entering and exiting from a building, creating a visual impediment for the motoring public at drive entrances, intersections, pedestrian crossings, etc.

Q. No mobile food unit shall be parked in or otherwise impact access to/from ADA parking stalls.

9. Other Licenses and Permits to Be Maintained: Failure of any applicant to maintain the appropriate county, state and federal licenses and permits, during the term of the local license or permits shall be considered an unlawful act and subject to revocation or any other penalties available to the city.

10. Suspension or Revocation of License: Any license issued under the provisions of this chapter may be suspended or revoked by the city as follows:

A. Grounds: The city clerk may suspend any license issued under this chapter, pending the outcome of an administrative hearing, for any of the following reasons:

(1) The licensee has made fraudulent statements in his/her application for the license or in the conduct of his/her business.

(2) The licensee has violated this chapter or any other chapter of this code or has otherwise conducted his/her business in an unlawful manner.

(3) The licensee has conducted his/her business in such manner as to endanger the public welfare, safety, order, or morals.

(4) The city clerk has received and investigated three (3) or more found complaints during the licensed period related to the manner in which the licensee is conducting business.

B. Notice: The city clerk shall have the licensee served with notice either in person or by regular mail to the licensee's address shown on the license application notifying them of the license suspension, the specific reason(s) for such action, and date and time of hearing with the city clerk to review the particulars of the suspension. The licensee shall be prohibited from any further activities covered by the license until such time that the hearing has been held and a determination of suspension and revocation resolved.

C. Hearing: A hearing shall be conducted by the city clerk not more than five (5) business days after he/she has suspended a license. The licensee and any complainants may be present to determine the truth of the alleged violation of this chapter. Should the licensee or his/her authorized representative fail to appear without good cause, the city clerk may proceed with the hearing and make his/her findings.

D. Revocation: After the city clerk has reviewed the facts, he/she shall revoke a license if he/she finds by the preponderance of the evidence that a violation has occurred. The revocation shall be effective immediately.

E. Appeal: If the city clerk revokes or refuses to issue a license, the licensee or the applicant shall have a right to a hearing before the municipal code hearing officer as provided in Section 122.15 of this code. The municipal code hearing officer may reverse, modify, or affirm the decision of the city clerk.

F. Effect of Revocation: Revocation or denial of any license shall bar the licensee or applicant from being eligible for any license under this chapter for a period of one year from the date of the revocation or denial. There shall be no refund of any fees for any revocation.

11. Penalty: Unless another penalty is expressly provided by this chapter for any particular provision or section, violations of this chapter are simple misdemeanors subject to a fine of not more than five hundred dollars (\$500.00) and may also be punishable as municipal infractions subject to a civil penalty as set forth in this code. Each day a municipal infraction occurs and/or is permitted to exist constitutes a separate offense. Police officers, code enforcement officers and the police chief's designees shall have the authority to issue citations for violations of this chapter, and shall have the discretion to enforce this chapter as either a simple misdemeanor or municipal infraction.

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

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

Passed and Approved by the Council the ____ day of _____, 2020.

Tom Becker, Mayor

ATTEST:

Robert Fagen, City Administrator/Clerk

First Reading: 9/14/20

Second Reading: 9/28/20

Third Reading:

I certify that the foregoing was published as Ordinance 2020-07 on the ____ day of _____, 2020.

Angie Ritchie, Deputy Clerk

CHAPTER 122

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

122.01 Purpose
122.02 Definitions
122.03 Registration Required
122.04 Registration Requirements
122.05 Registration Fee

122.06 Transient Merchant Bond
122.07 Time Restriction
122.08 Exemptions
122.09 Charitable and Nonprofit Organizations
122.10 Mobile Food and Beverage Vendors

122.01 PURPOSE. The purpose of this chapter is to protect residents of the City against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors and transient merchants.

122.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Peddler" means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
2. "Solicitor" means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.
3. "Transient merchant" means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

122.03 REGISTRATION REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first registering with the City as herein provided is in violation of this chapter.

122.04 REGISTRATION REQUIREMENTS. The registration shall be in writing, filed with the Clerk, and shall set forth the following information:

1. The person's name, permanent and local address and business address if any, driver's license number and vehicle description.
2. The person's employer, if any, and the employer's address, the nature of the business and the length of time such business will be carried on in the City.
3. The names of all people who are to be working within the City and their vehicle descriptions and license numbers.

122.05 REGISTRATION FEE. A registration fee of \$25.00 per day, per person, shall be paid at the time of registration to cover the cost of investigating the facts stated therein.

122.06 TRANSIENT MERCHANT BOND.

1. Except as provided in paragraph (3) below, no transient merchant license shall be issued until the applicant has delivered to the city clerk a cash bond for no less than \$200.00. The bond shall be held to

indemnify and pay the city any penalties or costs incurred in the enforcement of any of the sections of this article and indemnify or reimburse any purchaser of goods, wares, merchandise or stock for any judgment which may be obtained by a purchaser for damages in any action commenced within three months from the date of purchase, due to misrepresentations as to the kind, quality or value of such goods, wares, merchandise or stock, whether the misrepresentations were made by the owner or by his or her servants, agents or employees, either at the time of making the sale or through any advertisement of any character, printed or circulated, with reference to such stock of goods, wares or merchandise or any part thereof.

2. A single bond may be used for all licenses obtained by the same transient merchant.

3. The balance of the bond shall be released by the city clerk and returned to the applicant upon request by the applicant at any time more than four months after expiration of all transient merchant licenses for which the cash bond was provided, unless the city clerk has received notice of a pending action in the state or federal courts seeking a judgment upon a claim eligible for payment from the bond. Except as otherwise provided by court order, the city clerk shall not release any bond during the pendency of any such action.

122.07 TIME RESTRICTION. Peddlers and solicitors shall conduct business in the City only during daylight hours.

122.08 EXEMPTIONS. The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the Norwalk Community School District conducting projects sponsored by organizations recognized by the school.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

122.09 CHARITABLE AND NONPROFIT ORGANIZATIONS. Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504 of the *Code of Iowa*, or political candidates for State, local or Federal office desiring to solicit money or to distribute literature are exempt from the requirements of Sections 122.04 and 122.05. All such organizations or individuals are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, and the period during which such activities are to be carried on.

122.10 MOBILE FOOD AND BEVERAGE VENDORS

1. Mobile Food Unit Licensing: It shall be unlawful for any person to engage in the sale of food or beverages to the public from a temporary or mobile facility located on public property within the

corporate limits of the City of Cumming without first obtaining a mobile food unit license from the city, in addition to any other state, federal, or county permits, certifications and licenses.

Mobile food units located on private property are allowed with a transient merchant permit.

A. A mobile food unit license is an annual license that expires on April 15 each year and must be renewed at least 5 days prior to the first event after that date.

B. Each mobile food unit shall be licensed separately. No license transfer is allowed.

C. Although certain activities may be exempt from the licensing requirements of this chapter, any food service to the public in the City of Cumming shall comply with all other local, county and state requirements for health inspections, licensing, safety and fire code requirements.

D. The following shall be exempt from this requirement:

(1) Catering businesses.

(2) Grilling and food preparation activities, including mobile food units, of brick and mortar establishments on the establishments' premises for immediate consumption by patrons or employees.

(3) Concession stands associated with sports or recreational venues that have been approved as part of a site plan.

2. License Fee: At the time of the submittal of a license application, the applicant shall pay to the city clerk's office the applicable license and permit fees in addition to any application fees.

A. The city council shall establish the amount of the license fee by resolution.

B. Any licensee who surrenders their license prior to the date of expiration shall not be entitled to a refund of any portion of the fee.

3. Fire Department Inspection:

A. All mobile food units that have cooking facilities with grease laden vapors (class III and class IV state licenses) shall be inspected by the Norwalk fire department prior to initiation of business operations within the city. However, at the discretion of the city clerk's office the city may accept the inspection of the mobile food unit by another Iowa Fire Department.

B. Inspections are required annually and prior to submittal of a license application to the city. It shall be the obligation of the mobile food vendor to schedule the inspection with the fire department.

C. Upon completion of the annual fire inspection, if the fire department determines that the mobile food unit passes the inspection, the Fire Chief or his/her designee shall sign the mobile food unit vendor license application and identify any conditions for operation as deemed appropriate as a result of said inspection.

4. Mobile Food Unit Vendor Annual Licensing Application:

A. License Required: All mobile food vendors operating on public property within the City of Cumming must obtain a mobile food vendor license from the city.

Exception: Community events sponsored by or approved by City Council. Application requests shall be filed with the city clerk's office on the form provided by the city. No application request shall be accepted for filing and processing unless it conforms to the requirements of this title. This would include a complete and true application and all of the required materials and information prescribed, accompanied by the appropriate fees.

B. Submission Time Frame: Applications must be submitted not less than five (5) business days prior to the proposed start date of the mobile food unit activities. The city reserves the right to reject any applications that have not been timely submitted to the city. The city clerk shall have the discretionary right to accept an application made less than five (5) business days prior to desired start date.

C. Additional Approvals: Receiving approval of a mobile food unit license from the city shall not preclude, supersede, circumvent, or waive the applicant's responsibility to obtain any additional permits, licenses, and approvals for other applicable local, state, and federal regulations.

D. Application Contents: Application shall be made on a form provided by the city and shall include:

- (1) Full name of the applicant.
- (2) Applicant's contact information including mailing address, phone numbers and e-mail address.
- (3) State health inspection certificate with the classification level of the state license identified.
- (4) Description of the kitchen facilities, cooking facilities, preparation area, safety features (suppression system, etc.) of the mobile food unit.
- (5) Photographs of the mobile food unit.
- (6) Make, model and year of vehicle to be used.
- (7) County, state and license plate number.
- (8) The length and width of the vehicle.
- (9) Fire department signature on application confirming a passing fire department inspection.
- (10) Application and license fee(s)

E. Applications Deemed Withdrawn: Any application received shall be deemed withdrawn if it has been held in abeyance, awaiting the submittal of additional requested information from the applicant, and if the applicant has not communicated in writing with the city and made reasonable progress within thirty (30) days from the last written notification from the city to the applicant. The application fee is nonrefundable. Any application deemed withdrawn shall require submission of a new application and fees to begin a new review and approval process.

F. Issuance of License: Upon completion of the review process and a determination of compliance with the applicable regulations, the city clerk will issue a mobile food unit license. The license shall be placed

in the upper left (passenger side) of the front windshield or the left front side of a trailer or cart to aid in the visual verification of the licensing for that year.

G. Modification of License After Issuance: Should the mobile food vendor change the food or beverage being offered during the term of an issued license that would change the designation of the mobile food unit to a higher state licensing level classification, a new application and fire inspection shall be required.

5. Mobile Food Units On Public Property: No mobile food unit may be operated on public property except as approved by the city clerk's office.

6. Unattended Mobile Food Unit: No mobile food unit shall be left unattended on any site overnight, unless that property is under the ownership of the operator of the unit and in compliance with all other city code requirements. No mobile food unit shall be allowed to be stored on a site that is not zoned appropriately for storage and warehousing and/or having received prior city council approval through an entitlement process. Any mobile food unit found unattended shall be considered in violation of these regulations and subject to license revocation, municipal infraction, towing, or any other action legally allowed.

7. Music And Sound Making Devices: The use of music or sound making devices as a part of a mobile food unit shall be prohibited, unless expressly allowed as part of an approved event.

8. Mobile Food Unit Performance Standards: Persons conducting business from a mobile food unit must do so in compliance with the following standards:

A. The mobile food vendor must obtain expressed written consent of the property owner to use the business property on which they propose to operate. The written consent must be kept in the unit at all times that the unit is on the property.

B. The operator of the mobile food unit shall display their city license in full view of the public in the unit.

C. Mobile food units within three hundred feet (300') of a residential use or residentially zoned property, shall be limited to hours of operation between seven o'clock (7:00) A.M. and nine thirty o'clock (9:30) P.M.

D. Mobile food units shall be limited to a maximum duration of 12 hours per day on any site, unless part of an approved event permit. A mobile food unit shall be at one location a maximum of five (5) consecutive days per week.

E. Only one mobile food unit shall be allowed on a property, unless part of an approved event or the property has received a multiple vendor permit. Mobile food units not under a multiple vendor permit and on adjacent properties must maintain a minimum separation between units of twenty (20) feet.

F. Mobile food units shall serve patrons who are on foot only; no drive-up service to the mobile food unit itself shall be provided or allowed.

G. The mobile food unit must be located on a paved surface, unless approved by the city clerk's office.

H. No mobile food unit may be located on a vacant property or lot with a vacant building.

I. No mobile food unit may operate within two hundred feet (200') of a permanent restaurant or business that primarily engages in food services without the written permission of that business.

J. No alcoholic beverages may be sold as a part of a mobile food unit.

K. Except in zone C-2 any mobile food unit shall maintain a minimum fifteen foot (15') separation from a building as measured to the closest building element including awnings or canopies, tents or membrane structures. Location of the mobile food unit shall not impede pedestrian entering or exiting of a building. In zone C-2 the distance shall be seven (7) feet.

L. Mobile food vendors shall be placed no closer than 15' from a front property line.

M. Signs are limited to those that are attached to the exterior of the mobile unit and must be mounted flat against the unit and not project more than six inches (6") from the exterior of the unit. Only two off premise signs directing patrons to the mobile food unit is allowed.

N. During business hours, the mobile food vendor shall provide a trash receptacle for use by customers.

O. The mobile food vendor shall keep the area around the mobile food unit clear of litter and debris at all times.

P. All mobile food units shall be located in such a manner as to not create a safety hazard, such as blocking emergency access to buildings and the site, obstructing access to fire hydrants and fire department connections, impeding entering and exiting from a building, creating a visual impediment for the motoring public at drive entrances, intersections, pedestrian crossings, etc.

Q. No mobile food unit shall be parked in or otherwise impact access to/from ADA parking stalls.

9. Other Licenses And Permits To Be Maintained: Failure of any applicant to maintain the appropriate county, state and federal licenses and permits, during the term of the local license or permits shall be considered an unlawful act and subject to revocation or any other penalties available to the city.

10. Suspension or Revocation of License: Any license issued under the provisions of this chapter may be suspended or revoked by the city as follows:

A. Grounds: The city clerk may suspend any license issued under this chapter, pending the outcome of an administrative hearing, for any of the following reasons:

(1) The licensee has made fraudulent statements in his/her application for the license or in the conduct of his/her business.

(2) The licensee has violated this chapter or any other chapter of this code or has otherwise conducted his/her business in an unlawful manner.

(3) The licensee has conducted his/her business in such manner as to endanger the public welfare, safety, order, or morals.

(4) The city clerk has received and investigated three (3) or more found complaints during the licensed period related to the manner in which the licensee is conducting business.

B. Notice: The city clerk shall have the licensee served with notice either in person or by regular mail to the licensee's address shown on the license application notifying them of the license suspension, the specific reason(s) for such action, and date and time of hearing with the city clerk to review the particulars of the suspension. The licensee shall be prohibited from any further activities covered by the license until such time that the hearing has been held and a determination of suspension and revocation resolved.

C. Hearing: A hearing shall be conducted by the city clerk not more than five (5) business days after he/she has suspended a license. The licensee and any complainants may be present to determine the truth of the alleged violation of this chapter. Should the licensee or his/her authorized representative fail to appear without good cause, the city clerk may proceed with the hearing and make his/her findings.

D. Revocation: After the city clerk has reviewed the facts, he/she shall revoke a license if he/she finds by the preponderance of the evidence that a violation has occurred. The revocation shall be effective immediately.

E. Appeal: If the city clerk revokes or refuses to issue a license, the licensee or the applicant shall have a right to a hearing before the municipal code hearing officer as provided in Section 122.15 of this code. The municipal code hearing officer may reverse, modify, or affirm the decision of the city clerk.

F. Effect of Revocation: Revocation or denial of any license shall bar the licensee or applicant from being eligible for any license under this chapter for a period of one year from the date of the revocation or denial. There shall be no refund of any fees for any revocation.

11. Penalty: Unless another penalty is expressly provided by this chapter for any particular provision or section, violations of this chapter are simple misdemeanors subject to a fine of not more than five hundred dollars (\$500.00) and may also be punishable as municipal infractions subject to a civil penalty as set forth in this code. Each day a municipal infraction occurs and/or is permitted to exist constitutes a separate offense. Police officers, code enforcement officers and the police chief's designees shall have the authority to issue citations for violations of this chapter, and shall have the discretion to enforce this chapter as either a simple misdemeanor or municipal infraction.

**RESOLUTION NO. 2020-68
CITY OF CUMMING**

Resolution authorizing and approving a Loan Agreement, providing for the issuance of \$450,000 General Obligation Sewer Improvement Bonds, Series 2020 and providing for the levy of taxes to pay the same

WHEREAS, the City of Cumming (the “City”), in Warren County, State of Iowa, heretofore proposed to enter into a loan agreement (the “Loan Agreement”), pursuant to the provisions of Section 384.24A of the Code of Iowa, and to borrow money thereunder in a principal amount not to exceed \$650,000 for the purpose of paying the costs, to that extent, of constructing sanitary sewer extensions and improvements (the “Project”), and pursuant to law and duly published notice of the proposed action has held a hearing thereon on July 13, 2020; and

WHEREAS, the City Council has made provision and has authorized a term sheet (the “Term Sheet”) for use by Piper Sandler & Co. (the “Placement Agent”) in negotiating the Loan Agreement and providing for the private placement of \$450,000 General Obligation Sewer Improvement Bonds (the “Bonds”) to be issued in evidence of the City’s Obligations under the Loan Agreement; and

WHEREAS, upon due consideration and advice from the Placement Agent, the proposal of City State Bank, Norwalk, Iowa (the “Lender”), was deemed the best, such bid proposing the lowest interest cost to the City for the Bonds;

WHEREAS, it is now necessary to make final provision for the approval of the Loan Agreement and to authorize the issuance of the Bonds;

NOW, THEREFORE, Be It Resolved by the City Council of the City of Cumming, Iowa, as follows:

Section 1. It is hereby determined that the City shall enter into the Loan Agreement with the Lender in substantially the form which will be placed on file with the City, providing for a loan to the City in the amount of \$450,000 for the purpose or purposes set forth in the preamble hereof.

The Mayor and City Clerk are hereby authorized and directed to sign the Loan Agreement on behalf of the City, and the Loan Agreement is hereby approved.

Section 2. The proposal of the Lender referred to in the preamble is hereby accepted, and the Bonds are hereby awarded to the Lender on the terms reported by the Placement Agent.

Section 3. The Bonds are hereby authorized to be issued in evidence of the obligation of the City under the Loan Agreement, in the principal amount of \$450,000, to be dated the date of delivery to the Lender, such date anticipated to be October 29, 2020. The Bonds shall be initially issued as a single term Bond (the “Bond”) with final maturity on June 1, 2025 and with mandatory periodic principal installments due on June 1 in each of the years and in such amounts as follows:

<u>Date</u>	<u>Principal</u>
2021	\$50,000
2022	\$100,000
2023	\$100,000
2024	\$100,000
2025	\$100,000

Section 4. The City Clerk is hereby designated as the registrar and paying agent for the Bonds and may be hereinafter referred to as the “Registrar” or the “Paying Agent.”

Principal of the Bonds bear interest at the fixed rate of 1.90% per annum from the date of the Bonds, or from the most recent date on which interest has been paid as hereinafter set forth. Accrued interest on the Bonds shall be payable semiannually on the first day of June and December in each year, commencing June 1, 2021 and continuing to, and including, final maturity on June 1, 2025. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

Payment of both principal of and interest on the Bonds shall be made to the registered owner appearing on the registration books of the City at the close of business on the fifteenth day of the month next preceding the payment date and shall be paid to the registered owner at the address shown on such registration books; provided, however, that the final installment of principal and interest shall be payable only upon presentation and surrender of the Bonds to the Paying Agent.

The City reserves the right to optionally prepay principal of the Bonds in whole or in part at any time prior to and in inverse order of maturity on terms of par and accrued interest, provided, however that the City shall provide notice thereof by mail or electronic means to the Lender not less than 30-days prior to the date of early prepayment. All principal so prepaid shall cease to bear interest on the date of prepayment.

The Bonds shall be executed on behalf of the City with the official manual or facsimile signature of the Mayor and attested with the official manual or facsimile signature of the City Clerk and shall be fully registered Bonds without interest coupons. In case any officer whose signature or the facsimile of whose signature appears on the Bonds shall cease to be such officer before the delivery of the Bonds, such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

The Bonds shall be fully registered as to principal and interest in the name of the owner on the registration books of the City kept by the Registrar, and after such registration, payment of the principal thereof and interest thereon shall be made only to the registered owner or its legal representatives or assigns. The Bonds shall be transferable only upon the registration books of the City upon presentation to the Registrar, together with either a written instrument of transfer satisfactory to the Registrar or the assignment form thereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The record and identity of any owners of the Bonds shall be kept confidential as provided by Section 22.7 of the Code of Iowa.

Section 5. The Bond shall be in substantially the following form:

(Form of Bond)

UNITED STATES OF AMERICA
 STATE OF IOWA WARREN COUNTY
 CITY OF CUMMING

GENERAL OBLIGATION SEWER IMPROVEMENT BOND, SERIES 2020

\$450,000

RATE	MATURITY DATE	BOND DATE
1.90%	June 1, 2025	October 29, 2020

The City of Cumming (the “City”), in Warren County, State of Iowa, for value received, promises to pay in the manner hereinafter provided to

City State Bank,
 Norwalk, Iowa (the “Lender”)

or registered assigns, the principal sum of FOUR HUNDRED FIFTY THOUSAND DOLLARS, together with interest on the outstanding principal hereof from the date of this Bond, or from the most recent payment date on which interest has been paid, except as the provisions hereinafter set forth with respect to prepayment prior to maturity may be or become applicable hereto.

The Bonds (as herein defined) have been issued initially as a single term Bond (the “Bond”) with final maturity on June 1, 2025, and with mandatory periodic principal installments due on June 1 in each of the years and in such amounts as follows:

<u>Date</u>	<u>Principal</u>
2021	\$50,000
2022	\$100,000
2023	\$100,000
2024	\$100,000
2025	\$100,000

Principal of the Bond bears interest at the rate of 1.90% per annum. Accrued interest on this Bond shall be payable semiannually on the first day of June and December in each year, commencing June 1, 2021 and continuing to, and including, final maturity on June 1, 2025. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

Both principal of and interest on this Bond are payable to the registered owner appearing on the registration books of the City maintained by the City Clerk (hereinafter referred to as the “Registrar” or the “Paying Agent”) at the close of business on the fifteenth day of the month next preceding the payment date in lawful money of the United States of America to the registered owner at the address shown on such registration books; provided, however, that the final installment of principal and interest will be payable only upon presentation and surrender of this Bond to the Paying Agent.

This Bond is one of a series of General Obligation Sewer Improvement Bonds, Series 2020 (the “Bonds”) issued by the City to evidence its obligation under a certain Loan Agreement, dated the date hereof (the

“Loan Agreement”), entered into by the City for the purpose of constructing sanitary sewer extensions and improvements.

This Bond is issued pursuant to and in strict compliance with the provisions of Chapter 76 and Chapter 384 of the Code of Iowa, 2019, and all other laws amendatory thereof and supplemental thereto, and in conformity with a resolution of the City Council dated October 12, 2020 authorizing and approving the Loan Agreement and providing for the issuance and securing the payment of this Bond (the “Resolution”), and reference is hereby made to the Resolution and the Loan Agreement for a more complete statement as to the source of payment of this Bond and the rights of the owner of this Bond.

The City reserves the right to optionally prepay part or all of the principal of this Bond in whole or in part at any time prior to and in inverse order of maturity on terms of par and accrued interest, provided, however that the City shall provide notice thereof by mail or electronic means to the Lender not less than 30-days prior to the date of early prepayment. All principal so prepaid shall cease to bear interest on the date of prepayment.

This Bond is fully negotiable but shall be fully registered as to both principal and interest in the name of the owner on the books of the City in the office of the Registrar, after which no transfer shall be valid unless made on said books and then only upon presentation of this Bond to the Registrar, together with either a written instrument of transfer satisfactory to the Registrar or the assignment form hereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The City, the Registrar and the Paying Agent may deem and treat the registered owner hereof as the absolute owner for the purpose of receiving payment of or on account of principal hereof, premium, if any, and interest due hereon and for all other purposes, and the City, the Registrar and the Paying Agent shall not be affected by any notice to the contrary.

And It Is Hereby Certified and Recited that all acts, conditions and things required by the laws and Constitution of the State of Iowa, to exist, to be had, to be done or to be performed precedent to and in the issue of this Bond were and have been properly existent, had, done and performed in regular and due form and time; that provision has been made for the levy of a sufficient continuing annual tax on all the taxable property within the City for the payment of the principal of and interest on this Bond as the same will respectively become due; and that the total indebtedness of the City, including this Bond, does not exceed any constitutional or statutory limitations.

IN TESTIMONY WHEREOF, the City of Cumming, Iowa, by its City Council, has caused this Bond to be executed by its Mayor and attested by its City Clerk, on October 29, 2020.

CITY OF CUMMING, IOWA

By (DO NOT SIGN)
Mayor

Attest:

(DO NOT SIGN)
City Clerk

ABBREVIATIONS

The following abbreviations, when used in this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM	- as tenants in common	UTMA	_____
			(Custodian)
TEN ENT	- as tenants by the entireties	As Custodian for	_____
JT TEN	- as joint tenants with right of survivorship and not as tenants in common		(Minor)
		under Uniform Transfers to Minors Act	_____
			(State)

Additional abbreviations may also be used though not in the list above.

ASSIGNMENT

For valuable consideration, receipt of which is hereby acknowledged, the undersigned assigns this Bond to

(Please print or type name and address of Assignee)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF ASSIGNEE

and does hereby irrevocably appoint _____, Attorney, to transfer this Bond on the books kept for registration thereof with full power of substitution.

Dated: _____

Signature guaranteed:

NOTICE: The signature to this Assignment must correspond with the name of the registered owner as it appears on this Bond in every particular, without alteration or enlargement or any change whatever.

Section 6. It is anticipated that closing of the borrowing transaction contemplated herein will be on or around October 29, 2020, provided, however, that execution of the Bonds and the Loan Agreement shall be undertaken as soon after the adoption of this resolution as may be possible and thereupon shall be delivered to the Registrar for registration and delivery to or upon the direction of the Lender, upon receipt of the loan proceeds, and all action heretofore taken in connection with the Loan Agreement is hereby ratified and confirmed in all respects. To the extent that the date of closing needs to be adjusted, the City staff, with advice from the Lender, Placement Agent and Bond Counsel to the City, is hereby authorized to make such adjustment and to modify the transaction documents accordingly.

Section 7. The proceeds (the "Loan Proceeds") to be received under the Loan Agreement shall be used to pay the costs of the Project, and costs of issuance of the Bonds. Any Loan Proceeds remaining after the full payment of such costs shall be deposited in the Debt Service Fund and used to pay principal of and interest on the Bonds as the same become due. The City shall keep a detailed and segregated accounting of the expenditure of, and investment earnings on, the Loan Proceeds to ensure compliance with the requirements of the Internal Revenue Code, as hereinafter defined.

Section 8. For the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on the Bonds as the same become due, there is hereby ordered levied on all the taxable property in the City, the following direct annual tax for the collection in each of the following fiscal years:

For collection in the fiscal year beginning July 1, 2021,
sufficient to produce the net annual sum of \$107,600;

For collection in the fiscal year beginning July 1, 2022,
sufficient to produce the net annual sum of \$105,700;

For collection in the fiscal year beginning July 1, 2023,
sufficient to produce the net annual sum of \$103,800;
and

For collection in the fiscal year beginning July 1, 2024,
sufficient to produce the net annual sum of \$101,900.

Section 9. A certified copy of this resolution shall be filed with the County Auditor of Warren County, and the County Auditor is hereby instructed to enter for collection and assess the tax hereby authorized. When annually entering such taxes for collection, the County Auditor shall include the same as a part of the tax levy for Debt Service Fund purposes of the City and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the City and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Bonds hereby authorized and for no other purpose whatsoever.

Pursuant to the provisions of Section 76.4 of the Code of Iowa, each year while the Bonds remain outstanding and unpaid, any funds of the City which may lawfully be applied for such purpose may be appropriated, budgeted and, if received, used for the payment of the principal of and interest on the Bonds as the same become due, and if so appropriated, the taxes

for any given fiscal year as provided for in Section 8 of this Resolution, shall be reduced by the amount of such alternate funds as have been appropriated for such purpose, and evidenced in the City's budget.

Section 10. The interest or principal and both of them falling due in any year or years shall, if necessary, be paid promptly from current funds on hand in advance of taxes levied and when the taxes shall have been collected, reimbursement shall be made to such current funds to the sum thus advanced.

Section 11. It is the intention of the City that interest on the Bonds be and remain excluded from gross income for federal income tax purposes pursuant to the appropriate provisions of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations in effect with respect thereto (all of the foregoing herein referred to as the "Internal Revenue Code"). In furtherance thereof, the City covenants to comply with the provisions of the Internal Revenue Code as they may from time to time be in effect or amended and further covenants to comply with the applicable future laws, regulations, published rulings and court decisions as may be necessary to insure that the interest on the Bonds will remain excluded from gross income for federal income tax purposes. Any and all of the officers of the City are hereby authorized and directed to take any and all actions as may be necessary to comply with the covenants herein contained.

The City hereby designates the Bonds as "Qualified Tax Exempt Obligations" as that term is used in Section 265(b)(3)(B) of the Internal Revenue Code.

Section 12. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 13. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved on October 12, 2020.

Tom Becker, Mayor

Attest:

Bob Fagen, City Administrator/Clerk

ATTESTATION CERTIFICATE

STATE OF IOWA
WARREN COUNTY SS:
CITY OF CUMMING

I, the undersigned, City Administrator/Clerk of the City of Cumming, do hereby certify that as such City Clerk I have in my possession or have access to the complete corporate records of the City and of its Council and officers and that I have carefully compared the transcript hereto attached with those corporate records and that the transcript hereto attached is a true, correct and complete copy of all the corporate records in relation to the adoption of a resolution entitled "Resolution authorizing and approving a Loan Agreement, providing for the sale and issuance of \$450,000 General Obligation Sewer Improvement Bonds, Series 2020 and providing for the levy of taxes to pay the same," and that the transcript hereto attached contains a true, correct and complete statement of all the measures adopted and proceedings, acts and things had, done and performed up to the present time with respect thereto.

I further certify that no appeal has been taken to the District Court from the decision of the City Council to enter into the Loan Agreement, to issue the Bonds or to levy the taxes to pay the principal thereof and interest thereon.

WITNESS MY HAND this _____ day of _____, 2020.

Robert Fagen, City Administrator/Clerk

COUNTY FILING CERTIFICATE

STATE OF IOWA

SS:

WARREN COUNTY

I, the undersigned, County Auditor of Warren County, in the State of Iowa, do hereby certify that on the _____ day of _____, 2020, the City Clerk of the City of Cumming filed in my office a certified copy of a resolution of the City shown to have been adopted by the City Council and approved by the Mayor thereof on October 12, 2020, entitled: "Resolution authorizing and approving a Loan Agreement, providing for the sale and issuance of \$450,000 General Obligation Sewer Improvement Bonds, Series 2020 and providing for the levy of taxes to pay the same," and that I have duly placed the copy of the resolution on file in my records.

I further certify that the taxes provided for in that resolution will in due time, manner and season be entered on the State and County tax lists of this County for collection in the fiscal year beginning July 1, 2021, and subsequent years as provided in the resolution.

WITNESS MY HAND this _____ day of _____, 2020.

County Auditor

September 22, 2020

Revised: October 5, 2020

Mr. John Danos, Esq. & Ms. Amy Bjork, Esq.
Dorsey & Whitney LLP
801 Grand Ave. Suite 4100
Des Moines, IA 50309

RE: Cumming, Iowa
General Obligation Sewer Improvement Bonds, Series 2020
Hearing: Not to exceed \$650,000
Final Financing Amount: \$450,000 (approximate City's portion after bidding)
Project: 2020 South Trunk Sewer – Knapp Development

Dear John & Amy:

Here are the terms of offering:

Roles on the Financing

Bond Counsel:	Dorsey & Whitney LLP
Placement Agent:	Piper Sandler & Co.
Purchaser:	City State Bank, Norwalk, Iowa
Registrar / Paying Agent:	City Clerk
Rating Agency:	None
Bank Qualification:	Yes, statement anticipated in opinion

Action Dates

Set Date for Hearing:	Monday, June 8, 2020
Hold hearing:	Monday, July 13, 2020
Pre-Levy Resolution	N/A using TIF resources on hand
Pre-Levy Amount	N/A
Sale Date (approve proposals):	Monday, September 28, 2020
Issuance Date:	Monday, October 12, 2020
Closing date:	Thursday, October 29, 2020

Term Sheet (TS) / Due Diligence Dates

Expected Date of TS to Review:	Completed
Due Diligence Conference Call:	Week of October 12
Comments on TS Due:	Completed
Draft Legal / CDC / Issuance:	N/A
Comments due from purchaser	N/A

Rating Process

Rating Application Sent:	N/A
Rating Conference Call:	N/A
Rating Due:	N/A

Mr. John Danos, Esq. & Ms. Amy Bjork, Esq.
Page Two
September 22, 2020 **October 6, 2020**

Terms (continued)

Method of Sale	Private Placement with Investor Letter
Will purchaser be able to dispose of all or part of bond?	Yes with limitations
Denominations:	\$100,000 and multiples above
Term Bond:	Permitted at bidders option
Dated Date:	Date of delivery
Call Date:	Anytime
Maturities Callable on Above Date:	06/01/2021 – 2025
Interest Rate:	1.90%
Interest payment dates:	Semiannual commencing June 1, 2021
Purchase price:	\$450,000 (100% of par amount)
Change in principal:	Unlimited in amount sufficient to fund project
Continuing Disclosure:	Exempt Private Placement

Other Terms Requested by Purchaser of Bonds

Reimbursement for Legal Expenses:	N/A
Financial Reporting	N/A
Additional Reporting	N/A
CUSIP Numbers:	None Requested

Final Payment Schedule

See final results

Very truly yours,

via email

Travis R. Squires
Managing Director
TRS:

Enclosure:

cc: Bob Fagen, City Administrator of Cumming
Angie Ritchie, Deputy City Clerk of Cumming

SOURCES AND USES OF FUNDS

City of Cumming, Iowa
 General Obligation Sewer Improvement Bonds, Series 2020
 (South Trunk Sewer Extension - Phase III)

Dated Date	10/29/2020
Delivery Date	10/29/2020

Sources:

Bond Proceeds:	
Par Amount	450,000.00
	<u>450,000.00</u>

Uses:

Project Fund Deposits:	
City Portion of Construction Bid	323,066.25
Other/Engineering/Contingency	<u>112,433.75</u>
	435,500.00

Delivery Date Expenses:	
Cost of Issuance	14,500.00
	<u>450,000.00</u>

Notes:
 Final Results
 Purchaser: City State Bank
 Call Date: Anytime

BOND DEBT SERVICE

City of Cumming, Iowa
 General Obligation Sewer Improvement Bonds, Series 2020
 (South Trunk Sewer Extension - Phase III)

Dated Date 10/29/2020
 Delivery Date 10/29/2020

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
10/29/2020					
06/01/2021	50,000	1.900%	5,035	55,035	55,035
12/01/2021			3,800	3,800	
06/01/2022	100,000	1.900%	3,800	103,800	107,600
12/01/2022			2,850	2,850	
06/01/2023	100,000	1.900%	2,850	102,850	105,700
12/01/2023			1,900	1,900	
06/01/2024	100,000	1.900%	1,900	101,900	103,800
12/01/2024			950	950	
06/01/2025	100,000	1.900%	950	100,950	101,900
	450,000		24,035	474,035	474,035

Notes:
 Final Results
 Purchaser: City State Bank
 Call Date: Anytime

BOND PRICING

City of Cumming, Iowa
 General Obligation Sewer Improvement Bonds, Series 2020
 (South Trunk Sewer Extension - Phase III)

Bond Component	Maturity Date	Amount	Rate	Yield	Price	Principal Cost
Term Bond:	06/01/2025	450,000	1.900%	1.900%	100.000	450,000.00
		450,000				450,000.00

Dated Date	10/29/2020		
Delivery Date	10/29/2020		
First Coupon	06/01/2021		
Par Amount	450,000.00		
Original Issue Discount			
Production	450,000.00	100.000000%	
Underwriter's Discount			
Purchase Price	450,000.00	100.000000%	
Accrued Interest			
Net Proceeds	450,000.00		

Notes:
 Final Results
 Purchaser: City State Bank
 Call Date: Anytime

BOND SUMMARY STATISTICS

City of Cumming, Iowa
 General Obligation Sewer Improvement Bonds, Series 2020
 (South Trunk Sewer Extension - Phase III)

Dated Date	10/29/2020
Delivery Date	10/29/2020
First Coupon	06/01/2021
Last Maturity	06/01/2025
Arbitrage Yield	1.899656%
True Interest Cost (TIC)	2.480099%
Net Interest Cost (NIC)	2.453360%
All-In TIC	3.116618%
Average Coupon	1.900000%
Average Life (years)	2.811
Duration of Issue (years)	2.726
Par Amount	450,000.00
Bond Proceeds	450,000.00
Total Interest	24,035.00
Net Interest	24,035.00
Bond Years from Dated Date	1,265,000.00
Bond Years from Delivery Date	1,265,000.00
Total Debt Service	474,035.00
Maximum Annual Debt Service	107,600.00
Average Annual Debt Service	103,300.61
Underwriter's Fees (per \$1000)	
Average Takedown	
Other Fee	

Total Underwriter's Discount	
Bid Price	100.000000

Bond Component	Par Value	Price	Average Coupon	Average Life	PV of 1 bp change
Term Bond	450,000.00	100.000	1.900%	2.811	198.00
	450,000.00			2.811	198.00

	TIC	All-In TIC	Arbitrage Yield
Par Value	450,000.00	450,000.00	450,000.00
+ Accrued Interest			
+ Premium (Discount)			
- Underwriter's Discount			
- Cost of Issuance Expense			
- Other Amounts	-7,000.00	-14,500.00	
Target Value	443,000.00	435,500.00	450,000.00
Target Date	10/29/2020	10/29/2020	10/29/2020
Yield	2.480099%	3.116618%	1.899656%

Notes:
 Final Results
 Purchaser: City State Bank
 Call Date: Anytime

PROOF OF ARBITRAGE YIELD

City of Cumming, Iowa
 General Obligation Sewer Improvement Bonds, Series 2020
 (South Trunk Sewer Extension - Phase III)

Date	Debt Service	PV Factor	Present Value to 10/29/2020 @ 1.8996560852%
06/01/2021	55,035.00	0.988927685	54,425.64
12/01/2021	3,800.00	0.979622951	3,722.57
06/01/2022	103,800.00	0.970405765	100,728.12
12/01/2022	2,850.00	0.961275303	2,739.63
06/01/2023	102,850.00	0.952230748	97,936.93
12/01/2023	1,900.00	0.943271293	1,792.22
06/01/2024	101,900.00	0.934396136	95,214.97
12/01/2024	950.00	0.925604485	879.32
06/01/2025	100,950.00	0.916895554	92,560.61
	474,035.00		450,000.00

Proceeds Summary

Delivery date	10/29/2020
Par Value	450,000.00
Target for yield calculation	450,000.00

Notes:
 Final Results
 Purchaser: City State Bank
 Call Date: Anytime

FORM 8038 STATISTICS

City of Cumming, Iowa
 General Obligation Sewer Improvement Bonds, Series 2020
 (South Trunk Sewer Extension - Phase III)

Dated Date 10/29/2020
 Delivery Date 10/29/2020

Bond Component	Date	Principal	Coupon	Price	Issue Price	Redemption at Maturity
Term Bond:						
	06/01/2021	50,000.00	1.900%	100.000	50,000.00	50,000.00
	06/01/2022	100,000.00	1.900%	100.000	100,000.00	100,000.00
	06/01/2023	100,000.00	1.900%	100.000	100,000.00	100,000.00
	06/01/2024	100,000.00	1.900%	100.000	100,000.00	100,000.00
	06/01/2025	100,000.00	1.900%	100.000	100,000.00	100,000.00
		450,000.00			450,000.00	450,000.00

	Maturity Date	Interest Rate	Issue Price	Stated Redemption at Maturity	Weighted Average Maturity	Yield
Final Maturity	06/01/2025	1.900%	100,000.00	100,000.00		
Entire Issue			450,000.00	450,000.00	2.8111	1.8997%

Proceeds used for accrued interest	0.00
Proceeds used for bond issuance costs (including underwriters' discount)	14,500.00
Proceeds used for credit enhancement	0.00
Proceeds allocated to reasonably required reserve or replacement fund	0.00

Notes:
 Final Results
 Purchaser: City State Bank
 Call Date: Anytime

COST OF ISSUANCE

City of Cumming, Iowa
General Obligation Sewer Improvement Bonds, Series 2020
(South Trunk Sewer Extension - Phase III)

Cost of Issuance	\$/1000	Amount
Other Cost of Issuance	15.55556	7,000.00
Bond Counsel (Est)	16.66667	7,500.00
	32.22222	14,500.00

Notes:
Final Results
Purchaser: City State Bank
Call Date: Anytime

DISTRIBUTION LIST

CITY OF CUMMING, IOWA

\$450,000 – GENERAL OBLIGATION SEWER IMPROVEMENT BONDS, SERIES 2020
DATED & CLOSING 10/29/2020 | PRIVATE PLACEMENT | NON-RATED

<p><i>Issuer</i></p> <p>City of Cumming 649 N 44th St, PO Box 100 Cumming, IA 50061</p> <p>Phone: 515-981-9214 Fax: 515-981-4981</p> <p>Robert Fagen, City Administrator Cumming.iowaca@gmail.com</p> <p>Angie Ritchie, Deputy City Clerk deputyclerk@cumming.iowa.gov</p>	<p><i>Registrar/Paying Agent</i></p> <p>City of Cumming 649 N 44th St, PO Box 100 Cumming, IA 50061</p> <p>Phone: 515-981-9214 Fax: 515-981-4981</p> <p>Angie Ritchie, Deputy City Clerk deputyclerk@cumming.iowa.gov</p>	<p><i>Bond Counsel</i></p> <p>Dorsey & Whitney LLP 801 Grand, Suite 4100 Des Moines, IA 50309-8002</p> <p>Fax: 515-283-1060</p> <p>John Danos Phone: 515-699-3275 danos.john@dorsey.com</p> <p>Amy Bjork Phone: 515-699-3285 Bjork.amy@dorsey.com</p> <p>Cheryl Ritter ritter.cheryl@dorsey.com</p> <p>Amy Montgomery montgomery.amy@dorsey.com</p>
<p><i>Placement Agent</i></p> <p>Piper Sandler & Co. 3900 Ingersoll Avenue, Suite 110 Des Moines, IA 50312</p> <p>Fax: 515-247-2352</p> <p>Travis Squires, Managing Director Phone: 515-247-2354 travis.squires@psc.com</p> <p>Deb Harmsen, Administrative Assistant Phone: 515-247-2355 debra.harmsen@psc.com</p> <p>Garrett Pochop, Analyst Phone: 515-247-2359 Garrett.pochop@psc.com</p>	<p><i>Purchaser</i></p> <p>City State Bank 801 Main St., PO 159 Norwalk, IA 50211</p> <p>Phone: 515-981-4234</p> <p>George Meinecke, EVP gmeinecke@citystatebank.com</p>	

Calculation of City of Cumming Financing Needs

Bonds to be Sold:			450,000.00
Construction (Est)	552,250.00	58.500%	323,066.25
Crop Damage (Est)			2,300.00
Issuance Costs:			14,500.00
Subtotal:			339,866.25
Engineering / Other Legal / Contingency:			110,133.75

RESOLUTION 2020-69
City of Cumming

A RESOLUTION AUTHORIZING WAGES AND BENEFITS FOR CITY EMPLOYEES

Whereas the City Council of the City of Cumming, Iowa as follows has deliberated and found that the following benefits shall be paid in accordance with the City of Cumming Employee Manual for the following full-time employee of the City of Cumming beginning October 12, 2020:

<u>Employee Name</u>	<u>Position</u>	<u>Wage</u>
Angie Ritchie	Deputy Clerk	\$20.00 per hour (no change)

Whereas, the City Council of the City of Cumming, Iowa has determined that Angie Ritchie – Deputy Clerk, shall receive compensation not to exceed \$500.00 per month to be applied towards a benefits package, and

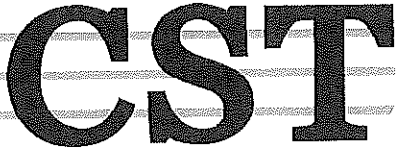
Whereas, The City Clerk/Treasurer of the City of Cumming is hereby authorized to issue checks, less legally required or authorized deductions from the amount set out above, on the days of the payroll, and to make contributions to IPERS (if applicable), Social Security and Medicare, or other purposes required by law or authorized by the City Council all subject to audit and review of the City Council.

Passed and approved this 12th day of October, 2020.

Tom Becker, Mayor

Attest:

Bob Fagen, City Administrator



2165 NW 108th Street, Suite D, Des Moines, IA 50325
 t. 515-270-5300 f. 515-254-0500

QUOTE

Number AAAQ18405
Date Oct 7, 2020

Sold To

City of Cumming
 Angie Ritchie
 649 N 44th Street
 PO Box 100
 Cumming, IA 50061
 United States

Phone (515) 981-9214
Fax (515) 981-4981

Ship To

City of Cumming
 Angie Ritchie
 649 N 44th Street
 PO Box 100
 Cumming, IA 50061
 United States

Phone (515) 981-9214
Fax (515) 981-4981

Here is the quote you requested.

Salesperson	P.O. Number	Ship Via	Terms
Chris Colton			Net on Receipt

Line	Qty	Description	Unit Price	Ext. Price
1	2	Dell Latitude 5510 Laptop 10th Generation Intel Core i5-10210U - 4 Core, 6M cache, base 1.6GHz, up to 4.2GHz Windows 10 Professional 64 English Intel UHD Graphics 620 with Displayport over Type-C 8GB,1x8GB, DDR4 Non-ECC Memory M.2 256GB PCIe NVMe Class 35 2230 Solid State Drive RGB Cam/Mic Bezel with Dell Privacy Shutter 15.6" FHD WVA (1920 x 1080) Anti-Glare Non-Touch Screen Dual Pointing Backlit US English Keyboard Intel Dual Band Wi-Fi 6 AX201 2x2 802.11ax 160MHz + Bluetooth 5.1 4 Cell 68Whr ExpressCharge Capable Primary Battery Dell SupportAssist OS Recovery Tool, Dell Optimizer Onsite/In-Home Service After Remote Diagnosis, 3 Years	\$1,239.13	\$2,478.26
2	2	Microsoft Office Home and Business 2019 - Box pack - includes Word, Excel, PowerPoint, Outlook - 1 PC/Mac - medialess, P6 - Win, Mac - English - North America	\$249.00	\$498.00
3	8	Labor Estimate 6 to 8 Hours for Install and Configuration laptop to the network	\$125.00	\$1,000.00

SubTotal	\$3,976.26
Tax	\$278.34
Shipping	\$0.00
Total	\$4,254.60

Please contact me if I can be of further assistance.

PRICES SUBJECT TO CHANGE - PRICES BASED UPON TOTAL PURCHASE - ALL DELIVERY, TRAINING OR CONSULTING SERVICES TO BE BILLED AT PUBLISHED RATES FOR EACH ACTIVITY INVOLVED - GENERALLY ALL HARDWARE COMPUTER COMPONENTS PROPOSED ABOVE ARE COVERED BY A LIMITED MANUFACTURER'S WARRANTY, COVERING PARTS AND FOR HARDWARE ONLY - WE SPECIFICALLY DISCLAIM ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTIES OR WITH REGARD TO ANY LICENSED PRODUCTS. WE SHALL NOT BE LIABLE FOR ANY LOSS OF PROFITS, BUSINESS, GOODWILL, DATA, INTERRUPTION OF BUSINESS, NOR FOR INCIDENTAL OR CONSEQUENTIAL MERCHANTABILITY OR FITNESS OF PURPOSE, DAMAGES RELATED TO THIS AGREEMENT. MINIMUM 25% RESTOCKING FEE WITH ORIGINAL PACKAGING.

Proprietary and Confidential



2165 NW 108th Street, Suite D, Des Moines, IA 50325
 t. 515-270-5300 f. 515-254-0500

QUOTE

Number AAAQ18407

Date Oct 7, 2020

Sold To

City of Cumming
 Angie Ritchie
 649 N 44th Street
 PO Box 100
 Cumming, IA 50061
 United States

Phone (515) 981-9214
Fax (515) 981-4981

Ship To

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 Angie Ritchie
 649 N 44th Street
 PO Box 100
 Cumming, IA 50061
 United States

Phone (515) 981-9214
Fax (515) 981-4981

Here is the quote you requested.

Salesperson	P.O. Number	Ship Via	Terms
Chris Colton			Net on Receipt

Line	Qty	Description	Unit Price	Ext. Price
1	2	Labor Estimate 1 to 3 Hours for Zoom on the conference room TV using the new laptop and customer supplied WebCam.	\$125.00	\$250.00

SubTotal	\$250.00
Tax	\$17.50
Shipping	\$0.00
Total	\$267.50

Please contact me if I can be of further assistance.

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Proprietary and Confidential



Item 6739723

★★★★★ 0 Reviews

Dell Latitude 5000 5510 15.6" Notebook - Full HD - 1920 x 1080 - Intel Core i5 (10th Gen) i5-10210U Quad-core (4 Core) 1.60 GHz - 8 GB RAM - 256 GB SSD - Windows 10 Pro - Intel UHD Graphics 620 - English (US) Keyboard - IEEE 802.11ax Wireless LAN Standard

✓ Sold Online

\$1310⁹⁹ / each

Qty

Add to Cart

Add to list

Compare



Item 7186813

★★★★★ 129 Reviews

Dell™ Inspiron 14 5400 2-In-1 Laptop, 14" Touch Screen, Intel® Core™ i5, 8GB Memory, 512GB Solid State Drive, Wi-Fi 6, Windows® 10, I5400-5111GRY-PUS

✓ Sold in Stores

✓ Free Store Pickup in 1 Hour ⓘ

\$749⁰⁰ / each

Qty

Add to Cart

Add to list

Compare



Item 3747756

★★★★★ 73 Reviews

Dell™ Inspiron 14 5400 2-In-1 Laptop, 14" Touch Screen, Intel® Core™ i7, 8GB Memory, 512GB Solid State Drive, Wi-Fi 6, Windows® 10, I5400-7241GRY-PUS

✓ Sold Online

\$849⁰⁰ / each
Limit: 5

Qty

Add to Cart

Add to list