

**NOTICE OF REGULAR COUNCIL MEETING
CUMMING CITY COUNCIL**

June 8, 2020 – 7:00 p.m.

Cumming City Hall, 649 N 44th St., Cumming Iowa*

This is a tentative agenda only, which is subject to change. The final City Council agenda will be posted at least 24 hours prior to commencement of the meeting.

- 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. 5/11/20 Council Meeting Minutes
 - B. 5/26/20 Planning and Zoning Minutes
 - C. May IPERS Wage & Contribution Report
 - D. May 2020 Fund Balance Report
 - E. 5/24/20, & 6/7/20 Calculation & Verification Journals
 - F. 5/22/20, 5/29/20 & 6/5/20 Accounts Payable Claims Reports
 - G. May Revenue Log
 - H. May Building Permit Log
 - I. Wine Wagon Liquor License
 - J. Wine Wagon Transient Merchant Sales Registration
 - K. Sweet Pies DSM/Prairie Storm Roasters Transient Merchant Sales Registration
 - L. Urban Renewal Map
 - M. Hometown Pride Remaining FY20 Budget (\$2,605) to be applied to Water Tower Project - payment to Ben Schuh
 - N. MSA Annexation Flyer
 - O. Reappoint Brad Hopkey to the Planning & Zoning Commission for a 5-year term
 - P. Reappoint John McPartland and Alison Frank to the Park & Recreation Board for a 5-year term
- VI. **ACTION/DISCUSSION ITEMS**
 - A. **DEVELOPMENT UPDATE** – Diligent Development, Tom Henderson
 - B. **Resolution 2020-32** Depository Resolution
 - C. **Resolution 2020-35** Directing the Clerk to Publish Notice of Hearing on the Adoption of the Proposed Code of Ordinances of the City of Cumming, Iowa. Hearing to be held on July 13, 2020.
 - D. **Resolution 2020-36** Resolution Setting the Date for a Public Hearing on Proposal To enter into a General Obligation Sewer Improvement Loan Agreement and to Borrow Money thereunder in a Principal Amount not to exceed \$650,000, Authorizing Term Sheet and Setting Date for Selection of Lender
 - E. **Resolution 2020-37** Resolution Ordering Construction of Certain Public Improvements, approving preliminary Plans, and Fixing a Date for Hearing Theron and Taking of Bids Therefor
 - F. **Resolution 2020-38** Approving and Authorizing Balance Transfers
 - G. **Resolution 2020-39** Set a Date for a Public Hearing to Amend the Code of Ordinances, City of Cumming, Iowa by Amending Chapter 55 Animal Protection and Control

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- H. **Resolution 2020-40** Set a Date for a Public Hearing to Amend the Code of Ordinances, City of Cumming, Iowa by Amending Chapter 69.09 Truck Parking Limited
- I. Cumming Water Tower Mural Agreement
- J. FY21 Budget Discussion
- K. Norwalk Lion's Club Firework Donation (\$300 in 2019)
- L. Discussion – Recommendations from the City Administrator Consultant
- M. Home Builder's Expo - Committee

VII. REPORTS:

- A. Mayor
- B. Council
- C. Attorney
- D. Clerk

VIII. PUBLIC COMMENT

IX. UPCOMING CITY COUNCIL MEETING: Regular Meeting: July 13, 7:00 p.m. at City Hall

X. ADJOURN

*This meeting will 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:829 8079 3771. Password: 298191**. 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 5/11/2020
To be Approved at 6/8/20**

The Regular City Council Meeting of the City of Cumming was held via Zoom on Monday, May 11, 2020. The Meeting was called to order at 7:02 P.M. by Mayor Tom Becker. Present at Roll Call: Thomas Cackler, Brent Highfill, Charlie Ochanpaugh, Kathie Hungerford and Dino Goode. The Agenda was amended to remove Consent Item G. Motion made by Cackler, seconded by Hungerford to approve the agenda as amended. Approved 5-0.

Presentation: Water Tower Mural; Ben Schuh and Pat Whalen

Park & Rec: John McPartland, Chair of Park & Rec requested approval of funding for flowers in the park. Motion by Cackler, seconded by Goode to approve up to \$300. Approved 5-0.

Consent Items:

Motion made by Cackler, seconded by Goode to approve the Consent items: 4/13/20 Council Meeting Minutes, April 2020 IPERS Wage & Contribution Report, April 2020 Fund Balance Report, 4/26/20 & 5/10/20 Calculation & Verification Journals, 4/24/20 & 5/8/20 Accts Payable Claims Reports, April Building Permit Log, Appointment of Donald Paulin to the Planning & Zoning Board for the open seat with term ending 6/30/21, Upcoming Expenditures. Approved 5-0.

Expenditures:

Angie Ritchie	Mail & Zoom Reimbursement	21.19
Bowen Design	HTP YOM Signs	50.00
Cardmember Service	April Sprint	16.90
Century Link	Phone and Internet	241.33
Combined Systems Technology	April-June Anti-Virus	18.00
Heidi Hendrickson	IPERS Contribution Refund	403.87
IA Workforce Development	Benefits Paid Thru 3/31/20	67.68
IPERS	IPERS	490.21
IRS	FED/FICA Taxes	647.34
Jim's Johns Inc.	4/28-5/25	80.00
Kirk Ford	4/8, 4/19, 4/26 Lawn	310.00
MidAmerican Energy	Utilities/Street Lights 4/15	710.88
N/Warren Town & Country News	4/13 Meeting Minutes	198.33
Office Depot	Office Supplies	100.22
Old Republic Surety	6/22/20-6/22/21 Surety Bond	308.00
US Bank	Copier Lease	118.64
Veenstra & Kimm Inc.	Phase 3 Sewer 3/22-4/18 Inv.	22,246.76
Warren County Sheriff	2 nd FY20 Contract Payment	4,364.50
Waste Connections, Inc.	Garbage & Recycling April	2,233.26
	General Fund Total	32,611.88
City of Des Moines	WRA Payment 4/6/20 & 5/4/20 Invoices	6,446.00
Iowa One Call	Underground Line Loc.	27.90
	Sewer Total	6,473.90
Payroll	4/24/20 & 5/8/20	2,450.00
	Payroll Total	2,450.00
Paid Total		41,535.78

Action Items

- A. Motion by Ochanpaugh, seconded by Hungerford to approve **Resolution 2020-30** Hiring of City Clerk. Resolution needs to be modified prior to approval. Ochanpaugh withdrew his motion of approval. Item was tabled.

- B. Motion by Ochanpaugh, seconded by Hungerford to approve **Resolution 2020-31** Approving and Authorizing Balance Transfers. Approved 5-0.
- C. Motion by Cackler, seconded by Goode to approve **Resolution 2020-32** Depository Resolution with the change from one signature to two. Approved 5-0
- D. Motion by Hungerford, seconded by Cackler to approve **Resolution 2020-33** Partial Prepayment of Principal – Sewer Ext. Phase 1. Approved 5-0
- E. Motion by Highfill, seconded by Cackler to approve **Resolution 2020-34** Approving Agreement KC Real Estate Development Agreement. Approved 5-0
- F. Motion by Goode, seconded by Hungerford for debt schedule difference come from TIF. Approved 5-0
- G. Borrowing discussion amount was held.
- H. 2020 Insurance Renewal discussion was held. Recommendation to drop back to original three million coverage.
- I. Motion by Ochanpaugh, seconded by Goode to approve Sternquist road repair bid for Orillia Road. Approved 5-0.
- J. Motion by Hungerford, seconded by Cackler to approve Clerkbooks bid for new accounting software. Approved 5-0.
- K. Motion by Goode, seconded by Ochanpaugh to approve Speck street sweeping bid. Approved 5-0.
- L. Motion by Cackler, seconded by Hungerford to approve Small City Workshop enrollment fee for \$25.00. Approved 5-0

Reports: Clerk – Approval of IMFOA scholarship for July classes in the amount of \$450.00, Donation of new flag for pole in front of City Hall by Don Paulin, new .gov website up and running with .gov emails to come.

Public Comment: Pat Whalen inquired when sewer hookup would be available for residents on the east side of N. 29th. City Inspector to look into this.

Upcoming City Council Meetings: Regular Council Meeting, June 8, 2020 at 7:00 p.m. at City Hall.

Motion made by Cackler, seconded by Hungerford to Adjourn at 9:10 pm. Approved 5-0.

Tom Becker, Mayor

Attest: Angie Ritchie, Deputy Clerk

City of Cumming
Planning & Zoning Commission Regular Meeting
May 26, 2020

The City of Cumming Planning and Zoning Commission held scheduled meeting on May 26, 2020 at 7:00PM. The meeting was held virtually with Zoom Meeting.

The Meeting was called to order by Chair, Brad Hopkey, at 7:07PM.

I. ROLL CALL

Present: Brad Hopkey, Karen McKinney, Matt Daniels, Jill Stanford, Donald Paulin, Holly De Hamer

Absent: Ethan Roos

II. APPROVAL OF AGENDA

McKinney moved – Daniels second – unanimously approved

III. CONSENT ITEMS

2/25/20 meeting minutes

McKinney moved – Daniels second – unanimously approved

IV. ACTION/DISCUSSION ITEMS

A. Chapter 40 Public Peace - Noise

The Commission reviewed examples from multiple cities and recommended updating the City Ordinance to include additional requirements for streets included and noise.

Stanford moved – Daniels second – unanimously approved

B. Chapter 55 Animal Protection and Control

The Commission reviewed examples from surrounding communities. Discussion to consider updating City Ordinance 55.08 and adding control to the number of animals and sanitation. Motion to update similar to verbiage in Norwalk's 55.17.

McKinney moved – Daniels second – unanimously approved

C. Peddlers/Mobile Food Units/Special Event Permits

Discussion only. Mobile food units are not specifically defined in the current City Ordinance, so the current code 122.06 requires a transient merchant fee at \$25 per day. Commission reviewed examples from Clive Chapter 3 and consider narrowing down to mobile food units. Karen, Jill and Don will review Mobile Food Unit examples and regroup in city hall to make progress.

D. Farmers Market

Discussion only. Holly, Matt and Brad will review examples and regroup in city hall to continue to make progress.

V. UPCOMING PLANNING & ZONING MEETING

Regular meeting – June 23, 2020 at 7PM at Virtual

VI. ADJOURN

McKinney moved – Stanford second – unanimously approved

Adjourned 8:45 PM

Wage & Contribution Report

Effective Date: 05/01/2020
 Generated On: 05/22/2020 08:30:30
 Due Date: 2020-06-15
 WAGE REPORT MAY 2020
 Report Status: Initial
 Trans#: 120860644
 Date Released: null
 Member Count: 4
 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

Wage & Contribution Report

Effective Date: 05/01/2020
 Generated On: 05/22/2020 08:30:31
 Due Date: 2020-06-15
 WAGE REPORT MAY 2020
 Report Status: Initial
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Employer Name: 91308 CITY OF CUMMING

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
May 1, 2020	BECKER, THOMAS B	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
May 1, 2020	HUNGERFORD, KATHIE E	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
May 1, 2020	RITCHIE, ANGIE	\$ 3,200.00	\$ 302.08	\$ 201.28	\$ 503.36
May 1, 2020	SWISHER, RACHELLE E	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
		\$ 3,200.00	\$ 302.08	\$ 201.28	\$ 503.36
Totals:		\$ 3,200.00	\$ 302.08	\$ 201.28	\$ 503.36

BANK GL	BANK NAME	MARCH CASH BALANCE	APRIL RECEIPTS	APRIL DISBURSMENTS	APRIL CASH BALANCE	INVOICES PAID	BANK BALANCE	2020 BUDGET	YTD BILLS	BUDGET REMAINING

CITY STATE BANK										

001	CHECKING - GENERAL	849,893.13-	748.16	42,042.41	891,187.38-	38,721.61		365,485.00	624,872.08	259,387.08-
110	CHECKING - ROAD USE	65,989.46	0.00	0.00	65,989.46			60,000.00	187.30	59,812.70
112	CHECKING - EMPLOYEE BENEFIT	12,653.47	0.00	546.88	12,106.59			20,340.00	11,778.03	8,561.97
119	CHECKING - EMERGENCY	6,959.76	0.00	0.00	6,959.76			7,449.00		7,449.00
121	CHECKING - LOCAL OPTION TAX	133,345.01	0.00	0.00	133,345.01					
125	CHECKING - TIF	143,928.80	3,795.43	3,795.43	143,928.80			101,100.00	308,434.25	207,334.25-
167	CHECKING - PARKS & REC	0.00	0.00	0.00	0.00					
200	CHECKING - DEBT SERVICE	52,565.24	0.00	118,062.50	65,497.26-	118,062.50		56,575.00	269,658.42	213,083.42-
301	CHECKING - CP SEWER	7,792.03	0.00	0.00	7,792.03					
302	CHECKING - PHASE II SEWER PROJ	0.00	0.00	0.00	0.00			101,100.00	34,264.31	66,835.69
303	CHECKING - WATER PROJECT	127,821.43	0.00	0.00	127,821.43				172,178.57	172,178.57-
600	CHECKING - WATER	206,571.63	0.00	0.00	206,571.63			350.00	40.15	309.85
601	CHECKING - WATER CAPITAL PROJ	0.00	0.00	0.00	0.00					
610	CHECKING - SEWER	100,719.79	0.00	3,299.50	97,420.29	3,299.50		45,000.00	39,324.00	5,676.00
CITY STATE BANK TOTALS		8,453.49	4,543.59	167,746.72	154,749.64-	160,083.61	314,833.25-	757,399.00	1,620,820.72	863,421.72-

TOTAL OF ALL BANKS		8,453.49	4,543.59	167,746.72	154,749.64-	160,083.61	314,833.25-	757,399.00	1,620,820.72	863,421.72-
=====										

EMP NO	NAME	HOURS	RATE	METH	EXTEND	C-CTR	W-CMP	CL	ID	ABRV	DESCRIPTION	AUTO	MESSAGE
13	ANGIE RITCHIE	80.00	20.0000	H	1600.00	62010			1	1	HRWP	HOURLY W/PENS	A
	DEDUCTS:		6.2900	P	100.64	61010			4	1	IPER	IPERS	A
			9.4400	P	151.04							BENEFIT	
	GROSS PAY	1600.00											
	DEDS	100.64											
	FED TAX	89.96											
	SS TAX	99.20											
	MED TAX	23.20											
	STATE TAX	62.00											
	EIC PAY	.00											
	NET PAY	1225.00											
	HOURS	80.00											
	OT HRS	.00											
	MTX	N											
	MCK	N											

TOTALS	1600.00	100.64	89.96	99.20	23.20	62.00	.00	1225.00	80.00	.00			
				99.20	23.20	EMPLOYER SS/MED TAX							
				198.40	46.40	TOTAL SS/MED TAX							

TOT EMPLOYEES PROCESSED 1

ID	DEDUCTION DESC	DED AMT	BEN AMT
1	IPERS	100.64	151.04
	TOTAL	100.64	151.04

EMP NO	NAME	HOURS	RATE	METH	EXTEND	C-CTR	W-CMP	CL	ID	ABRV	DESCRIPTION	AUTO	MESSAGE											
13	ANGIE RITCHIE	80.00	20.0000	H	1600.00	62010			1	1	HRWP	HOURLY W/PENS	A											
	DEDUCTS:		6.2900	P	100.64	61010			4	1	IPER	IPERS	A											
			9.4400	P	151.04							BENEFIT												
PAY TOTAL	GROSS PAY	1600.00	DEDS	100.64	FED TAX	89.96	SS TAX	99.20	MED TAX	23.20	STATE TAX	62.00	EIC PAY	.00	NET PAY	1225.00	HOURS	80.00	OT HRS	.00	MTX	N	MCK	N

TOTALS	1600.00	100.64	89.96	99.20	23.20	62.00	.00	1225.00	80.00	.00				
				99.20	23.20	EMPLOYER SS/MED TAX								
				198.40	46.40	TOTAL SS/MED TAX								

TOT EMPLOYEES PROCESSED 1

ID	DEDUCTION DESC	DED AMT	BEN AMT
1	IPERS	100.64	151.04
	TOTAL	100.64	151.04

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
GENERAL					
ANGIE RITCHIE	REIMBURSE POSTAGE		15.50	5934	5/22/20
CENTURY LINK	Phone & Internet		241.33	5935	5/22/20
CLERKBOOKS	DN PYMT ACCT SOFTWARE		1,980.00	5936	5/22/20
IMFOA	IMFOA 2020 MEMBERSHIP DUES		50.00	5937	5/22/20
IOWA LEAGUE OF CITIES	WORKSHOP FEE		25.00	5938	5/22/20
IPERS	IPERS		503.36	5933	5/22/20
IRS	FED/FICA TAXES		669.52	196	5/22/20
MIDAMERICAN ENERGY	STREET LIGHTS THRU 5/14/20		663.09	5940	5/22/20
SKINNER LAW OFFICE PC	LEGAL FEES INV. DT 5/10/20		4,206.23	5941	5/22/20
SPECK USA	STREET SWEEPING		750.00	5942	5/22/20
US BANK	Copier Lease		118.64	5943	5/22/20

001 GENERAL TOTAL 9,222.67

TAX INCREMENT FINANCING					
WARREN CO AUDITOR	OVERPAYMENT OF TIF BY WRN CO		3,795.43	5944	5/22/20

125 TAX INCREMENT FINANCING TOTAL 3,795.43

SEWER					
IOWA ONE CALL	UNDERGROUND LINE LOC.		76.50	5939	5/22/20

610 SEWER TOTAL 76.50

Accounts Payable Total 13,094.60

Payroll Checks

001 GENERAL 1,225.00

Total Paid On: 5/22/20 1,225.00

Report Total 14,319.60

CLAIMS REPORT
CLAIMS FUND SUMMARY

FUND	NAME	AMOUNT
001	GENERAL	10,447.67
125	TAX INCREMENT FINANCING	3,795.43
610	SEWER	76.50

	TOTAL FUNDS	14,319.60

CLAIMS REPORT
Check Range: 5/29/2020- 5/29/2020

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
DEBT SERVICE IOWA STATE BANK	ADDITIONAL PRINCIPAL PAYMENT		118,062.50	5945	5/29/20
	200 DEBT SERVICE TOTAL		----- 118,062.50		
	Accounts Payable Total		=====		
			118,062.50		

CLAIMS REPORT
CLAIMS FUND SUMMARY

FUND	NAME	AMOUNT
200	DEBT SERVICE	118,062.50

	TOTAL FUNDS	118,062.50

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
GENERAL					
ANGIE RITCHIE	ZOOM REIMBURSEMENT		23.79	5947	6/05/20
CARDMEMBER SERVICE	MAY SPRINT SERVICE IPAD		16.90	5948	6/05/20
IMWCA	Workers Comp Premium		265.00	5949	6/05/20
IOWA GOOD ROADS ASSOCIATION	ANNUAL MEMBERSHIP FEE		95.00	5950	6/05/20
JIMS JOHNS INC	5/26-6/22 INVOICE		80.00	5951	6/05/20
JOHN MCPARTLAND	REIMBURSE FOR FLOWERS - PARK		125.30	5952	6/05/20
KOCH BROTHERS, INC.	COPIER METER FEES 6/1/20		120.88	5953	6/05/20
MIDAMERICAN ENERGY	CITY HALL UTILITIES BILL 5/19		45.25	5954	6/05/20
N/WARREN TOWN & COUNTY NEWS	5/11 MEETING MINUTES PUB		70.98	5955	6/05/20
OFFICE DEPOT	OFFICE SUPPLIES		133.98	5956	6/05/20
VEENSTRA & KIMM INC	PHASE 3 EXT DESIGN 4/19-5/16		23,257.07	5957	6/05/20
WASTE CONNECTIONS INC	Garbage & Recycling		2,238.26	5958	6/05/20

001 GENERAL TOTAL 26,472.41

=====
 Accounts Payable Total 26,472.41

Payroll Checks

 001 GENERAL 1,225.00

Total Paid On: 6/05/20 1,225.00

=====
 Report Total 27,697.41
 =====

CLAIMS REPORT
CLAIMS FUND SUMMARY

FUND	NAME	AMOUNT
001	GENERAL	27,697.41
	-----	-----
	TOTAL FUNDS	27,697.41

Revenue - May 2020

Date	Rec'd From	For	Amount	Date Deposited	Total for Month
4/30/2020	Ground Breaker Homes	Permit 137 N. 35th St.	\$ 2,276.75	5/1/2020	\$ 2,276.75
5/4/2020	IPERS	Refund of former Employee IPERS	\$ 1,149.46	5/8/2020	\$ 3,426.21
5/14/2020	Warren County	Disbursement	\$ 18,216.02	5/14/2020	\$ 21,642.23
5/18/2020	DMWW	Water, Garbage, Sewer	\$ 4,415.51	5/22/2020	\$ 26,057.74
5/18/2020	Middlebrook Farms	Permit Fees - 4300 Cumming Ave - Crop	\$ 783.75	5/22/2020	\$ 26,841.49
5/18/2020	Mawdsley	Permit Fees - 3300 N. Fernwood	\$ 83.25	5/22/2020	\$ 26,924.74
5/19/2020	State of Iowa - EFT	Road Use Tax	\$ 1,888.56	5/19/2020	\$ 28,813.30
5/19/2020	Diligent	Inv's #2004, 2007, 2009 & 2010	\$ 9,108.58	5/22/2020	\$ 37,921.88
5/26/2020	US Treasury	Interest? F-941 Ref 4.12 Int 191 days	\$ 159.71	5/29/2020	\$ 38,081.59
5/26/2020	EcoSource LLC	Darren Fife/Wine Wagon Permit	\$ 50.00	5/29/2020	\$ 38,131.59
5/27/2020	Nickolas& Anna Lucs	Sweet Pies/Prairie Storm Roasters Permit	\$ 50.00	5/29/2020	\$ 38,181.59
5/28/2020	State of Iowa - EFT	Local Option Sales Tax (LOST)	\$ 2,309.78	5/28/2020	\$ 40,491.37
				Total	\$ 40,491.37

Applicant License Application ()

Name of Applicant: The Wine Wagon, LLC
 Name of Business (DBA): The Wine Wagon
 Address of Premises: 4300 Cumming Ave
 City Cumming County: Warren Zip: 50061
 Business (515) 250-6695
 Mailing 6410 Sunset Terrace
 City Windsor Heights State IA Zip: 50324

Contact Person

Name Darren Fife
 Phone: (515) 633-2824 Email whwaterquality@gmail.com

Classification Special Class C Liquor License (BW) (Beer/Wine)

Term: 6 months

Effective Date: 05/15/2020

Expiration Date: 01/01/1900 ←

Privileges:

- Outdoor Service
- Special Class C Liquor License (BW) (Beer/Wine)
- Sunday Sales

Status of Business

BusinessType: Sole Proprietorship
 Corporate ID Number: XXXXXXXXXX Federal Employer ID XXXXXXXXXX

Ownership

Darren Fife

First Name: Darren Last Name: Fife
 City: State: Iowa Zip: 50324
 Position: Owner
 % of Ownership: 50.00% U.S. Citizen: Yes

Dena Fife

First Name: Dena Last Name: Fife
 City: State: Iowa Zip: 50324
 Position: Owner
 % of Ownership: 50.00% U.S. Citizen: Yes

Insurance Company Information

Insurance Company: Illinois Casualty Co



SITE MAP

March 2020

FIGURE 1

Phone: 515.250.6695
www.ecosourceiowa.com



Proposed Layout

LEGEND:



City of Cumming
Transient Merchant Sales Registration

Company Name The Wine Wagen

Address 6410 Sunset Ter

Applicant's Name Darren Fife

Telephone No. 515-250-6695 Alternate No. 515-710-2255

Vehicle Description and License Number 1968 VW bus GN5714


Federal ID No. 82-0991815 IA. Retail Sales Tax Permit No. 177128446

Describe Business To Be Conducted in City of Cumming Beer and Wine Sales

Date (s) Business Is To Be Conducted 6/5/20 - 12/5/20

Address Where Business Is To Be Conducted 4300 Cumming Ave, Cumming, GA

The information on this form is correct and true to the best of my knowledge.


Merchant's Signature

5-19-20
Date

TO BE COMPLETED BY THE CITY OF CUMMING:

Filing Fee Amount \$25.00 per day/per person Date Paid 50.00 pd. 5/26/20

This registration verifies that the above person, firm, corporation, vendor, salesperson or organization has complied with all the requirements of the City of Cumming to conduct temporary business within the City. Upon request, the Merchant shall present a copy of this registration.

Date Issued _____ Date of Expiration _____

By _____, Deputy City Clerk

Attn: Angie Po Box 100
649 N 44th St.
Cumming, GA 30061

City of Cumming
Transient Merchant Sales Registration

(Pie Line) (Coffee Line)

Company Name Sweet Pies DSM & Prairie Storm Roasters

Address 1329 44th St. Des Moines, IA 50311

Applicant's Name Nick & Anna Lucas

Telephone No. 319-238-1185 Alternate No. 515-490-3822

Vehicle Description and License Number FORD WHITE TRUCK F150/LTRWNRS

Federal ID No. N/A Self-file on my own taxes IA Retail Sales Tax Permit No. N/A - food no sales tax

Describe Business To Be Conducted in City of Cumming Selling pie & coffee at middle brook farms farmer's market stand

Date (s) Business Is To Be Conducted June 5, June 12, July

Address Where Business Is To Be Conducted Middlebrook Farms / 4300 Cumming Ave. Cumming, GA 30061

The information on this form is correct and true to the best of my knowledge.

Anna Lucas
Merchant's Signature

5/19/2020
Date

TO BE COMPLETED BY THE CITY OF CUMMING:

Filing Fee Amount \$25.00 per day/per person Date Paid 5/27/20 \$1765 \$50.00

This registration verifies that the above person, firm, corporation, vendor, salesperson or organization has complied with all the requirements of the City of Cumming to conduct temporary business within the City. Upon request, the Merchant shall present a copy of this registration.

Date Issued _____ Date of Expiration _____

By _____, Deputy City Clerk

POST IN CONSPICUOUS PLACE

NONTRANSFERABLE

STATE OF IOWA
DEPARTMENT OF INSPECTIONS AND APPEALS
FOOD AND CONSUMER SAFETY BUREAU

FEE \$ 50.00 HOME BAKERY LICENSE

NO.192184

SWEET PIES DSM
SWEET PIES DSM
1329 44TH ST
DES MOINES, IA 50311

THE AFORESAID, HAVING DEPOSITED THE REQUIRED FEE, IS HEREBY GRANTED THE ABOVE LICENSE PURSUANT TO CHAPTER 137D, CODE OF IOWA. THIS LICENSE SHALL REMAIN IN FULL FORCE FROM THE DATE OF ISSUE UNTIL ITS EXPIRATION DATE, UNLESS REVOKED OR SUSPENDED FOR CAUSE BY THE DIRECTOR OF INSPECTIONS AND APPEALS FOR NONCOMPLIANCE WITH CHAPTER 137D, CODE OF IOWA OR RULES PROMULGATED PURSUANT THERETO.

- LICENSE FOR FOLLOWING LOCATION -

1329 44TH ST
DES MOINES, IA 50311

DATE OF ISSUE Mar 04, 2020
EXPIRATION DATE Mar 01, 2021



DIRECTOR



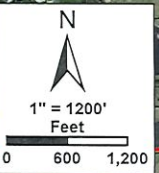
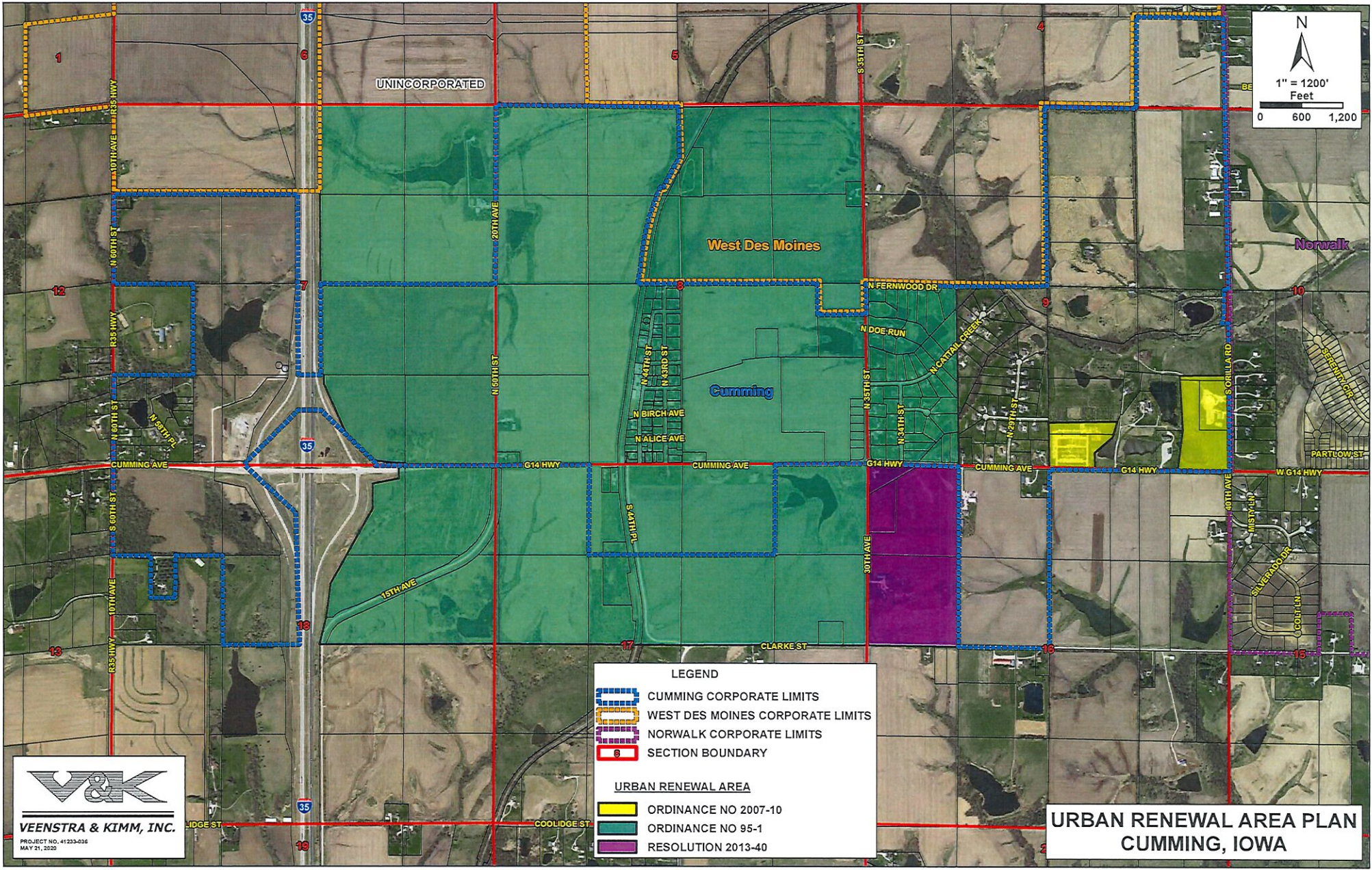
This license is issued by:
IOWA DEPARTMENT OF INSPECTIONS
AND APPEALS
FOOD AND CONSUMER SAFETY
BUREAU

321 E 12TH ST FL 3
DES MOINES, IA 50319-0083
Phone: (515) 281-6538
Email:
Web Site: <https://food.iowa.gov>

THIS LICENSE MUST
BE POSTED AT
PHYSICAL LOCATION

Visit food.iowa.gov

RECEIVED MAY 27 2020



LEGEND

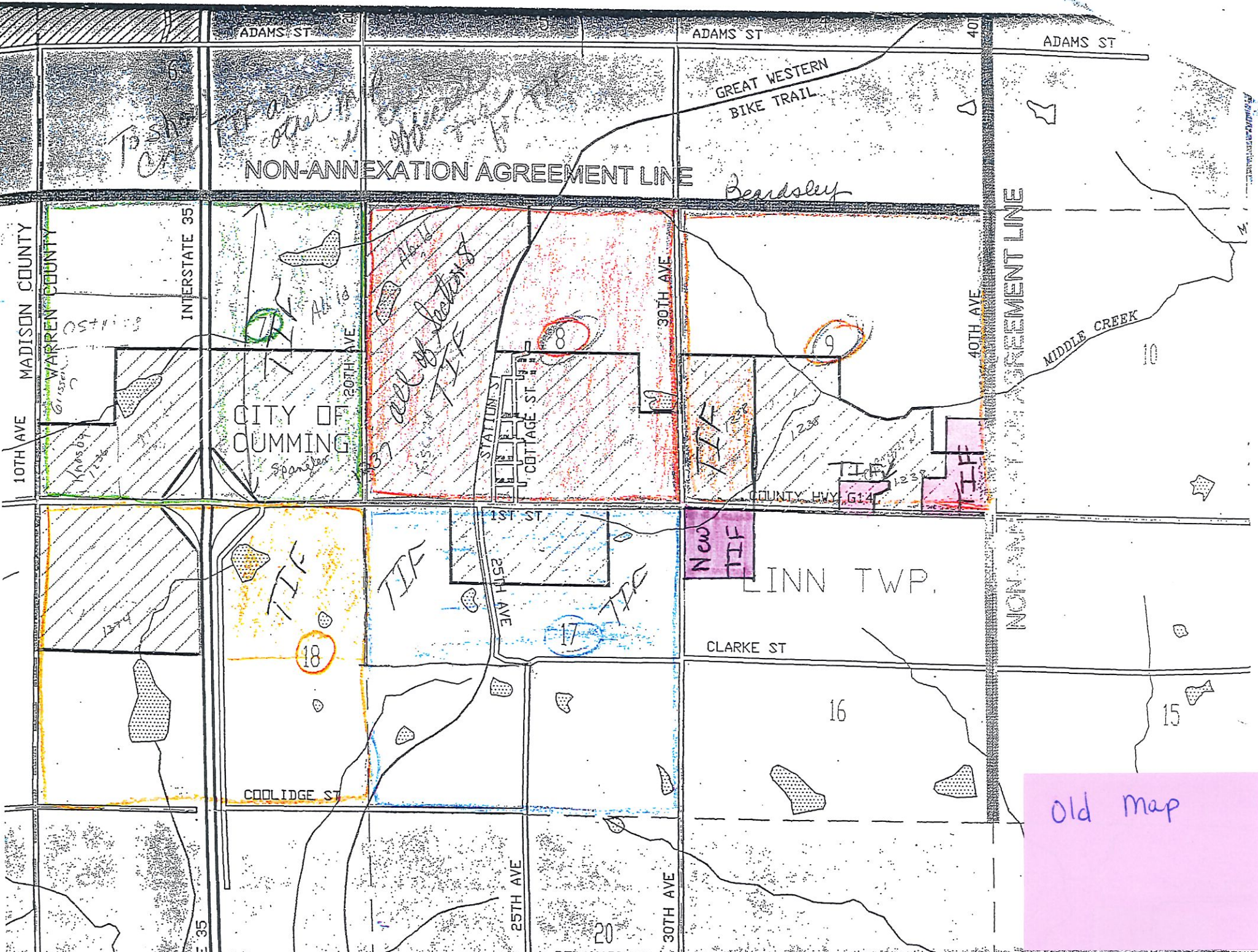
- CUMMING CORPORATE LIMITS
- WEST DES MOINES CORPORATE LIMITS
- NORWALK CORPORATE LIMITS
- SECTION BOUNDARY

URBAN RENEWAL AREA

- ORDINANCE NO 2007-10
- ORDINANCE NO 95-1
- RESOLUTION 2013-40

VEENSTRA & KIMM, INC.
 PROJECT NO. 41233-036
 MAY 21, 2020

**URBAN RENEWAL AREA PLAN
 CUMMING, IOWA**



ADAMS ST

ADAMS ST

ADAMS ST

NON-ANNEXATION AGREEMENT LINE

GREAT WESTERN BIKE TRAIL

Beardsley

10TH AVE

MADISON COUNTY

WARREN COUNTY

INTERSTATE 35

CITY OF CUMMING

30TH AVE

40TH AVE

MIDDLE CREEK

STATION ST
COTTAGE ST

COUNTY HWY G14

NON-ANNEXATION AGREEMENT LINE

LINN TWP.

CLARKE ST

COOLIDGE ST

25TH AVE

30TH AVE

Old map

Account No	Date	Amount				
001-510-6490			Jul		%	
COMMUNITY BEAUTIFICATION			Aug	195.00	39%	
001 GENERAL			Sep	195.00	26%	
510 COMMUNITY BEAUTIFICATION			Oct	270.00	27%	
6490 OTHER PROFESSIONAL SERV			Nov	270.00	21%	
5 COMMUNITY & ECONOMIC DEV Budget		3,000.00	Dec	345.00	23%	
C GENERAL Expended YTD		395.00	Jan	345.00	19%	
X39 COMMUNITY BEAUTIFICATION Unexpended YTD		2,605.00	Feb	345.00	17%	
	Available	2,605.00	Mar	345.00	15%	
11/20 Budget	Balance	Difference	Pct	Apr	345.00	13%
MTD 249.90	50.00	199.90	20%	May	395.00	14%
YTD 3,000.00	395.00	2,605.00	13%	Jun		
2019 6,000.00	1,525.08	4,474.92	25%	YrEnd		
2018 1,000.00		1,000.00	%	LYear	1,041.49	18%
2017 1,000.00		1,000.00				

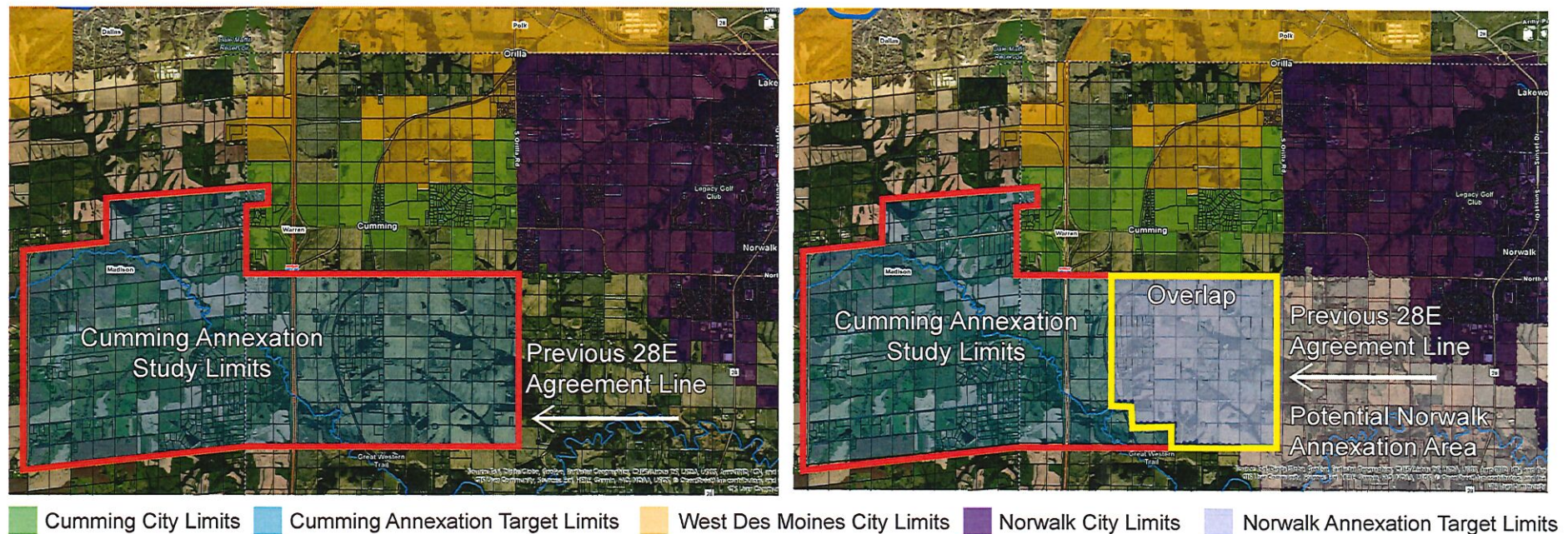
Pre-Annexation Agreements Cumming, Iowa

As the Des Moines Metro area continues to grow the City of Cumming is considering our options to preserve our rural character while welcoming new families and businesses. The urbanized areas of West Des Moines and Norwalk continue to grow around Cumming and the City of Cumming is embarking on planning for future growth and defining how growth will add value to the area and our community.

The pre-annexation petition attached will allow you to work with the City of Cumming to explore where our growth can continue in an efficient manner that is consistent with the rural character. The hope is that these agreements will lead to the annexation of land by the City of Cumming to prevent other municipalities from encroaching with rapid undesired urban growth that could negatively impact natural and rural areas around Cumming's current city limits.

The City of Cumming wished to renew a previous established agreement for annexation with the City of Norwalk in order to provide the best opportunity for orderly planning, development and the provision of municipal services within an area of unincorporated Warren County that borders both cities and the established annexation boundary to allow for both cities to engage in long range planning for this area but Norwalk declined, therefore Cumming has decided to undergo the pre-annexation process to offer another option to rural residents.

Cumming's annexation study limits are shown in blue on the maps below. The map on the right shows the City of Norwalk's growth planning for the southwestern side of Norwalk as of spring 2019. There is an overlap between Norwalk's planned southwestern urban growth area and Cumming's future rural growth area. This overlap is outlined in yellow on the map to the right.



Pre-Annexation Agreements Cumming, Iowa

By signing a pre-annexation petition you will help the City of Cumming determine where together we can start discussing how to preserve rural land for the future. Growth in the study area is inevitable so please consider signing a pre-annexation agreement so together we can prioritize growth that best fits Cumming's rural character.

	TAXABLE VALUE			GENERAL				OTHER LEVIES				TOTAL	
	2010	JANUARY 1, 2017		\$8.10 LEVY		OUTSIDE	AGLAND	EMERG	DEBT	EMPLOY	CAPITAL	REGULAR	
	CENSUS	REGULAR	W G&E	AGLAND	FY 17/18	FY 18/19	8.10000	LEVY	LEVY	SERVICE	BENEFIT	IMPROVE	W/O AG
CUMMING	351	14,078,955	520,086	*8.10000	*8.10000	0.28411	3.00375		1.97755	1.08246			11.44412
NORWALK	8,945	381,802,234	3,106,723	*8.10000	*8.10000	0.51074	2.83418		2.51281	4.28285			15.40640
WEST DES MOINES	56,609	4,785,995,533	6,977,893	*8.10000	*8.10000	0.16478	3.00375	0.06000	1.95000	1.51522			11.79000

Resolution 2020-32

Resolution of Lodge, Association or Other Similar Organization

City State Bank
801 Main St., P.O. Box 159
Norwalk, IA 50211

By: City of Cumming
649 N. 44th St., P.O. Box 100
Cumming, IA 50061

Referred to in this document as "Financial Institution"

Referred to in this document as "Association"

I, Angie Ritchie, certify that I am Secretary (clerk) of the above named association organized under the laws of Iowa, Federal Employer I.D. Number _____, and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Association duly and properly called and held on 6/08/2020 (date). These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

Agents. Any Agent listed below, subject to any written limitations, is authorized to exercise the powers granted as indicated below:

Name and Title or Position	Signature	Facsimile Signature (if used)
A. Thomas Cackler, Council Member	X _____	X _____
B. Larry D. Goode, Jr., Council Member	X _____	X _____
C. Brent Highfill, Council Member	X _____	X _____
D. Kathie E. Hungerford, Council Member	X _____	X _____
E. Charles Ochanpaugh, Council Member	X _____	X _____
F. Angie Ritchie Deputy/City Clerk	X _____	X _____

Powers Granted. (Attach one or more Agents to each power by placing the letter corresponding to their name in the area before each power. Following each power indicate the number of Agent signatures required to exercise the power.)

Indicate A, B, C, D, E, and/or F	Description of Power	Indicate number of signatures required
_____	(1) Exercise all of the powers listed in this resolution.	_____
_____	(2) Open any deposit or share account(s) in the name of the Association.	_____
A,B,C,D,E, F	(3) Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with this Financial Institution.	2 _____
_____	(4) Borrow money on behalf and in the name of the Association, sign, execute and deliver promissory notes or other evidences of indebtedness.	_____
_____	(5) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or hereafter owned or acquired by the Association as security for sums borrowed, and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment.	_____
_____	(6) Enter into a written lease for the purpose of renting, maintaining, accessing and terminating a Safe Deposit Box in this Financial Institution.	_____
_____	(7) Other:	_____

Limitations on Powers. The following are the Association's express limitations on the powers granted under this resolution.

Powers granted for account XXXXXXXX, XXXXXXXX, XXXXXXXX

Resolutions

The Association named on this resolution resolves that,

- (1) The Financial Institution is designated as a depository for the funds of the Association and to provide other financial accommodations indicated in this resolution.
- (2) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Financial Institution. Any and all prior resolutions adopted by the Association and certified to the Financial Institution as governing the operation of this association's account(s), are in full force and effect, until the Financial Institution receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to the Financial Institution, establishing the authority for the changes.
- (3) The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Association. Any Agent, so long as they act in a representative capacity as an Agent of the Association, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated on page one, from time to time with the Financial Institution, subject to any restrictions on this resolution or otherwise agreed to in writing.

- (4) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Association with the Financial Institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.
- (5) The Association agrees to the terms and conditions of any account agreement, properly opened by any Agent of the Association. The Association authorizes the Financial Institution, at any time, to charge the Association for all checks, drafts, or other orders, for the payment of money, that are drawn on the Financial Institution, so long as they contain the required number of signatures for this purpose.
- (6) The Association acknowledges and agrees that the Financial Institution may furnish at its discretion automated access devices to Agents of the Association to facilitate those powers authorized by this resolution or other resolutions in effect at the time of issuance. The term "automated access device" includes, but is not limited to, credit cards, automated teller machines (ATM), and debit cards.
- (7) The Association acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution. The term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that are filed separately by the Association with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Association authorizes each Agent to have custody of the Association's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have no responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

Effect on Previous Resolutions. This resolution supersedes resolution dated _____ previously _____. If not completed, all resolutions remain in effect.

Certification of Authority

I further certify that the Association has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the resolutions stated above to confer the powers granted above to the persons named who have full power and lawful authority to exercise the same. (Apply seal below where appropriate.)

If checked, the Association is a non-profit lodge, association or similar organization.

(Secretary)
Angie Ritchie

(Attest by Other Officer)
Thomas Cackler

(Attest by Other Officer)
Charlie Ochanpaugh

For Financial Institution Use Only

Acknowledged and received on _____ *(date)* by _____ *(initials)*

This resolution is superseded by resolution dated _____.

Comments:

RESOLUTION 2020-35

RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE OF HEARING ON THE ADOPTION OF THE PROPOSED "CODE OF ORDINANCES OF THE CITY OF CUMMING, IOWA"

WHEREAS, the City Council has caused to be prepared and filed with the City Clerk copies of the proposed "CODE OF ORDINANCES OF THE CITY OF CUMMING, IOWA," and,

WHEREAS, an official copy of the proposed "CODE OF ORDINANCES OF THE CITY OF CUMMING, IOWA," is now on file for public inspection in the office of the City Clerk of Cumming, Iowa,

NOW THEREFORE BE IT RESOLVED that a public hearing will be held at City Hall on the 13th day of July, 2020, at 7 o'clock p.m., at which time and place the Council will consider arguments for or against the adoption of the proposed "CODE OF ORDINANCES OF THE CITY OF CUMMING, IOWA," or amendments thereto.

BE IT FURTHER RESOLVED that the Clerk be authorized and directed to cause to be published notice of such hearing one time not less than seven days nor more than twenty (20) days prior to the date herein established for hearing as by law provided.

Passed and approved this 8th day of June, 2020.

Tom Becker, Mayor

Attest:

Angie Ritchie, Deputy Clerk

NOTICE OF PUBLIC HEARING

CITY OF CUMMING

Notice is hereby given that there is now on file for public inspection in the office of the City Clerk of Cumming, Iowa, the proposed "CODE OF ORDINANCES OF THE CITY OF CUMMING, IOWA."

The City Council of the City of Cumming, Iowa, will meet at 7:00 P.M. on Monday, July 13, 2020 at City Hall, 649 N. 44th Street, Cumming, Iowa, at which time any citizen of Cumming, Iowa, or any other person having an interest in the proposed "CODE OF ORDINANCES OF THE CITY OF CUMMING, IOWA" may appear and be heard for or against the adoption of the proposed Code of Ordinances or any part thereof.

Angie Ritchie, Deputy Clerk

ORDINANCE NO. 2020-02

AN ORDINANCE ADOPTING THE “CODE OF ORDINANCES OF THE CITY OF CUMMING, IOWA”

BE IT ORDAINED by the City Council of the City of Cumming, Iowa, that:

SECTION 1. Pursuant to published notice and following public hearing on the 13th day of July, 2020, so required by Sections 362.3 and 380.8, Code of Iowa, there is hereby adopted by the City of Cumming, Iowa, the “CODE OF ORDINANCES OF THE CITY OF CUMMING, IOWA.”

SECTION 2. All of the provisions of the “CODE OF ORDINANCES OF THE CITY OF CUMMING, IOWA,” shall be in force and effect on and after the effective date of this ordinance.

SECTION 3. All ordinances or parts thereof in force on the effective date of this ordinance are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided.

SECTION 4. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money by the City or authorizing the issuance of any bonds of said City or any evidence of said City's indebtedness or any contract or obligation assumed by said City; nor shall said repeal affect the administrative ordinances or resolutions of the Council not in conflict or inconsistent with the provisions of “THE CODE OF ORDINANCES OF THE CITY OF CUMMING, IOWA”; nor shall it affect the following ordinances specifically saved from repeal:

URBAN RENEWAL

ORDINANCE NO.	ADOPTED	NAME OF AREA
2007-10	September 10, 2007	Cumming Commercial Urban Renewal Area

VACATION AND DISPOSAL OF STREETS

ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
80-1		2006-04	March 13, 2006
96-4	November 14, 1995	2007-07	June 11, 2007
2000-02	November 8, 1999		

ZONING MAP

ORDINANCE NO.	DATE ADOPTED	ORDINANCE NO.	DATE ADOPTED
93-1	August 10, 1992	2007-03	May 31, 2007
98-2	August 25, 1997	2007-04	May 31, 2007
98-3	August 25, 1997	2007-05	May 31, 2007
2004-04	August 23, 2004	2007-06	May 31, 2007
2005-07	July 25, 2005	2015-03	November 23, 2015
2005-15	November 28, 2005	2016-03	October 10, 2016
2006-01	February 13, 2006	2016-04	October 26, 2016
2006-05	February 27, 2006	2018-03	April 23, 2018
2006-13	June 29, 2006	2018-05	July 9, 2018
2007-02	May 31, 2007		

nor shall it affect any other right or franchise conferred by any ordinance or resolution of the Council or any other person or corporation; nor shall it affect any ordinance naming, establishing, relocating or vacating any street or public way, whether temporary or permanent; nor shall it affect any ordinance amending the official zoning map, establishing building lines, establishing and changing grades, or dedicating property for public use; nor shall it affect any prosecution, suit or other proceeding pending or any judgment rendered on or prior to the effective date of this ordinance.

SECTION 5. The following ordinances, passed subsequent to the preparation of this code but prior to adoption of this code, are hereby adopted and made a part of this code. These are ordinances 2019-09 and 2019-10. Said ordinances shall be codified and incorporated in published copies of this code as supplements thereto following adoption of this ordinance.

SECTION 6. An official copy of the "CODE OF ORDINANCES OF THE CITY OF CUMMING, IOWA," adopted by this ordinance, including a certificate of the City Clerk as to its adoption and the effective date, is on file in the office of the City Clerk, and shall be kept available for public inspection.

SECTION 7. The City Clerk shall furnish a copy of the "CODE OF ORDINANCES OF THE CITY OF CUMMING, IOWA," to the Judicial Magistrates serving the City of Cumming.

SECTION 8. This ordinance shall be in full force and effect from and after the publication of this ordinance, as required by law.

Passed by the City Council of the City of Cumming, Iowa, the _____ day of _____, 2020.

Tom Becker, Mayor

ATTEST: _____
Angie Ritchie, Deputy Clerk

First Reading:

Second Reading:

Third Reading:

CLERK'S CERTIFICATE

I hereby certify that the foregoing Ordinance No. 2020-02 was published as required by law on the _____ day of _____, 2020.

SIGNED _____
Angie Ritchie, Deputy Clerk

CLERK'S CERTIFICATE

State of Iowa)
) SS
County of Warren)

I, Angie Ritchie, Deputy Clerk of the City of Cumming, Iowa, hereby certify that the "CODE OF ORDINANCES OF THE CITY OF CUMMING, IOWA," was adopted by the City Council of the City of Cumming, Iowa, and that an official copy of said Code of Ordinances is on file at the office of the City Clerk, City of Cumming, Iowa, and that Ordinance No. 2020-02 adopting said Code of Ordinances was passed by the City Council of the City of Cumming, Iowa, on the ____ day of _____, 2020, signed by the Mayor on the ____ day of _____, 2020; duly recorded and published as provided by law, and that the effective date of said Code is _____, 2020.

Witness my hand and official seal of the City of Cumming, Iowa, this ____ day of _____, 2020.

SIGNED: _____
Angie Ritchie, Deputy Clerk
CITY OF CUMMING, IOWA

MINUTES TO SET DATE FOR HEARING
ON ENTERING INTO A LOAN
AGREEMENT, APPROVING TERM
SHEET AND SETTING DATE FOR
SELECTION OF LENDER

420923-14

Cumming, Iowa

June 8, 2020

The City Council of the City of Cumming, Iowa, met on June 8, 2020, at 7 o'clock p.m., at the City Hall, Cumming, Iowa.

The City Council also met electronically via Zoom, which was accessible at the following:

<https://us02web.zoom.us/j/82980793771?pwd=YjBxRHhOa3dMb1lIVnVOZDdiYXY4Zz09>

The City Council is conducting this meeting electronically due to federal and state government recommendations in response to COVID-19 pandemic conditions. Electronic access information was included in the posted agenda of this public meeting.

The Mayor presided and the roll was called showing the following members of the City Council present and absent:

Present: _____

Absent: _____.

Council Member _____ introduced the resolution hereinafter next set out and moved its adoption, seconded by Council Member _____; and after due consideration thereof by the City Council, the Mayor put the question upon the adoption of the said resolution and the roll being called, the following named Council Members voted:

Ayes: _____

Nays: _____.

Whereupon, the Mayor declared the resolution duly adopted as hereinafter set out.

• • • •

At the conclusion of the meeting and upon motion and vote, the City Council adjourned.

Tom Becker, Mayor

Attest:

Angie Ritchie, Deputy Clerk

RESOLUTION NO. 2020-36

Resolution setting the date for a public hearing on proposal to enter into a General Obligation Sewer Improvement Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$650,000, authorizing Term Sheet and setting date for selection of lender

WHEREAS, the City of Cumming (the “City”), in Warren County, State of Iowa, proposes 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 it is now necessary to fix a date of meeting of the City Council at which it is proposed to take action to enter into the Loan Agreement and to give notice thereof as required by such law; and

WHEREAS, a term sheet (the “Term Sheet”) has been prepared for use in negotiating the Loan Agreement and the General Obligation Sewer Improvement Note (the “Note”) to be issued in evidence of the City’s obligations under the Loan Agreement; and

WHEREAS, it is now necessary to set the date for the selection of a lender for the Loan Agreement and to authorize Piper Sandler & Co. (the “Placement Agent”) to seek proposals from prospective lenders;

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

Section 1. The City Council shall meet on July 13, 2020, at the City Hall, Cumming, Iowa, at 7 o’clock p.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Loan Agreement described in the preamble hereof.

Section 2. The City Clerk is hereby directed to give notice of the proposed action on the Loan Agreement setting forth the amount and purpose thereof, the time when and place where the said meeting will be held by publication at least once, not less than four (4) and not more than twenty (20) days before the date of said meeting, in a legal newspaper which has a general circulation in the City. The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO INSTITUTE PROCEEDINGS TO
ENTER INTO A LOAN AGREEMENT AND TO BORROW MONEY
THEREUNDER IN A PRINCIPAL AMOUNT NOT TO EXCEED \$650,000

(GENERAL OBLIGATION)

The City Council of the City of Cumming, Iowa, will meet on July 13, 2020, at the, City Hall, Cumming, Iowa, at 7 o'clock p.m., for the purpose of instituting proceedings and taking action on a proposal to enter into a loan agreement (the "Loan Agreement") 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.

Due to federal and state government recommendations in response to COVID-19 pandemic conditions, the meeting will be held electronically via Zoom, which will be accessible at the following:

<https://us02web.zoom.us/j/86262807787?pwd=bWd0SEI3cTlmN01CK3FzV3ZHeUp4dz09>

In addition to electronic access, written comments may be filed or made prior to the meeting and will be recorded in the minutes.

The Loan Agreement is proposed to be entered into pursuant to authority contained in Section 384.24A of the Code of Iowa and will constitute a general obligation of the City.

At that time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections, the City may determine to enter into the Loan Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

By order of the City Council of the City of Cumming, Iowa.

Angie Ritchie
City Clerk

NOTICE OF PROPOSED ACTION TO INSTITUTE PROCEEDINGS TO
ENTER INTO A LOAN AGREEMENT AND TO BORROW MONEY
THEREUNDER IN A PRINCIPAL AMOUNT NOT TO EXCEED \$650,000

(GENERAL OBLIGATION)

The City Council of the City of Cumming, Iowa, will meet on July 13, 2020, at the City Hall, Cumming, Iowa, at 7 o'clock p.m., for the purpose of instituting proceedings and taking action on a proposal to enter into a loan agreement (the "Loan Agreement") 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 Loan Agreement is proposed to be entered into pursuant to authority contained in Section 384.24A of the Code of Iowa and will constitute a general obligation of the City.

At that time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections, the City may determine to enter into the Loan Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

By order of the City Council of the City of Cumming, Iowa.

Angie Ritchie
City Clerk

Section 3. The Term Sheet is hereby authorized and approved. The Placement Agent is hereby authorized to use the Term Sheet in the marketing of the Loan Agreement and the Note and all action heretofore taken in this regard is hereby ratified and affirmed.

Section 4. The City Clerk is hereby authorized to take such action as shall be deemed necessary and appropriate, with assistance from Dorsey & Whitney, LLP and the Placement Agent, to set the date of July 13, 2020, as the date for selecting a lender for the Loan Agreement.

Section 5. Pursuant to Section 1.150-2 of the Income Tax Regulations (the "Regulations") of the Internal Revenue Service, the City declares (a) that it intends to undertake the Project which is reasonably estimated to cost approximately \$650,000, (b) that other than (i) expenditures to be paid or reimbursed from sources other than the issuance of bonds, notes or other obligations (the "Bonds"), or (ii) expenditures made not earlier than 60 days prior to the date of this Resolution or a previous intent resolution of the City, or (iii) expenditures amounting to the lesser of \$100,000 or 5% of the proceeds of the Bonds, or (iv) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, no expenditures for the Project have heretofore been made by the City and no expenditures will be made by the City until after the date of this Resolution or a prior intent resolution of the City, and (c) that the City reasonably expects to reimburse the expenditures made for costs of the City out of the proceeds of the Bonds. This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations.

Section 6. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved June 8, 2020.

Tom Becker, Mayor

Attest:

Angie Ritchie, Deputy Clerk

ATTESTATION CERTIFICATE:

STATE OF IOWA
COUNTY OF WARREN
CITY OF CUMMING

SS:

I, the undersigned, City Clerk of the City of Cumming, do hereby certify that attached hereto is a true and correct copy of the proceedings of the City Council fixing a date for a hearing on the City Council's proposal to take action in connection with a loan agreement, as referred to therein.

WITNESS MY HAND this _____ day of _____, 2020.

City Clerk

ORGANIZATION CERTIFICATE:

STATE OF IOWA
COUNTY OF WARREN SS:
CITY OF CUMMING

I, the undersigned City Clerk, do hereby certify that the City of Cumming is organized and operating under the provisions of Title IX of the Code of Iowa and not under any special charter and that the City is operating under the Mayor-Council form of government and that there is not pending or threatened any question or litigation whatsoever touching the incorporation of the City, the inclusion of any territory within its limits or the incumbency in office of any of the officials hereinafter named.

And I do further certify that the following named parties are officials of the City as indicated:

- _____, Mayor
- _____, Deputy Clerk
- _____, Council Member/Mayor Pro Tem
- _____, Council Member
- _____, Council Member
- _____, Council Member
- _____, Council Member

WITNESS MY HAND this ____ day of _____, 2020.

City Clerk

PUBLICATION CERTIFICATE:

STATE OF IOWA
COUNTY OF WARREN SS:
CITY OF CUMMING

I, the undersigned, City Clerk of the City of Cumming, do hereby certify that pursuant to the resolution of the City Council fixing a date of meeting at which it is proposed to take action to enter into a certain loan agreement, the notice, of which the printed slip attached to the publisher's affidavit hereto attached is a true and complete copy, was published on the date and in the newspaper specified in such affidavit, which newspaper has a general circulation in the City.

WITNESS MY HAND this _____ day of _____, 2020.

City Clerk

(Attach here the publisher's original affidavit with a clipping of the notice, as published.)

(PLEASE NOTE: Do not date and return this certificate until you have received the publisher's affidavit and have verified that the notice was published on the date indicated in the affidavit, but please return all other completed pages to us as soon as they are available.)

Resolution 2020-37

RESOLUTION ORDERING CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS, APPROVING PRELIMINARY PLANS, AND FIXING A DATE FOR HEARING THEREON AND TAKING OF BIDS THEREFOR

WHEREAS, it is deemed advisable and necessary to construct certain public improvements described in general as SOUTH TRUNK SEWER EXTENSION – PHASE 3 and has caused to be prepared preliminary plans, specifications and form of contract, together with estimate of cost, on file in the office of the Clerk for public inspection, for the construction of said public improvements, and said preliminary plans, specifications and form of contract are deemed suitable for the making of said public improvements; and

WHEREAS, before said preliminary plans, specifications, form of contract and estimate of cost may be adopted, and contract for the construction of the public improvements entered into, it is necessary, pursuant to Division VI of Chapter 384 of the Code of Iowa, to hold a public hearing and to advertise for bids,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CUMMING, IOWA:

Section 1. That it is hereby determined that it is necessary and advisable to construct certain public improvements described in general as SOUTH TRUNK SEWER EXTENSION – PHASE 3, in the manner set forth in the preliminary plans and specifications and form of contract, above referred to, the cost thereof to be paid in accordance with the provisions as set out in the posted Notice to Bidders, said public improvements being more generally described as follows:

SOUTH TRUNK SEWER EXTENSION – PHASE 3

Construct South Trunk Sewer Extension – Phase 3 project including all labor, materials and equipment necessary to construct approximately 3,600 linear feet of 15-inch and 12-inch sanitary sewer in open cut, approximately 125 linear feet of 12-inch sanitary sewer by trenchless construction in casing pipe, manholes, excavation and backfill, surface restoration, erosion control, testing, mobilization, traffic control and miscellaneous work, including cleanup.

Section 2. That the amount of bid security to accompany each bid shall be in an amount which shall conform to the provisions of the notice to bidders approved as a part of said specifications; and,

BE IT FURTHER RESOLVED, that the Clerk be and is hereby directed to post notice to bidders at least once in a relevant contractor plan room service with statewide circulation, and in a relevant construction lead generating service with statewide circulation, and on an internet site sponsored by either the City or statewide association that represents the City. Posting shall not be less than thirteen clear days nor more than forty-five days prior to July 2, 2020, which is hereby fixed as the date for receiving bids. Said bids are to be filed prior to 2:00 P.M. on said date; and,

BE IT FURTHER RESOLVED, that bids shall be received and opened at a public meeting as provided in the public notice and the results of said bids shall be considered at a meeting of this

Council on July 13, 2020, at 7:00 o'clock P.M.; and,

BE IT FURTHER RESOLVED, that the Deputy Clerk is hereby designated as the authority to receive and open said bids on behalf of the City of Cumming, Iowa; and,

BE IT FURTHER RESOLVED, that the Clerk be and is hereby directed to publish notice of hearing once in the North Warren Town & County News, a legal newspaper, printed wholly in the English language, published at least once weekly and having general circulation in this City. Publication shall not be less than four clear days nor more than twenty days prior to the date hereinafter fixed as the date for a public hearing on the final plans, specifications, form of contract and estimate of cost for said project, said hearing to be at 7:00 o'clock P.M. on July 13, 2020.

PASSED and ADOPTED this _____ day of _____, 2020.

Thomas Becker, Mayor

ATTEST:

Angie Ritchie, Deputy Clerk

NOTICE TO BIDDERS

SOUTH TRUNK SEWER EXTENSION - PHASE 3 CUMMING, IOWA

Sealed bids for the work comprising of the improvements as stated below must be filed before **2:00 PM on the 2nd day of July, 2020**, in the office of the City Clerk at City Hall, 649 North 44th Street, Cumming, Iowa. Bids received after the deadline for submission of bids as stated herein shall not be considered and shall be returned to the late bidder unopened.

Sealed proposals will be opened and tabulated at **2:00 PM on the 2nd day of July, 2020**, in the office of the City Clerk at City Hall, 649 North 44th Street, Cumming, Iowa for consideration by the City Council at its meeting on **July 13, 2020**. Consideration of the award of contract would subsequently occur by the Cumming City Council at the same meeting, at **7:00 P.M. on the 13th day of July, 2020** at City Hall, presided over by the Mayor.

Work on the improvement shall commence within ten days of the issuance of a written Notice to Proceed. The Notice to Proceed will be issued upon approval of the contract by the Council, and be completed as stated below.

The Work will include but is not limited to the following improvements:

SOUTH TRUNK SEWER EXTENSION - PHASE 3

Construct South Trunk Sewer Extension – Phase 3 project including all labor, materials and equipment necessary to construct approximately 3,600 linear feet of 15-inch and 12-inch sanitary sewer in open cut, approximately 125 linear feet of 12-inch sanitary sewer by trenchless construction in casing pipe, manholes, excavation and backfill, surface restoration, erosion control, testing, mobilization, traffic control and miscellaneous work, including cleanup.

Copies of the bid documents including project drawings and technical specifications will be on file starting **June 11, 2020** and may be inspected at the **office of the City Clerk at City Hall, 649 North 44th Street, Cumming, Iowa**. **A complete set of bid documents, including the Plans and Specifications, may be obtained from the Engineer, Veenstra & Kimm, Inc., 3000 Westown Parkway, West Des Moines, IA 50266, 515-225-8000.**

All bids must be filed at City Hall on or before the time herein set. All bids shall be made on forms furnished by the City and **obtained from Veenstra & Kimm, Inc. 3000 Westown Parkway, West Des Moines, IA 50266, 515-225-8000** and must be enclosed in a separate sealed envelope and plainly identified.

Each bidder shall accompany its bid with bid security as defined in Iowa Code Section 26.8, as security that the successful bidder will enter into a contract for the work bid upon and will furnish after the award of contract a corporate surety bond, in a form acceptable to the City of Cumming, for the faithful performance of the contract, in an amount equal to 100% of the

amount of the contract. The bidder's security shall be in the amount fixed in the Instruction to Bidders and shall be in the form of a cashier's check or a certified check drawn on an FDIC insured bank in Iowa or on an FDIC insured bank chartered under the laws of the United States; or a certified share draft drawn on a credit union in Iowa or chartered under the laws of the United States; or a bid bond on the form provided in the contract documents with corporate surety satisfactory to the City of Cumming. The bid shall contain no condition except as provided in the specifications.

The Certified Check, Certified Share Draft or Cashier's Check may be cashed, or the Bid Bond forfeited, and the proceeds retained as liquidated damages if the bidder fails to execute a contract or file acceptable performance bonds or provide an acceptable certificate of insurance within ten (10) days after the acceptance of his proposal by resolution of the City.

No bidder may withdraw a proposal within thirty (30) days after the date set for opening bids.

Each successful bidder will be required to furnish a corporate surety bond in an amount equal to 100% of its contract price. Said bond shall be issued by a responsible surety approved by the City of Cumming and shall guarantee the faithful performance of the contract and the terms and conditions therein contained and shall guarantee the prompt payment of all material and labor, and protect and save harmless the City of Cumming from claims and damages of any kind caused by the operations of the contract and shall also guarantee the maintenance of the improvement caused by failures in materials and construction for a period of four years from and after acceptance of the contract.

All Contractor(s) and subcontractor(s) are required to obtain tax exemption certificates from the City of Cumming, Iowa for this project. These tax exemption certificates are only for use on this specific project as covered under the Contract. Before final payment will be made on this project, the Contractor(s) and subcontractor(s) shall provide lien waivers as required in the Specifications.

The project shall be fully completed including final surface restoration by **October 1, 2020**. Failure to complete the work under the specified schedule will result in liquidated damages of **\$500.00** per day until the project is complete.

By virtue of statutory authority preference will be given to products and provisions grown and coal produced within the State of Iowa and to Iowa domestic labor.

In accordance with Iowa statutes, a resident bidder shall be allowed a preference as against a nonresident bidder from a state or foreign country if that state or foreign country gives or requires any preference to bidders from that state or foreign country, including but not limited to any preference to bidders, the imposition of any type of labor force preference, or any other form of preferential treatment to bidders or laborers from that state or foreign country. The preference allowed shall be equal to the preference given or required by the state or foreign country in which the nonresident bidder is a resident. In the instance of a resident labor force preference, a nonresident bidder shall apply the same resident labor force preference to a public improvement

in this state as would be required in the construction of a public improvement by the state or foreign country in which the nonresident bidder is a resident.

Failure to submit a fully completed Bidder Status Form with the bid may result in the bid being deemed nonresponsive and rejected.

If it is determined that adherence to these Iowa statutory requirements may cause denial of federal funds which would otherwise be available for a public improvement, or would otherwise be inconsistent with requirements of any federal law or regulation, the application of Iowa Code Chapters 73 and 73A shall be suspended to the extent necessary to prevent denial of the funds or to eliminate the inconsistency with federal requirements.

The City of Cumming reserves the right to reject any or all bids, to waive informalities, and to enter into such contract, or contracts, as it shall deem to be in the best interest of the City.

Posted by the order of the City of Cumming, Iowa, on this 11th day of June, 2020.

CITY OF CUMMING, IOWA,

By: Angie Ritchie

Title: Deputy Clerk

NOTICE OF PUBLIC HEARING

**SOUTH TRUNK SEWER EXTENSION - PHASE 3
CUMMING, IOWA**

Notice is hereby given that a public hearing will be held by the City of Cumming on the proposed contract documents (plans, specifications, and form of contract) and estimated cost for the **SOUTH TRUNK SEWER EXTENSION - PHASE 3** project at its meeting at **7:00 P.M. on the 13th day of July, 2020**, in the Council Chambers at City Hall, 649 North 44th Street, Cumming, Iowa. At the hearing, the City will receive and consider any objections made by any interested party, to the Plans and Specifications, proposed Form of Contract, and the Estimate of the Cost for the project.

Published by the order of the City of Cumming, Iowa, on this 25th day of June, 2020.

CITY OF CUMMING, IOWA,

By: Angie Ritchie

Title: Deputy Clerk

**Resolution 2020-38
City of Cumming**

Approving and Authorizing Balance Transfers

Be it resolved by the Council of the City of Cumming, Iowa, the following transfers are hereby authorized as set out below:

From: Checking - TIF
To: Checking - Phase 2 Sewer Project
Amount: \$95,000.00 For: Phase 2 Sewer Principal – FY2020 Extra Payment
Effective: 5/29/20

Passed and approved this 8th day of June, 2020.

Tom Becker, Mayor

Attest: _____
Angie Ritchie, Deputy Clerk

**Resolution 2020-39
City of Cumming**

**Set a Date for a Public Hearing to Amend the
Code of Ordinances, City of Cumming, Iowa, by Amending
Chapter 55 Animal Protection and Control**

WHEREAS, The City Council desires to consider amending Chapter 55 – Animal Protection and Control, and

WHEREAS, Iowa Law requires a Public Hearing be held before the Council prior to amending any changes in the Code of Ordinances,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of City of Cumming, Iowa, as follows:

Section 1. This Council will meet at the Cumming City Hall, Cumming, Iowa, on the 13th day of July, 2020, 7:00 P.M. at which time and place it will hold a public hearing on amending the Code of Ordinances for the City of Cumming.

Section 2. The City Clerk shall post notice of said hearing, which posting shall be at the three public places in said City which have been permanently designated by ordinance, and such posting shall be at least 4 days but not more than 20 days prior to any action by the City Council.

Passed and approved this 8th day of June, 2020.

Tom Becker, Mayor

Attest:

Angie Ritchie, Deputy Clerk

NOTICE OF PUBLIC HEARING

CITY OF CUMMING

AMENDING CHAPTER 55 ANIMAL PROTECTION AND CONTROL

Notice is hereby given that the City Council of the City of Cumming, Iowa, will conduct a public hearing on Monday, July 13, 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 55 Animal Protection and Control

Additional information regarding this request may be obtained by contacting the Deputy Clerk at 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, P. O. Box 100, Cumming, IA, 50061

RECOMMENDATION BY THE PLANNING & ZONING COMMISSION

Recommendation: Aye {Yes} 6 Nay {No} 0
How Many How Many

ADD TWO NEW SECTIONS TO THE END OF
CHAPTER 55 ANIMAL PROTECTION AND CONTROL.
SECTION 55.16 SANITATION
SECTION 55.17 LIMIT OF NUMBER OF DOGS OR CATS ALLOWED
- RECOMMENDED LANGUAGE ATTACHED

Further Review Requested:

By Mayor/City Council By City Attorney By City Planner

Additional Information:

COMMISSION'S RECOMMENDATION IS FOR A MAX OF FIVE (5)
ANIMALS TOTAL BUT FINAL NUMBER MAY BE DISCUSSED
BY COUNCIL MEMBERS.

Requested Action To Be Taken By The City Council:

Motion
 Resolution
 Ordinance

Date: 6/4/20

Signature: 

Chair/Vice Chair/Secretary

Add to the end of Cumming Chapter 55

55.16 SANITATION

It is the duty of every person owning or having custody or control of an animal to clean up, remove and dispose of the feces deposited by such animal upon public property, park property, public right-of-way or the property of another person.

55.17 LIMIT OF NUMBER OF DOGS OR CATS ALLOWED

It shall be unlawful for an owner or occupant of a dwelling unit or residence, as defined in Chapter 165 of the Cumming Code, to harbor or house on or about the premises more than the following number of dogs and cats over the age of six months unless otherwise authorized in the Cumming Zoning Code.

1. Three dogs.
2. Three cats.
3. A combination of five dogs and cats.

Persons who own, possess, or keep more than five animals per household on the effective date of the ordinance codified in this section shall be permitted to continue to own, possess, or keep those animals only, but shall not be permitted to replace an animal which dies, is sold, transferred, or otherwise disposed of until the total number of animals per household is decreased to five.

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.09 Vicious Dogs
55.02 Animal Neglect	55.10 Rabies Vaccination
55.03 Livestock Neglect	55.11 Owner's Duty
55.04 Abandonment of Cats and Dogs	55.12 Confinement
55.05 Livestock	55.13 At Large: Impoundment
55.06 At Large Prohibited	55.14 Disposition of Animals
55.07 Damage or Interference	55.15 Pet Awards Prohibited
55.08 Annoyance or Disturbance	

55.01 DEFINITIONS. The following terms are defined for use in this chapter.

1. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.
2. "Animal" means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
3. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
4. "Business" means any enterprise relating to any of the following:
 - A. The sale or offer for sale of goods or services.
 - B. A recruitment for employment or membership in an organization.
 - C. A solicitation to make an investment.
 - D. An amusement or entertainment activity.
5. "Fair" means any of the following:
 - A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the *Code of Iowa* or any fair event conducted by a fair under the provisions of Chapter 174 of the *Code of Iowa*.
 - B. An exhibition of agricultural or manufactured products.
 - C. An event for operation of amusement rides or devices or concession booths.
6. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the *Code of Iowa*.
7. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the *Code of Iowa*; or poultry.
(Code of Iowa, Sec. 717.1)
8. "Owner" means any person owning, keeping, sheltering or harboring an animal.
9. "Pet" means a living dog, cat, or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko, or iguana.

55.02 ANIMAL NEGLECT. It is unlawful for a person who impounds or confines, in any place, an animal, excluding livestock, to fail to supply the animal during confinement with a sufficient quantity of food or water, or to fail to provide a confined dog or cat with adequate shelter, or to torture, deprive of necessary sustenance, mutilate, beat, or kill such animal by any means that causes unjustified pain, distress or suffering.

(Code of Iowa, Sec. 717B.3)

55.03 LIVESTOCK NEGLECT. It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means that causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

(Code of Iowa, Sec. 717.2)

55.04 ABANDONMENT OF CATS AND DOGS. A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.

(Code of Iowa, Sec. 717B.8)

55.05 LIVESTOCK. It is unlawful for a person to keep livestock of any kind other than that which is allowed by this Code of Ordinances or except in compliance with the City's zoning regulations. See Chapter 56 for Urban Chickens for permit requirements.

55.06 AT LARGE PROHIBITED. It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City.

55.07 DAMAGE OR INTERFERENCE. It is unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

55.08 ANNOYANCE OR DISTURBANCE. It is unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person by frequent and habitual howling, yelping, barking, or otherwise, or by running after or chasing persons, bicycles, automobiles or other vehicles.

55.09 VICIOUS DOGS. It is unlawful for any person to harbor or keep a vicious dog within the City. A dog is deemed to be vicious when it has attacked or bitten any person without provocation, or when propensity to attack or bite persons exists and is known or ought reasonably to be known to the owner.

55.10 RABIES VACCINATION. Every owner of a dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog in said person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs kept in State or federally licensed kennels and not allowed to run at large are not subject to these vaccination requirements.

(Code of Iowa, Sec. 351.33)

55.11 OWNER'S DUTY. It is the duty of the owner of any dog, cat, or other animal that has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

55.12 CONFINEMENT. If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such

animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after 10 days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

(Code of Iowa, Sec. 351.39)

55.13 AT LARGE: IMPOUNDMENT. Animals found at large in violation of this chapter shall be seized and impounded, or at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

55.14 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be provided to the owner within two days after impoundment, if the owner's name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner fails to redeem the animal within seven days from the date that the notice is mailed, or if the owner cannot be located within seven days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

(Code of Iowa, Sec. 351.37, 351.41)

55.15 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717E)

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:
 - A. A prize for participating in a game.
 - B. A prize for participating in a fair.
 - C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
 - D. An inducement or condition for executing a contract that includes provisions unrelated to the ownership, care or disposition of the pet.
2. Exceptions. This section does not apply to any of the following:
 - A. A pet shop licensed pursuant to Section 162.5 of the *Code of Iowa* if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.
 - B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated

with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen's Federation.

55.16 SANITATION

It is the duty of every person owning or having custody or control of an animal to clean up, remove and dispose of the feces deposited by such animal upon public property, park property, public right-of-way or the property of another person.

55.17 LIMIT OF NUMBER OF DOGS OR CATS ALLOWED

It shall be unlawful for an owner or occupant of a dwelling unit or residence, as defined in Chapter 165 of the Cumming Code, to harbor or house on or about the premises more than the following number of dogs and cats over the age of six months unless otherwise authorized in the Cumming Zoning Code.

1. Three dogs.
2. Three cats.
3. A combination of five dogs and cats.

Persons who own, possess, or keep more than five animals per household on the effective date of the ordinance codified in this section shall be permitted to continue to own, possess, or keep those animals only, but shall not be permitted to replace an animal which dies, is sold, transferred, or otherwise disposed of until the total number of animals per household is decreased to five.

[The next page is 281]

**Resolution 2020-40
City of Cumming**

**Set a Date for a Public Hearing to Amend the
Code of Ordinances, City of Cumming, Iowa, by Amending
Chapter 69.09 Truck Parking Limited**

WHEREAS, The City Council desires to consider amending Chapter 69.09 – Truck Parking Limited, and

WHEREAS, Iowa Law requires a Public Hearing be held before the Council prior to amending any changes in the Code of Ordinances,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of City of Cumming, Iowa, as follows:

Section 1. This Council will meet at the Cumming City Hall, Cumming, Iowa, on the 13th day of July, 2020, 7:00 P.M. at which time and place it will hold a public hearing on amending the Code of Ordinances for the City of Cumming.

Section 2. The City Clerk shall post notice of said hearing, which posting shall be at the three public places in said City which have been permanently designated by ordinance, and such posting shall be at least 4 days but not more than 20 days prior to any action by the City Council.

Passed and approved this 8th day of June, 2020.

Tom Becker, Mayor

Attest:

Angie Ritchie, Deputy Clerk

NOTICE OF PUBLIC HEARING

CITY OF CUMMING

AMENDING CHAPTER 69.09 TRUCK PARKING LIMITED

Notice is hereby given that the City Council of the City of Cumming, Iowa, will conduct a public hearing on Monday, July 13, 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 69.09 Truck Parking Limited

Additional information regarding this request may be obtained by contacting the Deputy Clerk at 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, P. O. Box 100, Cumming, IA, 50061

RECOMMENDATION BY THE PLANNING & ZONING COMMISSION

Recommendation: Aye {Yes} 6 Nay {No} 0
How Many How Many

REPLACE SECTION 69.09 OF CUMMING'S CODE WITH
SECTION 69.09 OF NORWALK'S CODE.

- RECOMMENDED LANGUAGE ATTACHED

Further Review Requested:

By Mayor/City Council By City Attorney By City Planner

Additional Information:

THE RESTRICTION ON NOISE MAY BE DISCUSSED AND
MODIFIED AS SEEN FIT BY COUNCIL MEMBERS.

Requested Action To Be Taken By The City Council:

- Motion
 Resolution
 Ordinance

Date: 6/4/20

Signature: 

Chair/Vice Chair/Secretary

Replace Section 69.09 of Cumming's code with 69.09 of Norwalk's code

CURRENT

Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo within the prohibited area, no person shall park or leave unattended a motor truck, semi-trailer, or other motor vehicle with trailer attached on any street within the Business District. When actually receiving or delivering merchandise or cargo, such vehicle shall be stopped or parked in a manner which will not interfere with other traffic. The provisions of this section do not apply to pick-up, light delivery or panel delivery trucks.

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

REPLACEMENT

No person shall park a semi-tractor, semi-trailer, passenger bus used for commercial or school purposes, any vehicle in excess of five (5) tons, or other motor vehicle with trailer attached with total weight in excess of five (5) tons in violation of the following regulations.

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

1. Streets. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo, no person shall park or leave unattended such vehicle, on any street within the City except for designated parking areas on the City truck routes. When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.

2. Noise. No such vehicle shall be left standing or parked upon any street, public or private parking lot, or drive of any service station between the hours of ten o'clock (10:00) p.m. and six o'clock (6:00) a.m. with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds excepting only the drive of a service station when actually being serviced, and then in no event for more than thirty (30) minutes.

3. Livestock. No such vehicle containing livestock shall be parked on any street or highway for a period of time of more than thirty (30) minutes.

1. North 43rd Street, on the west side, from Cumming Avenue to Alice Avenue.
2. Alice Avenue, on the south side, from North 44th Street to North 43rd Street.
3. Alice Avenue, on the south side, from North 43rd Street to the east end of the street.
4. Birch Avenue, on the south side, from North 44th Street to North 43rd Street.
5. North 43rd Street, on the west side, from Birch Avenue to Callison Avenue.
6. Cumming Avenue, on the north side, from North 44th Street to North 43rd Street (from north side of sidewalk to center of roadway).
7. Cumming Avenue, on the south side, from North 44th Street to North 43rd Street (from existing fence line to center of roadway).

69.09 TRUCK PARKING LIMITED. No person shall park a semi-trailer, passenger bus used for commercial or school purposes, any vehicle in excess of five (5) tons, or other motor vehicle with trailer attached with total weight in excess of five (5) tons in violation of the following regulations.

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

1. Streets. Excepting only when such vehicle are actually engaged in the delivery or receiving of merchandise or cargo, no person shall park or leave unattended such vehicle, on any street within the City except for designated parking areas on the City truck routes. When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.
2. Noise. No such vehicle shall be left standing or parked upon any street, public or private parking lot, or drive of any service station between the hours of ten o'clock (10:00) p.m. and six o'clock (6:00) a.m. with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds excepting only the drive of a service station when actually being serviced, and then in no event for more than thirty (30) minutes.
3. Livestock. No such vehicle containing livestock shall be parked on any street or highway for a period of time of more than thirty (30) minutes.

69.10 SNOW REMOVAL. No person shall park, abandon or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during snow removal operations unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall.

(Code of Iowa, 321.236[1])

69.11 SNOW ROUTES. The Council may designate certain streets in the City as snow routes. When conditions of snow or ice exist on the traffic surface of a designated snow route, it is unlawful for the driver of a vehicle to impede or block traffic.

(Code of Iowa, Sec. 321.236[12])

69.12 LOADING ZONES. It is unlawful to park any vehicle in any areas designated and properly marked as a loading zone, except while expeditiously loading or unloading.

[The next page is 345]

CUMMING WATER TOWER MURAL AGREEMENT

THIS CONTRACT is made at Warren County, Iowa, this 8th day of June, 2020, (the "Effective Date") by and between **City of Cumming**, a city in Warren County, Iowa (hereinafter referred to as the "CUMMING") and **Plum Forward Corporation**, an Iowa corporation with an address at 1031 Lost Lake Drive, Polk City, Iowa, 50226 (hereinafter referred to as the "ARTIST"). The foregoing parties may be referred to individually herein as "Party" and collectively herein as "Parties."

RECITALS

WHEREAS, CUMMING seeks to promote a great quality of life for its residents and visitors through art installations within its community;

WHEREAS, CUMMING owns the water tower structure located on the premises surrounding or abutting 649 N 44th Street in Cumming, Iowa, (hereinafter referred to as the "Structure") as well as the underlying real property located at or about said address;

WHEREAS, ARTIST is a designer and muralist that designs and installs murals;

WHEREAS, the Parties desire to install a mural on the Structure;

WHEREAS, ARTIST has designed a mural and identified materials for installation of said mural on the Structure (attached as Schedule A); and

WHEREAS, the Parties have approved of the mural design that is attached as Schedule A (hereinafter referred to as the "Mural");

NOW THEREFORE, in consideration of the mutual promises and conditions contained in this Agreement, the Parties agree as follows:

1. Services and Payment.

- a. ARTIST shall provide the materials and labor to install the Mural on the Structure during the Installation Period as defined below.
- b. CUMMING shall pay the ARTIST the total sum of \$15,720.00 for ARTIST's design, rendering and installation of the Mural.
 - i. CUMMING shall distribute the payments to the ARTIST according to the following payment plan:

1. \$3,144.00 (20%) shall be paid to ARTIST within seven days of the Effective Date.
 2. \$4,716.00 (30%) shall be paid to ARTIST on or before _____, 2020 (30 days before the Commencement Date as defined below.)
 3. \$7,860.00 (50%) shall be paid within the thirty days following the Completion Date as defined below.
- c. The duties and responsibilities of preparing the Structure for the installation of the Mural shall be as follows:
- i. CUMMING shall obtain all necessary licenses and approval for the Mural installation from any parties or interests including, but not limited to state or municipal entities, that encumber any intangible or tangible property or property rights that shall be affected by the installation of the Mural.
 - ii. CUMMING shall provide all labor to prepare the Structure for installation of the Mural.
 - iii. CUMMING shall provide paint and labor to install a base coat on the Structure using Tnemec Endurance Series 1028 "Clear Sky" (#26BL).
 - iv. CUMMING shall provide a telescopic lift that is in good working order and capable of safely extending beyond the height of the Structure prior to the Commencement Date and through the Completion Date as defined below.
- d. ARTIST, having knowledge and experience in the area of installing murals, may advise CUMMING in the performance of its duties listed herein. ARTIST has no authority to contract on behalf of CUMMING. ARTIST's consultation(s) shall not create a responsibility in ARTIST that supersedes the duties of CUMMING as described above. Further, any consult of ARTIST shall in no way make ARTIST liable for the acts or omissions of the parties that have been employed by CUMMING.

2. Installation Period.

- a. Notwithstanding any delays arising from the actions or omissions of CUMMING, or third parties, or delays arising from ARTIST's agents suffering injury, illness or death or otherwise naturally occurring climatic or catastrophic events, the dates listed below shall signify the period of installation (herein referenced as "Installation Period").
- i. ARTIST shall commence installation of the Mural on or about _____, 2020, a date to be referenced throughout this Agreement as the "Commencement Date."

- ii. ARTIST shall complete installation of the Mural by _____, 2020, a date to be referenced throughout this Agreement as the "Completion Date."

3. Muralist.

- a. Ben Schuh, an agent of ARTIST, shall create and install the Mural.
- b. ARTIST may hire subcontractors to assist in the installation of the Mural.

4. Insurance.

- a. Upon request of CUMMING, ARTIST shall provide a certificate of liability insurance with a minimum of a \$1,000,000.00 limit per occurrence naming CUMMING as additionally insured.

5. Termination.

- a. CUMMING may terminate this Agreement upon five days written notice to all Parties, which shall be deemed effective with proof of receipt.
- b. The date indicated in the notice referenced in paragraph 5(a) above shall be the Termination Date.
- c. The payment plan outlined above represents payments due to ARTIST for its time, materials, equipment, renderings and actual services performed from the Effective Date through the Completion Date.
 - i. In the event of Termination Date being prior to the due date for the second installment payment of \$4,716.00, ARTIST shall be due the first installment of \$3,144.00.
 - ii. In the event of Termination Date being after the due date for the second installment payment of \$4,716.00 and prior to the due date for the third and final installment payment of \$7,860.00, ARTIST shall be due the combined \$7,860.00 of the first and second installment.
 - iii. In the event of the Termination Date being after the Commencement Date, the entire sum of \$15,720.00 shall be due and owing to ARTIST.
 - d. If ARTIST terminates this Agreement prior to Commencement or is determined to be at fault for failure to complete the Mural, ARTIST shall return all previously received payments.

6. Additional Disclosures, Duties, and Acknowledgements.

- a. The Parties acknowledge that slight variations to the Mural may occur as a result of the ARTIST's creative process. Any significant design changes are subject to review by CUMMING.
- b. ARTIST may include a signature of "SCHUH 20" on the Mural.

- c. The Parties acknowledge that the short-term and long-term quality of the Mural will be affected either positively by having prepared and cleaned the Structure prior to installation or negatively by failing to prepare and clean the Structure prior to installation. ARTIST is under no duty to prepare and clean the Structure at any point and CUMMING has been advised by ARTIST to inspect and prepare the Structure prior to the installation date.
- d. Any licensing, easements, permits or approval required by private parties or the local, state, or federal government regarding the concept or content featured in Schedule A shall be the responsibility of CUMMING. In the event that any portion of the Mural or its concept are found to be noncompliant with any of the above entities and the project is ordered to stop, CUMMING shall obtain the proper permissions or the ARTIST may alter the Mural to complete the Mural such that it is compliant with the appropriate entity's requirements.
- e. In light of the global coronavirus pandemic, the Parties shall maintain safety measures consistent with the Community Mitigation Strategies prescribed by the Center for Disease Control throughout the Installation Period.

7. Duties upon completion of Mural.

- a. ARTIST has no duty to repair or maintain the Mural upon the passing of the Completion Date.
- b. CUMMING shall assume all responsibility in restoring the property surrounding the Structure in the event of any damages sustained on or around the Structure, including but not limited to damages to the grass or landscaping, during the ARTIST's installation of the Mural.

8. Fundraising and Licensing.

- a. ARTIST and Ben Schuh reserve all intellectual property rights in the Mural.
- b. CUMMING shall obtain separate, written approval from ARTIST or Ben Schuh prior to selling the Mural artwork, depictions of the Mural, or other derivative works.
 - i. As of the Effective Date, the Parties have discussed potential terms for licensing, use, and possible fundraising ventures, such arrangements shall be governed by an agreement separate and apart from this Agreement.
- c. If CUMMING would like to use the artwork for its advertising or other items (e.g. websites or promotional materials not for sale) they may do so as long as there is a credit to "Ben Schuh" on or near the depiction.

9. Representations, Warranties, and Covenants.

- a. CUMMING has the authority to grant ARTIST reasonable access to the Structure and represents that its effectuation of this Agreement shall bind all titleholders and any parties holding an interest to the Structure and its surrounding premises to this Agreement.

10. Miscellaneous Provisions.

- a. This Agreement constitutes the entire agreement between CUMMING and ARTIST with respect to the Mural and supersedes all prior written and oral agreements between the Parties regarding the Mural.
- b. If any part of this Agreement is found to be void, voidable, invalid, or unenforceable, such portion shall be severed from the Agreement, and the remaining portions shall remain in full force, and enforceable as if they were a separate agreement.
- c. All the terms and provisions of this Agreement shall be binding and inure to the benefit of, and be enforceable by each Party as well as each Party's respective successors and assigns.

Originally Submitted

LONG TERM DEBT SCHEDULE
 GENERAL OBLIGATION BONDS, TIF BONDS, REVENUE BONDS, LOANS, LEASE-PURCHASE PAYMENTS
 PAGE 1

City Name: Cumming

Fiscal Year
 2021

GO - TOTAL	65,000	23,865	88,865	1,650	0	33,400	57,115
NON-GO TOTAL	0	0	0	0	0	0	0
GRAND TOTAL	65,000	23,865	88,865	1,650	0	33,400	57,115

Debt Name (A)	Amount of Issue (B)	Type of Debt Obligation (C)	Debt Resolution Number (D)	Principal Due FY 2021 (E)	Interest Due FY 2021 (F)	Total Obligation Due FY 2021 =(I)	Bond Reg./ Paying Agent Fees Due FY 2021 =(I)	Reductions due to Refinancing or Prepayment of Certified Debt =(I)	Paid from Funds OTHER THAN Current Year Debt Service Taxes =-(J)	Amount Paid Current Year Debt Service Levy =(K)
(1) Phase 1 Sewer Project	400,000	GO	2011-11	21,000	7,200	28,200	600			28,800
(2) Phase 1 Sewer Extension Project	305,000	GO	2014-19	19,000	9,315	28,315				28,315
(3) Phase 2 Sewer	785,000	GO	2015-16	25,000	7,350	32,350	1,050	0	33,400	0
(4)		NO SELECTION				0				0
(5)		NO SELECTION				0				0
(6)		NO SELECTION				0				0
(7)		NO SELECTION				0				0
(8)		NO SELECTION				0				0
(9)		NO SELECTION				0				0
(10)		NO SELECTION				0				0
(11)		NO SELECTION				0				0
(12)		NO SELECTION				0				0
(13)		NO SELECTION				0				0
(14)		NO SELECTION				0				0
(15)		NO SELECTION				0				0
(16)		NO SELECTION				0				0
(17)		NO SELECTION				0				0
(18)		NO SELECTION				0				0
(19)		NO SELECTION				0				0
(20)		NO SELECTION				0				0
(21)		NO SELECTION				0				0
(22)		NO SELECTION				0				0
(23)		NO SELECTION				0				0
(24)		NO SELECTION				0				0
(25)		NO SELECTION				0				0
(26)		NO SELECTION				0				0
(27)		NO SELECTION				0				0
(28)		NO SELECTION				0				0
(29)		NO SELECTION				0				0
(30)		NO SELECTION				0				0
			TOTALS	65,000	23,865	88,865	1,650	0	33,400	57,115

Submitted 5/19/20

LONG TERM DEBT SCHEDULE
 GENERAL OBLIGATION BONDS, TIF BONDS, REVENUE BONDS, LOANS, LEASE-PURCHASE PAYMENTS
 PAGE 1

Fiscal Year
 2021

City Name: Cumming

GO - TOTAL	79,000	27,313	106,313	2,142	0	51,340	57,115
NON-GO TOTAL	0	0	0	0	0	0	0
GRAND TOTAL	79,000	27,313	106,313	2,142	0	51,340	57,115

Debt Name (A)	Amount of Issue (B)	Type of Debt Obligation (C)	Debt Resolution Number (D)	Principal Due FY 2021 (E)	Interest Due FY 2021 (F)	Total Obligation Due FY 2021 =(I)	Bond Reg./Paying Agent Fees Due FY 2021 =(I)	Reductions due to Refinancing or Prepayment of Certified Debt =(I)	Paid from Funds OTHER THAN Current Year Debt Service Taxes =(J)	Amount Paid Current Year Debt Service Levy =(K)
(1) Phase 1 Sewer Project	400,000	GO	2011-11	21,000	7,200	28,200	600			28,800
(2) Phase 1 Sewer Extension Project	305,000	GO	2014-19	19,000	9,315	28,315				28,315
(3) Phase 2 Sewer	785,000	GO	2015-16	39,000	10,798	49,798	1,542	0	51,340	0
(4)		NO SELECTION				0				0
(5)		NO SELECTION				0				0
(6)		NO SELECTION				0				0
(7)		NO SELECTION				0				0
(8)		NO SELECTION				0				0
(9)		NO SELECTION				0				0
(10)		NO SELECTION				0				0
(11)		NO SELECTION				0				0
(12)		NO SELECTION				0				0
(13)		NO SELECTION				0				0
(14)		NO SELECTION				0				0
(15)		NO SELECTION				0				0
(16)		NO SELECTION				0				0
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(24)		NO SELECTION				0				0
(25)		NO SELECTION				0				0
(26)		NO SELECTION				0				0
(27)		NO SELECTION				0				0
(28)		NO SELECTION				0				0
(29)		NO SELECTION				0				0
(30)		NO SELECTION				0				0
			TOTALS	79,000	27,313	106,313	2,142	0	51,340	57,115

RESOLUTION 2015-16

Resolution approving and authorizing a Loan and Disbursement Agreement and providing for the issuance of \$785,000 General Obligation Sewer Improvement Bonds and providing for the levy of taxes to pay the same

WHEREAS, pursuant to the provisions of Section 384.24A of the Code of Iowa, the City of Cumming (the "City"), in the County of Warren, State of Iowa, has heretofore proposed to contract indebtedness and enter into a certain General Obligation Sewer Improvement Loan Agreement (the "Agreement") in a principal amount not to exceed \$785,000 to provide funds to pay a portion of the cost of constructing improvements and extensions to the Municipal Sanitary Sewer System (the "Project"), and has published notice of the proposed action and has held a hearing thereon on January 26, 2015;

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 Agreement with the Iowa Finance Authority, an agency and public instrumentality of the State of Iowa, as lender (the "Lender"). The Agreement shall be in substantially the form as has been placed on file with the City and shall provide for a loan to the City in the amount of \$785,000, for the purpose as set forth in the preamble hereof.

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

Section 2. General Obligation Sewer Improvement Bonds, Series 2015 (the "Bonds") are hereby authorized to be issued in evidence of the obligation of the City under the Agreement, in the total aggregate principal amount of \$785,000, to be dated the date of delivery to or upon the direction of the Lender, and bearing interest from the date of each advancement made at the rate of 1.75% per annum pursuant to the Agreement, until payment thereof, as set forth in Exhibit A attached to the Agreement.

The Bonds may be in the denomination of \$1,000 each or any integral multiple thereof and, at the request of the Lender, shall be initially issued as a single bond in the denomination of \$785,000 and numbered R-1.

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".

Payment of the principal of and interest on the Bonds and premium, if any, shall be payable at the office of the Paying Agent to the registered owners thereof appearing on the registration books of the City. All such payments, except full redemption, shall be made to the registered owners appearing on the registration books at the close of business on the fifteenth day of the month next preceding the payment date. Final payment of principal shall only be made upon surrender of the Bond or Bonds to the Paying Agent.

Section 5. The Loan Proceeds shall be held by the Lender and disbursed for costs of the Project, as referred to in the preamble hereof.

Section 6. 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 in each of the years while the Bonds are outstanding, a tax sufficient for that purpose, and in furtherance of this provision, but not in limitation thereof, there is hereby levied on all the taxable property in the City the following direct annual tax for collection in each of the following fiscal years, to-wit:

For collection in the fiscal year beginning July 1, 2015, sufficient to produce the net annual sum of \$25,526;

For collection in the fiscal year beginning July 1, 2016, sufficient to produce the net annual sum of \$51,300;

For collection in the fiscal year beginning July 1, 2017, sufficient to produce the net annual sum of \$51,580;

For collection in the fiscal year beginning July 1, 2018, sufficient to produce the net annual sum of \$50,840;

For collection in the fiscal year beginning July 1, 2019, sufficient to produce the net annual sum of \$51,100;

For collection in the fiscal year beginning July 1, 2020, sufficient to produce the net annual sum of \$51,340;

For collection in the fiscal year beginning July 1, 2021, sufficient to produce the net annual sum of \$50,560;

For collection in the fiscal year beginning July 1, 2022, sufficient to produce the net annual sum of \$50,780;

For collection in the fiscal year beginning July 1, 2023, sufficient to produce the net annual sum of \$50,980;

For collection in the fiscal year beginning July 1, 2024, sufficient to produce the net annual sum of \$51,160;

For collection in the fiscal year beginning July 1, 2025, sufficient to produce the net annual sum of \$51,320;

For collection in the fiscal year beginning July 1, 2026, sufficient to produce the net annual sum of \$51,460;

For collection in the fiscal year beginning July 1, 2027, sufficient to produce the net annual sum of \$50,580;

Memo:

To: Mayor and Members of the Cuning City Council
From: Donald Sandor
Re: Staffing
Date: January 27,2020

Issue:

This memo is to recommend to the Mayor and City Council of the City of Cumming to proceed with the recruitment of a new staff person to replace the former City Clerk. Recruitment and hiring of qualified staff can take several months so the process should begin as soon as possible. It is my recommendation the City consider hiring a City Administrator/City Clerk as provided for in Chapter 21 of the City Code of Ordinances.

The City of Cumming is facing opportunities for future growth that will be unprecedented in its history. The City will face challenges in planning, engineering, and financing along with the coordination of the multiple facets of development. Development is a lengthy and complex process that can go smoother when there is one central contact person who coordinates all aspects of development with the Planning and Zoning Commission, City Council and Mayor, City Attorneys, City Engineers, financial planners, and bond counsel. One staff person can obtain a better understanding of the interrelationship between the goals and direction of the City with the needs and desires of a developer and the financial impacts of using TIF or general obligation bonds as well as working through the issues of annexation, water requirements, sewer capacity, roadways, and other infrastructure needs.

The City Administrator/City Clerk would perform the duties of the City Clerk as provided for in Chapter 18 of the City Code of Ordinances with the assistance of the part-time Deputy City Clerk. Performing the duties of City Clerk, along with the City Finance Officer duties in Chapter 19 of the City Code of Ordinances, will give the City Administrator/City Clerk the in-depth knowledge of the City's finances. This background will give this staff person the information needed to make recommendations to the Mayor and Council for any financial assistance the City may be able to provide a development.

This person will also be able to represent the City and its interest in metro and regional organizations as well as working with neighboring communities, the County, and other governmental agencies. The title and role of City Administrator will enhance this person's relationship with these other agencies. With experience and knowledge, this staff person may be able to handle some routine matters currently handled by outside consultants.

Duties:

Chapter 21 of the City Code outlines the duties of the City Administrator, and Chapters 18 and 19 provide for responsibilities of the City Clerk and the Finance Director. There is also a detailed job description for the City Clerk position. These documents would be combined into a job description for the position of City Administrator/City Clerk. Some of the most relevant duties listed in Chapter 21 would include:

1. Coordinate City projects and keep the Council informed of actions required by the Council.
2. Keep Council full advised of the financial and other conditions of the city and its future needs.
3. Make recommendations to the Council and to participate in projects and endeavors to support and promote economic growth and development in the City.
4. Maintain liaison with citizens, businesses, developers, builders, engineers and other governmental agencies.

5. Prepare and administer the annual City operating budget in coordination with the Mayor and City Council.
6. Serve as Zoning Administrator, refer matters to the Planning and Zoning Commission and Board of Adjustment as needed. Assist the Council and Planning and Zoning Commission in carrying out their duties related to land use regulation and planning within the City as well as facilitate the preparation and administration of the comprehensive plan.
7. Perform the duties of City Clerk and City Finance Officer.

Qualifications and Experience:

Since this person will have the dual role as City Administrator and City Clerk, there will be qualifications necessary to function in both roles. These qualifications should include the following:

1. Bachelor's Degree in public administration, accounting, business administration or comparable field.
2. Some accounting background required.
3. Previous government experience, especially in local government, preferred.
4. Knowledge of land use, planning, and development beneficial.
5. Knowledge of local government financing beneficial.
6. Possess and maintain a valid Iowa driver's license.

Process:

The recruitment of candidates for this position can be done in-house, coordinated through Don Sandor and the City Attorney. Ads can be placed in local government publications and web sites, as well as private job sites. Initial review of candidates can be performed by Sandor and the City Attorney, with final review, interviews and selection performed by the Mayor and Council.