

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

August 17, 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. CONSENT ITEMS**
 - A.** 8/12/20 Council Meeting Minutes
 - B.** Claims to Be Approved
- V. ACTION/DISCUSSION ITEMS**
 - A.** City Administrator Discussion. Option to go into closed session pursuant to Iowa Code section 21.5(1)(i) to evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual request a closed session.
 - B. Resolution 2020-54** Resolution of the City of Cumming Relating to Employment of the City Administrator/City Clerk Applicable to Employees Not Within the Civil Service
 - C. Resolution 2020-55** Approving Employment Contract Agreement
 - D. Resolution 2020-56** Approving City Administrator/City Clerk Compensation Package
- VI. UPCOMING CITY COUNCIL MEETING:** Regular Meeting: September 14, 7:00 p.m. at City Hall
- VII. ADJOURN**

**OFFICIAL PUBLICATION
CITY OF CUMMING
Regular Council Meeting 8/12/2020
To be Approved at 8/17/20 Special Meeting**

The Regular City Council Meeting of the City of Cumming was held via Zoom on Wednesday, August 12, 2020. The Meeting was called to order at 7:05 P.M. by Mayor Tom Becker. Present at Roll Call: Thomas Cackler, Brent Highfill, and Kathie Hungerford. Dino Goode and Charlie Ochanpaugh were absent. The agenda was amended with the removal of 'K' in the consent items. Motion by Hungerford, seconded by Cackler, to approve the agenda as amended. Approved 3-0.

Consent Items:

Consent items "K" was removed. Motion by Hungerford, seconded by Cackler to approve the consent items as amended. 7/13/20 Council Meeting Minutes, 7/28/20 Planning and Zoning Minutes, July 2020 IPERS Wage & Contribution Report, July 2020 Fund Balance Report, July 2020 Claims Paid & Summary of Receipts, Claims to be Approved, July Deposit Detail, July Building Permit Log, the following Transient Merchant Sales: DamonLayne Woodworking, Iowa Family Chiropractic. Approved 3-0.

Expenditures:

Ben Schuh	Payment 2 for Mural	\$ 5,255.00
MidAmerican Energy	Electric	\$ 70.31
Larry Goode, Jr.	Mileage & Meetings	\$ 73.62
Waste Connections	June Service	\$ 2,251.64
CST	AntiVirus	\$ 7.49
Angie Ritchie	Zoom Reimbursement	\$ 16.04
ICAP	Liability Insurance	\$ 3,960.77
Iowa DNR	FY21 Annual Water Supply Fee	\$ 40.09
N/Warren Town & Country	June 18 & June 25 Publications	\$ 175.59
Office Depot	Office Supplies	\$ 65.27
Pro-Image Sign	HTP Banners	\$ 76.00
Sternquist	Final Payment – Orilla Road Work	\$ 4,770.18
Veenstra & Kimm	Engineering Costs	\$22,156.66
Cardmember Service	iPad Service	\$ 16.90
City of Des Moines	WRA Payment	\$ 6,650.00
US Bank	Copier	\$ 11.86
ClerkBooks Inc.	Final Software Fee	\$ 1,980.00
MidAmerican	Street Lights, Shelter	\$ 634.05
Office Depot	Office Supplies	\$ 95.01
Skinner Law Office, P.C.	Legal Fees 5/7-7/7	\$10,325.78
Accounts Payable Total		\$51,982.26
Payroll 7/9/20		\$ 1,225.00
Payroll 7/20/20		\$ 1,225.00
Total Payroll Paid		\$ 2,450.00
GENERAL		\$54,432.26
SEWER		\$ 6,650.00
TOTAL		\$61,082.26

Action/Discussion Items

- A. Presentation – Great Western Crossing Park – Revision; Tom Henderson, Adam Mekies, Tim Hogan
- B. Presentation – Hometown Pride Update/Fundraising; Pat Whalen
- C. Motion by Cackler, seconded by Hungerford to approve **Resolution 2020-50** An Authorization for Payment of Hometown Pride Vendor Obligations not to exceed \$1,500.00. Approved 3-0

- D. Motion by Highfill, seconded by Hungerford to approve **Resolution 2020-51** Licensing Agreement with Ben Schuh, Plum Forward, option 1 in the amount of \$7,500. Approved 3-0
- E. **Public Hearing** tabled until September 14, 2020 due to Council Meeting date change.
- F. First Reading of **Ordinance 2020-05** tabled until September 14, 2020 due to Council Meeting date change.
- G. Motion by Hungerford, seconded by Cackler to approve the second reading of **Ordinance 2020-02** An Ordinance Adopting the Code of Ordinances of the City of Cumming, Iowa. Approved 3-0.
- H. Motion by Cackler, seconded by Hungerford to approve the second reading of **Ordinance 2020-03** Amending the Code of Ordinances, City of Cumming, IA by Amending Provisions pertaining to Chapter 55 Animal Protection and Control. Approved 3-0
- I. Motion by Highfill, seconded by Cackler to approve the second reading of **Ordinance 2020-04** Amending the Code of Ordinances, City of Cumming, IA by Amending Provisions pertaining to Chapter 69.09 Truck Parking Limited. Approved 3-0
- J. Motion by Highfill, seconded by Hungerford to approve **Resolution 2020-49** Set a Date (September 14) for Public Hearing to Amend the Code of Ordinances, City of Cumming, Iowa by Amending Chapter 122 Peddlers, Solicitors, and Transient Merchants. Approved 3-0
- K. Motion by Highfill, seconded by Hungerford, to approve **Resolution 2020-52 Setting a Date** (September 14) for Public Hearing on Urban Renewal Plan Amendment. Approved 3-0.
- L. Motion by Hungerford, seconded by Cackler to approve **Resolution 2020-53** Plat of Survey. Approved 3-0.
- M. Motion by Hungerford, seconded by Cackler to approve **Resolution 2020-57** Set a Date for Public Hearing to Amend the Code of Ordinances, City of Cumming, Iowa by Amending Chapter 122, Peddlers, Solicitors, and Transient Merchants. Approved 3-0
- N. 28E Agreement with Norwalk, Fire Protection and Emergency Services discussion was held.
- O. Emergency Siren/Alert System discussion was held.
- P. Internet discussion was held. Clerk directed to approach Centurylink and Mediacom.
- Q. No Parking, South Side discussion was held. Matter to go to P&Z.
- R. Mosquito Abatement Service Agreement discussion was held. No further action taken.
- S. City Park Mulch/Repair Bids discussion was held. Motion by Highfill, seconded by Cackler to accept Moret Services, LLC bid in the amount of \$5,400 for repair of ruts, mulch, grass, and weed. Approved 3-0.
- T. Items T-W are tabled until Monday, August 17, 2020.

Reports: Mayor – Request that we go to two meetings a month beginning September 2020. Look into hiring a Public Works staff for signs and various repairs. Council – Resident expressed wish that the City help with the clean up of debris after the storm. Clerk directed to request Waste Connections pickup.

Public Comment: Pat Whalen thanked the Mayor, Council and Clerk from the Hometown Pride Committee with all of the assistance that they have given to make the Water Tower Project come to fruition. The City expressed it's gratitude to Pat and the Hometown Pride Committee for all the work they have done.

Upcoming City Council Meetings: Special Council Meeting, Monday, August 17, 2020 at 7:00 p.m. at City Hall; Regular Council Meeting, September 14, 2020 at 7:00 p.m. at City Hall.

Motion made by Cackler, seconded by Hungerford to Adjourn at 8:39 pm. Approved 3-0.

Tom Becker, Mayor

Attest: Angie Ritchie, Deputy Clerk

1:20 PM

08/14/20

City of Cumming
Claims To Be Approved
 All Transactions

	Type	Date	Num	Name	Memo	Amount
Approved 8/12/20	Check	08/07/2020		Contractor Sales & S...	Water Tower Lift	-970.00
	Check	08/07/2020		Waste Connections	July 2020 Bill - Inv # 2964060	-2,251.64
	Check	08/07/2020		City of Des Moines	WRA Payment - Invoice # 116184	-3,325.10
	Check	08/07/2020		Ben Schuh	Balance of Water Tower Mural Project	-7,860.00
	Check	08/07/2020		Craig Olson	Hometown Pride Banner Reimbursement	-42.79
new	Check	08/14/2020		Ben Schuh	License Agreement Payment	-7,500.00
	Check	08/14/2020		US Bank	Inv. 421078379 Copier Lease	-118.64
	Check	08/14/2020		Jim Johns Inc	6/23-7/20 Inv. 14325	-80.00
	Check	08/14/2020		Moret Services	Park Rut Repair, Mulch. Labor, Delivery	-5,400.00
Total						-27,548.17

RESOLUTION 2020-54
City of Cumming

**A Resolution of the City of Cumming Relating to
Employment of the City Administrator/City Clerk Applicable to
Employees Not Within the Civil Service**

WHEREAS, The City Council, City of Cumming, Warren County, Iowa, has the authority to appoint and remove department heads, officers, and employees of the City, and

WHEREAS, The City of Cumming, Iowa, is in need of the specialized administrative knowledge of _____, and

WHEREAS, The City Council, City of Cumming, Iowa, has the authority to determine the powers and duties of each department or office, and to fix compensation of appointive officers and employees, is vested in the City Council, and

WHEREAS, in so appointing the City Administrator/City Clerk, the City Council finds that the employment of _____ is in the best interests of the City,

THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized and directed to execute said resolution for the employment of _____ as City Administrator/City Clerk, for and on behalf of the City of Cumming, Iowa.

Passed and approved this 17th day of August, 2020.

Tom Becker, Mayor

Attest: _____
Angie Ritchie, Deputy Clerk

**Resolution 2020-55
City of Cumming**

Resolution Approving Employment Contract Agreement

WHEREAS, the City Council of the City of Cumming, Iowa, approved by vote at the Regular City Council meeting on August 10, 2020, to hire _____ as City Administrator/City Clerk for the City of Cumming; and

WHEREAS, the City Council of the City of Cumming, Iowa, hereby approves the attached Employment Contract and Agreement between _____ and the City of Cumming, Iowa; and

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

Section 1. That the City of Cumming, Iowa, approves the Employment Contract and Agreement attached hereto.

Section 2. That the Mayor of the City of Cumming, Iowa, is hereby directed to sign the attached Employment Contract Agreement.

Passed and approved this 17th day of August, 2020.

Tom Becker, Mayor

Attest: _____
Angie Ritchie, Deputy Clerk

City of Cumming

Employment Contract and Agreement

THIS EMPLOYMENT CONTRACT AND AGREEMENT made and entered into on _____, 2020 by and between the City of Cumming, Iowa, by its Council Members (hereinafter referred to as "Employer") and _____, an individual and resident of the State of Iowa (hereinafter referred to as "Employee") both whom understand as follows:

WHEREAS, the Employer desires to retain the services of the Employee as City Administrator effective _____, 2020; and

WHEREAS, it is the desire of the Employer to (1) offer inducement to Employee in an effort to secure his/her employment and to induce her/him to remain in such employment in the future; (2) to establish the job duties and responsibilities of said Employee; and (3) to provide means for terminating Employee's services when either the Employee or the Employer may desire to terminate the Employer-Employee relationship; and

WHEREAS, the Employee desires to retain employment as City Administrator of Cumming, Iowa.

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

- (1) The Employee understands that he will serve as City Administrator of the City of Cumming, Iowa. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the Council to determine that Employee shall no longer serve as City Administrator, subject only to the provisions set forth in this Contract.
- (2) Nothing shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from his position with Employer; subject only to the provisions set forth in this Contract.
- (3) In the event Employee voluntarily resigns his position with Employer during a contract term, the Employee shall give the Employer sixty (60) days' notice in advance, unless the parties otherwise agree. The Employee shall not be entitled to severance benefits of any kind, except he shall receive payment for unused vacation and other benefits usually paid to other Employees at termination provided the required notice is given.
- (4) The Employer may terminate this contract at any time for just cause and, if the Employee is terminated for just cause, he shall receive no severance pay, except he shall receive payment for unused vacation and other benefits usually paid to other Employees at termination. In the event the Employer wishes to terminate the contract without just cause, it may do so by giving the Employee thirty (30) days' notice, in writing. In such event, the Employee, if requested by the Employer, shall continue to render his services and shall be paid his regular compensation up to the date of termination.
 - (a) **JUST CAUSE DEFINED.** Just cause shall include but not be limited to professional incompetence and other faults attributable to the employee, but shall not include legitimate reasons relating to the City's personnel and budgetary requirements.

- (5) The Employer shall furnish the Employee all equipment, material and manpower necessary for the efficient performance of the official duties as City Administrator.
- (6) The Employee shall perform those duties outlined in the ordinance, Chapter 21 entitled "City Administrator" and such additional duties as may be assigned by the City Council.
- (7) That the Employee shall devote his full time and talents to the best of his ability to advance the best interests of the City of Cumming, Iowa.
- (8) Employer agrees to pay Employee for his services rendered, at an annual base salary of _____ (\$_____), effective _____, 2020, for the contract term payable in equal installments at the same time as other employees of the Employer are paid. The Employer shall not, at any time during the term of this Agreement, reduce the salary or other benefits of the Employee. The employee's salary may be increased periodically as approved by the City Council by resolution without amendment to this agreement.
- (9) It is understood that the Employee will normally work at least _____ (____) hours per week, exclusive of scheduled Council Meetings and other evening meetings where his presence is required. It is also recognized that the Employee must devote a substantial amount of time outside the normal office hours to the business of the Employer, and to that end Employee may vary his schedule accordingly.
- (10) Employer shall defend, hold harmless and indemnify Employee against any tort or liability claim or demand or any other legal action arising from City activities or any alleged act or omission occurring in the performance of Employee's duties as City Manager; provided said acts are not in violation of any state or federal criminal statutes.
 - A. **VACATION.** The Employee shall accrue vacation at the rate of _____ weeks (_____ hours) of paid vacation per annum.
 - B. **HOLIDAYS.** Employee is considered to be on-call twenty-four (24) hours a day; however, unless his services are needed, the Employee shall not be required to work on those days which have been designated as holidays in the City's Personnel Policy/Handbook.
 - C. **PROFESSIONAL DUES AND SUBSCRIPTIONS.** Employer shall budget and pay for professional dues and subscriptions necessary for Employee's memberships in various associations and organizations which are necessary and desirable for his continued professional participation and growth for the good of the Employer, and to pay for any professional development or training expenses that have been previously approved by the City Council. The employer shall budget funds for membership and meeting attendance including but not limited to International City/County Management Association (ICMA), American Planning Association (APA), and the state and local city management associations. Those publications deemed to be necessary and desirable shall include, but not limited to, regular publications of the above organizations. Those meetings and seminars deemed to be necessary and desirable shall include, but not limited to, ICMA Annual Conference, APA Annual Conference, the Iowa League of Cities and the state and local city management associations.

D. HEALTH INSURANCE. The Employer will offer and provide Employee with the same insurance benefits available to other City Employees.

E. OTHER LEAVES AND BENEFITS. The Employer will provide other leaves of absence and benefits available to other City Employees as designated in the City's Personnel Policy/Handbook.

F. RESIDENCY REQUIREMENT. The City Council of the City of Cumming, Iowa, by approval of this Employment Contract and Agreement, hereby waives the Residency Requirement in section 21.05 of the City Code of the City of Cumming, Iowa.

G. TRAVEL EXPENSES. Employee's travel expenses shall be provided according to the City's policy.

H. RETIREMENT. The Employee and Employer shall participate and contribute in the usual and customary monetary amounts into the State of Iowa Retirement System (IPERS) or at Employee's request other retirement programs. In the event that Employee declines to participate in IPERS he shall be allowed to participate in a retirement program of his election so long as the amount of the City's contribution shall be equal to that of which the Employee would be allowed under IPERS.

(11) This Contract shall become effective upon execution by the employee, approval by resolution of the City Council and execution by Mayor Tom Becker and shall continue until such time as this contract is terminated by one party or the other pursuant to the terms of this contract.

IN WITNESS WHEREOF, the Mayor and the Clerk of the City of Cumming, Iowa have executed this contract on behalf of the City following approval by Resolution _____, passed and approved by the City Council of the City of Cumming, Iowa on the ____th day of _____, 2020.

**CITY OF CUMMING, Iowa
CITY COUNCIL**

EMPLOYEE

Tom Becker, Mayor

ATTEST:

Angie Ritchie, Deputy City Clerk

**Resolution 2020-56
City of Cumming**

**A Resolution Approving City Administrator/City Clerk
Compensation Package**

WHEREAS, on August 10, 2020 the City Council, City of Cumming, Iowa pursuant to Resolution 2020-54 appointed _____ as their City Administrator/City Clerk, and

WHEREAS, the City Council, City of Cumming, Iowa has the authority to fix compensation of appointive officers and employees, and

WHEREAS, _____ upon acceptance of this _____ time position and is authorized hours not to exceed _____ per pay period. Pay periods are for 2 weeks beginning on Monday and ending on the following Sunday. In addition, the City Administrator/City Clerk is authorized up to _____ hours additional time per pay period for regular or special council meetings, and

WHEREAS, This position is _____ and holidays or other special days as outlined in the employee handbook are _____, and

WHEREAS, _____ shall be reimbursed for travel expenses when using his/her own personal vehicle while attending to City business and that the rate paid for this mileage will be the same as established in Resolution 2012-22, Resolution to Establish Mileage Reimbursement, approved on 2/27/12, and

NOW, THEREFORE BE IT RESOLVED that the City Council authorizes the compensation to _____ at \$_____ per _____

Passed and approved this 17th day of August, 2020.

Tom Becker, Mayor

Attest: _____
Angie Ritchie, Deputy Clerk

Job Description
City of Cumming, Iowa

Position: City Administrator/City Clerk/Finance Director
Reports to: Mayor and City Council
Date: February 10, 2020
FLSA Status: Exempt

POSITION SUMMARY:

Performs a wide variety of public administration duties, as specified in Iowa State law or local ordinances, or as directed by the City Council and/or Mayor in the daily operations of the city government. Advises the Mayor/City Council on current issues and future needs of the City and makes recommendations and offers alternative solutions. Coordinate and implement the directives and goals of the Mayor and City Council. Perform the duties and responsibilities of the City Clerk and City Finance Director as provided for in the City Code of Ordinances. Supervise Deputy City Clerk and other employees the City may employ in the future.

ESSENTIAL JOB DUTIES:

1. Keep the Mayor and Council informed by collecting, analyzing, and summarizing information, remain accessible, answer questions and provide information for requests to ensure smooth operation of the City.
2. Develop and recommend an annual budget for review and approval by the Mayor and City Council. Finalize the budget for submission with the State after Council approval.
3. See that all laws, ordinances, resolutions, Council and Mayor directives and approved operational policies are appropriately enforced.
4. Document payments for City bills, maintain City billing system.
5. Responsible for the supervision and performance of all contracts for work and services done for the City, except as specified otherwise in the construction or service program involved.
6. Maintain an accounting of all obligations, agreements, commitments, and other contractual agreements involving the City and report to the Mayor and Council any issues.
7. Direct the purchasing of all commodities, materials, supplies, capital outlay and services for the City which have been budgeted.
8. Coordinate City projects and keep Council/Mayor informed of actions required by Council and progress on projects. Work with Planning and Zoning Commission, engineers, city legal counsel, developers, and others as necessary to ensure smooth completion of projects.
9. Maintain a good working relationship with citizens, community groups, other cities, League of Iowa Cities, and other State, federal, or local groups and organizations, and attend meeting on behalf of the City as necessary.
10. Serves as Zoning Administrator.
11. Attend City Council meetings, prepare agendas and supporting documentation. Attend Planning and Zoning Commission meetings and Board of Adjustment meetings.
12. Perform other duties as directed by the Council and Mayor.

KNOWLEDGE, SKILLS AND ABILITIES REQUIRED:

The individual must possess the following knowledge, skills, and abilities or be able to explain and demonstrate they can perform the essential functions of the job, using some other combination of skills and abilities.

1. Knowledge of principles, practices, and objectives of public administration including knowledge of financial administration.

2. Knowledge of municipal operation including public relations, economic development, land use, urban planning and zoning.
3. Knowledge of and ability to interpret and apply local, state and federal laws relating to cities.
4. Ability to consult expert sources and documents.
5. Skill in using modern office equipment, including computers and word-processing, spreadsheets, and telecommunications equipment; as well as social media.
6. Ability to communicate clearly, both orally and in writing.

ENTRY REQUIREMENTS:

1. Bachelor's Degree in public administration, accounting, business administration or comparable field.
2. Work experience in public sector work, preferably municipal work, desired.
3. Background in accounting and government finance.
4. Working knowledge of land use planning, zoning and development.
5. Valid Iowa motor vehicle operator's license.
6. Background check and drug testing required as condition of employment.
7. Must be bondable.

This position is generally 40 hours per week, Monday through Friday, plus the attendance at meetings of the City Council, Planning and Zoning Commission, Board of Adjustment, and other meetings that may occur from time to time and are held in the evening.

The City retains the authority to change the job duties at any time. The employee is an at will employee and the job description does not constitute an employment agreement between the City and the employee.

City of Cumming, Iowa
City Administrator/City Clerk

Announcement/Advertisement:

The City of Cumming, Iowa is seeking a City Administrator/City Clerk. Located off I-35, Cumming shares borders with West Des Moines on the north and Norwalk on the east and is projecting significant growth in the near future. The City is seeking an energetic and self-starter individual who can serve as City Administrator and City Clerk.

Salary range is \$55,000 to \$70,000, depending upon qualifications. This individual will be responsible to oversee the work of the Deputy City Clerk, supervision of city contracts, oversight of city property, management of capital improvement projects, and keeping the five-member city council and Mayor fully advised of the city's financial condition and overall needs.

Due to the anticipated growth, this individual will work closely with developers, engineers, legal counsel, financial advisors, planning and zoning commission, and others to coordinate development.

Qualifications include a four-year college degree in public or business administration or related field. Experience in public sector work desirable.

Job description can be found on the City's web site at www.cumming-iowa.com.

Submit a resume, cover letter, salary history and work references to Donald Sandor at sandord2020@gmail.com.

Applications will be accepted until the position is filled with the first review of applicants on March 19, 2020.