

**NOTICE OF REGULAR COUNCIL MEETING
CUMMING CITY COUNCIL
September 14, 2020 – 7:00 p.m.
Cumming City Hall, 649 N 44th St., Cumming Iowa*
FINAL**

- 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. 8/31/20 Special Meeting Minutes
 - B. August IPERS Wage & Contribution Report
 - C. August 2020 Fund Balance Report
 - D. August 2020 Claims Paid & Summary of Receipts
 - E. Claims to Be Approved
 - F. August Deposit Detail
 - G. August Building Permit Log
 - H. Commercial C Liquor License Renewal – Cumming Tap
 - I. Appoint John Botts to the Planning & Zoning Board for a five-year term
- VI. ACTION/DISCUSSION ITEMS
 - A. **Public Hearing:** Amending the Code of Ordinances, City of Cumming, Iowa, by Amending Chapter 90, Water Service System
 - B. **First Reading of Ordinance 2020-05** Amending the Code of Ordinances, City of Cumming, IA by Amending Provisions pertaining to Chapter 90 Water Service System with option to waive the second and third readings and motion for clerk to post
 - C. **Public Hearing:** Rezone Certain Property within the City limits of Cumming from A-1 Agriculture District to C-1 Highway Commercial District and Amend the Official Zoning Map of the City of Cumming, Iowa
 - D. **First Reading of Ordinance 2020-06** Amending the Official Zoning Map of the City of Cumming, Iowa, as Established by the City Code of The City of Cumming, Chapter 165, Section 165.07 with option to waive the second and third readings and motion for clerk to post
 - E. **Public Hearing:** Urban Renewal Plan Amendment
 - F. **Resolution 2020-60** Resolution to Approve Urban Renewal Plan Amendment for the Consolidated Cumming Urban Renewal Areas
 - G. **Public Hearing:** Amending the Code of Ordinances, City of Cumming, IA by Amending Provisions Pertaining to Chapter 122 Peddlers, Solicitors, and Transient Merchants
 - H. **First Reading of Ordinances 2020-07** Amending the Code of Ordinances, City of Cumming, Iowa by Amending Chapter 122 Peddlers, Solicitors and Transient Merchants with option to waive the second and third readings and motion for clerk to post
 - I. **Third Reading of Ordinance 2020-02** An Ordinance Adopting the Code of Ordinances of the City of Cumming, Iowa and motion for clerk to post

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- J. Third 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 and motion for clerk to post
- K. Third 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 and motion for clerk to post
- L. Resolution 2020-58** Depository Resolution
- M. Resolution 2020-59** Resolution Approving the Street Finance Report for Fiscal Year 2019-2020
- N. Resolution 2020-61** Approving and Authorizing Execution of an Agreement for Snow and Ice removal for the City of Cumming
- O. Resolution 2020-62** Resolution to Fix a Date of Meeting at Which it is Proposed to Approve a Development Agreement with Diligent GWC, LLC, Including Annual Appropriation Tax Increment Payments
- P. Resolution 2020-63** Resolution Requesting Reimbursement from the Iowa COVID-19 Government Relief Fund
- Q.** Sign Repair/Installation Bid
- R.** N. Fernwood Drive – Drainage Issue Discussion
- S.** Beggars Night Discussion

VII. REPORTS:

- A.** Mayor
- B.** Council
- C.** Attorney
- D.** City Administrator
- F.** Clerk

VIII. PUBLIC COMMENT

- IX. UPCOMING CITY COUNCIL MEETING:** Regular Meeting: September 28, 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: 879 8100 5255 Password: 275696** If you would like to join by telephone please call: 312-626-6799 and enter the Meeting ID and Password when prompted. Please keep your microphone muted unless you are called upon to speak during public comment. The standard rules of order apply during this meeting. If have any questions about the operation of this app or how to join please contact City Hall at 515-981-9214.

**OFFICIAL PUBLICATION
CITY OF CUMMING
Special Council Meeting 8/31/2020
To be Approved at 9/14/20 Regular Meeting**

The Special City Council Meeting of the City of Cumming was held on Monday, August 31, 2020. The Meeting was called to order at 7:00 P.M. by Mayor Pro Tem, Thomas Cackler. Present at Roll Call: Thomas Cackler, Brent Highfill, Kathie Hungerford, Dino Goode and Charlie Ochanpaugh. Mayor Tom Becker was absent. Motion by Highfill, seconded by Goode to approve the agenda as presented. Approved 5-0.

- A. Motion by Goode, seconded by Ochanpaugh to approve **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. Approved 5-0
- B. Motion by Ochanpaugh, seconded by Highfill to approve **Resolution 2020-55** Approving Employment Contract Agreement as presented. Discussion was held and contract amended with a start date of September 1, 2020 and removal of paragraph A – Vacation. Motion by Goode, seconded by Ochanpaugh to approve **Resolution 2020-55** as amended. Approved 5-0.

Upcoming City Council Meetings: Regular Council Meeting, September 14, 2020 at 7:00 p.m. at City Hall.

Motion made by Hungerford, seconded by Highfill to Adjourn at 7:32 pm. Approved 5-0.

Tom Becker, Mayor

Attest: Angie Ritchie, Deputy Clerk

Wage & Contribution Report

Effective Date: 08/01/2020
 Generated On: 08/31/2020 10:00:55
 Due Date:2020-09-15
 WAGE REPORT AUGUST 2020
 Report Status: Initial
 Trans#: 120876188
 Date Released: null
 Member Count: 3
 Report Source: LOB - manual

Employer Name: 91308 CITY OF CUMMING

Agreement	Occupation Code	Period Wages	Employer Contributions	Member Contributions	Funds Total
MONTHLY Cities	01-Regular	\$ 4,800.00	\$ 453.12	\$ 301.92	\$ 755.04
MONTHLY Cities	17-Part-time Elected Officials	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Aug 1, 2020	BECKER, THOMAS B	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Aug 1, 2020	HUNGERFORD, KATHIE E	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Aug 1, 2020	RITCHIE, ANGIE	\$ 4,800.00	\$ 453.12	\$ 301.92	\$ 755.04
		\$ 4,800.00	\$ 453.12	\$ 301.92	\$ 755.04
Totals:		\$ 4,800.00	\$ 453.12	\$ 301.92	\$ 755.04

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Wage History Summary

Agreement	Occupation Code	Period Wages	Employer Contributions	Member Contributions	Funds Total
MONTHLY Cities	01-Regular	\$ 4,800.00	\$ 453.12	\$ 301.92	\$ 755.04
MONTHLY Cities	17-Part-time Elected Officials	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Totals		\$ 4,800.00	\$ 453.12	\$ 301.92	\$ 755.04

Cash Summary

Fund	Due	Paid	Balance
Employer Contributions	\$ 453.12	\$ 0.00	\$ 453.12
Member Contributions	\$ 301.92	\$ 0.00	\$ 301.92
Totals	\$ 755.04	\$ 0.00	\$ 755.04

City of Cumming
Balance Sheet by Month (Fiscal Year-To-Date)
 As of August 31, 2020

	Jul 31, 20	Aug 31, 20
ASSETS		
Current Assets		
Checking/Savings		
0001110 · Operating Checking	6,252.05	-74,554.68
0001111 · Savings	1,011.32	1,011.32
0001112 · Money Market		
Water Operating	1,630.40	1,630.40
General Fund	1,010,588.02	1,010,588.02
Total 0001112 · Money Market	1,012,218.42	1,012,218.42
Total Checking/Savings	1,019,481.79	938,675.06
Accounts Receivable		
1220 · Accounts Receivable	136,785.58	136,785.58
Total Accounts Receivable	136,785.58	136,785.58
Total Current Assets	1,156,267.37	1,075,460.64
TOTAL ASSETS	1,156,267.37	1,075,460.64
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
Other Current Liabilities		
2120 · Accrued Payroll Taxes		
FICA Tax Withholding	334.76	334.76
IPERS	251.68	251.68
State Withholding	62.00	248.00
Total 2120 · Accrued Payroll Taxes	648.44	834.44
Total Other Current Liabilities	648.44	834.44
Total Current Liabilities	648.44	834.44
Total Liabilities	648.44	834.44
Equity		
001-999 · Fund Balances		
001-109 · General Funds		
001e · General Fund	296,766.49	296,766.49
Total 001-109 · General Funds	296,766.49	296,766.49
110-199 · Special Revenue Funds		
110e · Road Use Tax	50,640.56	50,640.56
112e · Employee Benefit	12,618.48	12,618.48
119e · Emergency Fund	85.51	85.51
121e · Local Option Sales Tax	142,964.57	142,964.57
125e · Tax Increment Financing	23,208.97	23,208.97
Total 110-199 · Special Revenue Funds	229,518.09	229,518.09
200-299 · Debt Service Funds		
200e · Debt Service	8,204.14	8,204.14
Total 200-299 · Debt Service Funds	8,204.14	8,204.14
600-799 · Enterprise and Utility Funds		
600e · Water		
Water Operating	208,436.53	208,436.53
Water Project	127,821.43	127,821.43
Total 600e · Water	336,257.96	336,257.96
610e · Sewer		
Sewer Operating	74,888.15	74,888.15
Sewer Phase 1	7,792.03	7,792.03
Sewer Phase 2	94,443.41	94,443.41
Total 610e · Sewer	177,123.59	177,123.59
Total 600-799 · Enterprise and Utility Funds	513,381.55	513,381.55
Total 001-999 · Fund Balances	1,047,870.27	1,047,870.27

City of Cumming
Balance Sheet by Month (Fiscal Year-To-Date)
As of August 31, 2020

	Jul 31, 20	Aug 31, 20
Net Income	107,748.66	26,755.93
Total Equity	1,155,618.93	1,074,626.20
TOTAL LIABILITIES & EQUITY	1,156,267.37	1,075,460.64

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

Type	Date	Num	Name	Memo	Amount
0001110 - Operating Checking					
Paycheck	08/03/2020	6009	Ritchie, Angie		-1,225.00
Check	08/03/2020	6010	Central Tank Coatings	voided by deposit on 7-30-20	-16,500.00
Check	08/03/2020	6011	N/Warren Town & C...	June 23 Publications	-140.83
Check	08/03/2020	6012	Jim Johns Inc	7/21-8/17	-80.00
Check	08/03/2020	6013	Cardmember Service	6/24-7/22 2020	-20.10
Check	08/03/2020	6014	Iowa Workforce Dev...	H Hendrickson Unemployment 103668-0	-203.04
Check	08/03/2020	6015	Century Link		-245.01
Check	08/03/2020	6016	N/Warren Town & C...	July 16 Publication	-12.45
Check	08/03/2020	6017	Midamerican Energy	501746948, 501733480, 501640171	-125.34
Check	08/03/2020	6018	Iowa One Call		-66.60
Check	08/03/2020	6019	Combined Systems ...		-7.49
Check	08/03/2020	6020	IPERS	July 2020	-636.26
Check	08/07/2020	6022	Contractor Sales & S...	Water Tower Lift	-970.00
Check	08/07/2020	6023	Waste Connections	July 2020 Bill - Inv # 2964060	-2,251.64
Check	08/07/2020	6024	City of Des Moines	WRA Payment - Invoice # 116184	-3,325.10
Check	08/07/2020	6025	Ben Schuh	Balance of Water Tower Mural Project	-7,860.00
Check	08/07/2020	6026	Craig Olson	Hometown Pride Banner Reimbursement	-42.79
Check	08/14/2020	6027	Ben Schuh	License Agreement Payment	-7,500.00
Check	08/14/2020	6028	US Bank	Inv. 421078379 Copier Lease	-118.64
Check	08/14/2020	6029	Jim Johns Inc	6/23-7/20 Inv. 14325	-80.00
Check	08/14/2020	6030	Moret Services	Park Rut Repair, Mulch. Labor, Delivery	-5,400.00
Paycheck	08/17/2020	6021	Ritchie, Angie		-1,225.00
Check	08/17/2020	6031	Simmering Cory Inc	Annual Web Hosting	-450.00
Check	08/17/2020	6032	Midamerican Energy	Inv. 502674527	-634.52
Check	08/17/2020	6033	HydraPak, LLC	HTP Waterbottles	-501.00
Check	08/17/2020	6034	Warren County Trea...	FY 20 Payment 2 of 2 for 28E with Sheriff	-4,364.50
Check	08/24/2020	6037	Iowa One Call		-38.70
Check	08/24/2020	6038	Office Depot	office supplies	-111.25
Check	08/24/2020	6039	Jerico Services		-402.50
Check	08/24/2020	6040	Midamerican Energy	Invoices 502816028, 502802853 and 502694937	-116.68
Check	08/24/2020	6041	Century Link		-155.10
Check	08/25/2020	6042	N/Warren Town & C...		-96.42
Check	08/25/2020	6043	Veenstra & Kimm Inc.	Engineering costs	-14,790.99
Check	08/26/2020	6044	Veenstra & Kimm Inc.	Engineering costs	-16,891.86
Check	08/31/2020	6045	Bowen Design LLC	HP Banner - FNF	-60.00
Check	08/31/2020	6046	Cardmember Service	7/24-8/24	-26.84
Check	08/31/2020	6047	N/Warren Town & C...	August 27, 2020 Publications	-136.04
Paycheck	08/31/2020	6035	Ritchie, Angie		-1,225.00
Liability Check	08/31/2020	6036	IPERS	City of Cumming - A. Ritchie IPERS	-755.04
Liability Check	08/31/2020	EFT	United States Treasury	August Fed, Medicare and SS Withholdings	-1,004.28
Total 0001110 - Operating Checking					-89,796.01
TOTAL					-89,796.01

City of Cumming
Claims To Be Approved
All Transactions

Type	Date	Num	Name	Memo	Amount
Check	09/02/2020		ABC Pest Control	Inv. # 37797	-280.88
Check	09/03/2020		Robert Fagen	Reimbursement of ICMA Membership	-240.00
Check	09/04/2020		Koch Office Group	INV383350	-133.25
Check	09/04/2020		Waste Connections	August 2020 Bill - Inv # 2991301	-2,326.64
Check	09/10/2020		Elchus	Posters	-164.00
Check	09/10/2020		Kirk Ford	Inv. #3	-900.00
Check	09/10/2020		Kirk Ford	Inv. #4	-200.00
Check	09/10/2020		Fagen, Robert L.	Invoice #116557	-1,518.29
Check	09/10/2020		Absolute Infrastructure	Partial Pay Number 1, South Trunk Sewer Phase 3	-186,985.86
Check	09/10/2020		Skinner Law Office PC	legal fees 6/9-8/9 Inv.# 15116	-7,163.78
Check	09/10/2020		Skinner Law Office PC	legal fees 8/7-9/2 Inv.# 15441	-5,209.11
Total					-205,121.81

SKINNER LAW OFFICE, P.C.

INVOICE

160 Adventureland Drive NW, Suite B, PO Box 367
Altoona, IA 50009

Invoice # 15116
Date: 08/10/2020
Due Upon Receipt

CUMMING
PO BOX 100
CUMMING, IA 50061

CITY BUSINESS

Date	Notes	Timekeeper	Quantity	Rate	Total
05/12/2020	Search for Audits for the City.	TH	0.50	\$0.00	\$0.00
05/14/2020	Prepare/Handle: Audits and Financial Reports for 2015-Present.	TH	0.67	\$0.00	\$0.00
06/09/2020	Reviewed License Agreement and Sprint Water Tower documents, Drafted notice to Sprint of painting water tower - CAW	BH	0.50	\$100.00	\$50.00
07/06/2020	Review Correspondence re: Various City Matters, Review Status of Dr. Han Pond, TIF Projects	CW	0.75	\$175.00	\$131.25
07/06/2020	Email from and to Amy Bjork re: Urban Renewal Amendment	CW	0.25	\$175.00	\$43.75
07/07/2020	Review Great Western Crossing PUD, Email from Charlie Ochanpaugh, Review Sale Records and New Ownership of Reviez Property	CW	0.50	\$175.00	\$87.50
07/07/2020	Email to Travis Squires re: Potential Special Meeting	CW	0.20	\$175.00	\$35.00
07/08/2020	Review/Handle/Save/Copy: Email Correspondences; Invoice 3, Water for Spangler	TH	0.25	\$0.00	\$0.00
07/08/2020	Review Water Issue, Phone Calls with Urbandale Water, Email to and from Tony Bellizzi	CW	0.75	\$175.00	\$131.25
07/08/2020	Review Mobile Food Ordinance and Memo to File	CW	0.40	\$175.00	\$70.00
07/09/2020	Phone Call with Mayor Becker, Phone Call to Tony Bellizzi, Phone Call to Bryan Pollpeter, Draft Ordinance For Water Main Extension	CW	1.75	\$175.00	\$306.25
07/10/2020	receive and review agenda for meeting and prepare file	DP	0.25	\$135.00	\$33.75

07/10/2020	Review Draft Agenda for Council Meeting, Email to Tony Bellizzi with Proposed Water Main Ordinance, Phone Call with Tony	CW	1.25	\$175.00	\$218.75
07/12/2020	review council meeting information with Cameron	GH	0.35	\$0.00	\$0.00
07/13/2020	Email to Ethan Roos, Angie Ritchie and John McPartland re: Park Board/P&Z Joint Meeting, Phone Call with Angie Ritchie	CW	0.25	\$175.00	\$43.75
07/13/2020	Phone Call with Bryan Pollpeter re: Water Main Extension Ordinance	CW	0.40	\$175.00	\$70.00
07/13/2020	City Council Meeting	CW	2.00	\$175.00	\$350.00
07/13/2020	Review Council Packet and Phone Call with Mayor Becker	CW	0.40	\$175.00	\$70.00
07/14/2020	Review/Handle: Email Correspondence; Invoice; Keep Iowa Beautiful / Plum Forward mural project; Updated Invoice	TH	0.17	\$100.00	\$16.67
07/14/2020	Phone Call with Charlie Ochanpaugh re: City Matters	CW	0.40	\$175.00	\$70.00
07/15/2020	Review/Handle: Email Correspondence; Keep Iowa Beautiful Plum Forward Mural Project.	TH	0.08	\$100.00	\$8.33
07/16/2020	Review Emails from Pat Whalen, Review Licensing Agreement Language and Email to Pat	CW	0.45	\$175.00	\$78.75
07/16/2020	Review/Handle: Email Correspondence; Proposed Licensing Updates / Payments to Date	TH	0.08	\$100.00	\$8.33
07/17/2020	Emails from Tony Bellizzi and Angie Ritchie re: Platting Documents and Email response	CW	0.25	\$175.00	\$43.75
07/17/2020	Phone Call with Angie Ritchie	CW	0.20	\$175.00	\$35.00
07/21/2020	Review ordinances and property re: DMWW billing questions, email to Angie Ritchie and Mayor Becker	CW	0.50	\$175.00	\$87.50
07/22/2020	Review/Handle: Email Correspondence; 2685 S Orilla Rd Scan; Ted Lare; DMWW Highway G14 Feeder Main	TH	0.42	\$100.00	\$41.67
07/22/2020	Review Correspondence re: P&Z meeting and review agenda	CW	0.40	\$175.00	\$70.00
07/23/2020	Email Correspondence: Kum & Go 0198 - PreApplication Meeting; Water Tower Fundraising.	TH	0.25	\$100.00	\$25.00
07/24/2020	Review/Handle: Email Correspondence; Plat of Survey; Water Issue Fernwood Drive; P&Z Meeting	TH	0.25	\$100.00	\$25.00
07/24/2020	Review correspondence re: fundraising for Hometown Pride Committee.	CW	0.25	\$175.00	\$43.75
07/24/2020	Review and revise ordinance for mobile food units, phone call with Angie Ritchie.	CW	1.00	\$175.00	\$175.00
07/27/2020	Draft revisions to mobile food unit and transient merchant ordinance, email to Don Paulin and to Angie Ritchie.	CW	1.50	\$175.00	\$262.50
07/27/2020	Phone call with Angie Ritchie re: P&Z meeting and phone	CW	0.50	\$175.00	\$87.50

	call to Tom Henderson, email to Angie.				
07/27/2020	Review concept plan from Knapp Development and review correspondence from Mayor Becker, email to Angie Ritchie.	CW	0.25	\$175.00	\$43.75
07/28/2020	Review/Handle: Email Correspondences: Semi-Final Mobile Food; Proposed Licensing Update/Payments to Date; Kum & Go 0198 - PreApplication Meeting	TH	0.33	\$100.00	\$33.33
07/28/2020	Planning and Zoning/Park Board meeting	CW	1.71	\$175.00	\$300.03
07/29/2020	Voicemail from Jeff Perkins re: licensing agreement; edit licensing agreement; email to and from Jeff Perkins with revised licensing agreement; email to Angie Ritchie for August Council Meeting agenda.	CW	0.60	\$175.00	\$105.00
07/30/2020	Review/Handle/Save/File: Email Correspondence; Proposed Licensing Updates/Payments to Date; Plum Forward/City of Cumming Licensing.	TH	0.17	\$100.00	\$16.67
07/30/2020	Review moratorium file, review north river interceptor study, meeting with City of West Des Moines re: North River Interceptor and annexation moratorium agreement, memo to file.	CW	1.30	\$175.00	\$227.50
08/03/2020	Review site plan for development to prepare for meeting with developer.	CW	0.40	\$175.00	\$70.00
08/03/2020	Meeting with convenience store developer to discuss site plan.	CW	0.80	\$175.00	\$140.00
08/05/2020	review span of control issues for electronic council meetings	CW	0.25	\$175.00	\$43.75
08/05/2020	Phone call with Angie Ritchie to discuss City Council meeting agenda items	CW	0.25	\$175.00	\$43.75
08/05/2020	Emails to and from Amy Bjork re: TIF and Urban Renewal Plan	CW	0.40	\$175.00	\$70.00
08/05/2020	Phone call to Charlie Ochanpaugh re: City Admin position and left voicemail	CW	0.10	\$175.00	\$17.50
08/05/2020	Email to Tony Bellizzi re: water main ordinance	CW	0.25	\$175.00	\$43.75
08/05/2020	Phone call with Amy Bjork re: urban renewal plan amendment; email to Tim Hogan re: park development agreement	CW	0.40	\$175.00	\$70.00
08/05/2020	Phone call with Charlie Ochanpaugh re: City Admin position	CW	0.15	\$175.00	\$26.25
08/05/2020	Phone call with Angie Ritchie re: special use permits resolutions and ordinance	CW	0.20	\$175.00	\$35.00

Subtotal \$4,006.28

Great Western Crossing

Date	Notes	Timekeeper	Quantity	Rate	Total
07/08/2020	Review/Handle/Save/Copy: Email Correspondences; Punch List for GWC Plat 2 and 3 in Cumming, Application for City ROW Permit Re:Re: N.742830 - Great Western Plats 1, 2 & 3 Cumming,IA, FW: Query Re: N.742830 - Great Western Plats 1, 2 & 3 Cumming,IA	TH	0.25	\$125.00	\$31.25
07/08/2020	Review Great Western Crossing Punch List from V&K, Email to Charlie Ochanpaugh re: Pond Issue	CW	0.50	\$175.00	\$87.50
07/09/2020	Phone Call with Tom Henderson re: North Properties in Great Western Crossing, Phone Call to Charlie Ochanpaugh and Left Voicemail, Email to Charlie	CW	0.50	\$175.00	\$87.50
07/14/2020	Review/Handle: Email Correspondence; Amended Letter; Great Western Crossing Plats 2 & 3; Water for Spangler	TH	0.08	\$100.00	\$8.33
07/16/2020	Review/Handle: Email Correspondence; GWC Park	TH	0.08	\$100.00	\$8.33
07/16/2020	Review Correspondence from Brad Cooper and Angie Ritchie re: Park	CW	0.40	\$175.00	\$70.00
07/17/2020	Review/Handle: Email Correspondence; Great Western Crossing Plat 2 Submittal.	TH	0.25	\$100.00	\$25.00
07/21/2020	Review/Handle/Save/Copy/File: Email Correspondence; Query Re: N.742830 - Great Western Plats 1, 2 & 3 Cumming,IA FW: Corrections Complete RE: CenturyLink Fiber Optics Plans for Great Western Crossing Re: N.742830 -Great Western Plats 1, 2 & 3 Cumming,IA	TH	0.08	\$100.00	\$8.33
07/27/2020	Review park presentation for planning and zoning meeting.	CW	0.40	\$175.00	\$70.00
07/28/2020	Review/Handle/File: Email Correspondences: Great Western Crossing Park Presentation.	TH	0.17	\$100.00	\$16.67
07/28/2020	Email from Tim Hogan re: P&Z meeting and development agreement, review development agreement, email to Tim Hogan.	CW	0.50	\$175.00	\$87.50
07/28/2020	read documents on urban renewal and discussion.	GH	0.35	\$0.00	\$0.00
08/03/2020	Review updated park plan presentation.	CW	0.45	\$175.00	\$78.75
08/03/2020	Email from Amy Bjork re: urban renewal plan amendment, email to Amy with Development Agreement	CW	0.40	\$175.00	\$70.00
08/05/2020	Phone call with Tom Henderson re: Park Board meeting and park plan for council meeting	CW	0.40	\$175.00	\$70.00
08/05/2020	Phone call with Tom Henderson re: housing plan in Great Western Crossing for potential urban renewal plan amendment	CW	0.20	\$175.00	\$35.00
08/06/2020	Review urban renewal plan and phone call with Amy Bjork	CW	0.30	\$175.00	\$52.50
				Subtotal	\$806.66

Middlebrook Development

Date	Notes	Timekeeper	Quantity	Rate	Total
07/06/2020	Emails from and to Tom Henderson re: Development Agreement for Middlebrook and Farmers Market Ordinance; Review Development Agreement	CW	2.00	\$175.00	\$350.00
07/07/2020	Email to Tom Henderson and Tim Hogan	CW	0.25	\$175.00	\$43.75
07/07/2020	Review Development/Annexation Agreement	CW	1.60	\$175.00	\$280.00
07/08/2020	Phone Call with Tom Henderson and Tim Hogan re: Development Agreements for GWC and Middlebrook	CW	0.75	\$175.00	\$131.25
07/14/2020	Review/Handle: Email Correspondence; Middle Brook Farms Report, Revised Letter	TH	0.17	\$100.00	\$16.67
07/14/2020	Phone Call with Tom Henderson re: Middlebrook Development, Great Western Crossing Park, Middlebrook Farm	CW	0.50	\$175.00	\$87.50
07/14/2020	Email to Angie Ritchie, Jason Van Ausdall, Mayor Becker re: Meeting on Middlebrook Farms Outstanding Permitting Issues	CW	0.35	\$175.00	\$61.25
07/15/2020	Review/Handle: Email Correspondence; Revised Letter.	TH	0.25	\$100.00	\$25.00
07/15/2020	Emails from Angie Ritchie, Mayor Becker, Jason VanAusdall re: Middlebrook Farm Meeting, Email to Tom Henderson	CW	0.40	\$175.00	\$70.00
07/16/2020	Phone Call with Tom Henderson re: Middlebrook Farms	CW	0.25	\$175.00	\$43.75
07/16/2020	Review/Handle: Email Correspondence; Middlebrook Development Agreement; Confirming Meeting July 17, 2020	TH	0.17	\$100.00	\$16.67
07/16/2020	Email to Tony Bellizzi re: Middlebrook Development Agreement	CW	0.40	\$175.00	\$70.00
07/17/2020	Review letter from building inspector for Middlebrook property, prepare for meeting at 10:00 a.m.	CW	0.50	\$175.00	\$87.50
07/17/2020	Meeting at Middlebrook Farm	CW	3.00	\$0.00	\$0.00
07/17/2020	Meeting with Mayor, developer and others.	GH	3.50	\$200.00	\$700.00
07/18/2020	Review development agreement and file,	GH	0.35	\$200.00	\$70.00
07/20/2020	Email to Jason Van Ausdall and Angie Ritchie re: greenhouse site plan	CW	0.20	\$175.00	\$35.00
07/21/2020	Review/Handle/Save/Copy/File: Email Correspondence; Movable Greenhouse; Middlebrook Farm. Memo.	TH	0.25	\$100.00	\$25.00
07/27/2020	Phone call with Tom Henderson re: planning and zoning packet, mobile food unit ordinance, farmers market ordinance status and park presentation.	CW	0.50	\$175.00	\$87.50
07/30/2020	Review/Save/File: Email Correspondence; Middlebrook Park Design Issues.	TH	0.17	\$100.00	\$16.67
				Subtotal	\$2,217.51

2020 - City Council Meetings

Date	Notes	Timekeeper	Quantity	Rate	Total
07/14/2020	Review/Handle: Email Correspondence; Agenda; July 28 Planning and Zoning Meeting	TH	0.17	\$100.00	\$16.67
07/16/2020	Review/Handle: Email Correspondence; July 13, 2020 Meeting Minutes	TH	0.08	\$100.00	\$8.33
07/21/2020	Review/Handle/Save/Copy/File: Email Correspondence; Proceedings, Cumming #14	TH	0.08	\$100.00	\$8.33
07/22/2020	Review/Handle: Email Correspondence; P&Z Meeting/ Planning & Zoning and Park Board Meeting.	TH	0.25	\$100.00	\$25.00
07/23/2020	Review/Handle: Email Correspondence: Planning & Zoning and Park Board Meeting	TH	0.17	\$100.00	\$16.67
07/28/2020	Review/Handle/Prepare/File: Email Correspondences: Planning and Zoning and Packet; Park Presentation; Memo Re Park Board Questions or Concerns	TH	0.33	\$100.00	\$33.33
Subtotal					\$108.33

Chapter 90 Code of Ordinances

Date	Notes	Timekeeper	Quantity	Rate	Total
07/14/2020	Review/Handle: Email Correspondence; Agenda Item - Setting Public Hearing	TH	0.25	\$100.00	\$25.00
Subtotal					\$25.00
Subtotal					\$7,163.78
Total					\$7,163.78

Detailed Statement of Account

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
15116	08/10/2020	\$7,163.78	\$0.00	\$7,163.78
Outstanding Balance				\$7,163.78
Total Amount Outstanding				\$7,163.78

Trust Account

Date	Type	Notes	Matter	Receipts	Payments	Balance
11/19/2018	CHECK	FUNDS RECEIVED IN EXCESS OF INVOICE #8550	Cumming - 1		\$5,269.17	\$5,269.17
11/19/2018	CHECK	PAYMENT OF INVOICE #8550	Cumming - 1	\$3,653.34		\$1,615.83
11/30/2018	CHECK	PAYMENT FOR INV. #8201	Cumming - 1	\$1,615.83		\$0.00
03/19/2019	CHECK	FUNDS IN EXCESS OF INVOICE #10047	Cumming - 1		\$5,253.33	\$5,253.33
03/19/2019	CHECK	PAYMENT OF INVOICE #10047	Cumming - 1	\$4,628.33		\$625.00
08/16/2019	CHECK	TO PAY BALANCE OF INVOICE #11362	Cumming - 1	\$625.00		\$0.00
Trust Account Balance						\$0.00

Please make all amounts payable to: Skinner Law Office, P.C.
 Payment is due upon receipt.
 We gladly accept Visa, Mastercard, Discover and American Express.

SKINNER LAW OFFICE, P.C.

INVOICE

160 Adventureland Drive NW, Suite B, PO Box 367
Altoona, IA 50009

Invoice # 15441
Date: 09/06/2020
Due On: 09/08/2020

CUMMING
PO BOX 100
CUMMING, IA 50061

CITY BUSINESS

Date	Notes	Timekeeper	Quantity	Rate	Total
08/07/2020	Draft contract for potential city administrator, email to Charlie Ochanpaugh, Angie Ritchie and Mayor Becker	CW	0.75	\$175.00	\$131.25
08/07/2020	Draft Roth annexation documents	CW	0.45	\$175.00	\$78.75
08/07/2020	P&Z recommendation for chapter 122 and draft revisions to chapter, email to Angie Ritchie	CW	0.35	\$175.00	\$61.25
08/07/2020	Phone calls with Angie Ritchie re: agenda and packet, review resolutions for potential city administrator hire, emails to and from Angie Ritchie, review council meeting agenda and packet	CW	1.50	\$175.00	\$262.50
08/07/2020	review draft of contract	GH	0.25	\$0.00	\$0.00
08/10/2020	Phone calls with Angie Ritchie re: council meeting and postponing meeting, need for agenda revisions and reposting for Wednesday meeting, emails and phone call to Tom Henderson re: meeting postponement	CW	1.00	\$175.00	\$175.00
08/11/2020	Phone call with Thomas Cackler re: council meeting agenda, revise agenda, emails to and from Angie Ritchie and Thomas Cackler	CW	0.50	\$175.00	\$87.50
08/12/2020	Phone call with Tom Henderson re: council agenda and meeting, email to Angie Ritchie re: presentation	CW	0.40	\$175.00	\$70.00
08/12/2020	Phone call with Mayor Becker re: council meeting	CW	0.25	\$175.00	\$43.75
08/12/2020	City council meeting	CW	2.00	\$175.00	\$350.00
08/13/2020	telephone West Des Moines and Tom Henderson. separate matters. One questions on parkway and the other on TIF.	GH	0.25	\$200.00	\$50.00

08/14/2020	Email from Angie Ritchie re: Hometown Pride issue, research, memo to file	CW	0.30	\$175.00	\$52.50
08/14/2020	Phone call with Tom Henderson	CW	0.35	\$175.00	\$61.25
08/14/2020	Review special council meeting agenda and email to Angie Ritchie	CW	0.25	\$175.00	\$43.75
08/17/2020	Phone call from Angie Ritchie	CW	0.15	\$175.00	\$26.25
08/17/2020	Review agenda, review resumes for city admin position, phone call with Angie Ritchie	CW	0.35	\$175.00	\$61.25
08/17/2020	Email from Jeffrey Perkins and email response re: licensing agreement for Plum Forward	CW	0.25	\$175.00	\$43.75
08/17/2020	Review letters re: mowing complaint	CW	0.20	\$175.00	\$35.00
08/17/2020	Special council meeting 8.17.20	CW	1.70	\$175.00	\$297.50
08/19/2020	Review/Save/Handle: Email Correspondences; Kum & Go 0198 Pre-Application Meeting; Meeting Link; Annexation Meeting; P&Z Form; Urban Renewal; Water System; Ordinances; Public Hearing; 2825 N. Birch Complaint; Keep Iowa Beautiful Plum Forward.	TH	0.75	\$100.00	\$75.00
08/19/2020	Revise contract for city administrator/city clerk, email to Charlie Ochanpaugh	CW	0.50	\$175.00	\$87.50
08/20/2020	Phone call with Charlie Ochanpaugh	CW	0.25	\$175.00	\$43.75
08/20/2020	Review Planning and Zoning Agenda	CW	0.40	\$175.00	\$70.00
08/20/2020	telephone city	GH	0.30	\$200.00	\$60.00
08/21/2020	Review/Handle/Save: Email Correspondence; Order.	TH	0.25	\$100.00	\$25.00
08/21/2020	Email from Angie Ritchie re: P&Z and Council duties, email response	CW	0.40	\$175.00	\$70.00
08/24/2020	Phone call with Angie Ritchie re: TIF inquiry	CW	0.30	\$175.00	\$52.50
08/24/2020	Phone call with Tom Henderson re: TIF, Middlebrook, and other city matters	CW	0.50	\$175.00	\$87.50
08/25/2020	Review comments on City Admin contract and revise contract email to Mayor Becker and Charlie Ochanpaugh	CW	0.60	\$175.00	\$105.00
08/25/2020	Planning and Zoning meeting	CW	1.71	\$175.00	\$299.93
08/25/2020	Review farmers market and parking ordinances for planning and zoning meeting	CW	0.55	\$175.00	\$96.25
08/25/2020	telephone conversation regarding signed contract KIB	GH	0.25	\$200.00	\$50.00
08/26/2020	Review/Handle: Email Correspondences; City Admin Draft Contract.	TH	0.17	\$0.00	\$0.00
08/26/2020	Review denied building permit	CW	0.50	\$175.00	\$87.50
08/27/2020	email to Angie Ritchie re: denied building permit and process	CW	0.30	\$175.00	\$52.50

08/27/2020	Review/Handle: Email Correspondences; Signed General Obligation Loan, Special Meeting for Votes for City Administration position; Development Agreement.	TH	0.42	\$0.00	\$0.00
08/28/2020	Email to Travis Squires re: TIF meeting	CW	0.30	\$175.00	\$52.50
08/28/2020	Phone call with Travis Squires, email to Tim Hogan re: TIF informational meeting	CW	0.50	\$175.00	\$87.50
08/28/2020	Phone call with Angie Ritchie re: Special Meeting and Informational Meeting	CW	0.30	\$175.00	\$52.50
08/28/2020	Various emails re: TIF development agreement and informational meeting	CW	0.40	\$175.00	\$70.00
08/29/2020	review urban renewal and emails regarding the same, discussions and direction	GH	0.30	\$200.00	\$60.00
08/31/2020	Email from Travis Squires re: urban renewal amendment questions and email response re: estimated number of lots and values	CW	0.35	\$175.00	\$61.25
08/31/2020	Emails to and from Tim Hogan, Email from Travis Squires and Angie Ritchie, Phone Calls with Angie Ritchie, all re: TIF Informational Meeting	CW	0.40	\$175.00	\$70.00
08/31/2020	Phone call with Travis Squires re: Informational Meeting	CW	0.25	\$175.00	\$43.75
08/31/2020	Phone call with Travis Squires and Tim Hogan	CW	0.45	\$175.00	\$78.75
08/31/2020	Email to Tony Bellizzi re: Middlebrook development agreement	CW	0.15	\$175.00	\$26.25
08/31/2020	Review/Handle Email Correspondences; Admin Contract; Letter to School/Warren.	TH	0.17	\$100.00	\$16.67
08/31/2020	Review TIF Analysis; review agenda and packet for special council meeting, phone call with Charlie Ochanpaugh re: potential start dates for city admin	CW	0.40	\$175.00	\$70.00
08/31/2020	Informational meeting for urban renewal plan amendment	CW	1.50	\$175.00	\$262.50
08/31/2020	City council meeting 8/31/20	CW	1.00	\$175.00	\$175.00
08/31/2020	review agenda documents and urban renewal	GH	0.25	\$200.00	\$50.00
09/01/2020	Email from Jeffrey Perkins, phone call to Angie Ritchie and email to Jeffrey Perkins re: licensing agreement	CW	0.40	\$175.00	\$70.00
09/01/2020	Review/Handle: Email Correspondence; Valuations/Tax Base; Final City Administrator Contract; Plum Forward/Licensing.	TH	0.33	\$100.00	\$33.33
09/02/2020	Phone call with Bob Fagen	CW	0.25	\$175.00	\$43.75

Subtotal \$4,517.43

Great Western Crossing

Date	Notes	Timekeeper	Quantity	Rate	Total
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08/17/2020	Email to Amy Bjork re: development agreement	CW	0.20	\$175.00	\$35.00
08/19/2020	Review/Save/Handle: Email Correspondences: Agreement; Park Presentation.	TH	0.50	\$100.00	\$50.00
08/21/2020	Review/Handle/Save: Email Correspondence; Development Agreement.	TH	0.08	\$100.00	\$8.33
08/25/2020	Review/File: Email Correspondences; TIF and Development Agreement.	TH	0.33	\$100.00	\$33.33
08/27/2020	Review development agreement and phone call with Angie Ritchie re: TIF consultation	CW	0.80	\$175.00	\$140.00
08/28/2020	Review/Handle: Email Correspondences; Development Agreement.	TH	0.17	\$100.00	\$16.67
08/31/2020	Review/Handle: Email Correspondences; GWC Development Agreement and GWC TIF.	TH	0.75	\$100.00	\$75.00
09/01/2020	Review/Handle: Email Correspondence; TIF for Development Project.	TH	0.17	\$100.00	\$16.67
Subtotal					\$375.00

Middlebrook Development

Date	Notes	Timekeeper	Quantity	Rate	Total
08/19/2020	Review/Save/Handle: Email Correspondences: TIF; Permits; Spring Valley Sheds, LLC; Cumming HTP Display.	TH	0.50	\$100.00	\$50.00
08/25/2020	Review/File: Email Correspondence; TIF.	TH	0.17	\$100.00	\$16.67
09/01/2020	Review/Handle: Email Correspondence; Development Agreement	TH	0.17	\$100.00	\$16.67
Subtotal					\$83.34

2020 - City Council Meetings

Date	Notes	Timekeeper	Quantity	Rate	Total
08/19/2020	Review/Handle/Save: Email Correspondences; City Admin Draft Contract; City Admin Resolutions; Meeting Agenda.	TH	0.75	\$100.00	\$75.00
08/21/2020	Review/Handle/Save: Email Correspondences; New Government Emails; P&Z Agenda.	TH	0.33	\$100.00	\$33.33
08/25/2020	Review/File: Email Correspondence; City Admin Draft Contract.	TH	0.25	\$100.00	\$25.00
08/28/2020	Review/Handle: Email Correspondences; Special Meeting Re: Approving City Administrator. Prepare Council Book, Agenda, Packet.	TH	0.42	\$100.00	\$41.67
09/01/2020	Review/Handle: Email Correspondence; Special August 31, 2020 Meeting Minutes.	TH	0.17	\$100.00	\$16.67

Subtotal \$191.67

North River Sewer

Date	Notes	Timekeeper	Quantity	Rate	Total
08/19/2020	Review/Save/Handle: Email Correspondences.	TH	0.08	\$100.00	\$8.33
Subtotal					\$8.33

Board of Adjustment

Date	Notes	Timekeeper	Quantity	Rate	Total
08/26/2020	Review/Handle: Email Correspondences; 200 N. 60th Street Accessory Building Denied Permit.	TH	0.17	\$100.00	\$16.67
08/27/2020	Review/Handle: Email Correspondence; Denied Permit.	TH	0.17	\$100.00	\$16.67
Subtotal					\$33.34
Subtotal					\$5,209.11
Total					\$5,209.11

Detailed Statement of Account

Other Invoices

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
15116	08/10/2020	\$7,163.78	\$0.00	\$7,163.78

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
15441	09/08/2020	\$5,209.11	\$0.00	\$5,209.11
Outstanding Balance				\$12,372.89
Total Amount Outstanding				\$12,372.89

Trust Account

Date	Type	Notes	Matter	Receipts	Payments	Balance
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11/19/2018	CHECK	FUNDS RECEIVED IN EXCESS OF INVOICE #8550	Cumming - 1	\$5,269.17	\$5,269.17
11/19/2018	CHECK	PAYMENT OF INVOICE #8550	Cumming - 1	\$3,653.34	\$1,615.83
11/30/2018	CHECK	PAYMENT FOR INV. #8201	Cumming - 1	\$1,615.83	\$0.00
03/19/2019	CHECK	FUNDS IN EXCESS OF INVOICE #10047	Cumming - 1	\$5,253.33	\$5,253.33
03/19/2019	CHECK	PAYMENT OF INVOICE #10047	Cumming - 1	\$4,628.33	\$625.00
08/16/2019	CHECK	TO PAY BALANCE OF INVOICE #11362	Cumming - 1	\$625.00	\$0.00
Trust Account Balance					\$0.00

Please make all amounts payable to: Skinner Law Office, P.C.
 Payment is due upon receipt.
 We gladly accept Visa, Mastercard, Discover and American Express.

Revenue					
Date	Rec'd From	For	Amount	Date Deposited	Total for Month
8/6/2020	Dennis DeBruin	15 Yard Waste Tags	\$ 22.50	8/19/2020	\$ 22.50
8/10/2020	Don Paulin	Donation - Water Tower	\$ 50.00	8/19/2020	\$ 72.50
8/11/2020	Diligent, DHC1, LLC	Permit 2020-16	\$ 883.50	8/19/2020	\$ 956.00
8/13/2020	DMWW	Water, Sewer, garbage	\$ 4,495.12	8/19/2020	\$ 5,451.12
8/14/2020	Zenith Design Dev	Permit 2020-18	\$ 225.00	8/19/2020	\$ 5,676.12
8/18/2020	Vistor	4 Bulk Stickers	\$ 20.00	8/19/2020	\$ 5,696.12
8/18/2020	State of Iowa	RUT	\$ 2,117.06	8/18/2020	\$ 7,813.18
8/19/2020	Vistor	2 Yard Waste Stickers	\$ 3.00	8/19/2020	\$ 7,816.18
8/20/2020	Diligent	Invoice 2016	\$ 3,420.78	8/25/2020	\$ 11,236.96
8/27/2020	State of Iowa	LOST	\$ 3,109.94	8/27/2020	\$ 14,346.90

Applicant License Application (LC0028827)

Name of Applicant: <u>Cumming Tap Inc The</u>		
Name of Business (DBA): <u>Cumming Tap Inc The</u>		
Address of Premises: <u>117 N 44 St</u>		
City <u>Cumming</u>	County: <u>Warren</u>	Zip: <u>5006100</u>
Business <u>(515) 981-5149</u>		
Mailing <u>PO Box 37</u>		
City <u>Cumming</u>	State <u>IA</u>	Zip: <u>50061000</u>

Contact Person

Name <u>Robert Moural</u>		
Phone: <u>(515) 491-9581</u>	Email <u>bobmisfit@yahoo.com</u>	

Classification Class C Liquor License (LC) (Commercial)

Term: 12 months

Effective Date: 09/15/2020

Expiration Date: 09/14/2021

Privileges:

- Class C Liquor License (LC) (Commercial)
- Outdoor Service
- Sunday Sales

Status of Business

BusinessType: <u>Privately Held Corporation</u>
Corporate ID Number: <u>XXXXXXXXXX</u> Federal Employer ID <u>XXXXXXXXXX</u>

Ownership

Linda Waugh

First Name: Linda Last Name: Waugh
City: Cumming State: Iowa Zip: 50061
Position: Owner
% of Ownership: 0.00% U.S. Citizen: Yes

Robert Moural

First Name: Robert Last Name: Moural
City: Des Moines State: Iowa Zip: 50312
Position: Owner
% of Ownership: 100.00% U.S. Citizen: Yes

Insurance Company Information

Insurance Company: <u>Illinois Security Co</u>

Insurance Company: Illinois Casualty Co

Policy Effective Date: 09/15/2020

Policy Expiration 09/14/2021

Bond Effective

Dram Cancel Date:

Outdoor Service Effective

Outdoor Service Expiration

Temp Transfer Effective

Temp Transfer Expiration Date:

CITY OF CUMMING

APPLICATION TO SERVE ON A CITY BOARD OR COMMISSION

Name: John Botts Occupation: IT Systems Administrator

Address: Cumming, IA 50061 - Verified Cumming Resident AR

Best Phone Number to Reach You: _____

Email: johnwbotts@hotmail.com

How long have you been a resident? 4.5 years, since June 2015

- I am interested in serving on the following Board/Commission: Planning & Zoning

List Board/Commission you currently serve on: Madison County Sportsmen's Club / Secretary

List Board/Commission you have served on in the past: _____

Describe why you are interested and what knowledge and/or experience you have that would be beneficial to the community: I moved to Cumming, as I was looking for someplace that reminded me of where I grew up. Cumming is in a perfect place for commuting, yet getting away from the big city. I want to be a part of Cumming's growth and planning. I am a very detail-oriented person, and I have a great interest in building and development. I want to represent the Cumming residents, as well as my family, and myself with integrity. Other than myself and my immediate family living here, I have no other ties to Cumming that would influence me to act other than in the community's best interests.

Signature

02/28/2020
Date

Please return to:

Cumming City Hall
PO Box 100, 649 N 44th St, Cumming, IA 50061
cityclerk@cumming-iowa.com

NOTICE OF PUBLIC HEARING

CITY OF CUMMING

AMENDING CHAPTER 90 WATER SERVICE SYSTEM

Notice is hereby given that the City Council of the City of Cumming, Iowa, will conduct a public hearing on Monday, August 10, 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 90 Water Service System

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

ORDINANCE 2020-05

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CUMMING, IOWA, BY AMENDING PROVISIONS PERTAINING TO CHAPTER 90 WATER SERVICE SYSTEM

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

SECTION 1. SECTION ADDED. Section 90.12 of the Code of Ordinances of the City of Cumming, Iowa, is added to Chapter 90.

90.12 SHARING OF MAIN COSTS.

Where there are properties being developed that are separated by public access or streets and the properties can be served by one water main, Des Moines Water Works shall determine the side of the street on which the main will be located. The cost of installation of the main shall be borne by the developer who first develops the adjacent public access. Any person, firm or corporation who develops the property on the opposite side of the public access shall be required to pay the developer who originally installed said main, one-half the per foot cost of the installation times the number of frontage feet owned by the person, firm or corporation desiring to make said connection, subject to the following:

1. The initial developer shall provide documentation of all costs related to installation of the main to the City prior to acceptance of final plat.
2. No reimbursement shall be made after the expiration of ten years from acceptance of the final plat.
3. Any person, firm or corporation which becomes insolvent or ceases to do business after the signing of an agreement contemplated by this policy shall not be entitled to reimbursement and any agreement shall become null and void.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

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

Tom Becker, Mayor

ATTEST:

Angie Ritchie, Deputy Clerk

First Reading:

Second Reading:

Third Reading:

I certify that the foregoing was published as Ordinance 2020-05 on the ____ day of _____, 2020.

Angie Ritchie, Deputy Clerk

90.07 COMPLIANCE WITH PLUMBING CODE. The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the International Plumbing Code.

90.08 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a plumber licensed by the State, except that Des Moines Water Works shall be allowed to make routine service line repairs in connection with water main repairs.

90.09 FAILURE TO MAINTAIN. When any portion of the water service pipe, which is the responsibility of the property owner, becomes defective or creates a nuisance, and the owner fails to correct such nuisance, the Des Moines Water Works may do so, and the City may assess the costs thereof to the property.

90.10 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for 24 hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the City shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit. If the property owner is assessed, such assessment may be collected with, and in the same manner as, general property taxes.

90.11 OPERATION OF CURB STOP AND HYDRANTS. It is unlawful for any person, except the Des Moines Water Works or authorized City personnel, to turn water on at the curb stop, and no person, unless specifically authorized by the City or the Des Moines Water Works, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.

90.12 SHARING OF MAIN COSTS.

Where there are properties being developed that are separated by public access or streets and the properties can be served by one water main, Des Moines Water Works shall determine the side of the street on which the main will be located. The cost of installation of the main shall be borne by the developer who first develops the adjacent public access. Any person, firm or corporation who develops the property on the opposite side of the public access shall be required to pay the developer who originally installed said main, one-half the per foot cost of the installation times the number of frontage feet owned by the person, firm or corporation desiring to make said connection, subject to the following:

4. The initial developer shall provide documentation of all costs related to installation of the main to the City prior to acceptance of final plat.
5. No reimbursement shall be made after the expiration of ten years from acceptance of the final plat.
6. Any person, firm or corporation which becomes insolvent or ceases to do business after the signing of an agreement contemplated by this policy shall not be entitled to reimbursement and any agreement shall become null and void.

[The next page is 405]

CHAPTER 90

WATER SERVICE SYSTEM

90.01 Definitions

90.02 Mandatory Connections

90.03 Water Service Provided by Des Moines Water Works

90.04 Permits

90.05 Fees and Charges

90.06 Collections and Liens

90.07 Compliance with Plumbing Code

90.08 Plumber Required

90.09 Failure to Maintain

90.10 Completion by the City

90.11 Operation of Curb Stop and Hydrants

90.01 DEFINITIONS. The following terms are defined for use in the chapters in this Code of Ordinances pertaining to the Water Service System:

1. "Combined service account" means a customer service account for the provision of two or more utility services.
2. "Customer" means, in addition to any person receiving water service from the City, the owner of the property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
3. "Des Moines Water Works" means the City water utility organized under Chapter 388, *Code of Iowa*, which is officially known as the Board of Water Works Trustees of the City of Des Moines, Iowa.
4. "Superintendent" means the Des Moines Water Works.
5. "Water main" means a water supply pipe provided for public or community use.
6. "Water service pipe" means the pipe from the water main to the building served.
7. "Water system" means all public facilities for securing, collecting, storing, pumping, treating and distributing water.

90.02 MANDATORY CONNECTIONS. All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water system, if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

90.03 WATER SERVICE PROVIDED BY DES MOINES WATER WORKS. Water service to all customers, within and without the City, that are connected to the water system of the City shall be provided by the Des Moines Water Works, from and after January 1, 2007, pursuant to the terms of a Chapter 28E Agreement between the City and the Des Moines Water Works. All such service shall be provided directly by Des Moines Water Works as the water service provider to customer and shall be pursuant to the rates, fees, rules, and regulations established by the Des Moines Water Works from time to time.

90.04 PERMITS. Before any person makes a connection with the public water system, a written permit must be obtained from the Des Moines Water Works as provided in its rules and regulations.

90.05 FEES AND CHARGES. Fees and charges for permits, taps, connections, and all other services, including system development fees, shall be established by, and collected by, the Des Moines Water Works.

90.06 COLLECTIONS AND LIENS. The Des Moines Water Works shall have, and may exercise, all authority for collection of water rates and charges granted by law, including discontinuing service and imposition of liens as provided by law.

NOTICE OF PUBLIC HEARING CITY OF CUMMING

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

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

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

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, ALL IN SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF CUMMING, WARREN COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 7; THENCE NORTH 89°28'07" EAST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, 915.66 FEET TO THE SOUTHWEST CORNER OF TRACT 'A' AS SHOWN ON THE IOWA DEPARTMENT OF TRANSPORTATION ACQUISITION PLAT RECORDED IN BOOK 2012, PAGE 5962; THENCE NORTH 00°15'20" EAST ALONG THE WEST LINE OF SAID TRACT 'A', 40.00 FEET; THENCE NORTH 46°06'53" WEST CONTINUING ALONG SAID WEST LINE, 59.17 FEET TO THE POINT OF BEGINNING; THENCE NORTH 45°54'18" WEST, 76.74 FEET; THENCE NORTH 30°10'37" EAST, 224.05 FEET; THENCE NORTH 89°28'07" EAST, 480.83 FEET; THENCE SOUTH 00°31'53" EAST, 327.95 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89°28'07" WEST ALONG SAID SOUTH LINE, 70.00 FEET; THENCE NORTH 00°31'53" WEST, 40.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF HIGHWAY G14/CUMMING AVENUE; THENCE SOUTH 89°28'07" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, 175.70 FEET; THENCE NORTH 82°32'22" WEST CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE, 297.82 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.52 ACRES (153,340 SQUARE FEET).

THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

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

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

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

ORDINANCE 2020-06

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

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

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

PROPERTY DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, ALL IN SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF CUMMING, WARREN COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 7; THENCE NORTH 89°28'07" EAST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, 915.66 FEET TO THE SOUTHWEST CORNER OF TRACT 'A' AS SHOWN ON THE IOWA DEPARTMENT OF TRANSPORTATION ACQUISITION PLAT RECORDED IN BOOK 2012, PAGE 5962; THENCE NORTH 00°15'20" EAST ALONG THE WEST LINE OF SAID TRACT 'A', 40.00 FEET; THENCE NORTH 46°06'53" WEST CONTINUING ALONG SAID WEST LINE, 59.17 FEET TO THE POINT OF BEGINNING; THENCE NORTH 45°54'18" WEST, 76.74 FEET; THENCE NORTH 30°10'37" EAST, 224.05 FEET; THENCE NORTH 89°28'07" EAST, 480.83 FEET; THENCE SOUTH 00°31'53" EAST, 327.95 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89°28'07" WEST ALONG SAID SOUTH LINE, 70.00 FEET; THENCE NORTH 00°31'53" WEST, 40.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF HIGHWAY G14/CUMMING AVENUE; THENCE SOUTH 89°28'07" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, 175.70 FEET; THENCE NORTH 82°32'22" WEST CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE, 297.82 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.52 ACRES (153,340 SQUARE FEET).

THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

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

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

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

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

Tom Becker, Mayor

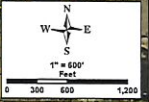
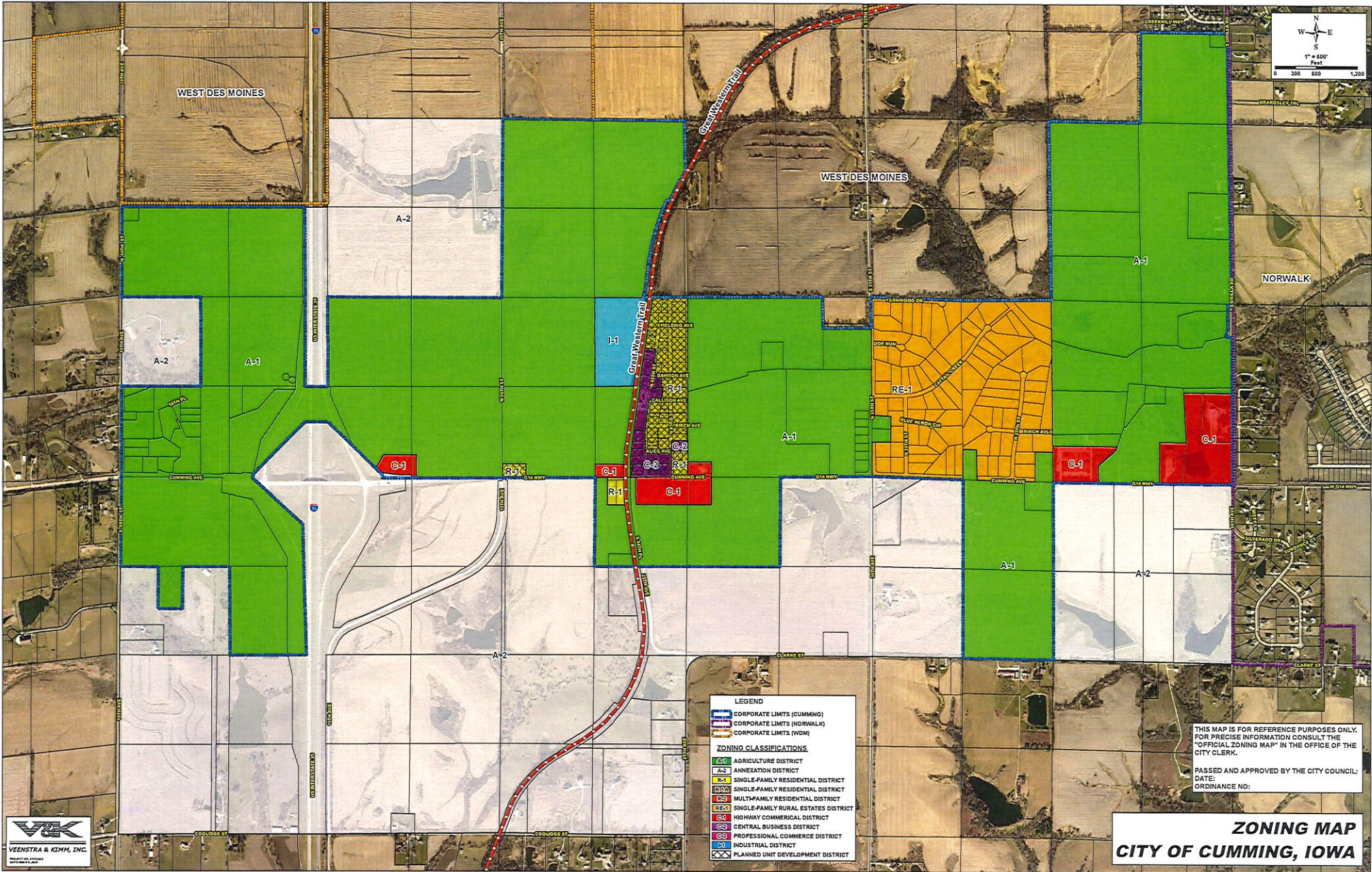
Attest:

Robert Fagen, City Administrator/Clerk

First Reading:
Second Reading:
Third Reading:

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

Angie Ritchie, Deputy Clerk



LEGEND

- CORPORATE LIMITS (CUMMING)
- CORPORATE LIMITS (NORWALK)
- CORPORATE LIMITS (WDM)

ZONING CLASSIFICATIONS

- A-1 AGRICULTURE DISTRICT
- A-2 ANNEZATION DISTRICT
- R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT
- R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT
- R-3 MULTIFAMILY RESIDENTIAL DISTRICT
- RE-1 SINGLE-FAMILY RURAL ESTATES DISTRICT
- C-1 HIGHWAY COMMERCIAL DISTRICT
- C-2 CENTRAL BUSINESS DISTRICT
- C-3 PROFESSIONAL COMMERCE DISTRICT
- I-1 INDUSTRIAL DISTRICT
- P-1 PLANNED UNIT DEVELOPMENT DISTRICT

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

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

**ZONING MAP
 CITY OF CUMMING, IOWA**



CITY OF CUMMING
NOTICE OF ELECTRONIC HEARING
NOTICE OF PUBLIC HEARING ON PROPOSED
URBAN RENEWAL PLAN AMENDMENT

Notice Is Hereby Given: That at 7 o'clock p.m., at the City Hall, Cumming, Iowa, on September 14, 2020, the City Council of the City of Cumming, Iowa, will hold a public hearing on the question of amending the urban renewal plan for the Consolidated Cumming Urban Renewal Areas (the "Urban Renewal Areas") to authorize the undertaking of new urban renewal projects in the Urban Renewal Areas consisting of (1) providing tax increment financing support to Diligent GWC, LLC, in connection with the construction of public infrastructure necessary for the development of a residential subdivision, including the construction of a park and recreational trails; and (2) using tax increment financing to pay the costs of undertaking the City's South Sewer Extension Project in support of commercial development in the Urban Renewal Area. A copy of the amendment is on file for public inspection in the office of the City Clerk.

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/87981005255?pwd=Q21vQkFHYINpUDJlVlc2QktPNmNndz09>

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

At said hearing any interested person may file written objections or comments and may be heard orally with respect to the subject matters of the hearing.

Angie Ritchie
Deputy Clerk

RESOLUTION 2020-60

Resolution to Approve Urban Renewal Plan Amendment for the Consolidated Cumming Urban Renewal Areas

WHEREAS, as a preliminary step to exercising the authority conferred upon Iowa cities by Chapter 403 of the Code of Iowa (the "Urban Renewal Law"), a municipality must adopt a resolution finding that one or more slums, blighted or economic development areas exist in the municipality and that the rehabilitation, conservation, redevelopment, development or a combination thereof, of such area or areas is necessary in the interest of the public health, safety or welfare of the residents of the municipality; and

WHEREAS, this City Council of the City of Cumming, Iowa (the "City"), by prior resolution established the Consolidated Cumming Urban Renewal Areas (the "Urban Renewal Areas") and adopted an urban renewal plan (the "Plan") for the governance of projects and initiatives therein; and

WHEREAS, an amendment (the "Amendment") to the Plan has been prepared which authorizes the undertaking of new urban renewal projects (the "Projects") in the Urban Renewal Area consisting of (1) providing tax increment financing support to Diligent GWC, LLC in connection with the construction of public infrastructure necessary for the development of a residential subdivision, including the construction of a park and recreational trails; and (2) using tax increment financing to pay the costs of undertaking the City's South Sewer Extension Project in support of commercial development in the Urban Renewal Area; and

WHEREAS, notice of a public hearing by the City Council on the proposed Amendment was heretofore given in strict compliance with the provisions of Chapter 403 of the Code of Iowa, and the Council has conducted said hearing on September 14, 2020; and

WHEREAS, copies of the Amendment, notice of public hearing and notice of a consultation meeting with respect to the Amendment were mailed to Warren County and the Norwalk Community School District; the consultation meeting was held on the 31st day of August, 2020; and responses to any comments or recommendations received following the consultation meeting were made as required by law;

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

Section 1. The Amendment, attached hereto and made a part hereof, is hereby in all respects approved.

Section 2. It is hereby determined by this City Council as follows:

A. The Projects proposed under the Amendment conform to the general plan for the development of the City;

B. The Projects proposed under the Amendment are necessary and appropriate to facilitate the proper growth and development of the City in accordance with sound planning standards and local community objectives;

C. It is not intended that families will be displaced as a result of the City's undertaking under the Amendment. Should such issues arise with future projects, then the City will ensure that a feasible method exists to carry out any relocations without undue hardship to the displaced and into safe, decent, affordable and sanitary housing.

Section 3. All resolutions or parts thereof in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved September 14, 2020.

Tom Becker, Mayor

Attest:

Rober Fagen, City Administrator/City Clerk

(Attach copy of the urban renewal plan amendment to this resolution.)

••••

Upon motion and vote, the meeting adjourned.

Tom Becker, Mayor

Attest:

Robert Fagen, City Administrator/City Clerk

NOTICE OF PUBLIC HEARING

CITY OF CUMMING

AMENDING CHAPTER 122 PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

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

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

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

ORDINANCE 2020-07

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

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

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

122.06 TRANSIENT MERCHANT BOND.

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

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

122.10 MOBILE FOOD AND BEVERAGE VENDORS

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

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

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

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

D. The following shall be exempt from this requirement:

(1) Catering businesses.

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

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

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

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

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

3. Fire Department Inspection:

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

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

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

4. Mobile Food Unit Vendor Annual Licensing Application:

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

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

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

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

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

(1) Full name of the applicant.

(2) Applicant's contact information including mailing address, phone numbers and e-mail address.

(3) State health inspection certificate with the classification level of the state license identified.

(4) Description of the kitchen facilities, cooking facilities, preparation area, safety features (suppression system, etc.) of the mobile food unit.

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

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

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

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

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

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

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

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

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

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

C. Mobile food units within three hundred feet (300') of a residential use or residentially zoned property, shall be limited to hours of operation between seven o'clock (7:00) A.M. and ten thirty o'clock (10:30) P.M.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Tom Becker, Mayor

ATTEST:

Robert Fagen, City Administrator/Clerk

First Reading:

Second Reading:

Third Reading:

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

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 14th day of September, 2020.

Tom Becker, Mayor

ATTEST: _____
Robert Fagen, City Administrator, Clerk

First Reading: July 13, 2020

Second Reading: August 10, 2020

Third Reading: September 14, 2020

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

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 OFF 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

ORDINANCE 2020-03

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CUMMING, IOWA, BY AMENDING PROVISIONS PERTAINING TO CHAPTER 55 ANIMAL PROTECTION AND CONTROL

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

SECTION 1. CHAPTER MODIFIED. Chapter 55 of the Code of Ordinances of the City of Cumming, Iowa, is repealed and the following adopted in lieu thereof: See Attached Chapter 55 Animal Protection and Control.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed and Approved by the Council the 14th day of September, 2020.

Tom Becker, Mayor

ATTEST:

Robert Fagen, City Administrator, Clerk

First Reading: July 13, 2020

Second Reading: August 10, 2020

Third Reading: September 14, 2020

I certify that the foregoing was published as Ordinance 2020-03 on the ____ day of _____, 2020.

Angie Ritchie, Deputy Clerk

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]

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

ORDINANCE 2020-04

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CUMMING, IOWA, BY AMENDING PROVISIONS PERTAINING TO CHAPTER 69.09 TRUCK PARKING LIMITED

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

SECTION 1. CHAPTER MODIFIED. Chapter 69.09 of the Code of Ordinances of the City of Cumming, Iowa, is repealed and the following adopted in lieu thereof: See Attached Chapter 69.09 Truck Parking Limited.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed and Approved by the Council the 14th day of September, 2020.

Tom Becker, Mayor

ATTEST:

Robert Fagen, City Administrator/Clerk

First Reading: July 13, 2020

Second Reading: August 10, 2020

Third Reading: September 14, 2020

I certify that the foregoing was published as Ordinance 2020-04 on the ____ day of _____, 2020.

Angie Ritchie, Deputy Clerk

CHAPTER 69

PARKING REGULATIONS

69.01 Park Adjacent to Curb
69.02 Parking on One-Way Streets
69.03 Angle Parking
69.04 Manner of Angle Parking
69.05 Parking for Certain Purposes Illegal
69.06 Parking Prohibited

69.07 Persons with Disabilities Parking
69.08 No Parking Zones
69.09 Truck Parking Limited
69.10 Snow Removal
69.11 Snow Routes
69.12 Loading Zones

69.01 PARK ADJACENT TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within 18 inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, Sec. 321.361)

69.02 PARKING ON ONE-WAY STREETS. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within 18 inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

69.03 ANGLE PARKING. Angle or diagonal parking is permitted only in the following locations:
(Code of Iowa, Sec. 321.361)

1. North 44th Street, on the west side, from Cumming Avenue to North Alice Avenue.

69.04 MANNER OF ANGLE PARKING. Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle or the load thereon, when said vehicle is parked within a diagonal parking district, shall extend into the roadway more than a distance of 16 feet when measured at right angles to the adjacent curb or edge of roadway.

(Code of Iowa, Sec. 321.361)

69.05 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon public property for more than 36 hours, unless otherwise limited under the provisions of this chapter, or for any of the following principal purposes:

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

1. Sale. Displaying such vehicle for sale.
2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency.
3. Advertising. Displaying advertising.
4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under this Code of Ordinances.

69.06 PARKING PROHIBITED. No one shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device, in any of the following places:

1. Crosswalk. On a crosswalk.
(Code of Iowa, Sec. 321.358[5])
2. Center Parkway. On the center parkway or dividing area of any divided street.
(Code of Iowa, Sec. 321.236[1])
3. Mailboxes. Within 20 feet on either side of a mailbox that is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
(Code of Iowa, Sec. 321.236[1])
4. Sidewalks. On or across a sidewalk.
(Code of Iowa, Sec. 321.358[1])
5. Driveway. In front of a public or private driveway.
(Code of Iowa, Sec. 321.358[2])
6. Intersection. Within an intersection or within 10 feet of an intersection of any street or alley.
(Code of Iowa, Sec. 321.358[3])
7. Fire Hydrant. Within five feet of a fire hydrant.
(Code of Iowa, Sec. 321.358[4])
8. Stop Sign or Signal. Within 10 feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
(Code of Iowa, Sec. 321.358[6])
9. Railroad Crossing. Within 50 feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
(Code of Iowa, Sec. 321.358[8])
10. Fire Station. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly sign posted.
(Code of Iowa, Sec. 321.358[9])
11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
(Code of Iowa, Sec. 321.358[10])
12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
(Code of Iowa, Sec. 321.358[11])
13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.
(Code of Iowa, Sec. 321.358[13])
14. Churches, Nursing Homes and Other Buildings. A space of 50 feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than 25 sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall

be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

(Code of Iowa, Sec. 321.360)

15. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection do not apply to a vehicle parked in any alley that is 18 feet wide or less, provided that said vehicle is parked to deliver goods or services.

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

16. Ramps. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.

(Code of Iowa, Sec. 321.358[15])

17. In More Than One Space. In any designated parking space so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such space.

69.07 PERSONS WITH DISABILITIES PARKING. The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the *Code of Iowa* and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.

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

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

A. Use by an operator of a vehicle not displaying a persons with disabilities parking permit.

B. Use by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the *Code of Iowa*.

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

3. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:

A. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A[1] of the *Code of Iowa* when utilizing a wheelchair parking cone.

B. A person shall not interfere with a wheelchair parking cone that is properly placed under the provisions of Section 321L.2A[1] of the *Code of Iowa*.

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

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

1. 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]

Resolution 2020-58

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 42-1124870, 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 9/14/20 (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:

Table with 3 columns: Name and Title or Position, Signature, Facsimile Signature (if used). Rows include Thomas Cackler, Larry D. Goode, Jr., Brent Highfill, Kathie E. Hungerford, Charles Ochanpaugh, Robert Fagen, and Angie Ritchie.

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.	_____
F _____	(2) Open any deposit or share account(s) in the name of the Association.	_____
A,B,C,D,E, F, G _____	(3) Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with this Financial Institution.	2 _____
F _____	(4) Borrow money on behalf and in the name of the Association, sign, execute and deliver promissory notes or other evidences of indebtedness.	_____
F _____	(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 _____

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 2020-59

**RESOLUTION APPROVING STREET FINANCE REPORT
FOR FISCAL YEAR 2019-2020**

WHEREAS, the Code of Iowa, Chapter 312, Section 14, requires that all cities prepare and submit an Annual Street Finance Report of expenditures and receipts to the Iowa Department of Transportation.

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

- Section 1. The Council has reviewed all forms required by this report and found them to be in compliance with the requirements of the Iowa Code.
- Section 2. The City Clerk is directed to submit these forms to the Iowa Department of Transportation before September 30, 2020.

BE IT FURTHER RESOLVED, by the City Council of Cumming, Iowa, that the Mayor and the City Administrator/City Clerk are hereby authorized and directed to execute said Resolution.

Passed and approved this 14^h day of September, 2020.

AYES:

NAYS:

ABSENT:

Tom Becker, Mayor

ATTEST:

Robert Fagen, City Administrator/City Clerk

Street Finance Report for Cumming 2020

Expenses	General Fund Streets (001)	Special Revenues		Debt Service (200)	Capital Projects (300)	Utilities (600 & Up)	Grand Total
		Road Use (110)	Other				
Other Maintenance and Repair		\$18,622					\$18,622
Street Lighting	\$7,645						\$7,645
Snow Removal	\$10,021						\$10,021
Street Cleaning	\$1,560						\$1,560
Total	\$19,226	\$18,622	\$0	\$0	\$0	\$0	\$37,848

Street Finance Report for Cumming 2020

Revenues	General Fund Streets (001)	Special Revenues		Debt Service (200)	Capital Projects (300)	Utilities (600 & Up)	Grand Total
		Road Use (110)	Other				
Levied on Property	\$19,226						\$19,226
State Revenues - Road Use Taxes		\$25,717					\$25,717
Total	\$19,226	\$25,717	\$0	\$0	\$0	\$0	\$44,943

Street Finance Report for Cumming 2020

Bond/Loan Description	Principal Balance As of 7/1	Total Principal Paid	Total Interest Paid	Principal Roads	Interest Roads	Principal Balance As of 6/30
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No bond/loans found

Street Finance Report for Cumming 2020

Description	Model Year	Usage Type	Cost	Purchased Status
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No equipment found

Street Finance Report for Cumming 2020

Project Description	Contract Price	Final Price	Contractor Name
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No projects found

Street Finance Report for Cumming 2020

Summary	General Fund Streets (001)	Special Revenues		Debt Service (200)	Capital Projects (300)	Utilities (600 & Up)	Grand Total
		Road Use (110)	Other				
Beginning Balance		\$43,546					\$43,546
Expense	\$19,226	\$18,622					\$37,848
Revenue	\$19,226	\$25,717					\$44,943
Ending Balance		\$50,641					\$50,641

Resolution Number: 2020-59

Execution Date: 14-Sep-20

Signature:

**Resolution 2020-61
City of Cumming**

**Approving and Authorizing Execution of an Agreement for
Snow and Ice Removal for the City of Cumming**

WHEREAS, due to the ever-increasing costs of snow removal, the City requested information regarding the cost of providing snow and ice removal from Dan Voss and Jim Kean for October 1, 2020 thru June 30, 2021, and

WHEREAS, Dan Voss and Jim Kean have submitted a responsible bid, and

Charges associated with this bid:

Truck with blade	\$85.00 per hour
Snow blower/walks	\$50.00 per hour
Pay Loader w/16' blade	\$170.00 per hour
End loader (large)	\$100.00 per hour
Dump Truck	\$95.00 per hour
Sand w/calcium	\$190.00 per ton
Ice Melt	\$25/50# bag

WHEREAS, the City Council, City of Cumming, Iowa, does believe it is in the best interest of the City to enter into an agreement for snow and ice removal services from October 1, 2020 thru June 30, 2021,

THEREFORE, BE IT RESOLVED that the Mayor is hereby authorized and directed to execute said Agreement for Snow and Ice Removal Services with Dan Voss and Jim Kean, for and on behalf of the City of Cumming, Iowa.

Passed and approved this 14th day of September, 2020.

Tom Becker, Mayor

Attest: _____
Robert Fagen, City Administrator/City Clerk

RESOLUTION 2020-62
City of Cumming

**Resolution to Fix a Date of Meeting at Which it is Proposed to Approve a
Development Agreement with Diligent GWC, LLC, Including Annual
Appropriation Tax Increment Payments**

WHEREAS, the City of Cumming, Iowa (the “City”), pursuant to and in strict compliance with all laws applicable to the City, and in particular the provisions of Chapter 403 of the Code of Iowa, has adopted an Urban Renewal Plan for the Consolidated Cumming Urban Renewal Areas (collectively the “Urban Renewal Area”); and

WHEREAS, this City Council has adopted an ordinance providing for the division of taxes levied on taxable property in the Urban Renewal Area pursuant to Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa, which fund and the portion of taxes referred to in that subsection may be irrevocably pledged by the City for the payment of the principal and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

WHEREAS, the City proposes to enter into an agreement (the “Development Agreement”) with Diligent GWC, LLC (the “Developer”) in connection with the construction of public infrastructure necessary for the development of a residential subdivision in the Urban Renewal Area, including the construction of a park and recreational trails; and

WHEREAS, the Development Agreement would provide financial incentives to the Developer in the form of annual appropriation incremental property tax payments in an amount not to exceed \$1,500,000 under the authority of Section 403.9(1) of the Code of Iowa; and

WHEREAS, it is necessary to set a date for a public hearing on the Development Agreement, pursuant to Section 403.9 of the Code of Iowa;

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

Section 1. This City Council shall meet on September 28, 2020, at 7 o'clock p.m., electronically or at the City Hall, in the City, at which time and place proceedings will be instituted and action taken to approve the Development Agreement and to authorize the annual appropriation incremental property tax payments.

Section 2. The City Clerk is hereby directed to give notice of the proposed action, the time when and place where said meeting will be held, by publication at least once not less than four days and not more than twenty days before the date of said meeting in a legal newspaper of general circulation in the City. Said notice shall be in substantially the following form:

NOTICE OF MEETING FOR APPROVAL OF DEVELOPMENT AGREEMENT WITH DILIGENT GWC, LLC AND AUTHORIZATION OF ANNUAL APPROPRIATION TAX INCREMENT PAYMENTS

The City Council of the City of Cumming, Iowa, will meet at the City Hall, on September 28, 2020, at 7 o'clock p.m., at which time and place proceedings will be instituted and action taken to approve a Development Agreement between the City and Diligent GWC, LLC (the "Developer"), in connection with the construction of public infrastructure necessary for the development of a residential subdivision in the Consolidated Cumming Urban Renewal Areas, including the construction of a park and recreational trails, which Agreement provides for certain financial incentives to the Developer in the form of annual appropriation incremental property tax payments in a total amount not exceeding \$1,500,000, as authorized by Section 403.9 of the Code of Iowa.

The agreement to make annual appropriation incremental property tax payments to the Developer will not be a general obligation of the City, but will be payable solely and only from incremental property tax revenues generated within the Consolidated Cumming Urban Renewal Areas. Some or all of the payments to the Developer under the Development Agreement will be subject to annual appropriation by the City Council.

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

<https://us02web.zoom.us/j/81848597604?pwd=aTFZb0ZJeDM4Z0dmd2NqaUZ2RVdxQT09>

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

At the meeting, the City Council will receive oral or written objections from any resident or property owner of the City. Thereafter, the Council may, at the meeting or at an adjournment thereof, take additional action to approve the Development Agreement or may abandon the proposal.

This notice is given by order of the City Council of Cumming, Iowa, in accordance with Section 403.9 of the Code of Iowa.

Angie Ritchie
City Clerk

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Passed and approved September 14, 2020.

Tom Becker, Mayor

Attest:

Robert Fagen, City Administrator/City Clerk

••••

On motion and vote the meeting adjourned.

Tom Becker, Mayor

Attest:

Robert Fagen, City Administrator/City Clerk

STATE OF IOWA
COUNTY OF WARREN SS:
CITY OF CUMMING

I, the undersigned, City Clerk of the City of Cumming, hereby certify that the foregoing is a true and correct copy of the minutes of the Council of the City relating to the adoption of a resolution to fix a date of meeting at which it is proposed to take action to approve a Development Agreement with Diligent GWC, LLC.

I do further certify that the notice of hearing, to which the printed slip attached to the publisher's original 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.

Angie Ritchie, Deputy Clerk

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

(PLEASE NOTE: Do not sign and date this certificate until you have checked a copy of the published notice and have verified that it was published on the date indicated in the publisher's affidavit.)

**RESOLUTION 2020-63
CITY OF CUMMING**

**RESOLUTION REQUESTING REIMBURSEMENT FROM THE IOWA COVID-19
GOVERNMENT RELIEF FUND**

A resolution by the City of Cumming, Iowa, to request reimbursement for eligible costs related to the COVID-19 public health emergency from the Iowa COVID-19 Government Relief Fund.

WHEREAS, the United States Congress approved the Coronavirus Aid, Relief, and Economic Security (CARES) Act to provide economic relief related to the COVID-19 pandemic.

WHEREAS, Governor Kim Reynolds allocated \$125 million of the State of Iowa's CARES Act funding to local governments for direct expenses incurred in response to the COVID-19 emergency.

WHEREAS, local government funding reimbursements may only be used for necessary expenditures incurred due to the COVID-19 pandemic, were not accounted for in the current fiscal year city budget, were incurred during the time period of March 1, 2020 through December 30, 2020 and have not been reimbursed from other sources.

NOW, THEREFORE BE IT RESOLVED, the City of Cumming, Iowa requests reimbursement of \$_____ eligible expenditures in response to the COVID-19 public health emergency.

BE IT FURTHER RESOLVED, the City of Cumming, Iowa, affirms that the above requests for reimbursement follow all formal published Federal and State of Iowa guidance on how the funds should be spent, and understand if the reimbursements are misrepresented, the local government will be liable for any applicable penalty and interest.

HEREBY RESOLVED but the City Council for the City of Cumming, Iowa, on this 14th day of September, 2020.

Tom Becker, Mayor

Attested:

Robert Fagen, City Administrator/Clerk

Warren Coe Snow

Proposal

PROPOSAL NO.		DATE
BID NO.		ARCHITECT
TO	WORK TO BE PERFORMED AT:	
ADDRESS	ADDRESS	
CITY, STATE	CITY, STATE	
PHONE NO.	DATE OF PLANS	

TO: City of Cumming
 WORK TO BE PERFORMED AT: Contact
 ADDRESS: Dan Viss 681-9867
 CITY, STATE: _____
 DATE OF PLANS: _____

We hereby propose to furnish the materials and perform the labor necessary for the completion of Signs

Area below for additional description and/or drawings:

Replace 4x4 wood post @ 2835 N Birch
+ Reinstall signs * Hit by Lawn mower
Install city's post + signs on trail 2

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of _____ Dollars (\$ 350) with payments to be made as follows. on completion

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted _____
 Per _____

Note - This proposal may be withdrawn by us if not accepted within _____ days.

ACCEPTANCE OF PROPOSAL The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

RECEIVED SEP 10 2020

Date 9-9-20 Signature [Signature]