

**NOTICE OF REGULAR COUNCIL MEETING  
CUMMING CITY COUNCIL  
August 28, 2023 – 6:00 p.m.  
Cumming City Hall, 649 N. 44<sup>th</sup> St., Cumming, IA\***

**ROLL CALL**

**APPROVAL OF AGENDA** as presented and/or amended

**PUBLIC COMMENT**

**PUBLIC HEARING**

- a. Rezoning of the Middlebrook Agrihood, Estimated 617 Total Acres, from A-1 Agricultural to PUD, Planned Unit Development
  - i. City of Cumming Comprehensive Plan  
<https://app.box.com/file/1135213796082?s=gq5cm7hbrzoieaj1hhrivmckmp0zxywn&sb=/activity>
  - ii. Middlebrook Plan  
<https://app.box.com/s/yfudn9fwc5lm53j4vye71ksathnxfyyd>

**CONSENT ITEMS**

- A. Minutes from the August 14<sup>th</sup>, 2023 Regular Council Meeting
- B. Payment of Bills
- C. Resolution No. 2023-54 Set Public Hearing for Ordinance No. 2023-03 No Parking
- D. Resolution No. 2023-55 Set Public Hearing Regarding Environmental Review for the Old Town Sanitary Sewer Project-State of Iowa Revolving Loan Fund (SRLF)

**BUSINESS ITEMS**

- A. First Reading of Ordinance No. 2023-02 Rezoning of the Middlebrook Agrihood, Estimated 617 Total Acres, from A-1 Agricultural to PUD, Planned Unit Development

**INFORMATIONAL ITEMS**

**REPORTS:**

A. Mayor B. Council C. Attorney D. City Administrator E. City Clerk

**ADJOURN**

**UPCOMING ITEMS**

Ordinance ATV-UTV Usage  
Ordinance: Street Closures-Events

\*The City of Cumming welcomes public participation. If unable to attend this meeting in person, online and phone participation are available below. For questions, please contact City Hall at 649 N 44<sup>th</sup> Street, 515-981-9214 or email at [nonstot@cumming.iowa.gov](mailto:nonstot@cumming.iowa.gov)

Join Zoom Meeting  
<https://us02web.zoom.us/j/2382663968>  
Meeting ID: 238 266 3968  
By phone  
646-931-3860 (2382663968#)

## **Council Communication: Council Meeting Items for August 28, 2023**

### **SUBMITTED BY:**

Rita Conner, City Administrator

### **SYNOPSIS:**

The information below summarizes items before the Council for August 28, 2023.

### **PUBLIC HEARING:**

Rezoning of the Middlebrook Agrihood, Estimated 617 Total Acres, from A-1 Agricultural to PUD, Planned Unit Development

- City of Cumming Comprehensive Land Use Plan  
<https://app.box.com/file/1135213796082?s=gg5cm7hbrzoieaj1hhrivmckmp0zxywn&sb=/activity>
- Middlebrook Plan <https://app.box.com/s/yfudn9fwc5lm53j4vye71ksathnxfyyd>  
Supplemental Middlebrook Plan materials  
<https://middlebrookfarm.com/about#the-vision>  
<https://middlebrookfarm.com/community#town-center>.

### **CONSENT ITEMS:**

- C. Resolution No. 2023-54 Set Public Hearing for Ordinance No. 2023-03 No Parking
- D. Resolution No. 2023-55 Set Public Hearing Regarding Environmental Review for the Old Town Sanitary Sewer Project-State of Iowa Revolving Loan Fund (SRLF)
- Item C was discussed by Council August 14, 2023. The intent is to update the ordinance chapter on no parking zones by adding in streets that were not included in prior amendments to this ordinance.
- Item D is a requirement with our funding for the Old Town Sanitary Sewer Project to hold a hearing for the results of the project area's environmental review and offer time for public input.

### **BUSINESS ITEMS**

Middlebrook Agrihood Planned Unit Development Rezoning

Summary: Diligent Development Group (Tim Portzen, Vice President, Diligent Development Group, LLC 12119 Stratford Drive Clive, Iowa 50325) is proposing the rezoning of approximately 617 acres of land now zoned A-1 agricultural to PUD (Planned Unit Development).

The rezoning will provide for the development of the property over the next 15-20 years under a master conceptual development plan. The master plan is intended to guide future neighborhoods that:

- 1.) Are compatible with the City of Cumming Comprehensive Land Use Plan;

- 2.) Successfully integrate housing, commercial businesses, open spaces and agricultural practices.
- 3) Connect effectively and well to the existing Cumming neighborhoods of Old Town, Great Western Crossing, Prairie Shores, Apple Creek and Twin Ponds.

Background and General Information: Diligent Development Group brought forward the concept of the Middlebrook Agrihood in 2019-20 (est.). The City of Cumming conducted an annexation process for the property, and there is also a comprehensive Council approved agreement that defines all of the elements involved in the proposed project.

Diligent has maintained a website for the Middlebrook Agrihood with the planning documents, concepts and vision statements. (Please see links under the Public Hearing section of the agenda and this Council Communication). They have also conducted informational sessions at the Middlebrook Mercantile on an ongoing basis.

On May 22, June 27 and July 25, the Diligent team attended Planning & Zoning Commission meetings for informational review of the Planned Unit Development (PUD) rezoning concept and the Master Conceptual Development Plan, prior to beginning the process for public hearings and formal action. Planning & Zoning Commission members asked detailed questions and discussed all elements of the proposal and the goals of the Comprehensive Land Use Plan.

On August 22, P & Z held a public hearing on the rezoning of the Middlebrook Agrihood from A-1 Agricultural to PUD and voted to approve the item 6-0. This matter is now before Council for public hearing. Following the hearing will be a total of three (3) readings of Ordinance No. 2023-02. The three readings of the ordinance will take place on the following dates:

First Reading	August 28, 2023
Second Reading	September 11, 2023
Third Reading	September 25, 2023

Staff review for the Planning & Zoning and City Council has included: Code of Ordinances Chapter 165.23, Planned Unit Development Regulations

- Compatibility with Comprehensive Plan
  - Land Use and Density
  - Building types, function, architecture
  - Provision of open space and landscaping
  - Access and circulation
  - General Relationship to surrounding area
- Master Conceptual Development Plan
- Land use, density, size, bulk regulations open spaces, dwelling units, streets, utilities
  - Main elements for trail connectivity, streets, utilities

- Dwelling units, mixed use, common areas
- Comparison to our current community's development, the built environment, community scale, products in the existing market, desired typology of our community as a smaller, connected environment growing at a manageable and measured pace in high quality fashion.

#### Points for Council Consideration

- This is a conceptual Master Development Plan, not a set of construction drawings or even a site plan. It is presented to do the best job it can to inform Council and the public at this stage of the development process. A conceptual plan is the very much the appropriate document at this stage. Much more analysis, fieldwork and engineering design is necessary over time to fix actual street locations, the location of public utilities, and the many, many other details that involve the development of over 600 acres of land. That level of work has simply not been done yet, not would we expect it to be. Conceptual plans are prepared to assist in the telling of a story that is about a long game approach, not to set details in stone.
- This rezoning process is the first step in a series of steps. Rezoning the property to a PUD is an intentional move to allow for the City of Cumming to build out our future neighborhoods, businesses and the mixed-use districts we envision in a planned and collaborative manner over a number of years. A PUD rezoning will generally be followed by a preliminary plat, which begins to hone in on a specific section of the development to begin work on. Preliminary plats are followed by site plans and construction plans for public improvements.
- We are working with the developer to hard identify the actual starting place, which currently looks to be the first block off Cumming Avenue, extending 44<sup>th</sup> Street to the south. Large scale PUDs do not generally start at multiple places in their geography, but strategically identify where there are existing utilities and investment strengths that can provide the best outcomes. This particular opportunity block has long been discussed and included in the planning materials as a "town center" or "Main Street" vision. This may include office/retail businesses, first floor commercial spaces with upper story residential units (may allow for live-work opportunities such as we see in many communities and districts-East Village, Valley Junction, Adel, Winterset, Indianola). The development team has been evaluating business offices, services such as banking, real estate, food and upper story housing of limited density. These are the types of first block projects that will be brought forward following the rezoning process. Early steps to put projects together are underway, including identification of funding sources.
- Finally, it should be noted that Wilson's Orchard and Middlebrook Farm are already located in the Middlebrook Agrihood. We are also able to see the development and building approach from Diligent in the Mercantile, the new park and upcoming Great Western Crossing homes, townhomes and Harvest Moon.

**OFFICIAL PUBLICATION  
CITY OF CUMMING  
Regular Council Meeting 8/14/2023  
To be Approved at 8/28/2023 Meeting**

The Regular City Council Meeting of the City of Cumming was held at Cumming City Hall 649 N. 44<sup>th</sup> St. on Monday, August 14, 2023. The Meeting was called to Order at 6:00 P.M. by Mayor Pro-tem Charlie Ochanpaugh. Present at Roll Call: Councilmembers Charlie Ochanpaugh, Kathie Hungerford, Thomas Cackler, Larry "Dino" Good and Martin Squier. Motion made by Cackler, Seconded by Hungerford to Approve the - Agenda. Approved 5-0

**Public Comment:** None

**Public Hearings:** None

**Consent Items**

Motion made by Squier, Seconded by Hungerford to Approve Consent Items: Minutes from July 24, 2023, Payment of Bills, Warren County Sheriff's Office Monthly Report, Resolution No. 2023-53 Council Meeting Time; motion by Goode, seconded by Cackler, July 2023 Balance sheet, July 2023 Profit and Loss Report. Consent agenda items approved 5-0

**Payment of Bills:**

**Business Items**

- A. Review and Discussion of Current City Ordinance: ATV/UTV Usage. Looking to update current ordinances regarding ATV/UTV usage, wanting clearer defined rules/regulations.
- B. Review and Discussion of Ordinance 2020-08, regarding No Parking. Looking to update current ordinance, to include no parking on west side of north/south streets and no parking on the south side of east/west running streets. Require no parking signs. No parking within a block of G14, with the exception of Old Town businesses.
- C. Review and Discussion of Street Closure/Events. Looking to add a new ordinance for street closures for events. Require neighbor consent 30 days out from event, must have proof of insurance and a small administrative fee.

**Adjourn:**

Motion by Cackler and seconded by Squier to adjourn the meeting at 7:53 PM. Approved 5-0.  
NEXT CITY COUNCIL MEETING: August 24, 2023, 6:00 pm at City Hall.

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Brent Highfill, Mayor

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Attest: Nichole Onstot, City Clerk

9:11 AM

08/24/23

**City of Cumming**  
**Claims To Be Approved**  
**All Transactions**

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<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Check	08/16/2023		Combined Systems ...	Invoice 160269	-37.25
Check	08/21/2023		Waste Solutions of Io...	Invoice 68136	-120.00
Check	08/21/2023		Iowa League of Cities	Invoice 99350 7/1/23 - 6/30/24	-523.00
Check	08/23/2023		McClure Engineering...	Invoice 146767	-10,884.00
Check	08/23/2023		Century Link	Invoice for June Services	-284.57
Check	08/23/2023		MCP, LLC	5th Payment	-357.00
Check	08/23/2023		MCP, LLC	Nuisance Mowing	-225.00
Check	08/23/2023		MCP, LLC	5th Payment	-4,786.00
<b>Total</b>					<b>-17,216.82</b>

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**RESOLUTION 2023-54  
CITY OF CUMMING**

**SET A PUBLIC HEARING DATE TO AMEND THE CODE OF PARKING  
ORDINANCES OF THE CITY OF CUMMING, IOWA, BY AMMENDING PROVISIONS  
PERTAINING TO CHAPTER 69 PARKING REGULATIONS NO PARKING ZONES**

**WHEREAS**, The City Council of the City of Cumming, Iowa, desires to consider amending the no parking zones ordinances and;

**WHEREAS**, the is amendment to provisions pertaining to chapter 69 parking regulations, no parking zone described as follows in the accompanying draft Ordinance and;

**WHEREAS**, Iowa Law requires a Public Hearing be held before the Council prior to any changes to parking ordinances.

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

Section 1. The Council will meet at City Hall, 649 N. 44<sup>th</sup> Street, Cumming, Iowa, on Monday, September 11, 2023, at 6:00 p.m., at which time and place it will hold a public hearing on the matter of amending the provisions pertaining to chapter 69 parking regulations, no parking zones.

Section 2. The City Clerk shall post notice of said hearing, which posting shall be at the three public places in said City which have been permanently designated by ordinance, and such posting shall be at least 7 days but not more than 20 days prior to any action by the City Council.

Passed and approved this 28<sup>th</sup> day of August 2023.

\_\_\_\_\_  
Brent Highfill, Mayor

Attest:

\_\_\_\_\_  
Nichole Onstot, City Clerk

# ORDINANCE 2023-03

## AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CUMMING, IOWA, BY AMENDING PROVISIONS PERTAINING TO CHAPTER 69 PARKING REGULATIONS NO PARKING ZONES

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

**SECTION 1. CHAPTER MODIFIED.** Chapter 69.08 of the Code of Ordinances of the City of Cumming, Iowa, is repealed and the following adopted in lieu thereof:

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 43<sup>rd</sup> Street, on the west side, from Cumming Avenue to Alice Avenue.
2. Alice Avenue, on the south side, from North 44<sup>th</sup> Street to North 43<sup>rd</sup> Street.
3. Alice Avenue, on the south side, from North 43<sup>rd</sup> Street to the east end of the street.
4. Birch Avenue, on the south side, from North 44<sup>th</sup> Street to North 43<sup>rd</sup> Street.
5. North 43<sup>rd</sup> Street, on the west side, from Birch Avenue to Callison Avenue.
6. N. Callison Avenue, on the south side from North 44<sup>th</sup> Street to North 43<sup>rd</sup> Street
7. N. Callison Avenue, on the south side, from North 43<sup>rd</sup> to the east end of the street
8. N. Dawson Avenue, on the south side from North 44<sup>th</sup> Street to North 43<sup>rd</sup> street
9. N. Dawson Avenue, on the south side, from North 43<sup>rd</sup> to the east end of the street
10. Cumming Avenue, on the north side, from North 44<sup>th</sup> Street to North 43<sup>rd</sup> Street (from north side of sidewalk to center of roadway).
11. Cumming Avenue, on the south side, from North 44<sup>th</sup> Street to North 43<sup>rd</sup> Street (from existing fence line to center of roadway).
12. North 40<sup>th</sup> Street, on the west side from Cumming Avenue to north end of the street.
13. North 36<sup>th</sup> Street, on the west side from Cumming Avenue to North Callison Avenue.
14. North Brier Lane, on the south side, from North 36<sup>th</sup> Street to east end of the street.
15. North 38<sup>th</sup> Street, on the west side, from North Brier Lane to North Callison Avenue.



16. North Callison Avenue, on the south side, from North 35<sup>th</sup> street to east end of the street.
17. North 35<sup>th</sup> Street, on east side of the road, to North Fernwood Drive.
18. North 35<sup>th</sup> Street, on west side of the road, to North Fernwood Drive.
19. North Fernwood Drive, on the south side of the street to the west end of the street.
20. North Doe Run, on the south side of the street to the west end of the street.
21. North Cattail Creek, on the south side of the road to the west end of the street.
22. North 34<sup>th</sup> Street, on the west side of the street to North Cattail Creek.
23. North Blue Heron Circle, on the south side of the road to the west end of the street.
24. North 29<sup>th</sup> Street, on the west side, from Cumming Avenue to north end of the street.
25. North Birch Avenue, on the south side, from east end of the street, to west end of the street.

**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 September, 2023.

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Brent Highfill, Mayor

ATTEST:

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Nichole Onstot, City Clerk

First Reading: 08/28/2023

Second Reading: 09/11/2023

Third Reading: 09/25/2023

I certify that the foregoing was published as Ordinance 2023-03 on the 28<sup>th</sup> day of September, 2023.

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Nichole Onstot, City Clerk

**CLERK'S CERTIFICATE**

State of Iowa )  
 ) SS  
County of Warren )

I, Nichole Onstot, City Clerk of the City of Cumming, Iowa, hereby certify that the “ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CUMMING, IOWA, BY AMENDING PROVISIONS PERTAINING TO CHAPTER 69.08 PARKING REGULATIONS NO PARKING ZONES,” was adopted by the City Council of the City of Cumming, Iowa, and that an official copy of said Code of Ordinances is on file at the office of the City Clerk, City of Cumming, Iowa, and that Ordinance No. 2023-03 adopting said Code of Ordinances was passed by the City Council of the City of Cumming, Iowa, on the --day of September, 2023, signed by the Mayor on the --day of September, 2023; duly recorded and published as provided by law, and that the effective date of said Code is --, 2023.

Witness my hand and official seal of the City of Cumming, Iowa, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

SIGNED: \_\_\_\_\_  
Nichole Onstot, City Clerk  
CITY OF CUMMING, IOWA

**RESOLUTION 2023-55  
CITY OF CUMMING**

**SET A PUBLIC HEARING DATE REGARDING ENVIRONMENTAL REVIEW  
RESULTS FOR THE OLD TOWN SANITARY SEWER PROJECT**

**WHEREAS**, The City Council of the City of Cumming, Iowa, is undertaking a capital improvement project to improve sanitary sewer waste management and conveyance in the Old Town area, generally located north of Cumming Avenue along N 44<sup>th</sup> Street and N 43<sup>rd</sup> Street and;

**WHEREAS**, the project funding sources include a State of Iowa Revolving Loan that is administered by the Iowa Finance Authority; and;

**WHEREAS**, Federal and Iowa Law connected to this funding require a Public Hearing be held before the Council on the results of the environmental review and provide for public comment.

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

Section 1. The Council will meet at City Hall, 649 N. 44<sup>th</sup> Street, Cumming, Iowa, on Monday, September 25, 2023, at 6:00 p.m., at which time and place it will hold a public hearing on the matter of the environmental review.

Section 2. The City Clerk shall post notice of said hearing, which posting shall be at the three public places in said City which have been permanently designated by ordinance, and such posting shall be 30 days prior to any action by the City Council.

Passed and approved this 28<sup>th</sup> day of August 2023.

\_\_\_\_\_  
Brent Highfill, Mayor

Attest:

\_\_\_\_\_  
Nichole Onstot, City Clerk

**Why You Should Read This:** The document below reviews the environmental impact likely from a project. This project is planned to be federally funded through your tax dollars; therefore, you are entitled to take part in its review. If you have concerns about the environmental impact of this project, raise them now. We encourage public input in this decision making process.



**IOWA STATE REVOLVING FUND**  
**ENVIRONMENTAL INFORMATION DOCUMENT**

**PROJECT IDENTIFICATION**

**Applicant:** City of Cumming  
**County:** Warren  
**State:** Iowa

**SRF Number:** CS1921098 01  
**Iowa DNR Project Number:** W2023-0198A

**COMMUNITY DESCRIPTION**

**Location:** The City of Cumming is located in Warren County, Iowa approximately 18 miles southwest of Des Moines.

**Population:** The population of Cumming according to the 2020 US Census was 436 persons. While the design is targeted for 2043, the current project is to correct system deficiencies for existing customers.

**Project Background:** The original collection system in this area was installed in 1990, which connected private septic systems to the municipal sewer collection system that conveyed wastewater to a treatment facility operated and maintained by the City of Cumming. In 2012, the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) extended service to Cumming. Subsequently, Cumming decommissioned their treatment facility.

The existing collection system has undersized submains (6-inch diameter) relying on existing septic systems to serve residential users. This system design does not meet the current design standards of typical systems. Overtime, deterioration of the system has resulted in excessive inflow and infiltration entering the system causing larger than expected flows, based on the size of the community, and inflated charges from the WRA. Reconstruction of the sanitary sewer collection system would include abandonment of private septic tanks and construction of a new sewer main and laterals, including private connections. The new sanitary sewer main would connect to the WRA trunk sewer for treatment.

## PROJECT DESCRIPTION

**Purpose:** The purpose of this project is to make improvements to the wastewater collection system to enhance its reliability, reduce expense, and to eliminate sources of infiltration and inflow in order to better safely and reliably operate the City of Cumming's wastewater collection system for at least the next 20 years.

**Proposed Improvements:** The project includes construction of approximately 5,100 linear feet of new 8-inch diameter sanitary sewer main, construction of approximately 4,000 linear feet of 4-inch diameter private laterals, abandonment of the existing private septic tanks, and associated replacement of pavement.

## ALTERNATIVES CONSIDERED

**Alternatives Considered:** Reconstruction of the sewer system must provide service to existing customers, though the route was not fixed. Various alignments of sewer mains and laterals were considered.

**Reasons for Selection of Proposed Alternative:** The No-Action alternative is not viable due to aging infrastructure and inflated expense for treatment due to high rates of infiltration and inflow through the current sewer system. Sizing of the sewer mains will comply with current design standards (8-inch diameter). The project location was selected for the efficient connection of customers, to provide easy access for maintenance, engineering criteria, and a minimum of construction disturbance to citizens, as well as minimization of the impacts to the environment.

## MEASURES TAKEN TO ASSESS IMPACT

**Coordination and Documentation with Other Agencies and Special Interest Groups:** The following Federal, state and local agencies were asked to comment on the proposed project to better assess the potential impact to the environment:

- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- State Historical Society of Iowa (State Historical Preservation Office)
- Iowa DNR Conservation and Recreation Division
- Iowa DNR Flood Plain Management Section
- Citizen Band Potawatomi Indian Tribe
- Flandreau Santee Sioux
- Ho-Chunk Nation
- Iowa Tribe of Kansas and Nebraska
- Iowa Tribe of Oklahoma
- Kickapoo Tribe in Kansas
- Kickapoo Tribe of Oklahoma
- Lower Sioux Indian Community Council
- Miami Tribe of Oklahoma
- Omaha Tribal Council
- Osage Tribal Council
- Otoe-Missouria Tribe
- Pawnee Nation of Oklahoma
- Peoria Tribe of Indians of Oklahoma
- Ponca Tribe of Indians of Oklahoma

Ponca Tribe of Nebraska  
Prairie Band Potawatomi Nation  
Prairie Island Indian Community  
Sac & Fox Nation of Mississippi in Iowa  
Sac & Fox Nation of Missouri  
Sac & Fox Nation of Oklahoma  
Santee Sioux Nation  
Shakopee Mdewakanton Sioux Community  
Sisseton-Wahpeton Oyate  
Spirit Lake Tribal Council  
Three Affiliated Tribes Mandan, Hidatsa & Arikara Nations  
Upper Sioux Tribe  
Winnebago Tribal Council  
Yankton Sioux Tribal Business and Claims Committee  
Warren County Historic Preservation Commission

No adverse comments were received from any agencies. Conditions placed on the applicant by the above agencies in order to assure no significant impact are included in the Summary of Reasons for Concluding No Significant Impact section.

## ENVIRONMENTAL IMPACT SUMMARY

**Construction:** Traffic patterns within the community may be disrupted and above normal noise levels in the vicinity of the construction equipment can be anticipated during construction and should be a temporary problem. Adverse environmental impacts on noise quality will be handled by limited hours of contractor work time during the day. Other adverse environmental effects from construction activities will be minimized by proper construction practices, inspection, prompt cleanup, and other appropriate measures. Areas temporarily disturbed by the construction will be restored. Solid wastes resulting from the construction project will be regularly cleared away with substantial efforts made to minimize inconvenience to area residents.

Care will be taken to maintain dirt to avoid erosion and runoff. The proposed project will disturb one or more acres of soil; therefore, the applicant is required to obtain an NPDES General Permit Number 2 (for storm water discharge associated with construction activities) and abide by its terms. Provided that this permit is obtained and the terms of which are abided by, no significant impact to surface water quality, fish, shellfish, wildlife, or their natural habitats is expected.

Temporary air quality degradation may occur due to dust and fumes from construction equipment. The applicant shall take reasonable precautions to prevent the discharge of visible emissions of fugitive dusts beyond the lot line of the property during the proposed project (567 Iowa Administrative Code IAC 23.3(2)“c”).

Properties that contain regulated materials are located within or very near the proposed project area. If construction activities find an unknown area of contamination, it is the responsibility of the applicant to follow the procedure for notification of hazardous conditions (567 IAC 131.2). Excavated soil that contains a hazardous substance must be assessed and properly disposed of (567 IAC 100.4).

**Historical/Archaeological:** Various Native American tribes with an interest in the area and the Certified Local Government were provided information regarding the project. A Phase I Archeological investigation of the proposed project area is currently underway. Results from this investigation will be submitted to the State Historical Preservation Office (SHPO) for review. The project will only proceed as planned if a determination of either “no historic properties affected” or “no adverse affect on historic properties” can be appropriately reached with or without mitigation. However, if project activities uncover any item(s) that might be of archaeological, historical, or architectural interest, or if important new archaeological, historical, or architectural data should be encountered in the project APE, the applicant should make reasonable efforts to avoid further impacts to the property until an assessment can be made by an individual meeting the Secretary of the Interior’s professional qualifications standards (36 CFR Part 61).

**Environmental:** According to the Iowa DNR Conservation and Recreation Division, the proposed project will not interfere with any State-owned parks, recreational areas or open spaces. While the U.S. Army Corps of Engineers has not yet commented on this project, no impacts to wetland are expected. The project will not impact any wild and scenic rivers as none exist within the State of Iowa. The U.S. Fish & Wildlife Service Section 7 Technical Assistance website consultation determined, and Iowa DNR Conservation and Recreation Division agree, that the project will not impact protected species or their habitats provided that any tree cutting is conducted between October 1 and March 31 to avoid impacting endangered bats. However, if any State- or Federally-listed threatened or endangered species or communities are found during the planning or construction phases, additional studies and/or mitigation may be required. According to the Iowa DNR Flood Plain Management Section, this project will not impact the 100-year floodplain. No adverse impacts are expected to result from this project, such as those to surface water quantity, or groundwater quality or quantity.

**Land Use and Trends:** The project will not displace population nor will it alter the character of existing residential areas. No significant farmlands will be impacted. This project should not impact population trends as the presence or absence of existing water/sewer infrastructure is unlikely to induce significant alterations in the population growth or distribution given the myriad of factors that influence development in this region. Similarly, this project is unlikely to induce significant alterations in the pattern and type of land use.

**Irreversible and Irretrievable Commitment of Resources:** Fuels, materials, and various forms of energy will be utilized during construction

**Nondiscrimination:** All programs, projects, and activities undertaken by DNR in the SRF programs are subject to federal anti-discrimination laws, including the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and section 13 of the Federal Water Pollution Control Amendments of 1972. These laws prohibit discrimination on the basis of race, color, national origin, sex, disability, or age.

## **POSITIVE ENVIRONMENTAL EFFECTS TO BE REALIZED FROM THE PROPOSED PROJECT**

Positive environmental effects will be improved conveyance of the wastewater from the City of Cumming. By reducing sources of inflow and infiltration, Cumming will reduce the cost of treatment charged by the WRA to its citizens.

## SUMMARY OF REASONS FOR CONCLUDING NO SIGNIFICANT IMPACT

- The project will not significantly affect the pattern and type of land use (industrial, commercial, agricultural, recreational, residential) or growth and distribution of population.
- The project will not conflict with local, regional or State land use plans or policies.
- While the U.S. Army Corps of Engineers has not yet commented on this project, no impacts to wetland are expected.
- The project will not affect threatened and endangered species or their habitats provided that any tree cutting is conducted between October 1 and March 31 to avoid impacting endangered bats. If any State- or Federally-listed threatened or endangered species or communities are found during the planning or construction phases, additional studies and/or mitigation may be required.
- The project will not displace population, alter the character of existing residential areas, or convert significant farmlands to non-agricultural purposes.
- The project will not affect the 100-year flood plain.
- The project will not have effect on parklands, preserves, other public lands, or areas of recognized scenic or recreational value.
- A Phase I Archeological investigation of the proposed project area is currently underway. Results from this investigation will be submitted to the State Historical Preservation Office for review. The project will only proceed as planned if a determination of either “no historic properties affected” or “no adverse affect on historic properties” can be appropriately reached with or without mitigation.
- The project will not have a significant adverse effect upon local ambient air quality provided the applicant takes reasonable precautions to prevent the discharge of visible emissions of fugitive dusts beyond the lot line of the property during the proposed project (567 IAC 23.3(2)“c”).
- The project will not have a significant adverse effect upon local ambient noise levels, surface water quantity, groundwater quality or quantity, or water supply.
- No significant impact to surface water quality, fish, shellfish, wildlife, or their natural habitats is expected provided that an NPDES General Permit Number 2 (for storm water discharge associated with construction activities) is obtained and the terms of which are abided by.

The project description, scope, and anticipated environmental impacts detailed above are accurate and complete to the best to my knowledge.

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Signature of the Mayor, City of Cumming

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Date

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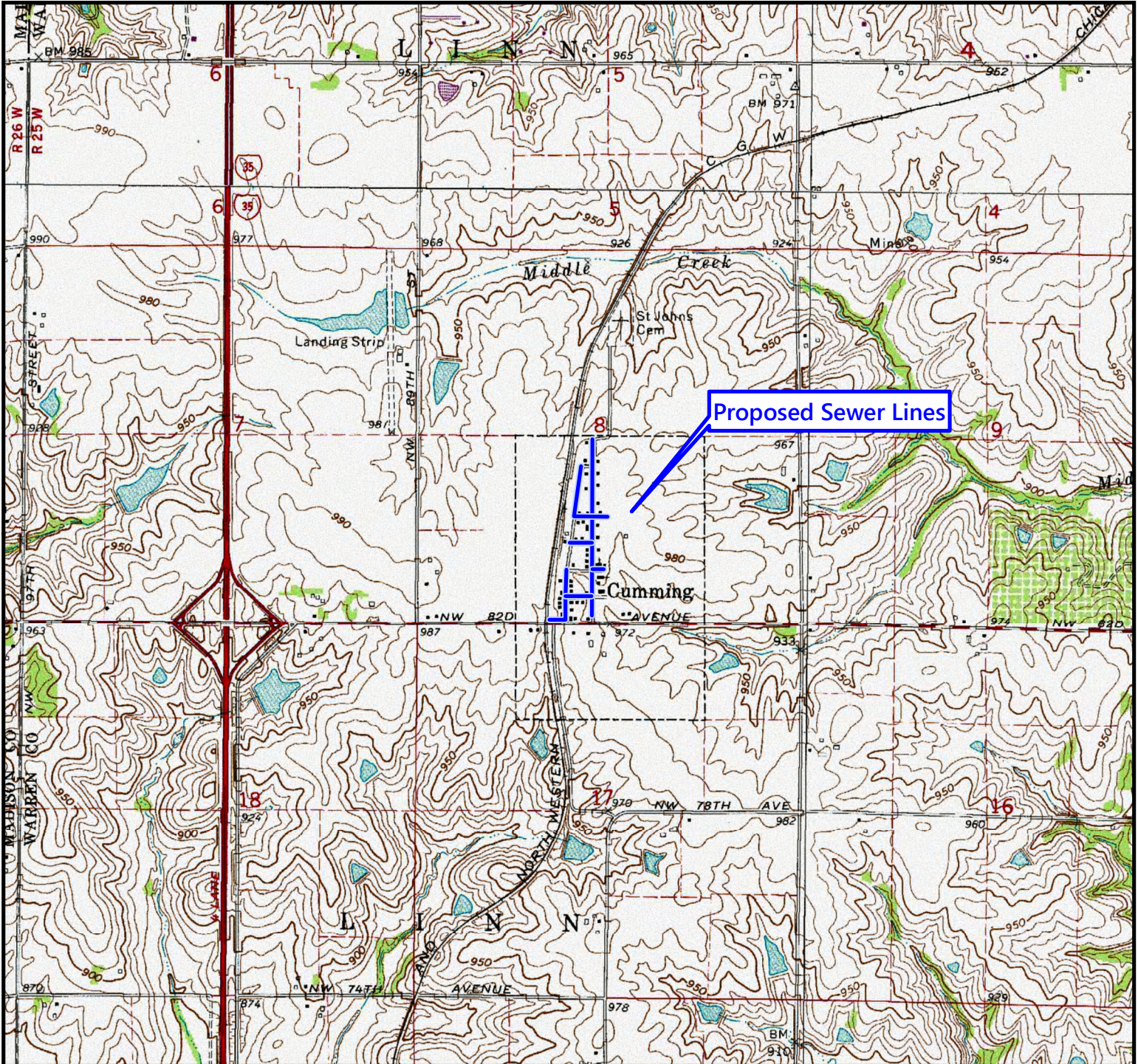
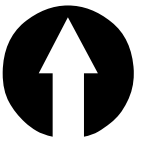
Printed Name of the Mayor, City of Cumming





**STATE**  
REVOLVING FUND  
IOWA

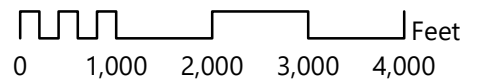
USGS 7.5' Quad: Cumming  
S: 08, T: 77N, R: 25W  
Date: 1972



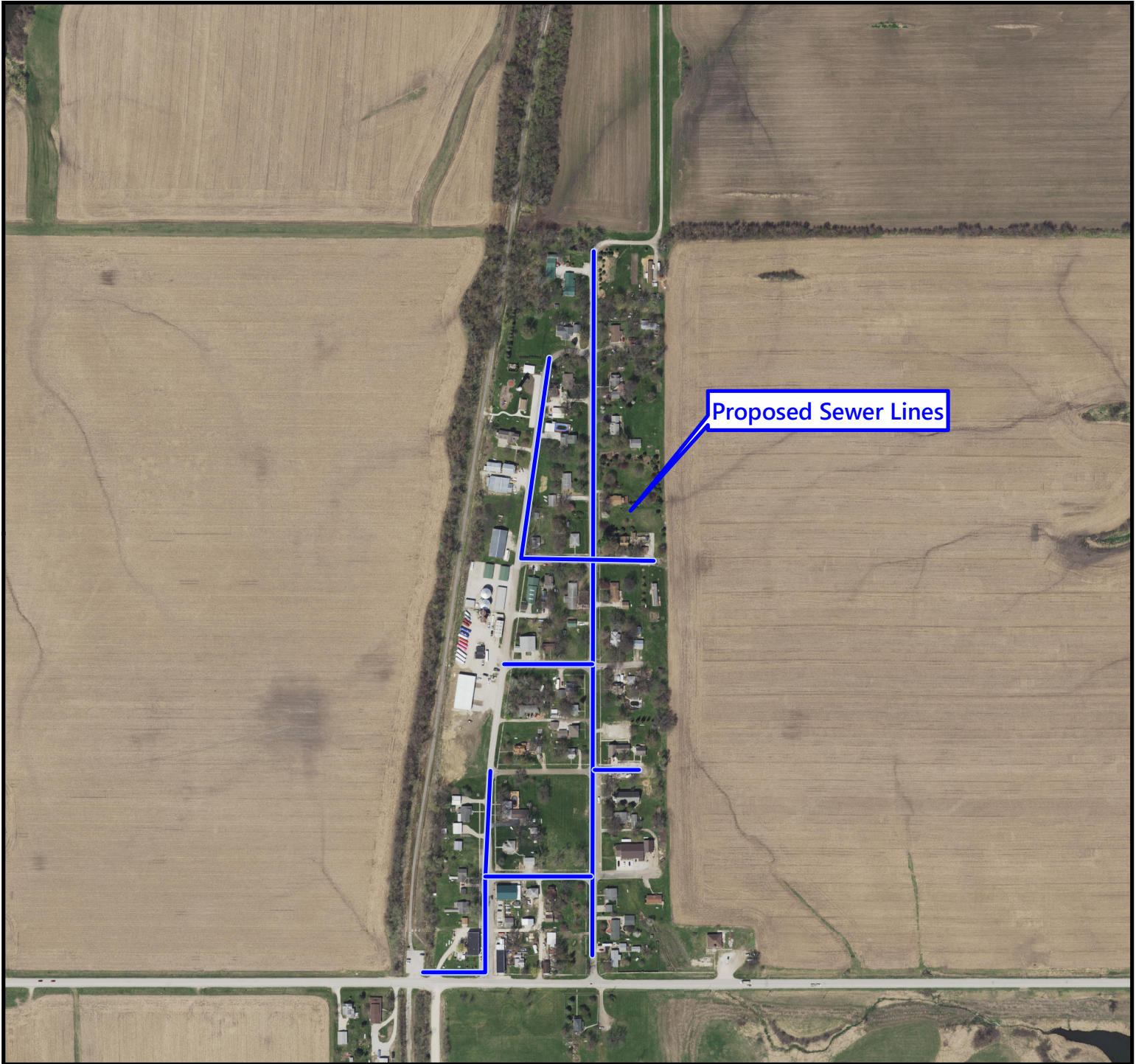
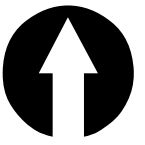
# Topographic Map

Cumming Sewer Addition  
Cumming, Iowa (Warren County)

Scale: 1 inch = 2,000 feet



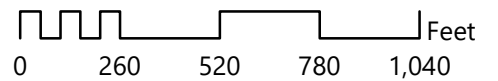




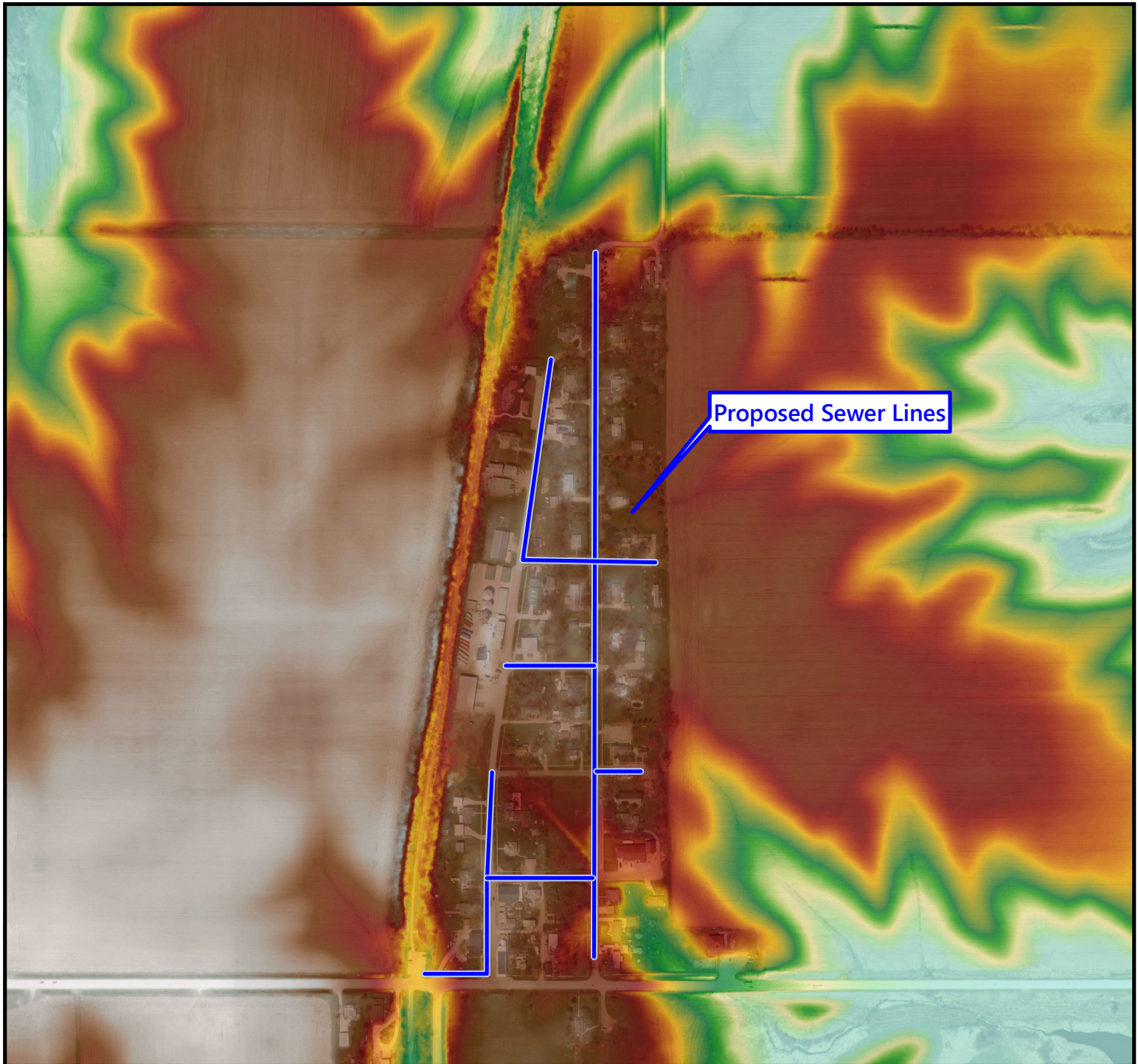
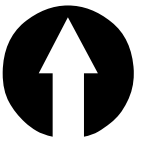
# Aerial Photograph

Cumming Sewer Addition  
Cumming, Iowa (Warren County)

Scale: 1 inch = 500 feet







# LiDAR

Cumming Sewer Addition  
Cumming, Iowa (Warren County)

Scale: 1 inch = 500 feet

