

**NOTICE OF REGULAR COUNCIL MEETING
CUMMING CITY COUNCIL
September 11, 2023 – 6:00 p.m.
Cumming City Hall, 649 N. 44th St., Cumming, IA***

ROLL CALL

APPROVAL OF AGENDA as presented and/or amended

PUBLIC COMMENT

PUBLIC HEARING

- A. Continue Public Hearing for Ordinance No. 2023-03, No Parking, until September 25, 2023

CONSENT ITEMS

- B. Minutes from the August 28th, 2023 Regular Council Meeting
- C. Payment of Bills
- D. Second Reading of Ordinance No. 2023-02 Rezoning of the Middlebrook Agrihood, Estimated 617 Total Acres, from A-1 Agricultural to PUD, Planned Unit Development
- E. Payment Application #3 for work completed on the Cumming Avenue Widening and 50th Street Paving project for period July 1, 2023 to August 13, 2023 for \$271,283.15 Resolution No. 2023-56
- F. Sheriff's Report August 2023
- G. Wilson's Orchard Public Sewer Extension Payment of \$61,000 to be paid to Fox Ridge Farms, LLC Resolution No. 2023-57
- H. Alcohol Permit for Cumming Tap

BUSINESS ITEMS

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 44th Street, 515-981-9214 or email at nonstot@cumming.iowa.gov

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

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 Chapter 69.08 of the Code of Ordinances of the City of Cumming, Iowa, is repealed and the following adopted in lieu thereof: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 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. N. Callison Avenue, on the south side from North 44th Street to North 43rd Street
7. N. Callison Avenue, on the south side, from North 43rd to the east end of the street
8. N. Dawson Avenue, on the south side from North 44th Street to North 43rd street
9. N. Dawson Avenue, on the south side, from North 43rd to the east end of the street
10. Cumming Avenue, on the north side, from North 44th Street to North 43rd Street (from north side of sidewalk to center of roadway).
11. Cumming Avenue, on the south side, from North 44th Street to North 43rd Street (from existing fence line to center of roadway).
12. North 40th Street, on the west side from Cumming Avenue to north end of the street.
13. North 36th Street, on the west side from Cumming Avenue to North Callison Avenue.
14. North Brier Lane, on the south side, from North 36th Street to east end of the street.
15. North 38th Street, on the west side, from North Brier Lane to North Callison Avenue.

16. North Callison Avenue, on the south side, from North 35th street to east end of the street.
17. North 35th Street, on east side of the road, to North Fernwood Drive.
18. North 35th 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 34th 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 29th 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.

Brent Highfill, Mayor

ATTEST:

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 28th day of September, 2023.

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

**OFFICIAL PUBLICATION
CITY OF CUMMING
Regular Council Meeting 8/28/2023
To be Approved at 9/11/2023 Meeting**

The Regular City Council Meeting of the City of Cumming was held at Cumming City Hall 649 N. 44th St. on Monday, August 14, 2023. The Meeting was called to Order at 6:03 P.M. by Mayor Brent Highfill. 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: Public Hearing is called to order at 6:06 PM by Mayor Brent Highfill. We received one written public comment from resident Richard Gates 2686 Clarke St Cumming, IA 50061; “I am opposed to the proposed rezoning of the 617 acres of Middlebrook from A-1 to PUD.” There are no other public comments, verbal or written. Public hearing proceeds in person, during the public hearing, the proposed 617 acres annexed by Diligent Development, this was finalized in October 2022. The process of this Planned Unit Development (PUD) will develop over the next 15-20 years, the PUD will integrate the current neighborhoods within the City of Cumming. This development will not alienate current developments and neighborhoods. The goal of the integration is to include the current “Old Town” as well as any surrounding developed neighborhoods. Diligent has been exceedingly transparent during the process of annexation and has allowed for public comments and questions regarding the proposed development. Planning and Zoning has previously met and discussed the PUD, Planning & Zoning met on the following dates; May 22, 2023, June 27, 2023, and July 25, 2023. The PUD passed unanimously on August 22, 2023 during the regular Planning & Zoning meeting. The current PUD allows for varying levels of commercial, high density and low density residential, as well as large areas of open space/green space. The Public Hearing was closed by Mayor Brent Highfill at 6:21 PM. Motion made by Cackler, seconded by Squier.

Consent Items

Motion made by Hungerford, seconded by Ochanpaugh to Approve Consent Items: Minutes from August 14, 2023 as amended, Payment of Bills, Resolution No. 2023-54 Set Public Hearing for Ordinance No 2023-03 No Parking, Resolution No. 2023-55 Set Public Hearing regarding Environmental Review for the Old Town Sanitary Sewer Project – State of Iowa Revolving Loan Fund (SRLF). Consent agenda items approved 5-0.

Payment of Bills:

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

Business Items

- A.** First Reading of Ordinance No. 2023-02 Rezoning of the Middlebrook Agrihood. Estimated 617 total acres, from A-1 Agricultural to Planned United Development (PUD). Motion made by Squier, seconded by Cackler. Tim Portzen (Diligent Development) is present, he is presenting the proposed PUD to the Council. There are 7 total zones, the original PUD was created by a Landscape Architect. These zones are outlined within the PUD. They include Commercial, High Density Residential, and Low Density Residential. The PUD allows for 2-3 story buildings, council has proposed a height maximum of 45'. The height restriction will be amended within the PUD, this height restriction is for the top of the roof, not the top floor. Parking will be determined by the market. The Council has elected to change the permitted stories for townhomes from 2-4 stories, to 2-3 stories. This amendment will also be made within the PUD. There will be a minimum of 30% of open space/green space within the 617 acres. The goal of the PUD with materials and building restrictions, is to keep the old town feel of Cumming, while allowing for growth within the residential and commercial areas. There are color coded zones, within the blue zones it will be commercial buildings with commercial businesses on the first floor and residential are permitted in stories 2 and 3. Purple zone will allow for multi-family housing, however, only 8 units per building and no more than 3 stories high. Zone 2 & 3 will be a mix of high density and medium density housing. Zone 4 will be medium and low density residential. Zone 5 will be low density housing. Zone 6 will be agri-tourism commercial. Zone 7 will be open space/agricultural/recreation areas.

Informational Items

- A.** Review and discussion of Current Capital Improvement Plan (CIP). No action taken.

Adjourn:

Motion by Cackler and seconded by Squier to adjourn the meeting at 9:16 PM. Approved 5-0.
NEXT CITY COUNCIL MEETING: September 11, 2023, 6:00 pm at City Hall.

Brent Highfill, Mayor

Attest: Nichole Onstot, City Clerk

1:46 PM

09/06/23

City of Cumming
Claims To Be Approved
All Transactions

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Check	08/28/2023		Midamerican Energy	August Invoice	-845.12
Check	08/29/2023		HostGator	Invoice 88577345	-11.22
Check	08/29/2023		Iowa One Call	Invoice 253965	-152.10
Check	09/05/2023		Secretary of State	Notary Public - Nichole Onstot	-30.00
Check	09/05/2023		Waste Connections	Invoice 3552964T071	-3,401.10
Check	09/05/2023		US Bank	Invoice 509846069	-627.04
Check	09/06/2023		Combined Systems ...	Invoice 161191	-15.15
Total					-5,081.73

ORDINANCE 2023-02

City of Cumming

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 R-5 Planned Unit Development (PUD).

PROPERTY DESCRIPTION

See Exhibit A

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 _____, 2023, and approved this ____ day of _____, 2023.

Attest:

Mayor Brent Highfill

Nichole Onstot, City Clerk

First Reading: 8/28/2023
Second Reading: 9/11/2023
Third Reading: 9/25/2023

I certify that the foregoing was published as Ordinance 2023-02 on the ____ day of _____, 2020.

Nichole Onstot, City Clerk

EXHIBIT A

MIDDLEBROOK AS OF JULY 2023

Middlebrook Annexation recorded Oct 19, 2022 in Instrument No. 2022-09824

The territory extends to the center line of all adjacent secondary roads.

Middlebrook East (No House): A part of the Northeast 1/4 and Northwest 1/4 of Section 17, Township 77 North, Range 25 West of the 5th P.M., City of Cumming, Warren County, Iowa, that is more particularly described as follows:

Beginning at the Northeast corner of Section 17, Township 77 North, Range 25 West of the 5th P.M., City of Cumming, Warren County, Iowa; thence South 00°16'24" West, 2663.18 feet along the East line of the Northeast 1/4 of said Section 17, to the East 1/4 corner of said Section 17; thence South 89°52'51 " West, 360.00 feet along the South line of the Northeast 1/4 of said Section 17; thence North 00°16'24" East, 360.00 feet; thence South 89°52'51 " West, 360.00 feet; thence South 00°16'24" West, 360.00 feet to the South line of the Northeast Quarter (NE 1/4) of said Section 17; thence South 89°52'51" West, 1981.12 feet along said South line to the Center of said Section 17; thence North 89°55'35" West, 592.17 feet along the South line of the Northwest 1/4 of said Section 17, to the East right-of way line of the abandoned Chicago Great Western Railroad, and to the non-tangent 1959.96 feet radius curve concave to the Northwest; thence Northeasterly 683.86 feet along said curve, said curve having a chord length of 680.40 feet and a chord bearing of North 00°47'42" East; thence North 09°12'03" West, 1162.00 feet along said East right-of-way line to a 3770.66 feet radius curve concave to the Northeast; thence Northwesterly 817.73 feet along said curve, said curve having a chord length of 816.12 feet and a chord bearing of North 02°59'16" West to the North line of the Northwest 1/4 of said Section 17; thence North 89°49'19" East, 820.92 feet along said North line to the North 1/4 corner of said Section 17; thence North 89°51'36" East, 2703.98 feet along the North line of the Northeast 1/4 of said Section 17, to the Point of Beginning, as shown on Retracement Survey as Instrument No. 2019-01309 in the office of Warren County, Iowa, EXCEPT a part of the Northwest 1/4 of Section 17, Township 77 North, Range 25 West of the 5th P.M., City of Cumming, Warren County, Iowa, that is more particularly described as follows: The East 400.00 feet of the North 283.00 feet of said Northwest 1/4, EXCEPT the North 33.00 feet and the East 200 feet of said Northwest 1/4.

Warren County Abstract #CT2232970-2

Parcel #15000170220 NE NE	38.52 Acres
Parcel #15000170281 SE NE	36.00 Acres
Parcel #15000170260 SW NE	39.85 Acres
Parcel #43000170240 NW NE	39.56 Acres
Parcel #43000170423 NE NW	22.42 Acres
Parcel #15000170481 SE NE	14.39 Acres

Declarant Owner: DHC 1, LLC (100%)

Middlebrook East – Middlebrook House Only: A part of the Northwest 1/4 of Section 17, Township 77 North, Range 25 West of the 5th P.M., City of Cumming, Warren County, Iowa, that is more particularly described as follows: The East 400 feet of the North 283 feet of said Northwest 1/4, EXCEPT the North 33 feet and the East 200 feet of said Northwest 1/4, containing 1.148 acres more or less.

Warren County Abstract #CT2232971-2

Parcel #43000170424 NE NW

1.15 Acres

Address: 4300 Cumming Avenue, Cumming, IA 50061

Declarant Owner: DHC 1, LLC (100%)

Middlebrook West: The West Half of the following described real estate: Beginning at a point 921 feet West and 27 feet South of the Northeast corner of NW 1/4 of Section 17, Township 77 North, Range 25 West of the 5th P.M., City of Cumming, Warren County, Iowa; thence South 3° East 376.4 feet; thence West 232 feet; thence North 376.4 feet; thence East 231 feet to the beginning, said point being 27 feet south of the point where the west line of the Chicago, Great Western Railroad Right of Way crosses the north line of said Section 17. This is designated on Auditor's Plat as Lot 1.

Warren County Abstract #CT2235468-2

Parcel #42100170421 W ½ Lot 1 NE NW

N/A Acres

Address: 4500 Cumming Avenue, Cumming IA 50061

Declarant Owner: DHC 2, LLC (100%)

Middlebrook West: Parcel "M" being a part of the West 1/2 of Section 17, Township 77 North, Range 25 West of the 5th P.M., located in the City of Cumming, Warren County, Iowa, as shown on Plat of Survey recorded February 20, 2020 as Instrument No. 2020-01460 in the Office of the Recorder for Warren County, Iowa.

Warren County Abstract #CT2232974-2

Parcel #43000170421 NE NW

10.06 Acres

Parcel #15000170485 SE NW

12.51 Acres

Parcel #15000170500 W ½ Sec 17

96.58 Acres

Declarant Owners: MiddlebrookHB, LLC (50%) and Land Concepts, LLC (50%)

Middlebrook West: Parcel “N” of the survey being a part of the Northeast 1/4 of Section 18, Township 77 North, Range 25 West of the 5th P.M. and a part of the Northwest 1/4 of Section 17, Township 77 North, Range 25 West of the 5th P.M., City of Cumming, Warren County, Iowa, as shown in Instrument No. 2021-01103 in the Office of the Recorder for Warren County, Iowa, EXCEPT Parcel “P” thereof as shown in survey recorded as Instrument No. 2022-06010.

Warren County Abstract #CT2232973-2

Parcel #15000170450 W ½ NE 42.34 Acres

Parcel #15000180270 NE 46.50 Acres

Declarant Owners: MiddlebrookHB, LLC (50%) and Land Concepts, LLC (50%)

Middlebrook West (All of Koethe): The Southeast Quarter (SE 1/4) of Section 18, Township 77 North, Range 25 West of the 5th P.M., the City of Cumming, Warren County, Iowa, EXCEPT Two parcels conveyed to the State of Iowa as described in Warranty Deeds recorded in Book 125, Page 160 and Book 125, Page 161 AND EXCEPT Parcel “A” of the survey as shown in Irregular Plat Book 13, Page 15 of 77-25, all in the Office of the Recorder for Warren County, Iowa. [SEE BARN ACCESS EASEMENT TO HILDRETH SHOWN ON POS FOR PARCEL A]

Warren County Abstract #CT2232977-2

Parcel #15000180820 40.00 Acres

Parcel #15000180881 38.45 Acres

Parcel #15000180840 33.79 Acres

Parcel #15000180861 31.33 Acres

Declarant Owners: MiddlebrookHB, LLC (50%) and Land Concepts, LLC (50%)

Middlebrook West (Orchard): Parcel “P” described in the Plat of Survey recorded June 23, 2022 as Instrument No. 2022-06010, being a part of Parcel “N” in the Northwest Quarter of Section 17, Township 77 North, Range 25 West of the 5th P.M., and in the Northeast Quarter of Section 18, Township 77 North, Range 25 West of the 5th P.M., City of Cumming, Warren County, Iowa, recorded in Book 2021 at Page 01103, all in the Office of the Recorder for Warren County, Iowa. [FOX RIDGE FARM, INC. – OWNER]

Mercantile/Old Schoolhouse: Commencing at a point 14 rods East of the Southwest Corner of the SE 1/4 of Section 8, Township 77 North, Range 25 West of the 5th P.M., City of Cumming, Warren County, Iowa;

thence running 7 rods East, thence 11 3/7 rods North, thence 7 rods West, thence 11 3/7 rods South to the place of beginning, containing one half acre. AND Beginning at the Southwest Corner of the SE 1/4 of Section 8 running thence East 14 rods, thence North 11 3/7 rods, thence West 14 rods, thence South 11 3/7 rods to place of beginning in Township 77 North, Range 25 West of the 5th P.M., City of Cumming, Warren County, Iowa, containing one acre.

Warren County Abstract #CT2122269-2

Parcel #42100080860

N/A Acres

Declarant Owners: MiddlebrookHB, LLC (50%) and Land Concepts, LLC (50%)

NOT TO BE PART OF AGRIHOOD OR MIDDLEBROOK PUD - Middlebrook West I-35

TO BE KNOWN AS LOTS 1, 2, A AND OUTLOT Z MIDDLEBROOK WEST FINAL PLAT: A part of the Northeast ¼ of Section 18, Township 77 North, Range 25 West of the 5th P.M., Warren County, Iowa, that is more particularly described as follows: Beginning at the Northeast corner of Section 18, Township 77 North, Range 25 West of the 5th P.M., Warren County, Iowa; thence S00°16'39"E, 40.00 feet along the East line said Section 18, to the South right-of-way line of County Road G14, as it is presently established; thence S89°28'09"W, 59.82 feet along said South right-of-way line, to the West right-of-way line of 15th Avenue, as it is presently established; thence S02°53'30"W, 491.51 feet along said West right-of-way line, to a non-tangent 915.00 feet radius curve concave to the Northwest; thence Southwesterly 1,044.46 feet along said curve, and along said West right-of-way line, said curve having a chord length of 988.67 feet and a chord bearing of S32°41'40"W; thence S51°41'49"W, 105.57 feet along said West right-of-way line; thence S65°23'44"W, 1,450.00 feet along said West right-of-way line; thence S68°49'45"W, 250.45 feet along said West right-of-way line; thence S58°50'50"W, 84.26 feet along said West right-of-way line; thence S46°38'16"W, 74.07 feet along said West right-of-way line; thence N88°42'04"W, 100.41 feet along said West right-of-way line, to the East right-of-way line of Interstate 35, as it is presently established; thence N07°39'45"E, 504.21 feet along said East right-of-way line; thence N29°36'05"E, 1,244.72 feet along said East right-of-way line; thence N00°15'22"E, 375.00 feet along said East right-of-way line; thence N79°08'33"E, 392.17 feet along said East right-of-way line; thence N03°28'01"W, 171.54 feet along said East right-of-way line, to the North line of said Section 18; thence N89°28'09"E, 1,421.46 feet along said North line to the Point of Beginning. Said tract of land contains 69.836 acres more or less (includes 1.304 acres existing road right-of-way).

Warren County Abstract #CT2342384

Parcel #15000180221

35.16 Acres

Parcel #15000180241

15.05 Acres

Parcel #15000180261

17.00 Acres

Parcel #15000180281

5.98 Acres

Declarant Owners: MiddlebrookHB, LLC (50%) and Land Concepts, LLC (50%)

RESOLUTION 2023-56
City of Cumming

WHEREAS, on February 13, 2023 by Resolution No. 2023-10 City Council approved a contract with Absolute Concrete Construction, Inc. dba Absolute Group for the Cumming Avenue Widening and 50th Street Paving Project; and

WHEREAS, the contract was in the amount of \$2,169,846.98; and

WHEREAS, the second payment application has been received from the contractor in the amount of \$271,283.15 with quantities, work and materials stored to date being detailed in the payment request accompanying this resolution; and

WHEREAS, the payment application has been reviewed by Veenstra & Kimm, Inc for work completed between July 1, 2023 and August 31, 2023; and

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

Payment application No. 3 for the Cumming Avenue Widening and Street project in the amount of \$271,283.15 is hereby approved.

Passed and approved this 11th day of September, 2023.

Brent Highfill, Mayor

Attest:

Nichole Onstot, City Clerk



VEENSTRA & KIMM INC.

3000 Westown Parkway
West Des Moines, Iowa 50266

515.225.8000 // 800.241.8000
www.v-k.net

September 5, 2023

Rita Conner
City Administrator
City of Cumming
649 N. 44th Street
P.O. Box 100
Cumming, Iowa 50061-0100

CUMMING, IOWA
CUMMING AVENUE WIDENING AND 50TH STREET PAVING
PARTIAL PAYMENT NO. 3

Enclosed are three copies of Partial Payment No. 3 for work completed on the Cumming Avenue Widening and 50th Street Paving project for the period July 1, 2023, to August 31, 2023 under the contract between the City of Cumming and Absolute Group. Shive Hattery has checked the pay request and recommends payment to Absolute Group in the amount of \$271,283.15.

Upon approval of Partial Payment No. 3, please sign all copies of Partial Payment No. 3 in the space provided. Return one executed copy of the pay request to our office and one executed copy to Absolute Group with payment.

If you have any questions or comments, please contact us at 515-225-8000.

VEENSTRA & KIMM, INC.

A handwritten signature in blue ink, appearing to read 'Randy Johnson'.

Randy M. Johnson, P.E.

41241
Enclosures

Line #	Item Code	Description	Unit	Div 1 Quantity (RSE)	Div 2 Quantity (KIT)	Total Quantity	Unit Price	Total Price	Division 1 (RSE)		Division 2 (KIT)		Total Completed Amount	%
									Quantity	Amount	Quantity	Amount		
1	2010-C-0	Cleaning and Grooming	EA	3.2	0.0	3.2	\$4,000.00	\$4,000.00	3.2	0.00%	0.0	0.00%	\$4,000.00	100.00%
2	2010-D-1	Topsoil, On-site	CY	3547.2	383.1	3930.3	\$29,310.00	\$116,000.00	3930.3	0.00%	0.0	0.00%	\$116,000.00	0.00%
3	2010-E-0	Excavation, Class 10	CY	3693.9	410.1	4104.0	\$8,000.00	\$32,832.00	4104.0	0.00%	0.0	0.00%	\$32,832.00	9.81%
4	2010-F-0	Below Grade Excavation (Core Out)	CY	460.0	50.0	510.0	\$3,000.00	\$1,530.00	510.0	0.00%	0.0	0.00%	\$1,530.00	3.29%
5	2010-G-0	Subgrade Preparation, 12"	SV	9660.4	1127.0	10787.4	\$12,195.00	\$130,850.00	10787.4	0.00%	0.0	0.00%	\$130,850.00	23.75%
6	2010-H-0	Subbase, Modified, 6"	SV	9660.4	1127.0	10787.4	\$12,195.00	\$130,850.00	10787.4	0.00%	0.0	0.00%	\$130,850.00	23.75%
7	2010-J-2c	Removal of Known Pipe Culvert	LF	284.5	284.6	569.1	\$5,692.00	\$3,215.00	569.1	0.00%	0.0	0.00%	\$3,215.00	7.29%
8	2010-M-0	Granular Surfacing, 8"	SY	2056.8	124	2180.8	\$16,000.00	\$34,900.00	2180.8	0.00%	0.0	0.00%	\$34,900.00	8.00%
9	4010-A-1	Sanitary Sewer Gravity Main, Trenchless, PVC Truss, 8"	LF	1220.0	1220.0	2440.0	\$109,530.00	\$265,272.00	2440.0	0.00%	0.0	0.00%	\$265,272.00	68.00%
10	4020-A-1	Storm Sewer, Trenchless, RCP, 18"	LF	1073.9	215.4	1289.3	\$65,215.00	\$83,612.00	1289.3	0.00%	0.0	0.00%	\$83,612.00	21.13%
11	4020-A-1	Storm Sewer, Trenchless, RCP, 24"	LF	916.3	183.3	1099.6	\$71,801.00	\$78,984.00	1099.6	0.00%	0.0	0.00%	\$78,984.00	20.13%
12	4020-A-1	Storm Sewer, Trenchless, RCP, 36"	LF	25.2	25.2	50.4	\$156,000.00	\$7,830.00	50.4	0.00%	0.0	0.00%	\$7,830.00	0.20%
13	4030-B-0	Pipe Apron, RCP, 24"	EA	3.0	3.0	6.0	\$2,700.00	\$16,200.00	6.0	0.00%	0.0	0.00%	\$16,200.00	3.33%
14	4030-B-0	Pipe Apron, RCP, 36"	EA	2.0	2.0	4.0	\$3,015.00	\$12,060.00	4.0	0.00%	0.0	0.00%	\$12,060.00	3.13%
15	4030-D-0	Pipe Apron Guard, 24"	EA	3.0	3.0	6.0	\$1,000.00	\$6,000.00	6.0	0.00%	0.0	0.00%	\$6,000.00	1.60%
16	4030-D-0	Pipe Apron Guard, 24"	EA	2.0	2.0	4.0	\$1,245.00	\$4,980.00	4.0	0.00%	0.0	0.00%	\$4,980.00	1.28%
17	4040-B-0	Subdrain, HDPE, 6"	LF	3929.5	563.0	4492.5	\$10,500.00	\$47,000.00	4492.5	0.00%	0.0	0.00%	\$47,000.00	10.00%
18	4040-B-0	Subdrain, HDPE, 8"	LF	3.0	2.0	5.0	\$2,000.00	\$10,000.00	5.0	0.00%	0.0	0.00%	\$10,000.00	2.56%
19	4040-B-0	Subdrain, HDPE, Type B, 18"	EA	4.0	4.0	8.0	\$645.00	\$5,160.00	8.0	0.00%	0.0	0.00%	\$5,160.00	1.32%
20	4040-B-0	Subdrain Connections	EA	15.0	4.0	19.0	\$390.00	\$7,410.00	19.0	0.00%	0.0	0.00%	\$7,410.00	1.89%
21	5020-B-0	Fire Hydrant Assembly	EA	1.0	1.0	2.0	\$2,000.00	\$4,000.00	2.0	0.00%	0.0	0.00%	\$4,000.00	1.03%
22	5020-B-0	Valve Box Replacement	EA	1.0	1.0	2.0	\$675.00	\$1,350.00	2.0	0.00%	0.0	0.00%	\$1,350.00	0.34%
23	5020-B-0	Fire Hydrant Assembly Removal	EA	1.0	1.0	2.0	\$450.00	\$900.00	2.0	0.00%	0.0	0.00%	\$900.00	0.23%
24	6010-A-0	Manhole, SW-300, 48"	EA	3.0	3.0	6.0	\$8,100.00	\$49,800.00	6.0	0.00%	0.0	0.00%	\$49,800.00	12.60%
25	6010-A-0	Manhole, SW-401, 60"	EA	4.0	4.0	8.0	\$6,165.00	\$49,320.00	8.0	0.00%	0.0	0.00%	\$49,320.00	12.53%
26	6010-A-0	Manhole, SW-401, 72"	EA	3.0	3.0	6.0	\$8,310.00	\$49,860.00	6.0	0.00%	0.0	0.00%	\$49,860.00	12.63%
27	6010-B-0	Inlets, SW-307	EA	2.0	2.0	4.0	\$8,820.00	\$35,280.00	4.0	0.00%	0.0	0.00%	\$35,280.00	9.00%
28	6010-B-0	Inlets, SW-509	EA	3.0	2.0	5.0	\$1,715.00	\$8,575.00	5.0	0.00%	0.0	0.00%	\$8,575.00	2.19%
29	6010-B-0	Inlets, SW-510	EA	2.0	2.0	4.0	\$9,685.00	\$38,740.00	4.0	0.00%	0.0	0.00%	\$38,740.00	9.93%
30	6010-B-0	Inlets, SW-511, 30"	EA	1.0	1.0	2.0	\$1,675.00	\$3,350.00	2.0	0.00%	0.0	0.00%	\$3,350.00	0.86%
31	6010-B-0	Inlets, SW-513	EA	1.0	1.0	2.0	\$5,875.00	\$11,750.00	2.0	0.00%	0.0	0.00%	\$11,750.00	3.03%
32	6010-G-0	Connection to Existing Manhole	EA	1.0	1.0	2.0	\$8,025.00	\$16,050.00	2.0	0.00%	0.0	0.00%	\$16,050.00	4.14%
33	7010-A-0	Pavement, FCC, C-5UD, 10"	SY	3876.8	598.2	4475.0	\$65.00	\$291,075.00	4475.0	0.00%	0.0	0.00%	\$291,075.00	74.44%
34	7010-B-0	PCC Pavement, Samples and Testing	LS	0.3	0.1	0.4	\$12,000.00	\$4,800.00	0.4	0.00%	0.3	0.00%	\$4,800.00	1.24%
35	7010-B-0	PCC Pavement Widening, C-5UD, 10"	SY	3440.0	3440.0	6880.0	\$92.00	\$632,640.00	6880.0	0.00%	0.0	0.00%	\$632,640.00	162.37%
36	7020-B-0	HMA Overlay, Standard Traffic (ST), Surface, 1 1/2" PG 58-285	TON	18.1	18.1	36.2	\$202.50	\$7,311.00	36.2	0.00%	0.0	0.00%	\$7,311.00	1.87%
37	7020-B-0	HMA Overlay, Standard Traffic (ST), Base, 1 1/2" PG 58-285	TON	36.3	36.3	72.6	\$160.00	\$11,616.00	72.6	0.00%	0.0	0.00%	\$11,616.00	2.97%
38	7020-E-0	Sidewalk, PCC, 6"	SY	54.3	40.0	94.3	\$85.00	\$8,015.00	94.3	0.00%	0.0	0.00%	\$8,015.00	2.05%
39	7020-E-0	Detectable Warning	SY	36.2	39.3	75.5	\$67.00	\$5,058.50	75.5	0.00%	0.0	0.00%	\$5,058.50	1.28%
40	7020-H-1	Driveway, Paved, FCC, 6"	SY	66.1	66.1	132.2	\$83.00	\$11,000.00	132.2	0.00%	0.0	0.00%	\$11,000.00	2.82%
41	7020-H-1	Driveway, Paved, FCC, 8"	SY	116.8	116.8	233.6	\$120.00	\$28,032.00	233.6	0.00%	0.0	0.00%	\$28,032.00	7.16%
42	8010-B-0	Temporary Traffic Signal	LS	1.0	1.0	2.0	\$10,000.00	\$20,000.00	2.0	0.00%	0.0	0.00%	\$20,000.00	5.13%
43	8010-B-0	Temporary Traffic Signal	LS	1.0	1.0	2.0	\$10,000.00	\$20,000.00	2.0	0.00%	0.0	0.00%	\$20,000.00	5.13%
44	8010-C-0	Painted Markings, Standard	EA	5.0	5.0	10.0	\$400.00	\$4,000.00	10.0	0.00%	0.0	0.00%	\$4,000.00	1.03%
45	8010-C-0	Painted Markings, Standard	EA	63.0	63.0	126.0	\$75.00	\$9,450.00	126.0	0.00%	0.0	0.00%	\$9,450.00	2.41%
46	8020-B-0	Grasses Cut for Parameters and Legends	EA	12.8	5.8	18.6	\$400.00	\$7,440.00	18.6	0.00%	0.0	0.00%	\$7,440.00	1.90%
47	8020-B-0	Grasses Cut for Parameters and Legends	EA	12.8	5.8	18.6	\$400.00	\$7,440.00	18.6	0.00%	0.0	0.00%	\$7,440.00	1.90%
48	8020-B-0	Grasses Cut for Parameters and Legends	EA	12.8	5.8	18.6	\$400.00	\$7,440.00	18.6	0.00%	0.0	0.00%	\$7,440.00	1.90%
49	8030-A-0	Temporary Traffic Control	LS	0.8	0.1	0.9	\$20,000.00	\$18,000.00	0.9	0.00%	0.0	0.00%	\$18,000.00	4.57%
50	8040-A-0	Type A Sign, Sheet Aluminum	LF	171.0	171.0	342.0	\$35.00	\$11,970.00	342.0	0.00%	0.0	0.00%	\$11,970.00	3.05%
51	8040-B-0	Steel 2" X 2" Perforated 1/4-Gauge Square Tubing Post	EA	7.0	7.0	14.0	\$200.00	\$2,800.00	14.0	0.00%	0.0	0.00%	\$2,800.00	0.72%
52	8040-C-0	Removal of Sign and Posts	EA	1.7	0.3	2.0	\$4,500.00	\$9,000.00	2.0	0.00%	0.0	0.00%	\$9,000.00	2.31%
53	9010-B-0	Hydraulic Sealing, Fertilizing, and Mulching, Type 1	AC	1.3	0.2	1.5	\$4,000.00	\$6,000.00	1.5	0.00%	0.0	0.00%	\$6,000.00	1.55%
54	9010-B-0	Hydraulic Sealing, Fertilizing, and Mulching, Type 2	AC	1.7	0.3	2.0	\$4,500.00	\$9,000.00	2.0	0.00%	0.0	0.00%	\$9,000.00	2.31%
55	9040-D-1	Filler Sock, 12"	LF	888.7	15.0	903.7	\$2,500.00	\$2,261.25	903.7	0.00%	0.0	0.00%	\$2,261.25	0.58%
56	9040-E-0	Filler Sock, Removal	LF	2786.6	501.7	3288.3	\$1.35	\$4,439.11	3288.3	0.00%	0.0	0.00%	\$4,439.11	1.14%
57	9040-E-0	Temporary RCP, Type 2	SY	98.7	98.7	197.4	\$81.00	\$15,965.40	197.4	0.00%	0.0	0.00%	\$15,965.40	4.09%
58	9040-E-0	Rip Rap, Class D	TON	1754.0	1754.0	3508.0	\$1.75	\$6,139.00	3508.0	0.00%	0.0	0.00%	\$6,139.00	1.57%
59	9040-M-1	Silt Fence	LF	3598.0	3598.0	7196.0	\$0.95	\$6,846.20	7196.0	0.00%	0.0	0.00%	\$6,846.20	1.75%
60	9040-M-2	Silt Fence, Removal of Sediment	LF	1754.0	1754.0	3508.0	\$0.95	\$3,333.10	3508.0	0.00%	0.0	0.00%	\$3,333.10	0.85%
61	9040-M-3	Silt Fence, Removal of Debris	LF	3598.0	3598.0	7196.0	\$0.95	\$6,846.20	7196.0	0.00%	0.0	0.00%	\$6,846.20	1.75%
62	9040-T-1	Inlet Protection Device, Filler Sock	EA	1754.0	1754.0	3508.0	\$0.10	\$350.80	3508.0	0.00%	0.0	0.00%	\$350.80	0.09%
63	9040-T-2	Inlet Protection Device, Maintenance	EA	3.0	3.0	6.0	\$175.00	\$1,050.00	6.0	0.00%	0.0	0.00%	\$1,050.00	0.27%
64	9060-E-0	Barbed Wire, Fence	EA	34.0	34.0	68.0	\$25.00	\$1,700.00	68.0	0.00%	0.0	0.00%	\$1,700.00	0.43%
65	9060-E-0	Removal of Fence	EA	34.0	34.0	68.0	\$5.00	\$340.00	68.0	0.00%	0.0	0.00%	\$340.00	0.09%
66	1100-B-0	Retention Preservation and Replacement	LF	0.9	0.1	1.0	\$7,000.00	\$7,000.00	1.0	0.00%	0.2	0.00%	\$7,000.00	1.79%
67	1100-B-0	Retention Preservation and Replacement	LF	0.9	0.1	1.0	\$7,000.00	\$7,000.00	1.0	0.00%	0.2	0.00%	\$7,000.00	1.79%
68	2010-A-0	Concrete Subbase, HMA, 6"	SV	695.0	695.0	1390.0	\$48.00	\$66,120.00	1390.0	0.00%	0.0	0.00%	\$66,120.00	16.93%
69	2010-A-0	Concrete Subbase, HMA, 6"	SV	695.0	695.0	1390.0	\$48.00	\$66,120.00	1390.0	0.00%	0.0	0.00%	\$66,120.00	16.93%
70	2010-B-0	Compaction Testing	EA	1.0	1.0	2.0	\$1,500.00	\$3,000.00	2.0	0.00%	0.0	0.00%	\$3,00	

Cumming Avenue Widening and 50th Street Parking
RM-1357(501)-00-91
Contract

To: City of Cumming
From: Absolute Group

Line #	Item Code	Description	Unit	Div 1 Quantity (RISE)	Div 2 Quantity (CITY)	Total Quantity	Unit Price	Total Price	Division 1 (RISE)		Division 2 (CITY)		Total	
									Quantity	Amount	Quantity	Amount	Quantity	Amount
		Original Contract Cost						\$2,169,846.38						
		Value of Work Completed												
		Materials Stored on Site												
		Approved Change Orders												
CO 1	75	9040-A-1	LS	1.0		1.0	\$2,000.00	\$2,000.00						
	76	9040-A-2	LS	1.0		1.0	\$5,100.00	\$5,100.00						
CO 2	77	8010-C-0	LS	1.0		1.0	\$40,165.35	\$40,165.35						
CO 3	78	4020-A-1	LF	34.6		34.6	\$225.00	\$7,773.00						
	79	4030-D-0	EA	1.0		1.0	\$4,425.00	\$4,425.00						
	80	4030-D-1	EA	1.0		1.0	\$2,585.00	\$2,585.00						
	81	6010-C-0	EA	1.0		1.0	\$2,425.00	\$2,425.00						
	82	1100-A-1	LS	1.0		1.0	\$2,500.00	\$2,500.00						
	11A	4020-A-1	LF	1.0		1.0	\$2,500.00	\$2,500.00						
	11B	4020-A-1	LF	1.0		1.0	\$2,500.00	\$2,500.00						
	14A	4030-B-0	EA	1.0		1.0	\$3,000.00	\$3,000.00						
	14B	4030-B-0	EA	1.0		1.0	\$3,000.00	\$3,000.00						
	16A	4030-D-0	EA	1.0		1.0	\$1,425.00	\$1,425.00						
CO 4	83	8040-I-0	LS	1.0		1.0	\$915.75	\$915.75						
	84	4040-C-1	EA	1.0		1.0	\$1,000.00	\$1,000.00						
	85	4040-D-1	EA	1.0		1.0	\$1,000.00	\$1,000.00						
11B	4010-A-1	LF	1.8		1.8	\$86.00	\$154.80	\$154.80						
		Total Change Orders						\$63,803.50						
		Original Contract Cost & Change Orders						\$2,233,650.48						
		Value of Work Completed, Materials Stored & Change Orders												
		Less Retainage												
		Net Amount Due Including This Statement												
		Less Previous Payments												
		Balance Due This Request												

Contractor: Absolute Group
 Engineer: Shee-Hattery, Inc. Patrick Walker
 Patrick Walter
 Date: 09/05/2023

Owner: City of Cumming
 Date:

cfs by date,community (community=contract town) - WARREN C

Date	Call Type	CFS Loc Adr	Inc #	How Cleared
8/7/2023 2:04:22 AM	BUILDING / PARK CHECK	429 N 44TH ST		COMPLETED
8/9/2023 1:13:58 PM	BUILDING / PARK CHECK	4200-4299 N GREENLEE AVE		COMPLETED
8/13/2023 9:18:59 AM	TRAFFIC STOP	4500 CUMMING AVE		WARNING ISSUED
8/15/2023 2:54:43 AM	BUILDING / PARK CHECK	100-799 N 50TH ST		CLEARED
8/17/2023 3:13:24 PM	BUILDING / PARK CHECK	2700 N BRIER LN		CLEARED
8/18/2023 1:41:25 AM	BUILDING / PARK CHECK	117 N 44TH ST		COMPLETED
8/25/2023 7:28:42 PM	VIOLATION NO CONTACT ORDER	113 N 58TH PL		SERVED (Civil)
8/26/2023 6:28:07 AM	BURGLARY	2685 S ORILLA RD		COMPLETED
8/26/2023 2:04:18 PM	BUILDING / PARK CHECK	2700 N BRIER LN		CLEARED