

**NOTICE OF REGULAR COUNCIL MEETING
CUMMING CITY COUNCIL
April 22, 2024 – 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-Up to 5 minutes to address the Council on items not included on this agenda

PUBLIC HEARING

- A. Public Hearing on Fiscal Year 2025 Budget
- B. Public Hearing on Proposed Amendment to the Consolidated Cumming Urban Renewal Areas
- C. Public Hearing on Proposed Urban Renewal Development Agreement with MB Main Investments, LLC

CONSENT ITEMS

- A. Minutes from the April 08, 2024 Regular Council Meeting
- B. March 2024 Sheriff's Report

BUSINESS ITEMS

- A. Resolution 2024-20 Approving Fiscal Year 2025 Budget
- B. Resolution 2024-21 Resolution to Approve Urban Renewal Plan Amendment for the Consolidated Cumming Urban Renewal Areas
- C. Resolution 2024-22 Approving Development Agreement with MB Main Investments, LLC Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement
- D. Resolution 2024-23 Iowa Communities Assurance Pool (ICAP) Insurance Renewal
- E. Resolution 2024-24 Resolution to Amend Agreement for Professional Engineering Construction Services with Veenstra & Kimm, Inc. for the Cumming Avenue Widening and 50th Street Paving Project
- F. Motion on Travel and Training Request from Councilmember Martin Squier

REPORTS:

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

ADJOURNMENT

UPCOMING ITEMS

FY 24 Budget Amendment and Fund Transfers
Final Plat 5 Great Western Crossing

*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

PUBLIC HEARINGS

- A. FY 2025 BUDGET
- B. AMENDMENT TO URBAN RENEWAL PLAN (adding MB Investments, LLC project)
- C. URBAN RENEWAL DEVELOPMENT AGREEMENT WITH MB INVESTMENTS, LLC

**FISCAL YEAR JULY 1, 2024 - JUNE 30, 2025
ADOPTION OF BUDGET AND CERTIFICATION OF CITY TAXES**

The City of : CUMMING County Name: WARREN COUNTY

Adopted On: (entered upon adoption) Resolution: (entered upon adoption)

The below-signed certifies that the City Council, on the date stated above, lawfully approved the named resolution adopting a budget for next fiscal year, as summarized on this and the supporting pages.

Attached is Long Term Debt Schedule Form 703 which lists any and all of the debt service obligations of the City.

		With Gas & Electric		Without Gas & Electric		City Number: 91-871 Last Official Census: 436
Regular	2a	47,331,904	2b	47,219,560		
DEBT SERVICE	3a	60,621,471	3b	60,509,127		
Ag Land	4a	1,257,474				

Consolidated General Fund Levy Calculation

	CGFL Max Rate	CGFL Max Dollars	Non-TIF Taxable w/ G&E	Taxable Growth %
FY 2024 Budget Data	8.10000	233,373	28,811,432	64.28
	Limitation Percentage			
	3			
	CGFL Max Rate	CGFL Max Dollars	Revenue Growth %	
Max Allowed CGFL for FY 2025	7.86409	372,223	59.50	

TAXES LEVIED

Code Sec.	Dollar Limit	Purpose	ENTER FIRE DISTRICT RATE BELOW		(A) Request with Utility Replacement	(B) Property Taxes Levied		(C) Rate
384.1	7.86409	Consolidated General Fund			372,223	371,339	43	7.86409
		Non-Voted Other Permissible Levies						
384.12(1)	0.95000	Opr & Maint publicly owned Transit		7		0	45	0.00000
384.12(2)	0.27000	Aviation Authority (under sec.330A.15)		11		0	49	0.00000
384.12(3)	Amt Nec	Liability, property & self insurance costs		14	18,750	18,706	52	0.39614
384.12(5)	Amt Nec	Support of a Local Emerg.Mgmt.Comm.		462		0	465	0.00000
		Voted Other Permissible Levies						
28E.22	1.50000	Unified Law Enforcement		24		0	62	0.00000
		Total General Fund Regular Levies (5 thru 24)		25	390,973	390,045		
384.1	3.00375	Ag Land		26		0	63	0.00000
		Total General Fund Tax Levies (25 + 26)		27	390,973	390,045		Do Not Add
		Special Revenue Levies						
384.6	Amt Nec	Police & Fire Retirement		29		0		0.00000
	Amt Nec	FICA & IPERS (if general fund at levy limit)		30	24,000	23,943		0.50706
Rules	Amt Nec	Other Employee Benefits		31	7,400	7,382		0.15634
		Subtotal Employee Benefit Levy (29,30,31)		32	31,400	31,325	65	0.66340
			Valuation					
386	As Req	With Gas & Elec		Without Gas & Elec				
	SSMID 1 (A)	0 (B)		0	34	0	66	0.00000
	SSMID 2 (A)	0 (B)		0	35	0	67	0.00000
	SSMID 3 (A)	0 (B)		0	36	0	68	0.00000
	SSMID 4 (A)	0 (B)		0	37	0	69	0.00000
	SSMID 5 (A)	0 (B)		0	555	0	565	0.00000
	SSMID 6 (A)	0 (B)		0	556	0	566	0.00000
	SSMID 7 (A)	0 (B)		0	1177	0	1179	0.00000
	SSMID 8 (A)	0 (B)		0	1185	0	1187	0.00000
		Total Special Revenue Levies			39	31,400	31,325	
384.4	Amt Nec	Debt Service Levy 76.10(6)		40	136,060	135,808	70	2.24442
384.7	0.67500	Capital Projects (Capital Improv. Reserve)		41		0	71	0.00000
		Total Property Taxes (27+39+40+41)		42	558,433	557,178	72	11.16805

COUNTY AUDITOR - I certify the budget is in compliance with ALL the following: Budgets that DO NOT meet ALL the criteria below are not statutorily compliant & must be returned to the city for correction.

(City Representative)

(Date)

(County Auditor)

(Date)

FUND BALANCE

City Name: CUMMING
 Fiscal Year July 1, 2024 - June 30, 2025

	GENERAL	SPECIAL REVENUES	TIF SPECIAL REVENUES	DEBT SERVICE	CAPITAL PROJECTS	PERMANENT	TOTAL GOVERNMENT	PROPRIETARY	GRAND TOTAL
Annual Report FY 2023									
Beginning Fund Balance July 1	567,292	292,102	15,604	9,534	29,865	0	914,397	291,929	1,206,326
Actual Revenues Except Beg Balance	759,231	119,141	170,585	58,643	108,312	0	1,215,912	85,798	1,301,710
Actual Expenditures Except End Balance	769,450	93,895	5,258	284,287	207,127	0	1,360,017	42,939	1,402,956
Ending Fund Balance June 30	557,073	317,348	180,931	-216,110	-68,950	0	770,292	334,788	1,105,080
Re-Estimated FY 2024									
Beginning Fund Balance	557,073	317,348	180,931	-216,110	-68,950	0	770,292	334,788	1,105,080
Re-Est Revenues	596,870	119,142	170,585	58,643	30,836	0	976,076	14,520	990,596
Re-Est Expenditures	769,450	93,895	5,258	284,287	207,127	0	1,360,017	42,939	1,402,956
Ending Fund Balance	384,493	342,595	346,258	-441,754	-245,241	0	386,351	306,369	692,720
Budget FY 2025									
Beginning Fund Balance	384,493	342,595	346,258	-441,754	-245,241	0	386,351	306,369	692,720
Revenues	1,151,625	67,750	244,245	137,497	136,600	0	1,737,717	0	1,737,717
Expenditures	1,053,628	36,000	0	316,720	0	0	1,406,348	0	1,406,348
Ending Fund Balance	482,490	374,345	590,503	-620,977	-108,641	0	717,720	306,369	1,024,089

LOCAL EMC SUPPORT

City Name: CUMMING
 Fiscal Year July 1, 2024 - June 30, 2025

As provided in Iowa Code Section 384.12, subsection 22, a city may levy the amount necessary in support of a local Emergency Management Commission. In addition to this individual levy, Emergency Management Commission support may also be included as part of the General Fund Levy. Iowa Code Section 29C.17, subsection 5 states that any support from cities or counties must be separately reported on tax statements issued by the county treasurer. Input the amount of General Fund Levy request to be used for support of an Emergency Management Commission. The total below will reflect the total amount of Emergency Management Commission support provided by the City.

	Request with Utility Replacement	Property Taxes Levied
Portion of General Fund Levy Used for Emerg. Mgmt. Comm.		0
Support of a Local Emerg.Mgmt.Comm.	0	0
TOTAL FOR FY 2025	0	0

GOVERNMENT ACTIVITIES CONT.	GENERAL	SPECIAL REVENUE	TIF/SPECIAL REVENUES	DEBT SERVICE	CAPITAL PROJECTS	PERMANENT	PROPRIETARY	RE-ESTIMATED 2024	ACTUAL 2023
PUBLIC SAFETY									
Police Department/Crime Prevention	11,304							11,304	11,304
Jail								0	0
Emergency Management								0	0
Flood Control								0	0
Fire Department	43,809							43,809	43,809
Ambulance								0	0
Building Inspections								0	0
Miscellaneous Protective Services								0	0
Animal Control								0	0
Other Public Safety								0	0
TOTAL (lines 1 - 10)	55,113	0				0		55,113	55,113
PUBLIC WORKS									
Roads, Bridges, & Sidewalks	500	47,225						47,725	235,137
Parking - Meter and Off-Street								0	0
Street Lighting		8,319						8,319	8,319
Traffic Control and Safety		115						115	115
Snow Removal		17,750						17,750	17,750
Highway Engineering								0	0
Street Cleaning								0	0
Airport (if not Enterprise)								0	0
Garbage (if not Enterprise)	40,815							40,815	40,815
Other Public Works								0	0
TOTAL (lines 12 - 21)	41,315	73,409				0		114,724	302,136
HEALTH & SOCIAL SERVICES									
Welfare Assistance								0	0
City Hospital								0	0
Payments to Private Hospitals								0	0
Health Regulation and Inspection								0	0
Water, Air, and Mosquito Control								0	0
Community Mental Health								0	0
Other Health and Social Services								0	0
TOTAL (lines 23 - 29)	0	0				0		0	0
CULTURE & RECREATION									
Library Services	18,435							18,435	18,435
Museum, Band and Theater								0	0
Parks	17,192							17,192	17,192
Recreation								0	0
Cemetery								0	0
Community Center, Zoo, & Marina								0	0
Other Culture and Recreation	950							950	950
TOTAL (lines 31 - 37)	36,577	0				0		36,577	36,577

	GOVERNMENT ACTIVITIES CONT.	GENERAL	SPECIAL REVENUE	TIF SPECIAL REVENUES	DEBT SERVICE	CAPITAL PROJECTS	PERMANENT	PROPRIETARY	RE-ESTIMATED 2024	ACTUAL 2023
	COMMUNITY & ECONOMIC DEVELOPMENT									
39	Community Beautification	10,350							10,350	10,350
40	Economic Development	8,983							8,983	8,983
41	Housing and Urban Renewal								0	0
42	Planning & Zoning								0	13,231
43	Other Com & Econ Development	371,355							371,355	371,355
44	TIF Rebates								0	0
45	TOTAL (lines 39 - 44)	390,688	0	0			0		390,688	403,919
	GENERAL GOVERNMENT									
46	Mayor, Council, & City Manager	5,892	422						6,314	6,314
47	Clerk, Treasurer, & Finance Adm.	135,483	20,064						155,547	155,547
48	Elections								0	0
49	Legal Services & City Attorney	20,144							20,144	20,144
50	City Hall & General Buildings	4,686							4,686	4,686
51	Tort Liability	8,458							8,458	8,458
52	Other General Government	32,917							32,917	32,917
53	TOTAL (lines 46 - 52)	207,580	20,486	0			0		228,066	228,066
54	DEBT SERVICE				284,287				284,287	284,287
55	Gov Capital Projects					207,127			207,127	6,484
56	TIF Capital Projects								0	0
57	TOTAL CAPITAL PROJECTS	0	0	0		207,127	0		207,127	6,484
58	TOTAL Governmental Activities Expenditures (lines 11+22+30+38+44+52+53+54)	731,273	93,895	0	284,287	207,127	0		1,316,582	1,316,582
	BUSINESS TYPE ACTIVITIES Proprietary: Enterprise & Budgeted ISF									
59	Water Utility							14	14	14
60	Sewer Utility							28,405	28,405	28,405
61	Electric Utility								0	0
62	Gas Utility								0	0
63	Airport								0	0
64	Landfill/Garbage								0	0
65	Transit								0	0
66	Cable TV, Internet & Telephone								0	0
67	Housing Authority								0	0
68	Storm Water Utility								0	0
69	Other Business Type (city hosp., ISF, parking, etc.)								0	0
70	Enterprise DEBT SERVICE								0	0
71	Enterprise CAPITAL PROJECTS								0	0
72	Enterprise TIF CAPITAL PROJECTS								0	0
73	TOTAL BUSINESS TYPE EXPENDITURES (lines 59+72)							28,419	28,419	28,419
74	TOTAL ALL EXPENDITURES (lines 58+73)	731,273	93,895	0	284,287	207,127	0	28,419	1,345,001	1,345,001
75	Regular Transfers Out	38,177						14,520	52,697	52,697
76	Internal TIF Loan Transfers Out			5,258					5,258	5,258
77	Total ALL Transfers Out	38,177	0	5,258	0	0	0	14,520	57,955	57,955
78	Total Expenditures and Other Fin Uses (lines 74+77)	769,450	93,895	5,258	284,287	207,127	0	42,939	1,402,956	1,402,956
79	Ending Fund Balance June 30	384,493	342,595	346,258	-441,754	-245,241	0	306,369	692,720	1,105,080

RE-ESTIMATED REVENUES DETAIL

City Name: CUMMING
Fiscal Year July 1, 2023 - June 30, 2024

REVENUES & OTHER FINANCING SOURCES	GENERAL	SPECIAL REVENUE	TIF SPECIAL REVENUES	DEBT SERVICE	CAPITAL PROJECTS	PERMANENT	PROPRIETARY	RE-ESTIMATED 2024	ACTUAL 2023
Taxes Levied on Property	1 240,022	25,220		52,200				317,442	317,442
Less: Uncollected Property Taxes - Levy Year	2							0	0
Net Current Property Taxes (line 1 minus line 2)	3 240,022	25,220		52,200	0			317,442	317,442
Delinquent Property Taxes	4							0	0
TIF Revenues	5		170,585					170,585	170,585
Other City Taxes:									
Utility Tax Replacement Excise Taxes	6	4,690		1,185				5,875	5,875
Utility franchise tax (Iowa Code Chapter 364.2)	7							0	0
Parimutuel wager tax	8							0	0
Gaming wager tax	9							0	0
Mobile Home Taxes	10							0	0
Hotel/Motel Taxes	11							0	0
Other Local Option Taxes	12	53,330						53,330	53,330
Subtotal - Other City Taxes (lines 6 thru 12)	13 0	58,020	0	1,185	0			59,205	59,205
Licenses & Permits	14 257,552							257,552	257,552
Use of Money & Property	15 37,498							37,498	37,498
Intergovernmental:									
Federal Grants & Reimbursements	16				30,278			30,278	30,278
Road Use Taxes	17	35,902						35,902	35,902
Other State Grants & Reimbursements	18 1,000							1,000	1,000
Local Grants & Reimbursements	19 802				558			1,360	1,360
Subtotal - Intergovernmental (lines 16 thru 19)	20 1,802	35,902	0	0	30,836		0	68,540	68,540
Charges for Fees & Service:									
Water Utility	21							0	5,175
Sewer Utility	22							0	43,847
Electric Utility	23							0	0
Gas Utility	24							0	0
Parking	25							0	0
Airport	26							0	0
Landfill/Garbage	27 21,819							21,819	4,344
Hospital	28							0	0
Transit	29							0	0
Cable TV, Internet & Telephone	30							0	0
Housing Authority	31							0	0
Storm Water Utility	32							0	0
Other Fees & Charges for Service	33							0	0
Subtotal - Charges for Service (lines 21 thru 33)	34 21,819	0	0	0	0		0	21,819	53,366
Special Assessments	35							0	0
Miscellaneous	36							0	279,567
Other Financing Sources:									
Regular Operating Transfers In	37 38,177						14,520	52,697	52,697
Internal TIF Loan Transfers In	38			5,258				5,258	5,258
Subtotal ALL Operating Transfers In	39 38,177	0	0	5,258	0		14,520	57,955	57,955
Proceeds of Debt (Excluding TIF Internal Borrowing)	40							0	0
Proceeds of Capital Asset Sales	41							0	0
Subtotal-Other Financing Sources (lines 36 thru 38)	42 38,177	0	0	5,258	0		14,520	57,955	57,955
Total Revenues except for beginning fund balance (lines 3, 4, 5, 12, 13, 14, 19, 33, 34, 35, & 39)	43 596,870	119,142	170,585	58,643	30,836	0	14,520	990,596	1,301,710
Beginning Fund Balance July 1	44 557,073	317,348	180,931	-216,110	-68,950	0	334,788	1,105,080	1,206,326
TOTAL REVENUES & BEGIN BALANCE (lines 41+42)	45 1,153,943	436,490	351,516	-157,467	-38,114	0	349,308	2,095,676	2,508,036

GOVERNMENT ACTIVITIES	GENERAL	SPECIAL REVENUES	TIF SPECIAL REVENUES	DEBT SERVICE	CAPITAL PROJECTS	PERMANENT	PROPRIETARY	BUDGET 2025	RE-ESTIMATED 2024	ACTUAL 2023
PUBLIC SAFETY										
Police Department/Crime Prevention	11,756							11,756	11,304	11,304
Jail								0	0	0
Emergency Management								0	0	0
Flood Control								0	0	0
Fire Department	104,500							104,500	43,809	43,809
Ambulance								0	0	0
Building Inspections	40,000							40,000	0	0
Miscellaneous Protective Services								0	0	0
Animal Control	800							800	0	0
Other Public Safety								0	0	0
TOTAL (lines 1 - 10)	157,056	0				0		157,056	55,113	55,113
PUBLIC WORKS										
Roads, Bridges, & Sidewalks	8,500	6,000						14,500	47,725	235,137
Parking - Meter and Off-Street								0	0	0
Street Lighting		12,000						12,000	8,319	8,319
Traffic Control and Safety		300						300	115	115
Snow Removal	50	17,700						17,750	17,750	17,750
Highway Engineering								0	0	0
Street Cleaning	1,500							1,500	0	0
Airport								0	0	0
Garbage (if not Enterprise)	43,500							43,500	40,815	40,815
Other Public Works								0	0	0
TOTAL (lines 12 - 21)	53,550	36,000	0			0		89,550	114,724	302,136
HEALTH & SOCIAL SERVICES										
Welfare Assistance								0	0	0
City Hospital								0	0	0
Payments to Private Hospitals								0	0	0
Health Regulation and Inspection								0	0	0
Water, Air, and Mosquito Control								0	0	0
Community Mental Health								0	0	0
Other Health and Social Services								0	0	0
TOTAL (lines 23 - 29)	0	0	0			0		0	0	0
CULTURE & RECREATION										
Library Services	9,915							9,915	18,435	18,435
Museum, Band and Theater								0	0	0
Parks	17,192							17,192	17,192	17,192
Recreation								0	0	0
Cemetery								0	0	0
Community Center, Zoo, & Marina								0	0	0
Other Culture and Recreation								0	950	950
TOTAL (lines 31 - 37)	27,107	0	0			0		27,107	36,577	36,577

GOVERNMENT ACTIVITIES	GENERAL	SPECIAL REVENUES	TIF SPECIAL REVENUES	DEBT SERVICE	CAPITAL PROJECTS	PERMANENT	PROPRIETARY	BUDGET 2025	RE-ESTIMATED 2024	ACTUAL 2023
COMMUNITY & ECONOMIC DEVELOPMENT										
Community Beautification	39	3,000						3,000	10,350	10,350
Economic Development	40	40,000						40,000	8,983	8,983
Housing and Urban Renewal	41							0	0	0
Planning & Zoning	42							0	0	13,231
Other Com & Econ Development	43	150,000						150,000	371,355	371,355
TIF Rebates	44							0	0	0
TOTAL (lines 39 - 44)	45	193,000	0	0		0		193,000	390,688	403,919
GENERAL GOVERNMENT										
Mayor, Council, & City Manager	46	96,723						96,723	6,314	6,314
Clerk, Treasurer, & Finance Adm.	47	43,477						43,477	155,547	155,547
Elections	48	1,500						1,500	0	0
Legal Services & City Attorney	49	22,000						22,000	20,144	20,144
City Hall & General Buildings	50	7,000						7,000	4,686	4,686
Tort Liability	51	13,215						13,215	8,458	8,458
Other General Government	52	35,000						35,000	32,917	32,917
TOTAL (lines 46 - 52)	53	218,915	0	0		0		218,915	228,066	228,066
DEBT SERVICE										
Gov Capital Projects	54			316,720				316,720	284,287	284,287
TIF Capital Projects	55							0	207,127	6,484
TOTAL CAPITAL PROJECTS	56							0	0	0
TOTAL Government Activities Expenditures (lines 11+22+30+38+45+53+54+57)	57	0	0	0	0	0	0	0	207,127	6,484
TOTAL Government Activities Expenditures (lines 11+22+30+38+45+53+54+57)	58	649,628	36,000	316,720	0	0	0	1,002,348	1,316,582	1,316,582
BUSINESS TYPE ACTIVITIES										
Proprietary: Enterprise & Budgeted ISF										
Water Utility	59							0	14	14
Sewer Utility	60							0	28,405	28,405
Electric Utility	61							0	0	0
Gas Utility	62							0	0	0
Airport	63							0	0	0
Landfill/Garbage	64							0	0	0
Transit	65							0	0	0
Cable TV, Internet & Telephone	66							0	0	0
Housing Authority	67							0	0	0
Storm Water Utility	68							0	0	0
Other Business Type (city hosp., ISF, parking, etc.)	69							0	0	0
Enterprise DEBT SERVICE	70							0	0	0
Enterprise CAPITAL PROJECTS	71							0	0	0
Enterprise TIF CAPITAL PROJECTS	72							0	0	0
TOTAL Business Type Expenditures (lines 59 - 72)	73						0	0	28,419	28,419
TOTAL ALL EXPENDITURES (lines 58 + 73)	74	649,628	36,000	316,720	0	0	0	1,002,348	1,345,001	1,345,001
Regular Transfers Out	75	404,000						404,000	52,697	52,697
Internal TIF Loan / Repayment Transfers Out	76							0	5,258	5,258
Total ALL Transfers Out	77	404,000	0	0	0	0	0	404,000	57,955	57,955
Total Expenditures & Fund Transfers Out (lines 74+77)	78	1,053,628	36,000	316,720	0	0	0	1,406,348	1,402,956	1,402,956
Ending Fund Balance June 30	79	482,490	374,345	590,503	-108,641	0	306,369	1,024,089	692,720	1,105,080

REVENUES DETAIL

City Name: CUMMING
Fiscal Year July 1, 2024 - June 30, 2025

	GENERAL	SPECIAL REVENUES	TIF/SPECIAL REVENUES	DEBT SERVICE	CAPITAL PROJECTS	PERMANENT	PROPRIETARY	BUDGET 2025	RE-ESTIMATED 2024	ACTUAL 2023
REVENUES & OTHER FINANCING SOURCES										
1	390,045	31,325		135,808	0			557,178	317,442	317,442
2								0	0	0
3	390,045	31,325		135,808	0			557,178	317,442	317,442
4								0	0	0
5		244,245						244,245	170,585	170,585
Other City Taxes:										
6	928	75		252	0			1,255	5,875	5,875
7								0	0	0
8								0	0	0
9								0	0	0
10								0	0	0
11								0	0	0
12	54,000							54,000	53,330	53,330
13	54,928	75		252	0			55,255	59,205	59,205
14								0	257,552	257,552
15	39,000							39,000	37,498	37,498
Intergovernmental:										
16								0	30,278	30,278
17		36,000						36,000	35,902	35,902
18	5,652	350		1,437	136,600			144,039	1,000	1,000
19								0	1,360	1,360
20	5,652	36,350	0	1,437	136,600		0	180,039	68,540	68,540
Charges for Fees & Service:										
21	5,000							5,000	0	5,175
22	60,000							60,000	0	43,847
23								0	0	0
24								0	0	0
25								0	0	0
26								0	0	0
27	23,000							23,000	21,819	4,344
28								0	0	0
29								0	0	0
30								0	0	0
31								0	0	0
32								0	0	0
33								0	0	0
34	88,000	0		0	0			88,000	21,819	53,366
35								0	0	0
36	170,000							170,000	0	279,567
Other Financing Sources:										
37	404,000							404,000	52,697	52,697
38								0	5,258	5,258
39	404,000	0	0	0	0	0	0	404,000	57,955	57,955
40								0	0	0
41								0	0	0
42	404,000	0	0	0	0	0	0	404,000	57,955	57,955
43	1,151,625	67,750	244,245	137,497	136,600	0	0	1,737,717	990,596	1,301,710
44	384,493	342,595	346,258	-441,754	-245,241	0	0	692,720	1,105,080	1,206,326
45	1,536,118	410,345	590,503	-304,257	-108,641	0	0	2,430,437	2,095,676	2,508,036
TOTAL REVENUES & BEGIN BALANCE (lines 42-43)										

ADOPTED BUDGET SUMMARY

City Name: CUMMING
Fiscal Year July 1, 2024 - June 30, 2025

	GENERAL	SPECIAL REVENUES	TIF SPECIAL REVENUES	DEBT SERVICE	CAPITAL PROJECTS	PERMANENT	PROPRIETARY	BUDGET 2025	RE-ESTIMATED 2024	ACTUAL 2023
Revenues & Other Financing Sources										
Taxes Levied on Property	1 390,045	31,325		135,808	0			557,178	317,442	317,442
Less: Uncollected Property Taxes-Levy Year	2 0	0		0	0			0	0	0
Net Current Property Taxes	3 390,045	31,325		135,808	0			557,178	317,442	317,442
Delinquent Property Taxes	4 0	0		0	0			0	0	0
TIF Revenues	5		244,245					244,245	170,585	170,585
Other City Taxes	6 54,928	75		252	0			55,255	59,205	59,205
Licenses & Permits	7 0	0		0	0			0	257,552	257,552
Use of Money and Property	8 39,000	0		0	0			39,000	37,498	37,498
Intergovernmental	9 5,652	36,350		1,437	136,600			180,039	68,540	68,540
Charges for Fees & Service	10 88,000	0		0	0			88,000	21,819	53,366
Special Assessments	11 0	0		0	0			0	0	0
Miscellaneous	12 170,000	0		0	0			170,000	0	279,567
Sub-Total Revenues	13 747,625	67,750	244,245	137,497	136,600			1,333,717	932,641	1,243,755
Other Financing Sources:										
Total Transfers In	14 404,000	0		0	0			404,000	57,955	57,955
Proceeds of Debt	15 0	0		0	0			0	0	0
Proceeds of Capital Asset Sales	16 0	0		0	0			0	0	0
Total Revenues and Other Sources	17 1,151,625	67,750	244,245	137,497	136,600			1,737,717	990,596	1,301,710
Expenditures & Other Financing Uses										
Public Safety	18 157,056	0		0				157,056	55,113	55,113
Public Works	19 53,550	36,000		0				89,550	114,724	302,136
Health and Social Services	20 0	0		0				0	0	0
Culture and Recreation	21 27,107	0		0				27,107	36,577	36,577
Community and Economic Development	22 193,000	0		0				193,000	390,688	403,919
General Government	23 218,915	0		0				218,915	228,066	228,066
Debt Service	24 0	0		316,720				316,720	284,287	284,287
Capital Projects	25 0	0		0				0	207,127	6,484
Total Government Activities Expenditures	26 649,628	36,000		316,720	0			1,002,348	1,316,582	1,316,582
Business Type Proprietary: Enterprise & ISF	27							0	28,419	28,419
Total Gov & Bus Type Expenditures	28 649,628	36,000		316,720	0			1,002,348	1,345,001	1,345,001
Total Transfers Out	29 404,000	0		0				404,000	57,955	57,955
Total ALL Expenditures/Fund Transfers Out	30 1,053,628	36,000		316,720	0			1,406,348	1,402,956	1,402,956
Excess Revenues & Other Sources Over	31									
(Under) Expenditures/Transfers Out	32 97,997	31,750	244,245	-179,223	136,600			331,369	-412,360	-101,246
Beginning Fund Balance July 1	33 384,493	342,595	346,258	-441,754	-245,241		306,369	692,720	1,105,080	1,206,326
Ending Fund Balance June 30	34 482,490	374,345	590,503	-620,977	-108,641		306,369	1,024,089	692,720	1,105,080

LONG TERM DEBT SCHEDULE - LT DEBT2

GENERAL OBLIGATION BONDS, TIF BONDS, REVENUE BONDS, LOANS, LEASE-PURCHASE PAYMENTS

Debt Name	Amount of Issue	Type of Debt Obligation	Debt Resolution Number	Principal Due FY	Interest Due FY	Total Obligation Due FY	Bond Reg./ Paying Agent Fees Due FY	Reductions due to Refinancing or Prepayment of Certified Debt	Paid from Funds OTHER THAN Current Year Debt Service Taxes	Amount Paid Current Year Debt Service Levy
	31	-				0				0
	32	-				0				0
	33	-				0				0
	34	-				0				0
	35	-				0				0
	36	-				0				0
	37	-				0				0
	38	-				0				0
	39	-				0				0
	40	-				0				0
	41	-				0				0
	42	-				0				0
	43	-				0				0
	44	-				0				0
	45	-				0				0
	46	-				0				0
	47	-				0				0
	48	-				0				0
	49	-				0				0
	50	-				0				0
	51	-				0				0
	52	-				0				0
	53	-				0				0
	54	-				0				0
	55	-				0				0
	56	-				0				0
	57	-				0				0
	58	-				0				0
	59	-				0				0
	60	-				0				0
TOTALS				266,000	5,720	271,720	0	0	135,660	136,060

LONG TERM DEBT SCHEDULE - LT DEBT3

GENERAL OBLIGATION BONDS, TIF BONDS, REVENUE BONDS, LOANS, LEASE-PURCHASE PAYMENTS

Debt Name	Amount of Issue	Type of Debt Obligation	Debt Resolution Number	Principal Due FY	Interest Due FY	Total Obligation Due FY	Bond Reg./ Paying Agent Fees Due FY	Reductions due to Refinancing or Prepayment of Certified Debt	Paid from Funds OTHER THAN Current Year Debt Service Taxes	Amount Paid Current Year Debt Service Levy
	61	-				0				0
	62	-				0				0
	63	-				0				0
	64	-				0				0
	65	-				0				0
	66	-				0				0
	67	-				0				0
	68	-				0				0
	69	-				0				0
	70	-				0				0
	71	-				0				0
	72	-				0				0
	73	-				0				0
	74	-				0				0
	75	-				0				0
	76	-				0				0
	77	-				0				0
	78	-				0				0
	79	-				0				0
	80	-				0				0
	81	-				0				0
	82	-				0				0
	83	-				0				0
	84	-				0				0
	85	-				0				0
	86	-				0				0
	87	-				0				0
	88	-				0				0
	89	-				0				0
	90	-				0				0
TOTALS				266,000	5,720	271,720	0	0	135,660	136,060

LONG TERM DEBT SCHEDULE - LT DEBT4

GENERAL OBLIGATION BONDS, TIF BONDS, REVENUE BONDS, LOANS, LEASE-PURCHASE PAYMENTS

Debt Name	Amount of Issue	Type of Debt Obligation	Debt Resolution Number	Principal Due FY	Interest Due FY	Total Obligation Due FY	Bond Reg./Paying Agent Fees Due FY	Reductions due to Refinancing or Prepayment of Certified Debt	Paid from Funds OTHER THAN Current Year Debt Service Taxes	Amount Paid Current Year Debt Service Levy
	91	-				0				0
	92	-				0				0
	93	-				0				0
	94	-				0				0
	95	-				0				0
	96	-				0				0
	97	-				0				0
	98	-				0				0
	99	-				0				0
	100	-				0				0
	101	-				0				0
	102	-				0				0
	103	-				0				0
	104	-				0				0
	105	-				0				0
	106	-				0				0
	107	-				0				0
	108	-				0				0
	109	-				0				0
	110	-				0				0
	111	-				0				0
	112	-				0				0
	113	-				0				0
	114	-				0				0
	115	-				0				0
	116	-				0				0
	117	-				0				0
	118	-				0				0
	119	-				0				0
	120	-				0				0
TOTALS				266,000	5,720	271,720	0	0	135,660	136,060

LONG TERM DEBT SCHEDULE - LT DEBTS

GENERAL OBLIGATION BONDS, TIF BONDS, REVENUE BONDS, LOANS, LEASE-PURCHASE PAYMENTS

Debt Name	Amount of Issue	Type of Debt Obligation	Debt Resolution Number	Principal Due FY	Interest Due FY	Total Obligation Due FY	Bond Reg./Paying Agent Fees Due FY	Reductions due to Refinancing or Prepayment of Certified Debt	Paid from Funds OTHER THAN Current Year Debt Service Taxes	Amount Paid Current Year Debt Service Levy
	121	-				0				0
	122	-				0				0
	123	-				0				0
	124	-				0				0
	125	-				0				0
	126	-				0				0
	127	-				0				0
	128	-				0				0
	129	-				0				0
	130	-				0				0
	131	-				0				0
	132	-				0				0
	133	-				0				0
	134	-				0				0
	135	-				0				0
	136	-				0				0
	137	-				0				0
	138	-				0				0
	139	-				0				0
	140	-				0				0
	141	-				0				0
	142	-				0				0
	143	-				0				0
	144	-				0				0
	145	-				0				0
	146	-				0				0
	147	-				0				0
	148	-				0				0
	149	-				0				0
	150	-				0				0
TOTALS				266,000	5,720	271,720	0	0	135,660	136,060

LONG TERM DEBT SCHEDULE - LT DEBT6

GENERAL OBLIGATION BONDS, TIF BONDS, REVENUE BONDS, LOANS, LEASE-PURCHASE PAYMENTS

Debt Name	Amount of Issue	Type of Debt Obligation	Debt Resolution Number	Principal Due FY	Interest Due FY	Total Obligation Due FY	Bond Reg./Paying Agent Fees Due FY	Reductions due to Refinancing or Prepayment of Certified Debt	Paid from Funds OTHER THAN Current Year Debt Service Taxes	Amount Paid Current Year Debt Service Levy
	151	-				0				0
	152	-				0				0
	153	-				0				0
	154	-				0				0
	155	-				0				0
	156	-				0				0
	157	-				0				0
	158	-				0				0
	159	-				0				0
	160	-				0				0
	161	-				0				0
	162	-				0				0
	163	-				0				0
	164	-				0				0
	165	-				0				0
	166	-				0				0
	167	-				0				0
	168	-				0				0
	169	-				0				0
	170	-				0				0
	171	-				0				0
	172	-				0				0
	173	-				0				0
	174	-				0				0
	175	-				0				0
	176	-				0				0
	177	-				0				0
	178	-				0				0
	179	-				0				0
	180	-				0				0
TOTALS				266,000	5,720	271,720	0	0	135,660	136,060

LONG TERM DEBT SCHEDULE - LT DEBT7

GENERAL OBLIGATION BONDS, TIF BONDS, REVENUE BONDS, LOANS, LEASE-PURCHASE PAYMENTS

Debt Name	Amount of Issue	Type of Debt Obligation	Debt Resolution Number	Principal Due FY	Interest Due FY	Total Obligation Due FY	Bond Reg./Paying Agent Fees Due FY	Reductions due to Refinancing or Prepayment of Certified Debt	Paid from Funds OTHER THAN Current Year Debt Service Taxes	Amount Paid Current Year Debt Service Levy
	181	-				0				0
	182	-				0				0
	183	-				0				0
	184	-				0				0
	185	-				0				0
	186	-				0				0
	187	-				0				0
	188	-				0				0
	189	-				0				0
	190	-				0				0
	191	-				0				0
	192	-				0				0
	193	-				0				0
	194	-				0				0
	195	-				0				0
	196	-				0				0
	197	-				0				0
	198	-				0				0
	199	-				0				0
	200	-				0				0
	201	-				0				0
	202	-				0				0
	203	-				0				0
	204	-				0				0
	205	-				0				0
	206	-				0				0
	207	-				0				0
	208	-				0				0
	209	-				0				0
	210	-				0				0
TOTALS				266,000	5,720	271,720	0	0	135,660	136,060

LONG TERM DEBT SCHEDULE - GRAND TOTALS

GENERAL OBLIGATION BONDS, TIF BONDS, REVENUE BONDS, LOANS, LEASE-PURCHASE PAYMENTS

	Principal Due FY 2025	Interest Due FY 2025	Total Obligation Due FY 2025	Bond Reg./ Paying Agent Fees Due FY 2025	Reductions due to Refinancing or Prepayment of Certified Debt	Paid from Sources OTHER THAN Budget Year Debt Service Levy	Amount Paid Budget Year Debt Service Levy
GO - TOTAL	266,000	5,720	271,720	0	0	135,660	136,060
NON GO - TOTAL	0	0	0	0	0	0	0
GRAND - TOTAL	266,000	5,720	271,720	0	0	135,660	136,060

CITY OF CUMMING, IOWA

URBAN RENEWAL PLAN AMENDMENT
CONSOLIDATED CUMMING URBAN RENEWAL AREAS

April, 2024

The Urban Renewal Plan (the “Plan”) for the Consolidated Cumming Urban Renewal Areas (the “Urban Renewal Area”) is being amended for the purpose of identifying a new urban renewal project to be undertaken therein.

1) Identification of Projects. By virtue of this amendment, the list of authorized urban renewal projects in the Plan is hereby amended to include the following project description:

Name of Project: Middlebrook Village Core Development Project

Date of Council Approval of Project: April 22, 2024

Description of Project and Project Site: DHC 1, LLC (the “Developer”) has proposed to undertake the development (the “Middlebrook Project”) of a mixed-use community to be known as Middlebrook Village Core, including the construction of commercial and mixed-use buildings and the requisite public and private infrastructure improvements on the certain real property (the “Property”) in the Urban Renewal Area. The Project will also include the construction of a recreational bike trail (the “Bike Trail Project,” and together with the Middlebrook Project, the “Projects”) along Cumming Avenue from the Great Western Trail to the Middlebrook West Plat.

It has been requested that the City provide tax increment financing assistance to the Developer in support of the efforts to complete the Projects.

The costs incurred by the City in providing tax increment financing assistance to the Developer will include legal and administrative fees (the “Admin Fees”) in an amount not to exceed \$10,000.

Description of Use of TIF for the Project: The City intends to enter into a development agreement (the “Development Agreement”) with the Developer with respect to the Projects and to provide (i) annual appropriation economic development payments (the “Payments”) in connection with the Middlebrook Project and (ii) an economic development grant (the “Grant”) in connection with the Bike Trail Project to the Developer thereunder.

The Payments, in an amount not to exceed \$2,800,000, will be funded with incremental property tax revenues to be derived from the Property.

The Grant, in an amount not to exceed \$125,000, will be funded with either borrowed funds and/or an internal advance of funds on-hand. In any case, the City’s obligations entered

into to fund the Grant may be repaid with incremental property tax revenues to be derived from the Urban Renewal Area.

It is anticipated that the City's total commitment of incremental property tax revenues with respect to the Projects, including the Payments, the Grant, and the Admin Fees will not exceed \$2,935,000, plus any interest expense incurred by the City on any borrowing undertaken for the funding of the Grant.

2) Required Financial Information. The following information is provided in accordance with the requirements of Section 403.17 of the Code of Iowa:

Constitutional debt limit of the City:	<u>\$3,372,259</u>
Outstanding general obligation debt of the City:	<u>\$</u>
Proposed debt to be incurred under this April, 2024 Amendment*:	<u>\$2,935,000</u>

*It is anticipated that some of the debt incurred by the City hereunder will be subject to annual appropriation by the City Council.

DEVELOPMENT AGREEMENT

This Agreement is entered into between the City of Cumming, Iowa (the “City”) and MB Main Investments, LLC (the “Developer”) as of _____, 2024 (the “Commencement Date”).

WHEREAS, the City has established the Cumming Urban Renewal Area (the “Urban Renewal Area”) and has adopted a tax increment ordinance for the Urban Renewal Area; and

WHEREAS, the Developer owns certain real property which is situated in the City, lies within the Urban Renewal Area and is more specifically described on Exhibit A hereto (the “Property”); and

WHEREAS, the Developer has proposed to undertake the development of a mixed-use community on the Property locally known as the Middlebrook Village Core, which will include the development (the “Development Project”) of mixed-use facilities on the Property, including commercial facilities; and

WHEREAS, the Developer has requested that the City provide financial assistance in the form of incremental property tax payments to be used by the Developer in paying the costs of constructing the Development Project; and

WHEREAS, the Developer has also proposed to undertake the construction of recreational trail improvements (the “Rec Trail Project”) in connection with the Development Project; and

WHEREAS, the Developer has requested that the City provide financial assistance in the form of an economic development grant (the “Grant”) to be used by the Developer in paying the costs of constructing the Rec Trail Project; and

WHEREAS, Chapter 15A of the Code of Iowa authorizes cities to provide grants, loans, guarantees, tax incentives and other financial assistance to or for the benefit of private persons;

NOW THEREFORE, the parties hereto agree as follows:

A. Developer’s Covenants

1. Development Project. The Developer agrees to undertake the Development Project and to use best efforts to thereby promote the development of the Property to its highest and best uses including mixed-use development which will include commercial facilities. The Developer agrees that the Development Project will be constructed in compliance with the Middlebrook Planned Unit Development attached hereto as Exhibit B. The Developer will maintain and ensure compliance with all local zoning, land use, building and safety codes and regulations in the undertaking of the Development Project.

2. Property Taxes.

a. Payment of Taxes. The Developer agrees to make timely payment of all property taxes for which the Developer is responsible under the laws of the State of Iowa as they come due with respect to the Property owned by the Developer during the Term (as herein defined), and, upon request, to submit to the City a receipt or cancelled check in evidence of each such payment. In the event of the conveyance of the Property, or a portion thereof, the titleholder shall be responsible for payment of the property taxes for which the conveyed property is responsible under the laws of the State of Iowa.

b. Taxability of Property. The Developer agrees that it will not seek any tax exemption or abatement either presently or prospectively authorized under any State, federal or local law with respect to taxation of the Property owned by the Developer during the Term including causing or allowing such Property to be leased, sold, transferred to or otherwise used by an entity that is exempt from property taxes under the laws of the State of Iowa.

3. Developer's Certifications – Payment Phases; Base Valuation. The Developer shall have the right to divide the taxable parcels comprising the Property into no more than four (4) phases (the “Payment Phases” and, individually, each a “Payment Phase”) for purposes of calculating and administering the Payments (as hereinafter defined). The Developer agrees to provide a certification (each a “Triggering Certification”) to the City of its intent to begin the process of dividing Incremental Property Tax Revenues (as hereinafter defined) from each Payment Phase. Each Triggering Certification shall be made by no later than October 15 of the year immediately preceding the fiscal year in which the Developer intends for the Payments (as hereinafter defined) to begin for each Payment Phase. The Developer hereby acknowledges that the submission of the initial Worksheet (as defined in Section A.4 of this Agreement) for any particular Payment Phase will satisfy the requirements of this Section A.3. The Developer agrees that the initial Triggering Certification shall be made no later than October 15, 2026.

The Developer agrees that the taxable base valuation (the “Base Valuation”) of the Property for purposes of calculating Incremental Property Tax Revenues under Section 403.19 of the Code of Iowa and this Agreement shall be the taxable valuation of the Property shown on the property tax rolls of Warren County as of January 1 of the year prior to the year in which the Triggering Certification for the first Payment Phase is filed with the City. The Base Valuation shall be apportioned to the Property included in each Payment Phase on a pro rata basis, and the apportioned Base Valuation for each such Payment Phase shall be recorded in Section 3 of the Worksheet (as hereinafter defined) for each Payment Phase.

4. Property Tax Payment Certification. The Developer agrees to certify to the City by no later than October 15 of each year during the Term, commencing October 15 of the year in which the Triggering Certification is made for the first Payment Phase, an amount (each, the “Developer’s Estimate”) equal to seventy-five percent (75%) (the “Annual Percentage”) of the estimated Incremental Property Tax Revenues (as hereinafter defined) anticipated to be paid in the fiscal year immediately following such certification with respect to the taxable valuation of each of the then-certified Payment Phases of the Property. However, the Developer shall only have the right to include incremental valuation from a particular Payment Phase in the Developer’s Estimate for a period not in excess of fifteen (15) years.

In submitting each such Developer's Estimate for each Payment Phase, the Developer will complete and submit the worksheet (the "Worksheet") attached hereto as Exhibit C. A separate Worksheet must be submitted for each Phase. The City reserves the right to review and request revisions to each such Developer's Estimate to ensure the accuracy of the figures submitted.

For purposes of this Agreement, Incremental Property Tax Revenues are calculated by: (1) determining the consolidated property tax levy (City, school, etc.) then in effect with respect to taxation of the Property; (2) subtracting (a) the debt service levies of all taxing jurisdictions, (b) the school district instructional support and physical plant and equipment levies and (c) any other levies which may be exempted from such calculation by action of the Iowa General Assembly; (3) multiplying the resulting modified consolidated levy rate times any incremental growth in the taxable valuation of the relevant Payment Phase of the Property, as shown on the property tax rolls of Warren County, above and beyond the Base Valuation of the lots included with each such Payment Phase; and (4) deducting any property tax credits which shall be available with respect to the incremental valuation of the Property.

Upon request, the City staff shall provide reasonable assistance to the Developer in completing the Worksheet(s) required under this Section A.4.

5. Rec Trail Project Construction. The Developer agrees to cause the construction of the Rec Trail Project in accordance with the timeline and specifications set forth on Exhibit D hereto.

The City shall retain all rights to inspect the completed Rec Trail Project for quality of work and full compliance with City Code. Nothing in this subsection shall be interpreted as limiting the City's rights to not accept the work if the Rec Trail Project is not completed to the satisfaction of the City.

Upon completion of the Rec Trail Project, provided that (i) such improvements are of the type ordinarily dedicated to the City; (ii) the City confirms to the Developer in writing that such completed improvements meet City requirements; and (iii) the City accepts such Rec Trail Project in accordance with State law, the Developer will provide the City with either a deed or permanent easement to the improvements and related right-of-way comprising the Rec Trail Project, which shall thereafter be maintained by the City.

6. Economic Development Grant Disbursement Request and Rec Trail Costs Documentation. Upon completion of the Rec Trail Project, the Developer agrees to submit a grant disbursement request (the "Grant Disbursement Request") in the form attached hereto as Exhibit E. The Grant Disbursement Request shall be accompanied by documentation (the "Rec Trail Costs Documentation") detailing the costs (the "Rec Trail Costs") incurred in completion of the Rec Trail Project, including invoices, and such other documentation as may reasonably be requested by the City, confirming that the Rec Trail Costs detailed in the Rec Trail Costs Documentation were in fact incurred in the construction of the Rec Trail Project and that such Rec Trail Costs are of an amount reasonably to have been expected with respect to such construction.

The Rec Trail Costs may include all costs related to designing and constructing the Rec Trail Project, landscaping and grading for the Rec Trail Project, interest expense and other costs of financing, and other reasonably related costs of carrying out the Rec Trail Project.

7. **Legal and Administrative Costs.** The Developer hereby agrees to pay for the legal fees and administrative costs incurred by the City in connection with the drafting, negotiation and authorization of this Agreement, including the prerequisite amendment to the urban renewal plan, up to an amount not in excess of \$10,000. The Developer agrees to remit payment to the City within thirty (30) days of the submission of reasonable documentation by the City to the Developer evidencing such costs.

8. **Default Provisions.**

A. **Events of Default.** The following shall be “Events of Default” under this Agreement, and the term “Event of Default” shall mean, whenever it is used in this Agreement (unless otherwise provided), any one or more of the following events:

- (i) Failure by the Developer to cause construction of the Development Project pursuant to the terms and conditions of this Agreement.
- (ii) Failure by the Developer to complete construction of the Rec Trail Project pursuant to the terms and conditions of this Agreement.
- (iii) Failure by the Developer to fully and timely remit payment of property taxes when due and owing as required by this Agreement.
- (iv) Failure by the Developer to comply with Sections A.3, A.4, A.6, A.7 and A.7 of this Agreement.
- (v) Failure by the Developer to observe or perform any other material covenant on its part, to be observed or performed hereunder.

B. **Notice and Remedies.** Whenever any Event of Default described in this Agreement occurs, the City shall provide written notice to the Developer describing the cause of the default and the steps that must be taken by the Developer in order to cure the default. The Developer shall have thirty (30) days after receipt of the notice to cure the default or to provide assurances satisfactory to City that the default will be cured as soon as reasonably possible. If the Developer fails to cure the default or provide assurances, the City shall then have the right to:

- (i) Pursue any action available to it, at law or in equity, in order to enforce the terms of this Agreement.
- (ii) Withhold the Payments provided for under Section B.1 below.
- (iii) To the extent that the Developer fails to construct the Rec Trail Project pursuant to the terms and conditions of this Agreement, withhold the disbursement of the Grant pursuant to Section B.6 below.

B. **City’s Obligations**

1. **Payments.** In recognition of the Developer’s obligations set out above, the City agrees to make thirty (30) semiannual economic development tax increment payments (the

“Payments” and individually, each a “Payment”) to the Developer during the Term of this Agreement, pursuant to Chapters 15A and 403 of the Code of Iowa, provided however that the aggregate, total amount (the “Maximum Payment Total”) of the Payments shall not exceed \$2,800,000. The Payments shall be funded from the incremental valuation of the Property for any given Payment Phase for a period not in excess of fifteen (15) fiscal years after the certification of such Payment Phase. All Payments under this Agreement shall be subject to annual appropriation by the City Council, as provided hereunder.

The Payments shall not constitute general obligations of the City, but shall be made solely and only from the Annual Percentage of Incremental Property Tax Revenues received by the City from the Warren County Treasurer attributable to the taxable valuation of the Property with the completed Development Project thereon.

The Payments with respect to each Payment Phase will be made on December 1 and June 1 of each fiscal year following an affirmative appropriation decision as provided for under Section B.2 below, beginning on December 1 of the fiscal year immediately succeeding the year in which the Triggering Certification is made for such Payment Phase, and continuing for a total of fifteen (15) fiscal years for each Payment Phase, provided, however, that no Payments will be made after the sooner of (i) the date on which the aggregate sum of Payments made hereunder equals the Maximum Payment Total; or (ii) June 1, 2047.

For example, assuming the Triggering Certification for the first Payment Phase is made on October 15, 2026, and all appropriation determinations are approved affirmatively by the City Council under Section B.2 below, then Payments for the first Payment Phase will be made on each December 1 and June 1, beginning December 1, 2027 and continuing through the sooner of June 1, 2042 or the date on which the aggregate sum of Payments made hereunder equals the Maximum Payment Total.

2. Annual Appropriation. The Payments shall be subject to annual appropriation by the City Council. Prior to December 1 of each year during the Term, beginning in the fiscal year in which the Triggering Certification is filed for the first Payment Phase, the City Council of the City shall consider the question of obligating for appropriation to the funding of the Payments due in the following fiscal year, an amount (the “Appropriated Amount”) of Incremental Property Tax Revenues to be collected in the following fiscal year equal to or less than the most recently submitted Developer’s Estimate.

In any given fiscal year, if the City Council determines to not obligate the then-considered Appropriated Amount, then the City will be under no obligation to fund the Payments scheduled to become due in the following fiscal year, and the Developer will have no rights whatsoever to compel the City to make such Payments, to seek damages relative thereto or to compel the funding of such Payments in future fiscal years. A determination by the City Council to not obligate funds for any particular fiscal year’s Payments shall not render this Agreement null and void, and the Developer shall make the next succeeding submission of the Developer’s Estimate as called for in Section A.4 above, provided however that no Payment shall be made under this Agreement after June 1, 2047.

3. **Payment Amounts.** The aggregate Payments to be made in a fiscal year shall not exceed an amount equal to the corresponding Appropriated Amount (for example, for the Payments due on December 1, 2027 and on June 1, 2028, the aggregate maximum amount of such Payments would be determined by the Appropriated Amount determined for certification by December 1, 2026). Furthermore, the amount of each such Payment shall not exceed the Annual Percentage of Incremental Property Tax Revenues (excluding allocations of “back-fill” or “make-up” payments from the State of Iowa for property tax credits or roll-back) actually received by the City from the Warren County Treasurer attributable to the taxable incremental valuation of the Property in the six (6) months immediately preceding such Payment due date.

4. **Certification of Payment Obligation.** In any given fiscal year, if the City Council determines to obligate the then-considered Appropriated Amount, as set forth in Section B.2 above, then the City Clerk will certify by December 1 of each such year to the Warren County Auditor an amount equal to the most recently obligated Appropriated Amount.

5. **Review of Grant Disbursement Request and Rec Trail Costs Documentation.** The City staff will review the Rec Trail Costs Documentation upon receipt from the Developer. If the City determines that the costs set forth in the Rec Trail Costs Documentation are costs reasonably incurred in the construction of the Rec Trail Project, then the City shall record a summary of the date, amount and nature of such costs (the “Accepted Rec Trail Costs”) on the Summary of Accepted Rec Trail Costs attached hereto as Exhibit F, and such summary shall be the official record of the Accepted Rec Trail Costs for purposes of tallying the maximum amount of the Grant allowed to the Developer under this Agreement. If the City determines the costs set forth in the Rec Trail Costs Documentation are not costs reasonably incurred in the construction of the Rec Trail Project, then the City shall notify the Developer of such determination within fifteen (15) days of receipt of the Grant Disbursement Request in order to allow an opportunity for the Developer to cure the noted deficiencies.

6. **Economic Development Grant.** The City hereby agrees to make the Grant to the Developer an amount equal to the lesser of (i) the Accepted Rec Trail Costs, or (ii) \$125,000 within thirty (30) days of the receipt of a satisfactory Grant Disbursement Request from the Developer.

C. **Administrative Provisions**

1. **Amendment and Assignment.** Neither party may cause this Agreement to be amended, assigned, assumed, sold or otherwise transferred without the prior written consent of the other party. However, the City hereby gives its permission that the Developer’s rights to receive the Payments hereunder may be assigned by the Developer to a private lender, as security on a credit facility taken with respect to the Development Project, the Public Infrastructure Project or the Rec Trail Project, without further action on the part of the City.

2. **Successors.** This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties.

3. **Term.** The term (the “Term”) of this Agreement shall commence on the Commencement Date and end on June 1, 2047 or on such earlier date upon which the aggregate sum of Payments made to the Developer equals the Maximum Payment Total.

4. **Choice of Law.** This Agreement shall be deemed to be a contract made under the laws of the State of Iowa and for all purposes shall be governed by and construed in accordance with laws of the State of Iowa.

5. **Additional Incentives.** If the Developer, or the then titleholder, plans to add additional property to the Middlebrook Village Core, or the real property located adjacent thereto, and construct additional improvements thereon not contemplated by this Agreement, then the City shall consider, in good faith, the negotiation of an amendment to this Agreement or a new Development Agreement with respect to the construction of such additional improvements and the corresponding provision of incentives to Developer, including additional economic development tax increment payments funded with Incremental Property Tax Revenues to be derived from such additional improvements.

The City and the Developer have caused this Agreement to be signed, in their names and on their behalf by their duly authorized officers, all as of the day and date written above.

CITY OF CUMMING, IOWA

By: _____
Mayor

Attest:

City Clerk

MB MAIN INVESTMENTS, LLC

By: _____
[Name, Title]

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

Parcel "Q" being 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 on Plat of Survey recorded January 24, 2024 as Instrument No. 2024-00463 in the Office of the Recorder for Warren County, Iowa.

EXHIBIT B
MIDDLEBROOK PLANNED UNIT DEVELOPMENT

SITE PLAN MAINSTREET LOFTS

OWNER / DEVELOPER

MIDDLEBROOKHB, LLC / LAND CONCEPTS, LLC
12119 STRATFORD DRIVE, SUITE B
CLIVE, IOWA 50325
515-309-0705

ZONING

MIDDLEBROOK P.U.D.

SETBACKS

FRONT - 0'
REAR - 10'
SIDE - 5'

LEGAL DESCRIPTION

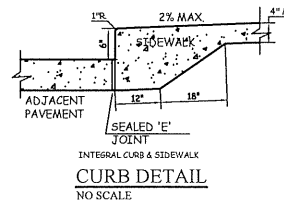
LOT 2, MIDDLEBROOK MAINSTREET, AN OFFICIAL PLAT, CITY OF CUMMING, WARREN COUNTY, IOWA.

SAID PARCEL CONTAINS 0.544 ACRES MORE OR LESS.

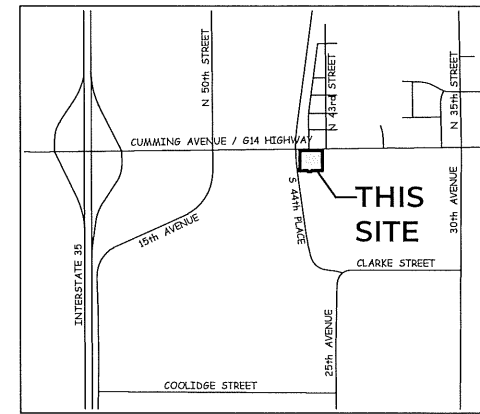
SAID TRACT OF LAND BEING SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

LEGEND

---	PLAT BOUNDARY
---	W 8" WATER MAIN & SIZE
---	SAN 8" SANITARY SEWER & SIZE
---	ST 8" STORM SEWER & SIZE
---	U6E UNDERGROUND ELECTRIC CABLE
---	U6T UNDERGROUND TELEPHONE CABLE
---	CTV UNDERGROUND CABLE TV
---	G 4" GAS MAIN & SIZE
○	MANHOLE
○	INTAKE
○	HYDRANT
○	POWER POLE/LIGHT POLE
□	UTILITY BOX/TELEPHONE RISER
---	EXISTING CONTOURS
---	PROPOSED CONTOURS
---	SILT FENCE OR APPROVED FILTRATION SOCK
○	TREES



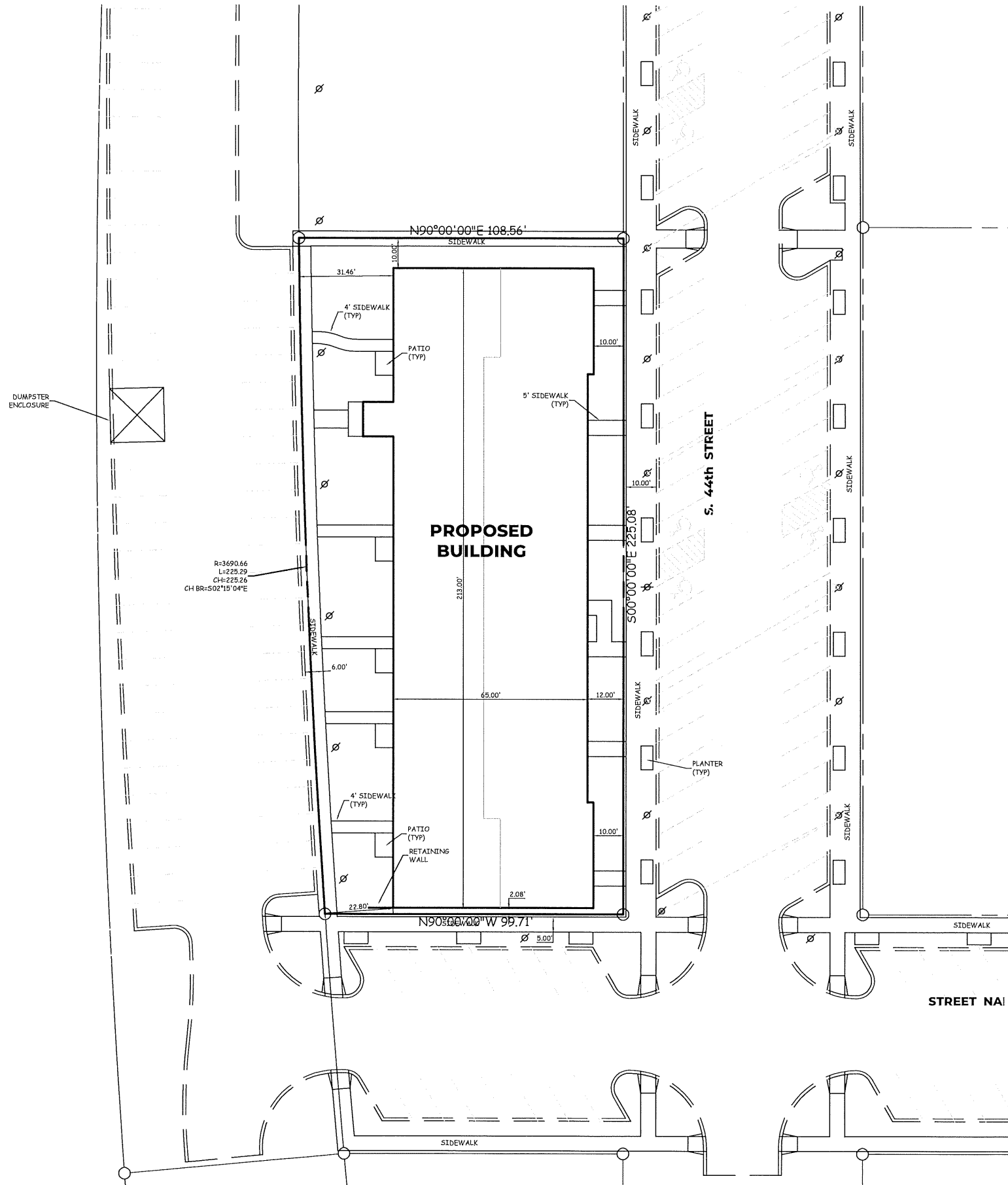
VICINITY SKETCH



NORTH
SCALE: 1"=2,000'

GENERAL NOTES

- ONE WEEK PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY:
 - CITY OF CUMMING
 - MIDDLEBROOKHB, LLC / LAND CONCEPTS, LLC
 - COOPER CRAWFORD & ASSOCIATES, LLC
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- CONTRACTOR SHALL PROTECT ALL STRUCTURES AND UTILITIES AND VERIFY LOCATIONS. DAMAGE TO STRUCTURES AND UTILITIES SHALL BE REPAIRED BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE TO THE SATISFACTION OF THE OWNER OF THE UTILITY.
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- PPARKING SHALL BE A MIN. OF 6-INCH P.C.C.
- PRIVATE SIDEWALK PAVING SHALL BE A MIN. OF 4-INCH P.C.C.
- ALL CURBS TO BE 6-INCH.



CERTIFICATION

	I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.
	BRADLEY R. COOPER, IOWA LICENSE NO. 12980 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2025 PAGES OR SHEETS COVERED BY THIS SEAL: Sheets 1-3

COOPER CRAWFORD & Associates
Civil Engineers & Land Surveyors
475 S. 50th STREET, SUITE 800, WEST DES MOINES, IOWA 50265
PHONE: (515) 224-1344 FAX: (515) 224-1345

DATE: 1-5-2024
REVISIONS: X-X-XXXX
JOB NUMBER
CC 2802
SCALE: 1"=20'
AS-BUILT: ---



SITE PLAN
MAINSTREET LOFTS

SHEET
1 OF 3

SITE PLAN MAINSTREET LOFTS

UTILITY NOTES

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4. ALL WATER MAINS SHALL & SANITARY SEWER HAVE A MINIMUM BURY OF 5 1/2 FEET.
5. SITE UTILITIES WITHIN PUBLIC STREET RIGHT-OF-WAYS ARE PUBLIC, ALL OTHER UTILITIES SHALL BE PRIVATE.
6. BUILDER SHALL VERIFY ADEQUATE SANITARY SEWER SERVICE SLOPE PRIOR TO CONSTRUCTION OF THE UNITS.
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8. CURB STOP CAPS WILL END WITHIN THE SIDEWALK FOR EACH UNIT.
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GRADING NOTES

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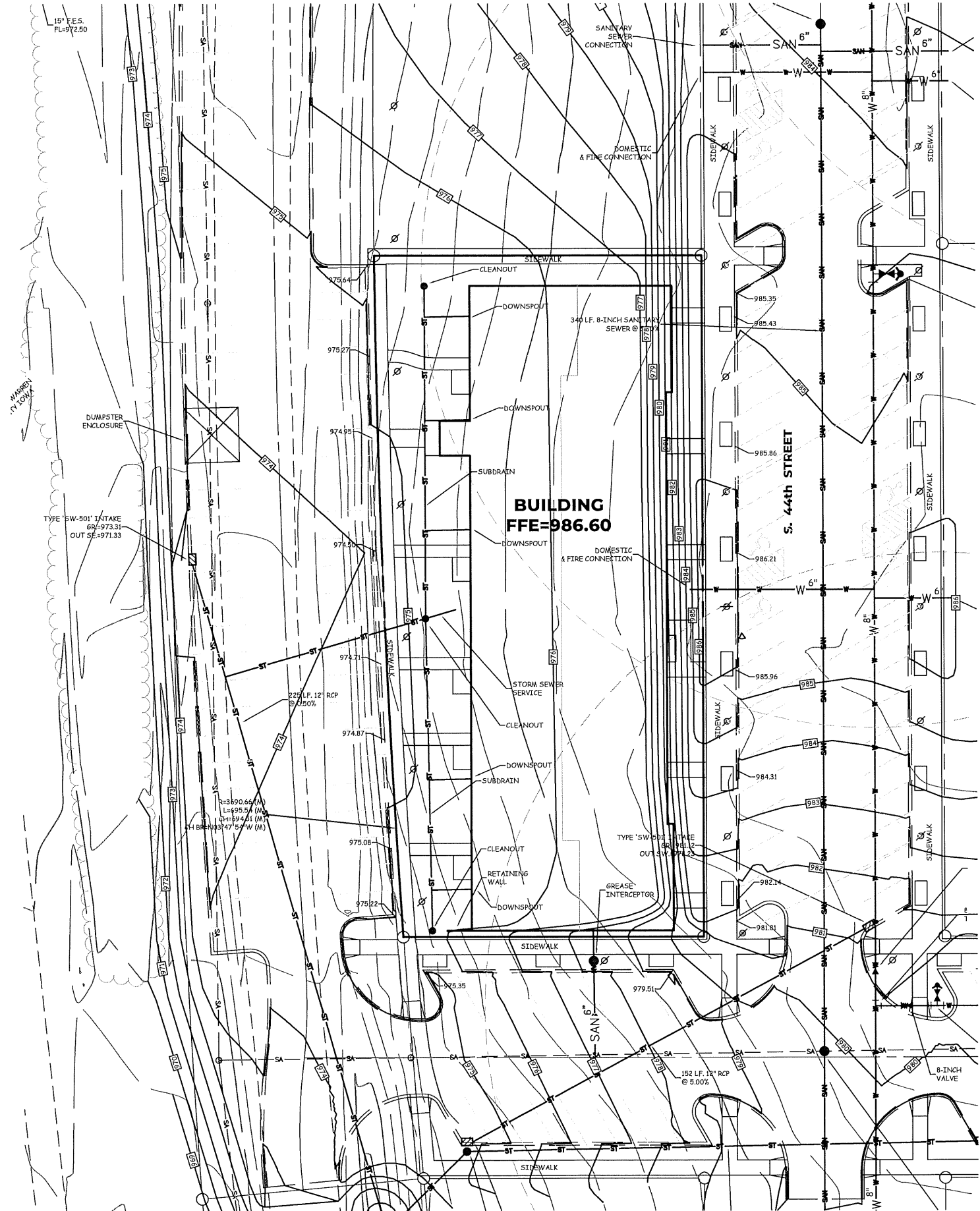
LEGEND

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PHONE: (515) 224-1344 FAX: (515) 224-1345

DATE: 1-5-2024
REVISIONS: X-X-XXXX
JOB NUMBER
CC 2802
SCALE: 1"=20'
AS-BUILT: ---
SITE PLAN
MAINSTREET LOFTS
SHEET 2 OF 3

IOWA ONE CALL



SITE PLAN MIDDLEBROOK OFFICE

OWNER / DEVELOPER

MIDDLEBROOKHB, LLC / LAND CONCEPTS, LLC
12119 STRATFORD DRIVE, SUITE B
CLIVE, IOWA 50325
515-309-0705

ZONING

MIDDLEBROOK P.U.D.

SETBACKS

FRONT - 0'
REAR - 10'
SIDE - 5'

LEGAL DESCRIPTION

LOT 4, MIDDLEBROOK MAINSTREET, AN OFFICIAL PLAT, CITY OF CUMMING, WARREN COUNTY, IOWA.

SAID PARCEL CONTAINS 1.288 ACRES MORE OR LESS.

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LEGEND

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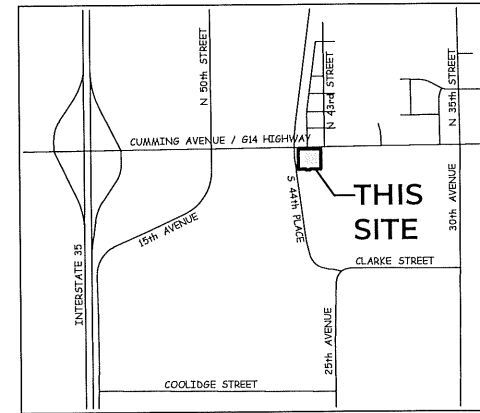
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IOWA ONE CALL
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SITE PLAN
MIDDLEBROOK OFFICE
SHEET 1 OF 3

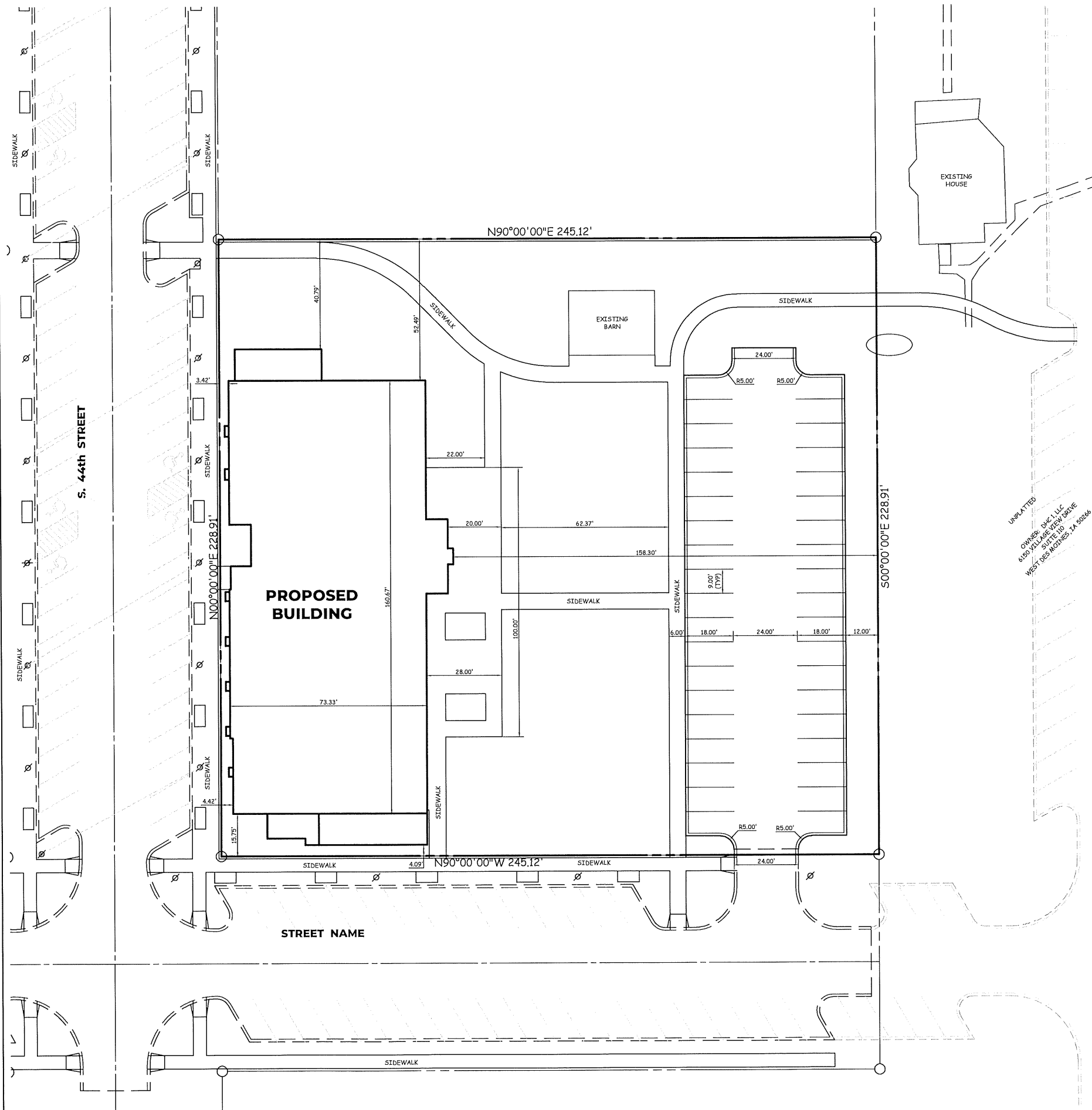


VICINITY SKETCH

NORTH
SCALE: 1"=2,000'

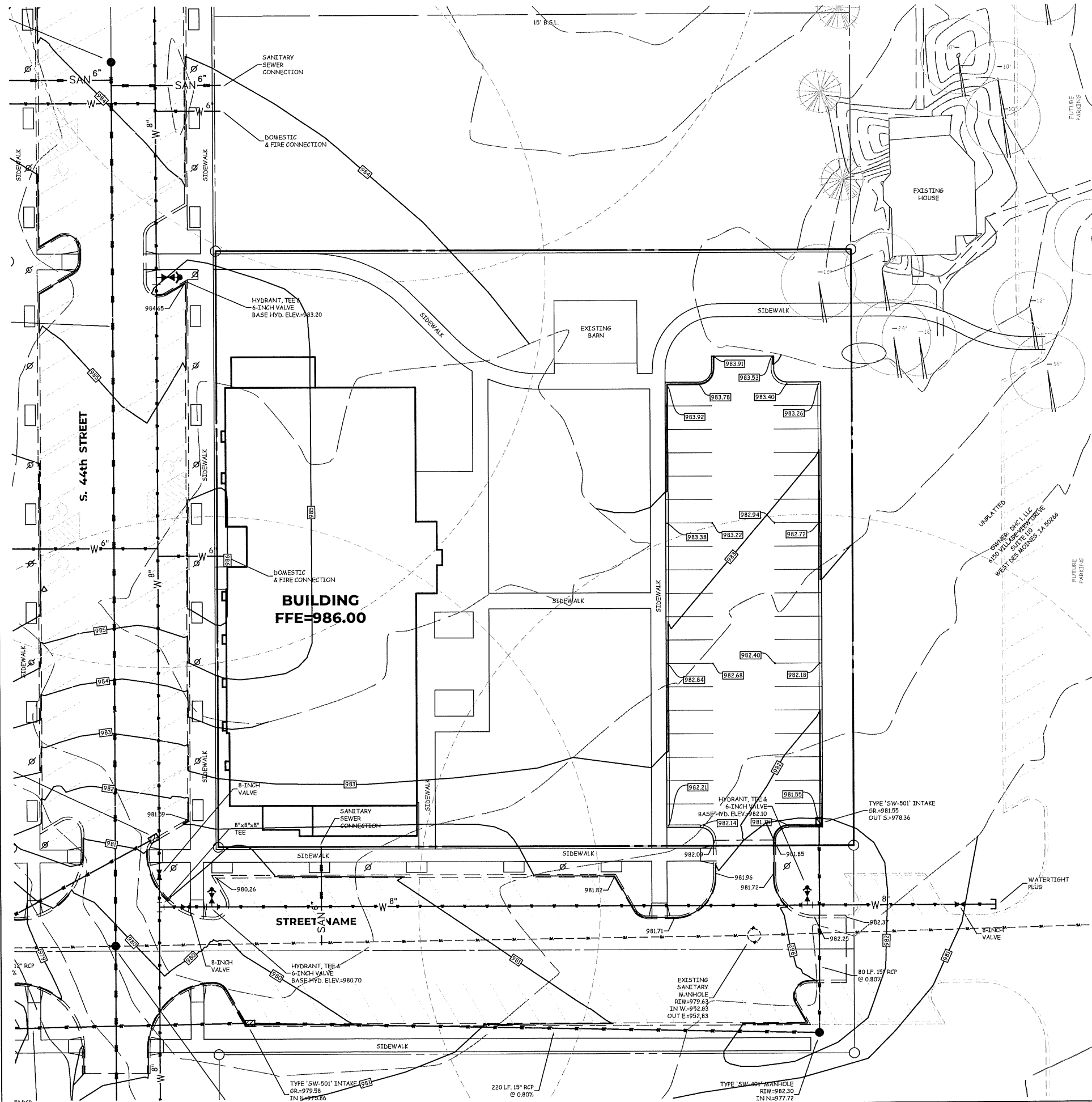
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UNPLATTED
OWNER: LHC, LLC
6149 VILLAGE VIEW DRIVE
SUITE 110
WEST DES MOINES, IA 50366

SITE PLAN MIDDLEBROOK OFFICE



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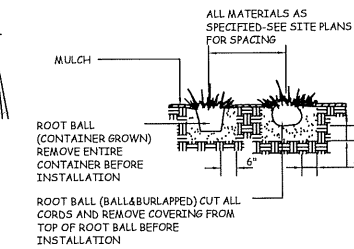
SITE PLAN MIDDLEBROOK OFFICE

PLANTING SCHEDULE

COUNT	KEY	Botanical name/COMMON NAME	SIZE	CONDITION	REMARKS
8	GT	Gleditsia tricanthos SKYLINE HONEYLOCUST	2 1/2" cal.	TS / BAB	SEE PLAN
5	QR	Quercus rubra RED OAK	2 1/2" cal.	TS / BAB	SEE PLAN
7	AR	Acer rubrum RED MAPLE	2 1/2" cal.	TS / BAB	SEE PLAN
2	CC	Cercis canadensis EASTERN REDBUD	1 1/2" cal.	TS / BAB	SEE PLAN
9	VC	Viburnum carlesii 'Compactum' DWARF KOREAN SPICE VIBURNUM	#1 cont.	CONT.	SEE PLAN
6	PF	Potentilla fruticosa 'Goldfinger' GOLDFINGER POTENTILLA	#1 cont.	CONT.	SEE PLAN
9	EA	Eunymus alatus 'Comptus' DWARF BURNING BUSH	#1 cont.	CONT.	SEE PLAN
8	SG	Spirea japonica 'Goldmound' GOLDMOUND SPIREA	#1 cont.	CONT.	SEE PLAN

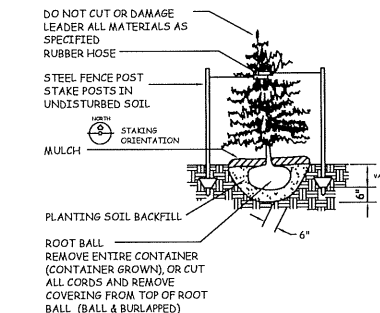
LANDSCAPE NOTES

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- SEED OR SOD ALL DISTURBED AREAS, SEE PLAN.
- DECIDUOUS TREES SHALL BE NO CLOSER THAN 5 FEET AND CONIFEROUS TREES NO CLOSER THAN 10 FEET TO STREETS OR SIDEWALKS.



SHRUB PLANTING DETAIL

NO SCALE



EVERGREEN TREE PLANTING & STAKING DETAIL

NO SCALE

TREE PLANTING STEPS

- PEEL BACK ROPE/BURLAP/CAGE AND REMOVE SUFFICIENT SOIL TO EXPOSE ROOT FLARE.
 - MEASURE FROM ROOT FLARE TO BOTTOM OF ROOT BALL.
 - DIG HOLE TO DEPTH WHERE TOPMOST ROOTS ARE BURIED 1/2 INCHES AND THE ROOT FLARE SETS SLIGHTLY ABOVE THE BOTTOM EDGE. DIG HOLE 2-3 TIMES WIDER THAN THE DIAMETER OF THE ROOT BALL WITH SLOPING SIDES TO ALLOW FOR PROPER ROOT GROWTH.
 - REMOVE LOWER 1/3 OF WIRE CAGE.
 - SET TREE IN PLANTING HOLE. SUPPORT WITH SOFT SOIL. ENSURE THAT IT'S STRAIGHT, THEN REMOVE ENTIRE BALANCE OF WIRE CAGE AND TOP 2/3 OF BURLAP.
 - BACKFILL 2/3 OF LOOSE NATIVE SOIL (UNLESS IT'S ALL CLAY) AND USE WATER TO SETTLE. DO NOT TAMP OR STEP ON SOIL.
 - BACKFILL BALANCE AND WATER AGAIN. EXCESS SOIL MAY BE USED TO CREATE A BERM / SAUCER OUTSIDE OF ROOT BALL.
 - ADD 2-4" OF WOOD MULCH LEAVING A 1-2 INCH CLEARANCE BETWEEN THE MULCH AND THE TRUNK.
 - WATER A FINAL TIME.
- IF NECESSARY, PLACE TWO OPPOSING STEEL T-STAKES OUTSIDE THE ROOT BALL, WITH ARBOR TIE SECURING TREE TIES PREFERRED IN LOWER 1/2 OF TRUNK TO ALLOW MOVEMENT.
- USE WATER TO SETTLE SOIL. DO NOT USE FEET OR SHOVEL HANDLE TO PACK SOIL.

NOTE:

- DO NOT SET TOP OF ROOT BALL AT FINISHED GRADE. IT IS ESSENTIAL THAT THE ROOT FLARE BE EXPOSED BEFORE PLANTING, SO THE TREE CAN BE SET TO SHOW ROOT FLARE AT FINISHED GRADE.

DECIDUOUS TREE PLANTING & STAKING DETAIL

NO SCALE

LEGEND

EXISTING/PROPOSED	
---	PLAT BOUNDARY
W 6"	WATER MAIN & SIZE
SAN 6"	SANITARY SEWER & SIZE
ST 6"	STORM SEWER & SIZE
UGE	UNDERGROUND ELECTRIC CABLE
UGT	UNDERGROUND TELEPHONE CABLE
CTV	UNDERGROUND CABLE TV
G 4"	GAS MAIN & SIZE
○	MANHOLE
□	INTAKE
▽	HYDRANT
○ P/P	POWER POLE/LIGHT POLE
□ P/P	UTILITY BOX/TELEPHONE RISER
- - -	EXISTING CONTOURS
- - -	PROPOSED CONTOURS
X X X X	SILT FENCE OR APPROVED FILTRATION SOCK
○	TREES

COOPER CRAWFORD & Associates
Civil Engineers & Land Surveyors

475 S. 50th STREET, SUITE 800, WEST DES MOINES, IOWA 50265
PHONE: (515) 224-1344 FAX: (515) 224-1345

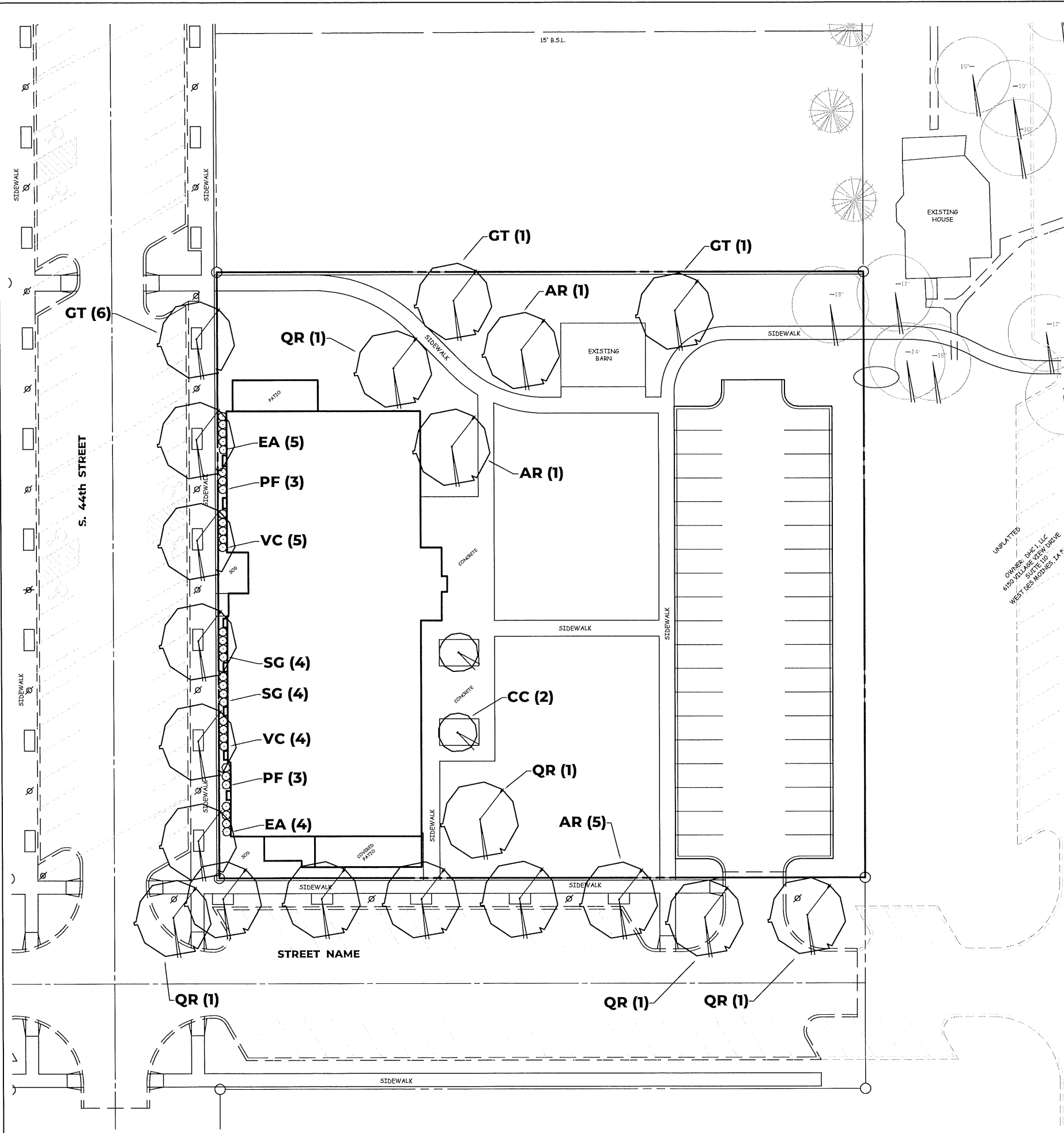
DATE: 1-5-2024
REVISIONS: X-X-XXXX

JOB NUMBER
CC 2631

AS-BUILT: ---
SITE PLAN
MIDDLEBROOK OFFICE

SHEET
3 OF 3

**IOWA 811
ONE CALL**



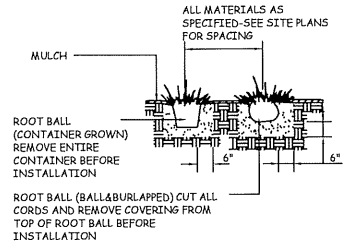
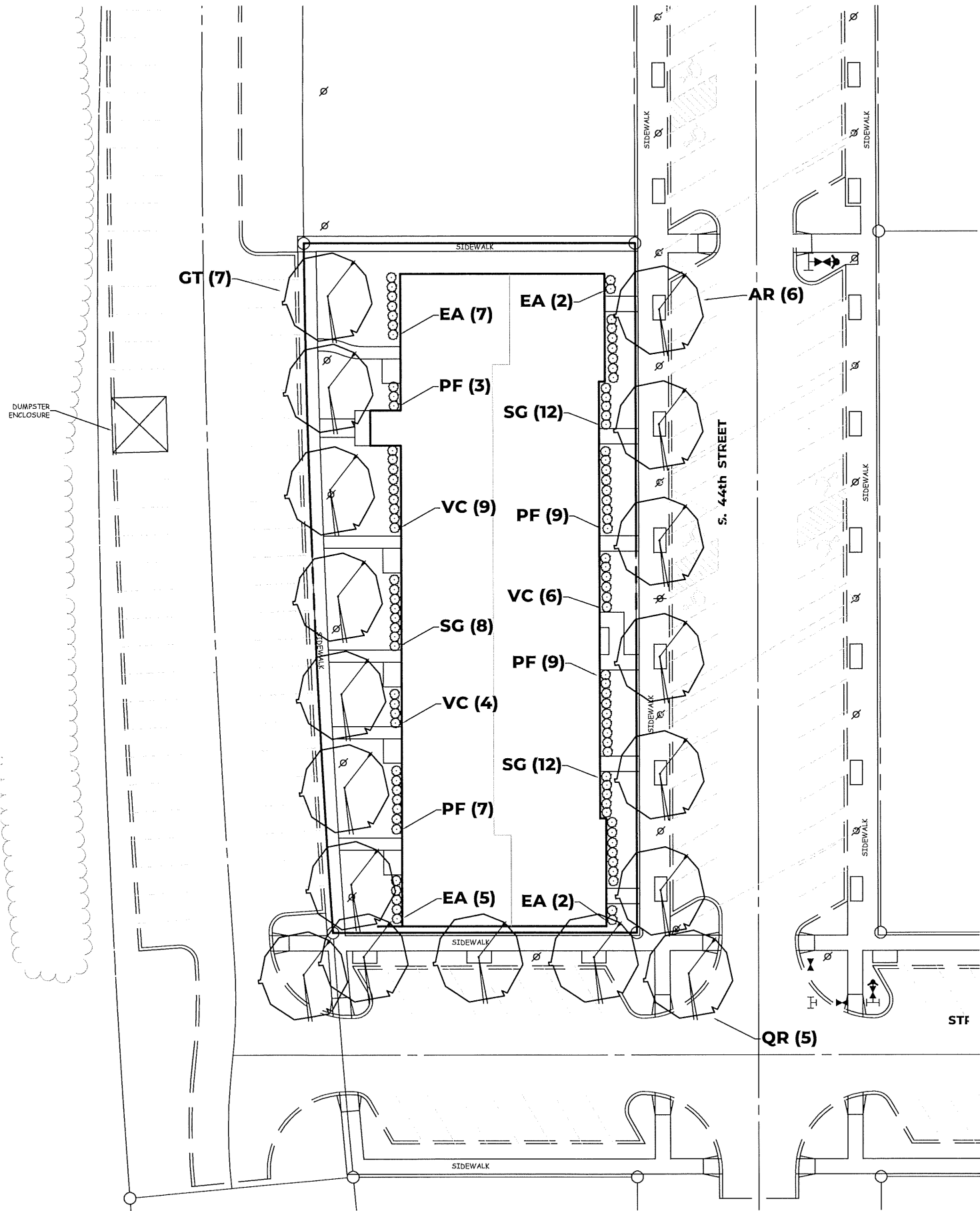
SITE PLAN MAINSTREET LOFTS

PLANTING SCHEDULE

COUNT	KEY	Botanical name/COMMON NAME	SIZE	CONDITION	REMARKS
7	GT	Gleditsia tricanthos SKYLINE HONEYLOCUST	2 1/2" cal.	TS / BAB	SEE PLAN
5	QR	Quercus rubra RED OAK	2 1/2" cal.	TS / BAB	SEE PLAN
6	AR	Acer rubrum RED MAPLE	2 1/2" cal.	TS / BAB	SEE PLAN
19	VC	Viburnum carlesii 'Compactum' DWARF KOREAN SPICE VIBURNUM	#1 cont.	CONT.	SEE PLAN
28	PF	Potentilla fruticosa 'Goldfinger' GOLDFINGER POTENTILLA	#1 cont.	CONT.	SEE PLAN
16	EA	Euonymus alatus 'Compactus' DWARF BURNING BUSH	#1 cont.	CONT.	SEE PLAN
32	SG	Spiraea japonica 'Goldmound' GOLDMOUND SPIREA	#1 cont.	CONT.	SEE PLAN

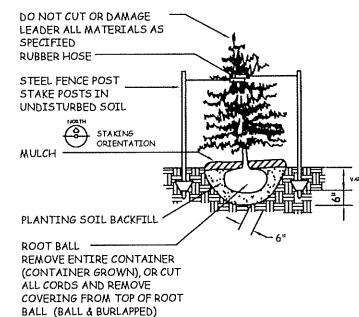
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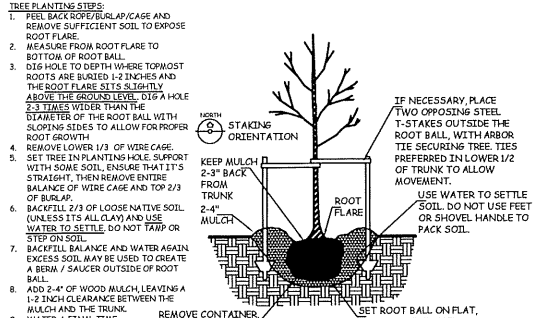
SHRUB PLANTING DETAIL

NO SCALE



EVERGREEN TREE PLANTING & STAKING DETAIL

NO SCALE



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DECIDUOUS TREE PLANTING & STAKING DETAIL

NO SCALE

LEGEND

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- PLAT BOUNDARY
 - W 8" WATER MAIN & SIZE
 - SAN 8" SANITARY SEWER & SIZE
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 - CTV UNDERGROUND CABLE TV
 - GAS MAIN & SIZE
 - MANHOLE INTAKE
 - HYDRANT
 - PP/AP POWER POLE/LIGHT POLE
 - UTILITY BOX/TELEPHONE RISER
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 - PROPOSED CONTOURS
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 - TREES

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PHONE: (515) 224-1344 FAX: (515) 224-1345

DATE: 1-5-2024
REVISIONS: X-X-XXXX
JOB NUMBER
CC 2802

SCALE: 1"=20'
AS-BUILT: ---
SITE PLAN
MAINSTREET LOFTS
SHEET 3 OF 3



EXHIBIT C
DEVELOPER'S ESTIMATE WORKSHEET
COMPLETE ONE FOR EACH OPERATIVE PAYMENT PHASE
PAYMENT PHASE ____

- **Is this the first worksheet for a new phase: Yes / No**
- **Contains the following described taxable parcels:**

(1) Date of Preparation: October ____, 20__.

(2) Assessed Valuation of Property as of January 1, 20__:

\$_____.

(3) Base Taxable Valuation of Property:

\$_____.

(4) Incremental Taxable Valuation of Property (2 minus 3):

\$_____ (the "TIF Value").

(5) Current City fiscal year consolidated property tax levy rate for purposes of calculating Incremental Property Tax Revenues (the "Adjusted Levy Rate"):

\$_____ per thousand of value.

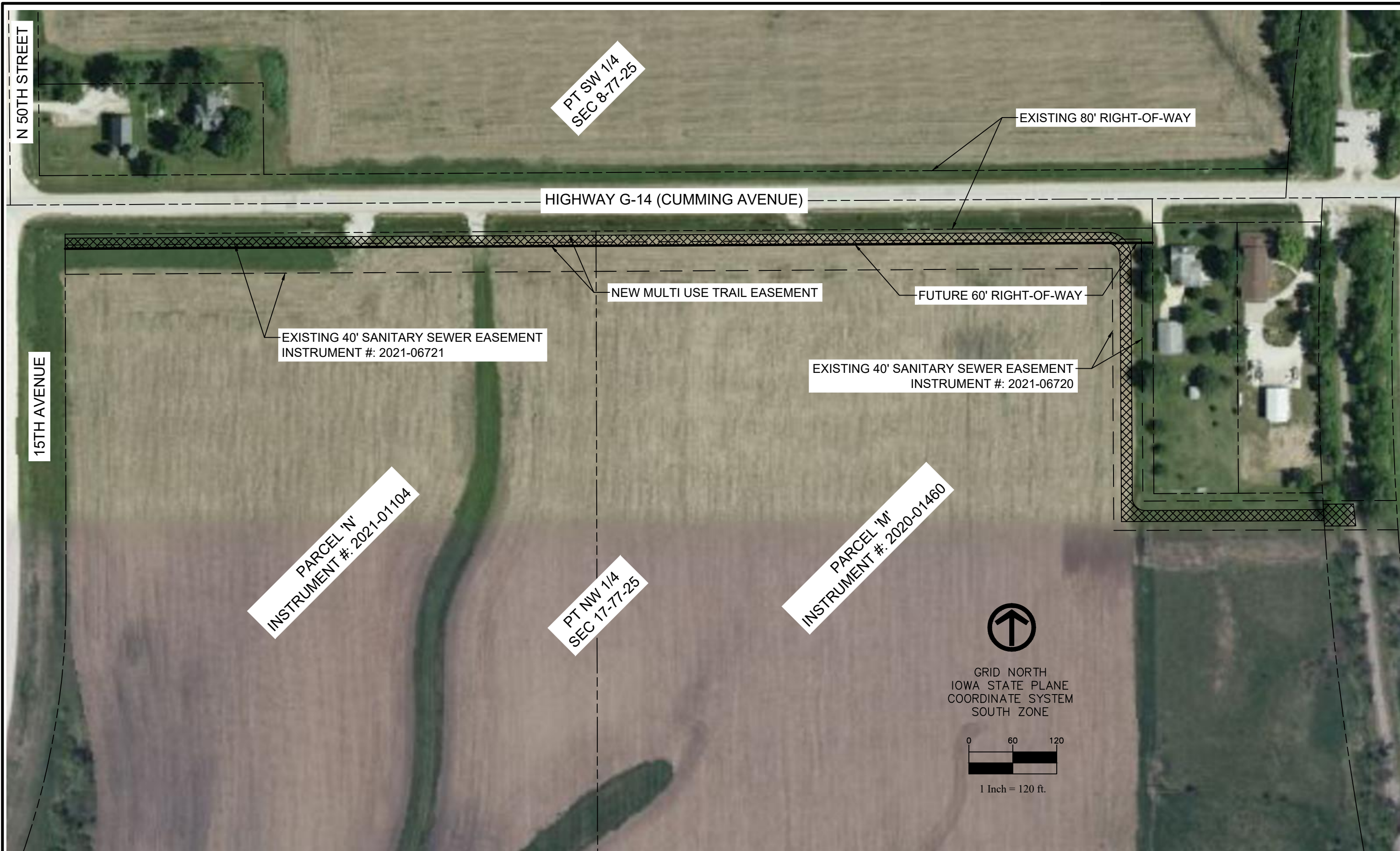
(6) The TIF Value (4) factored by the Adjusted Levy Rate (5).

\$_____ x \$_____/1000 = \$_____ (the "TIF Estimate")

TIF Estimate (\$_____ x .75 (75%) = Developer's Estimate (\$_____).

EXHIBIT D
TIMELINE AND SPECIFICATIONS FOR REC TRAIL PROJECT

P:\41243\SURVEY\PLATS\41243 Exhibit.dwg 11/7/2023 2:34 PM



DATE	REVISIONS

SCALE	AS NOTED
DRAWN	TJP
CHECKED	MDL
APPROVED	MDL
DATE	11-01-23
A.C.	



MULTI USE TRAIL CONNECTOR

3000 Westown Parkway | West Des Moines, IA 50266 | (515) 225-8000

EXHIBIT SHOWING NEW MULTI USE TRAIL EASEMENT
WITH 2021 SANITARY SEWER EASEMENT

DWG. NO.	EX-1
PROJECT	41243

EXHIBIT E
FORM OF COVER PAGE FOR GRANT DISBURSEMENT REQUEST

Date submitted: _____

Submitted by: _____

Contact information: _____

Total amount requested: _____

Index of Invoices/Statements Attached to substantive request:

I, the undersigned hereby certify that the costs shown on the documents referred in the index above are legitimate costs reasonably incurred in the undertaking of Rec Trail Project.

MB MAIN INVESTMENTS, LLC

By: _____
[Name, Title]

Reviewed and accepted by the City of Cumming, Iowa this _____ day of _____, 20__.

By: _____
City Administrator

CONSENT

OFFICIAL PUBLICATION
CITY OF CUMMING
Regular Council Meeting 04/08/2024
To be Approved at 04/22/2024 Meeting

The regular City Council Meeting of the City of Cumming was held at Cumming City Hall 649 N. 44th St. on April 8, 2024 at 6:00PM. The meeting was called to order at 6:00 P.M. by Mayor Brent Highfill. Present at Roll Call: Thomas Cackler, Larry Goode, Jr. via Zoom, Kathie Hungerford, Martin Squier and Charlie Ochanpaugh. Motion to approve agenda by Goode, Jr., seconded by Hungerford. Approved 5-0.

Public Comment

Public Hearings: Opened at 6:01 PM by Mayor Brent Highfill

- A. Public hearing on Proposed Property Tax Levy for Fiscal Year 2025. Motion by Cackler, seconded by Squier. Approved 5-0.
- B. Public hearing closed at 6:11PM. Motion by Squier, seconded by Cackler.

NEXT CITY COUNCIL MEETING: April 8, 2024, 6:30 pm at City Hall

Brent Highfill, Mayor

Attest: Nichole Onstot, City Clerk

**OFFICIAL PUBLICATION
CITY OF CUMMING
Regular Council Meeting 04/08/2024
To be Approved at 04/22/2024 Meeting**

The regular City Council Meeting of the City of Cumming was held at Cumming City Hall 649 N. 44th St. on February 26, 2024 at 6:00PM. The meeting was called to order at 6:00 P.M. by Mayor Brent Highfill. Present at Roll Call: Thomas Cackler, Larry Goode, Jr. via Zoom, Kathie Hungerford, Martin Squier and Charlie Ochanpaugh. Motion to approve agenda by Cackler, seconded by Hungerford. Approved 5-0.

Public Comment:

Public Hearings: None

Consent Items

Motion made by Ochanpaugh, seconded by Squier to approve Consent Items: Minutes from the March 25, 2024 Regular Council Meeting, Payment of Bills, March 2024 Financial Reports and a note to move March 2024 Sheriff's Report to April 22, 2024 Regular Council Meeting. Approved 5-0.

Payment of Bills:

Type	Date	Vendor	Memo	Amount
Check	04/02/2024	Combined Systems Technology	Invoice 164646	-16.00
Check	04/02/2024	US Bank	March Invoice	-197.60
Check	04/02/2024	McClure Engineering Co	Invoice 151184	-22,372.00
Check	04/04/2024	Waste Solutions of Iowa	Invoice 80391	-146.00
Check	04/04/2024	Conner, Rita	Health Insurance Reimbursement April 2024	-618.21
Check	04/04/2024	Combined Systems Technology		-37.25
Check	04/04/2024	N/Warren Town and County News	Notice, Minutes x 2 March 2024	-266.52
Check	04/04/2024	Midamerican Energy	March Invoice	-802.93
Check	04/04/2024	Veenstra & Kimm Inc.	41247-6	-888.00
Check	04/04/2024	Veenstra & Kimm Inc.	41250-5	-660.00
Check	04/04/2024	Elan Financial Services	April Invoice	-757.22
Check	04/04/2024	Simmering Cory Inc	Invoice 2023-IC-0320	-450.00
Check	04/04/2024	Combined Systems Technology	Invoice 163743	-15.15
Check	04/04/2024	Waste Connections	Invoice 3610378T071	-39.65
Check	04/04/2024	Skinner Law Office PC	Invoice 32781	-1,933.75
			Total	-29,200.28

Business Items:

- A. Motion to approve Resolution 2024-17 Des Moines Area Wastewater Reclamation Authority (WRA) 2024 Senior Bond Issuance Certificates. Motion by Squier, seconded by Hungerford. Approved 5-0. This is an annual bond from the WRA, the amount due is reflective on the amount of water usage.
- B. Motion to Approve Resolution 2024-18 Set Public Hearing for the Fiscal Year 2025 Budget Adoption. Motion by Cackler, seconded by Goode, Jr. Approved 5-0.
- C. Motion to Approve Resolution 2024-19 Warren County Sheriff's 28E Agreement. Motion by Goode, Jr., seconded by Cackler. Approved 5-0.

Reports:

- A. Diligent Development will be adding a temporary driveway across from the Mercantile entrance to assist with parking for Friday at the Farm. This will replace the current drive located near S. 25th Street, as this road will be realigned when construction begins.
- B. No report from City Council
- C. No report from City Attorney
- D. Park restrooms will be opening May 1st due to the fluctuating temperatures, this is to avoid frozen pipes. Taxing entities meeting took place on April 8, 2024 at 11am regarding the usage of Tax Increment Financing. In attendance was Norwalk Superintendent Shawn Holloway, Jake Loll with the Norwalk School District, Rodrigo Lacayo, and Katie Swanson with the Warren County Auditor's Office. Park and Recreation Board met in March, there are three members, they are currently without a chair. Discussion regarding movie nights during Fridays at the Farm, Tim Portzen may be able to take over set up and tear down. Chair Ethan Roos of Planning & Zoning is looking to hook up to City Sewer.
- E. State Auditor will be presenting an overview of the State Audit on May 13, 2024. Working with Raygun to get a design and an online store open for t-shirts. Possibly partnering with Fast & Fresh to sell them within their store at a local level. Shirts will be available for purchase online within the next few months.

Adjourn:

Motion by Cackler, seconded by Hungerford to adjourn the meeting at 6:42PM.

NEXT CITY COUNCIL MEETING: April 22, 2024, 6:00 pm at City Hall

Brent Highfill, Mayor

Attest: Nichole Onstot, City Clerk

WARREN COUNTY

PHONE 515-961-1122

**OFFICE OF
JOSEPH C. CARICO, SHERIFF**

**POST OFFICE BOX 337
INDIANOLA, IOWA 50125**

**Brent Highfill, Mayor
P.O. Box 100
Cumming, IA 50061**

Mayor Highfill,

The attached report summarizes the activities in and around the community for the month of March 2024. It is compiled from Deputy's Logs and Records from the Sheriff's Office. 20 Calls For Service (CFS's) were received or initiated by Deputies for the month. They include:

PLEASE SEE ATTACHED FOR CFS INFORMATION

Three Citations and/or Warnings were written for Traffic/Parking Violations that occurred within the City of Cumming proper.

Officers spent in excess of 36 hours in the City of Cumming for the month.

Officers patrolled in excess of 257 Miles within the city limits of Cumming for the month.

If you have questions, points of concern, or additional requests from your Sheriff's Office, please contact me at 515.690.9211 or joec@warrencountvia.org

**Respectfully,
Sheriff Joseph C. Carico**

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

Date	Call Type	CFS Loc Adr	Inc #	How Cleared
3/31/2024 3:16:21 AM	BUILDING / PARK CHECK	4125 CUMMING AVE		CLEARED
3/30/2024 7:32:07 PM	TRAFFIC STOP	CUMMING AVE/N 50TH		CITATION ISSUED
3/29/2024 12:42:09 PM	BUILDING / PARK CHECK	4200-4299 N GREENLEE AVE		COMPLETED
3/28/2024 10:24:39 PM	ALARM BURGLARY	5237 CUMMING AVE		COMPLETED
3/24/2024 10:10:49 PM	BUILDING / PARK CHECK	4200-4299 N GREENLEE AVE		COMPLETED
3/23/2024 11:37:52 PM	ALARM BURGLARY	317 N 36TH ST		CLEARED
3/23/2024 10:54:44 AM	ALARM BURGLARY	5237 CUMMING AVE		CLEARED
3/22/2024 6:08:03 PM	BUILDING / PARK CHECK	4200-4299 N GREENLEE AVE		COMPLETED
3/20/2024 3:01:33 PM	TRAFFIC STOP	CUMMING AVE/SOUTH ORRILLA RD		WARNING ISSUED
3/16/2024 9:43:23 AM	CONTRACT TOWN CUMMING	600 N 44TH ST		COMPLETED
3/14/2024 6:43:01 AM	BUILDING / PARK CHECK	649 N 44TH ST		CLEARED
3/14/2024 5:47:14 AM	TRAFFIC STOP	4125 CUMMING AVE		WARNING ISSUED
3/13/2024 3:05:37 AM	BUILDING / PARK CHECK	117 N 44TH ST		CLEARED
3/3/2024 1:55:19 AM	BUILDING / PARK CHECK	600 N 44TH ST		CLEARED
3/3/2024 7:04:22 PM	BUILDING / PARK CHECK	4200-4299 N GREENLEE AVE		CLEARED
3/4/2024 12:45:17 AM	BUILDING / PARK CHECK	4125 CUMMING AVE		CLEARED
3/4/2024 1:43:06 AM	SUSPICIOUS	113 N 58TH PL		CITATION ISSUED
3/5/2024 5:49:09 PM	BUILDING / PARK CHECK	4200-4299 N GREENLEE AVE		COMPLETED
3/7/2024 8:19:31 AM	CONTRACT TOWN CUMMING	600 N 44TH ST		COMPLETED
3/11/2024 5:43:18 PM	BUILDING / PARK CHECK	4200-4299 N GREENLEE AVE		COMPLETED

BUSINESS ITEMS

**Resolution 2024-20
City of Cumming**

**ADOPTION OF BUDGET
FOR FISCAL YEAR 2025**

WHEREAS, The City Council of Cumming, Iowa, held a Public Hearing as required by law, on April 22, 2024, 6:00 P.M. at Cumming City Hall, 649 N. 44th, Street, Cumming, Iowa, to receive comments on the proposed Budget for Fiscal Year 2025, and

WHEREAS, Notice of said Public Hearing was published on April 11, 2024, and certified as to posting, as required by Iowa law, and

WHEREAS, The City Council, after giving all taxpayers the opportunity to be heard, gave final consideration to the proposed Budget, and

NOW THEREFORE BE IT RESOLVED, the City Council, City of Cumming, Iowa, by means of this Resolution, hereby approves the Adoption of the Budget for Fiscal Year 2025.

Passed and approved this 22nd day of April, 2024.

Brent Highfill, Mayor

ATTEST:

Nichole Onstot, City Clerk

RESOLUTION NO. 2024-21

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 a new urban renewal project (the “Project”) in the Urban Renewal Area consisting of providing tax increment financing support to MB Main Investments, LLC in connection with the development of a mixed-use community, including the construction of commercial and mixed-use buildings, certain related public and private infrastructure improvements, and a recreational bike trail; 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 April 22, 2024; 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 April 8, 2024; 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 Project proposed under the Amendment conforms to the general plan for the development of the City;

B. The Project proposed under the Amendment is 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 April 22, 2024.

Mayor

Attest:

City Clerk

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

••••

Upon motion and vote, the meeting adjourned.

Mayor

Attest:

City Clerk

April 17, 2024

VIA EMAIL

Rita Conner
City Administrator/City Hall
Cumming, Iowa

Re: 2024 Amendment to the Consolidated Cumming Urban Renewal Areas
Our File No. 420923-20

Dear Rita:

Attached please find proceedings covering the City Council's action in holding a public hearing on and adopting a resolution to approve the 2024 urban renewal plan amendment. The resolution states that the consultation session has been held with the Norwalk Community School District and Warren County. If this action has not been taken, please notify us immediately.

We will appreciate receiving executed copies of these proceedings as soon as they are available. Please contact John Danos, Severie Orngard or me if you have any questions.

Kind regards,

Amy Bjork

Attachments

cc: Nichole Onstot

HEARING ON AND APPROVAL OF 2024
AMENDMENT TO THE
CONSOLIDATED CUMMING URBAN
RENEWAL AREAS

420923-20

Cumming, Iowa

April 22, 2024

The City Council of the City of Cumming, Iowa, met on April 22, 2024, at 6:00 p.m., at the Cumming City Hall, in the City for the purpose of conducting a public hearing on a proposed urban renewal plan amendment.

The Mayor presided and the roll being called the following members of the Council were present and absent:

Present: _____

Absent: _____ .

The City Council investigated and found that notice of the intention of the Council to conduct a public hearing on the urban renewal plan amendment had been published according to law and as directed by the Council and that this is the time and place at which the Council shall receive oral or written objections from any resident or property owner of the City. All written objections, statements, and evidence heretofore filed were reported to the City Council, and all oral objections, statements, and all other exhibits presented were considered.

The following named persons presented oral objections, statements, or evidence as summarized below; filed written objections or statements, copies of which are attached hereto; or presented other exhibits, copies of which are attached hereto:

(Here list all persons presenting written or oral statements or evidence and summarize each presentation.)

There being no further objections, comments, or evidence offered, the Mayor announced the hearing closed.

Council Member _____ moved the adoption of a resolution entitled "Resolution to Approve Urban Renewal Plan Amendment for the Consolidated Cumming Urban Renewal Areas," seconded by Council Member _____. After due

consideration, the Mayor put the question on the motion and the roll being called, the following named Council Members voted:

Ayes: _____

Nays: _____.

Whereupon, the Mayor declared the resolution duly adopted and signed approval thereto.

April 17, 2024

VIA EMAIL

Rita Conner
City Administrator/City Hall
Cumming, IA

Re: MB Main Investments, LLC Development Agreement
File No. 420923-20

Dear Rita:

Attached please find the proceedings covering the City Council's public hearing on the proposed Development Agreement with MB Main Investments, LLC, followed by a resolution approving the Agreement and pledging certain incremental property tax revenues to make the payments under the Agreement.

We would appreciate receiving one fully executed copy of these proceedings and of the executed Development Agreement as soon as they are available.

Please call John Danos, Severie Orngard or me with questions.

Kind regards,

Amy Bjork

Attachments

cc: Nichole Onstot

HOLD HEARING ON AND APPROVE
DEVELOPMENT AGREEMENT AND
TAX INCREMENT PAYMENTS

(MB Main Investments, LLC)

420923-20

Cumming, Iowa

April 22, 2024

A meeting of the City Council of the City of Cumming, Iowa, was held at 6:00 p.m., on April 22, 2024, at the Cumming City Hall, Cumming, Iowa, pursuant to the rules of the Council.

The Mayor presided and the roll was called, showing members present and absent as follows:

Present: _____

Absent: _____.

The City Council investigated and found that notice of the intention of the Council to conduct a public hearing on a Development Agreement between the City and MB Main Investments, LLC had been published according to law and as directed by the City Council and that this is the time and place at which the Council shall receive oral or written objections from any resident or property owner of the City. All written objections, statements, and evidence heretofore filed were reported to the Council, and all oral objections, statements, and all other exhibits presented were considered.

The following named persons presented oral objections, statements, or evidence as summarized below; filed written objections or statements, copies of which are attached hereto; or presented other exhibits, copies of which are attached hereto:

(Here list all persons presenting written or oral statements or evidence and summarize each presentation.)

There being no further objections or comments, the Mayor announced that the hearing was closed.

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

Ayes: _____

Nays: _____.

Whereupon, the Mayor declared said resolution duly adopted, as follows:

RESOLUTION 2024-23
City of Cumming

**APPROVE IOWA COMMUNITIES ASSURANCE POOL (ICAP) INSURANCE
RENEWAL**

WHEREAS, the Iowa Communities Assurance Pool (ICAP) is a local government risk pool formed for the purpose of providing risk management services to its members and to defend, and protect its members against certain liabilities by offering property and liability coverage, and

WHEREAS, the City of Cumming has been a member of the Iowa Communities Assurance Pool since 1995, and

WHEREAS, the City Council, City of Cumming, Iowa, does believe it is in the best interest of the City of Cumming, Iowa, to continue to be a member of the Iowa Communities Assurance Pool, and

WHEREAS, the policy is reviewed annually to ensure that the City's coverage is appropriate and updated with any changes that have occurred or are pending during the coverage term.

NOW THEREFORE BE IT RESOLVED, that the Iowa Communities Assurance Pool (ICAP) annual renewal is hereby approved.

Passed and approved this 22nd day of April, 2024.

Brent Highfill, Mayor

Attest:

Nichole Onstot, City Clerk

Iowa Communities Assurance Pool

12951 UNIVERSITY AVE, STE 120
CLIVE, IA 50325
(515) 276-7557
Fax: (515) 276-7522

Date: 1/30/2024

To: Scott Weinman

RE: City of Cumming

Enclosed please find the ICAP Anniversary supplement for the above entity. Please review the information recorded for last year. Only items that have changed within the year need to be updated. For instance, the financial information almost always is altered; however, the number of volunteer firefighter may not have changed.

There are a number of areas that require annual review, automobile lists, property values, limits of liability (ICAP can provide a quotation for up to \$15,000,000), and special coverages such as Medical Payments.

Replacement Cost Coverage under the new forms is included for Miscellaneous Property at no additional cost. Please submit an update schedule with all current replacement costs.

In order to properly provide coverage, underwrite and issue an invoice in a timely manner, we request the completed supplement and returned to our office no later than 60 days prior to renewal. If the supplement is not returned to our office by that time, coverage will be affected and we will invoice for next year at a 25% increase. If you have any questions, please do not hesitate to call.

Thank you,

Kim Rasko

Enclosures

Iowa Communities Assurance Pool
2024 Anniversary Rating Supplement

The attached application is designed to make the anniversary process much less complicated. Information from your 2023 supplement has been inserted.

Instructions:

1. Review the information from the 2023 supplement.
2. Enter information under 2024 only for expenses that have changed.
3. Complete and sign Proxy section.
4. Return completed application to:

Iowa Communities Assurance Pool
c/o Bilbrey Insurance Services Inc.
12951 University Ave, Ste 120
Clive, IA 50325
Telephone: 1-(800) 383-0116
Fax: 1-(515) 276-7522

Iowa Communities Assurance Pool

2024 Anniversary Rating Supplement

Member: City of Cumming
Address: PO Box 100
 Cumming, IA 50061-0100
Member #: 0263
Anniversary Date: 7/1/2024
Contact: Rita Conner
Telephone: 5159819214
Agent Name: Scott Weinman
Agency: First MainStreet Insurance L.C. dba
 Weinman Insurance
Agency Address:

Limits Of Liability

General Liability:	\$3,000,000
Premises Med Liability:	\$10,000
Employee Benefits Liability:	\$1,000,000
Automobile Liability:	\$3,000,000
Automobile Med Pay Liability:	\$0
UM/UIM:	\$0
Officials Liability:	\$3,000,000
Law Enforcement Liability:	\$3,000,000

	2023	2024
Full-Time Employees and Elected/Appointed Officials	7	8
Part-Time Employees	0	0
Population	436	436

Financial (Please include 2024/2025 budget)	2023	2024
Total Operating Expenses (Not subject to transfers in/out)		
Conference Board Expenditures	\$0	0
Deductions		
(a) Capital Improvements	\$0	
(b) Independent Contractors	\$50,000	\$50,000
(c) Welfare Benefits	\$0	
(d) Debt Services Fund	\$241,154	\$271,120
(e) Police Expenses	\$11,756	\$11,756
(f) Golf Course Receipts	\$0	
(g) Rec Center Receipts	\$0	
(h) Electric Utility Expense	\$0	
(i) Gas Utility Expense	\$0	
(j) Emergency Management Expense	\$0	
(k) Legal Engineering Expense	\$0	
(l) Other Expenses	\$0	
Adjusted Operating Expenses	\$641,954	\$649,628

Payroll (estimated for current year):	2023	2024
County Care Facility Payroll	\$0	
DPW Payroll	\$0	
Electric Utility Distribution Payroll	\$0	
Electric Utility Generating Payroll	\$0	
Fire Department Payroll	\$0	
Gas Utility Distribution Payroll	\$0	

Independent Contractors Cost	\$50,000	
Parks & Recreation Payroll	\$0	
Road Construction Payroll	\$0	
Sewer Department Payroll	\$0	
Street Maintenance Payroll	\$0	
Water Department Payroll	\$0	

Exposures:

	2023	2024
Additional Party Endorsements	0	
Adult Day Care	0	
Airport Courtesy Car	0	
Airport Liability	0	
Ambulances	0	
Animal Control	0	
Animal Scrambler	0	
Apartment Building Operations	0	
Archery Range	0	
Assistant Medical Examiner	0	
Barrel Race Events	0	
Barrel Train	0	
Bike Trail	0	
Blow up Rides	0	
Bluegrass Festival	0	
BMX Track	0	
Boat	0	
Boat Access	0	
Boat Ramp	0	
Bridges	0	
Bridges - Hiking Trail	0	
Bridges - Pedestrian	0	
Bullriding/Bullfighting Event	0	
Campground Receipts	0	
Campgrounds	0	
Canoe Rental	0	
Car Wash Receipts	0	
Care, Custody & Control	0	
Climbing Wall Over Water	0	
Community Center Receipts	0	
Concert	0	
Cowboy Competition	0	
Dams	0	
DCAT	0	
Demo Derby	0	
Demolition Derby	0	

Diving Boards	0	
Drainage Districts	0	
Drones	0	
Dunk Tank	0	
Empowerment Board	0	
EMT	0	
EMT (No. of technicians, not including paid EMT's)	0	
EPLI for Nursing Home	0	
Farm	0	
Figure 8 Race	0	
Figure 8 Races	0	
Fire/Rescue Boat	0	
Fire/Rescue Jet Ski	0	
Fireworks	0	
Fireworks displays	0	
Garbage Dump or Landfill	0	
Golf Cart Ordinance – Miles of Roadway	0	
Golf Course	0	
Golf Course Receipts	0	
Golfmobiles	0	
Group Home	0	
Halfway House Clients	0	
Horse Show	0	
Horse Show/Races	0	
Housing Authority Expenditures	0	
Inflatables	0	
Jon Boat	0	
Kayak	0	
Lake (higher charge than base)	0	
Landfill	0	
Landfill Acreage	0	
Lawn Mower Race	0	
Maintenance Boat	0	
Marina – Docks	0	
Marina – Moorings	0	
Marina – Slips	0	
Medical Director of Fire Department	0	
Motocross	0	
Mud Bogs	0	
Mutton Busting	0	
Nursing Home/Lessor	0	
Off Road Vehicles Park	0	
Other	0	
Paddle Boats	0	

Pagent	0	
Participating Entities	0	
Petting Zoo	0	
Playgrounds	0	
Ponds	0	
Ponds/Quarries	0	
Pony Rides	0	
Preschool – Number of Children	0	
Public Housing Authority	0	
Railroad Contract	0	
Rec Center Receipts	0	
Red Neck Rally	0	
Rentals	0	
Restaurant and Banquet Receipts	0	
Rodeo	0	
Shooting Booth	0	
Skateboard Parks	0	
Skating Rinks - Ice	0	
Ski Slopes	0	
Skidloader Rodeo	0	
Slides	0	
Snow Trail	0	
Software Development Liability	0	
Sponsored Motorized Events	0	
Summer Camp	0	
Swimming Pools/Lakes	0	
Temporary Depository Site Endorsement	0	
Theatre Receipts	0	
Torque Fest	0	
Townships	0	
Tractor Pull	0	
Train Museum	0	
Transfer Station	0	
UTV/ATV Ordinance	0	
UTV/ATV Ordinance - miles of roadway	0	
Vendors	0	
Volunteer Firefighters - Basic	0	
Wading Pool	0	
Wastewater	0	
Water Park	0	
Waterball	0	
Waterslides	0	
Wellness Center Receipts	0	
Zoo	0	

Any changes to pool policies? _____

New Recreational Facilities (please describe): _____

Any policy changes for Pesticide/Herbicide spraying (please describe): _____

Any changes to Public Health Departments/Districts (please describe): _____

Fairs Only

	2023	2024
Receipts	\$0	

Automobiles:

	2023	2024
Ambulances	0	
Antique Firetruck (Parade Use Only)	0	
Buses - School/Church	0	
Buses - Transit	0	
Dump Trucks	0	
Extra Heavy	0	
Fire Trucks	0	
Heavy	0	
Lt. Med Trucks	0	
Motorcycles	0	
Passenger Car/Vans/Pickups	0	
Police	0	
Refuse	0	
Road Maintenance	0	
Trailers	0	

Public Officials:

	2023	2024
Accountants	0	
Airport	0	
Architects	0	
Attorneys	1	
Engineers	1	
Hospital	0	
Housing	0	
Library	0	
Other	1	
ParksAndRecs	1	
Utility	0	
Zoning	1	

Law Enforcement:

2023	2024
-------------	-------------

Class I-FT - Officers with Arrest Powers	0	
Class II-FT - Officers without Arrest Powers	0	
Class III-FT - Personnel without Arrest Powers	0	
Class III-PT - Personnel without Arrest Powers	0	
Class II-PT - Officers without Arrest Powers	0	
Class I-PT - Officers with Arrest Powers	0	
Class IV-FT - Officers Assigned to Holding Facilities	0	
Class IV-PT - Officers Assigned to Holding Facilities	0	
Class IX-Dogs - Owned or Used	0	
Class IX-Watercraft No Power - Owned or Used	0	
Class IX-Watercraft Power - Owned or Used	0	
Class V-FT - Correctional Officers and other Detention Facilities in Excess of 72 Hours	0	
Class VI-FT - Jail Medical Personnel	0	
Class VII-FT - All other Jail Personnel	0	
Class VIII Aux Officers Armed-FT - Auxiliary Officers	0	
Class VIII Aux Officers Armed-PT - Auxiliary Officers	0	
Class VIII Aux Officers Unarmed-FT - Auxiliary Officers	0	
Class VIII Aux Officers Unarmed-PT - Auxiliary Officers	0	
Class VII-PT - All other Jail Personnel	0	
Class VI-PT - Jail Medical Personnel	0	
Class V-PT - Correctional Officers and other Detention Facilities in Excess of 72 Hours	0	
Conservation Class I-FT - Officers with Arrest Powers	0	
Conservation Class II-FT - Officers without Arrest Powers	0	
Conservation Class III Aux Officers Armed-FT - Auxiliary Officers	0	
Conservation Class III Aux Officers Armed-PT - Auxiliary Officers	0	
Conservation Class III Aux Officers Unarmed-FT - Auxiliary Officers	0	
Conservation Class III Aux Officers Unarmed-PT - Auxiliary Officers	0	
Conservation Class II-PT - Officers without Arrest Powers	0	
Conservation Class I-PT - Officers with Arrest Powers	0	
Conservation Class IV-Horses - Owned or Used	0	
Conservation Class IV-Watercraft No Power - Owned or Used	0	
Conservation Class IV-Watercraft Power - Owned or Used	0	
Contracted - No Police Dept	1	
No Contract - Sheriff Dept. Patrols	0	

Have there been any changes in your law enforcement policies:

	YES	NO
Operations	<input type="checkbox"/>	<input type="checkbox"/>
Training	<input type="checkbox"/>	<input type="checkbox"/>
Procedures	<input type="checkbox"/>	<input type="checkbox"/>
Detention	<input type="checkbox"/>	<input type="checkbox"/>

Authorized Signature of Member: _____

Date: _____



Member Proxy

Be it known, that the undersigned representative of the Governmental Sub-Division (hereafter referred to as MEMBER) by resolution of the governing body, a copy of which is attached hereto, hereby nominates and appoints the following individual and alternate to represent the MEMBER with the Iowa Communities Assurance Pool (hereinafter referred to as the POOL). The individual and alternate shall act as liaison between MEMBER and the POOL for the purposes of relating risk reduction and loss control information, and any other loss information or instructions concerning the obligations of the MEMBER imposed by signing the Iowa Risk Management Agreement and the rules and regulations established thereunder, to the same extent and with like effect as the undersigned thereunder, to the same extent as the undersigned could do if personally present and the undersigned does hereby ratify and confirm and adopt all action done or taken by the individual or alternate.

Primary Contact:	<u>Rita Conner</u>	Alternate Contact:	<u>Brent Highill</u>
Title:	<u>City Clerk</u>	Title:	<u>Mayor</u>
Address:	<u>PO Box 100</u>	Address:	<u>PO Box 100</u>
Address:	_____	Address:	_____
City, State, Zip:	<u>Cumming, IA 50061-0100</u>	City, State, Zip:	<u>Cumming, IA 50061-0100</u>
Email:	<u>rconner@cumming.iowa.gov</u>	Email:	<u>cmbhighfill@gmail.com</u>
Telephone:	<u>5159819214</u>	Telephone:	<u>5159819214</u>

In witness whereof, this proxy was executed on the _____ day of _____, in the year _____, by the undersigned duly authorized officers of the Governmental Subdivision indicated below:

Governmental Subdivision: City of Cumming

Member ICAP #: 0263

By: _____

Title: _____

By: _____

(City Clerk/County Auditor/Board Secretary)

Casualty Additional Party Endorsements

Needed	<input type="checkbox"/>	Name:	U.S. Bank Equipment Finance	
		Address:	1310 Madrid St., Suite 101	
No	<input type="checkbox"/>	City, State Zip:	Marshall, MN, 56258	
Longer		Effective Date:		7/1/2024
Needed		Endorsement #:	1	
		Description:	YOUR lease of Lanier MP C2004 Multifunction Copier. Customer # 1280734. Certificate Holder is listed as Additional Party and Loss Payee.	

Certificates of Coverage

Needed Name: U.S. Bank Equipment Finance
Address: 1310 Madrid St., Suite 101
No City, State Zip: Marshall, MN, 56258
Longer Issue Date: 7/1/2024
Needed Certificate Number: 1
of Days Notice: 30
Regarding: YOUR lease of Lanier MP C2004 Multifunction Copier. Customer # 1280734. Certificate Holder is listed as Additional Party and Loss Payee.

Third Party Auto Liability Law Enforcement Liability Public Officials Auto Physical Damage Property

Needed Name: MidAmerican Energy Company, its parent, subsidiaries and affiliated companies and their agents, officers and employees
Address: PO Box 657
No City, State Zip: Des Moines, IA, 50306
Longer Issue Date: 7/1/2024
Needed Certificate Number: 3
of Days Notice: 30
Regarding: Use of your utility poles for seasonal decorations

Third Party Auto Liability Law Enforcement Liability Public Officials Auto Physical Damage Property

Loss Payable Provision - Additional Property Summary

Needed	<input type="checkbox"/>	Finance Company:	U.S. Bank Equipment Finance
No	<input type="checkbox"/>	Description of Property:	Lanier MP C2004 Multifunction Copier
Longer		Value of Property:	\$6,941
Needed			



Iowa Communities Assurance Pool

Statement of Values

City of Cumming

Effective Date: 07/01/2024

Printed on: 01/30/2024

Location Description	Area	# of Flrs	Auto Spklr	Year Built	Year Reno	Con Code	Pro Class	Equip Break	FL	EQ	Blank Limit
1 - 1 649 N. 44th St. Cumming, IA 50061 City Hall	950	1		1978		1	8	Y	N	N	Y

	Value	Valuation	Deductible
Building	\$142,729	RC	\$500
EDP - Hardware	\$6,941	RC	\$500
Personal Property	\$42,639	RC	\$500
Total Location TIV	\$192,309		

Location Description	Area	# of Flrs	Auto Spklr	Year Built	Year Reno	Con Code	Pro Class	Equip Break	FL	EQ	Blank Limit
2 - 2 637 N. 44th St. Cumming, IA 50061 84,000 Gallon Water Tower	0	0		1978		3	8	Y	N	N	Y

	Value	Valuation	Deductible
Building	\$366,453	RC	\$500
Fine Arts	\$55,000	RC	\$500
Personal Property	\$1,100	RC	\$500
Total Location TIV	\$422,553		

Location Description	Area	# of Flrs	Auto Spklr	Year Built	Year Reno	Con Code	Pro Class	Equip Break	FL	EQ	Blank Limit
3 - 3 630 N. 44th St. Cumming, IA 50061 Pavilion	600	1		2009		1	8	Y	N	N	Y

	Value	Valuation	Deductible
Building	\$57,186	RC	\$500
Personal Property	\$1,100	RC	\$500
Total Location TIV	\$58,286		



Iowa Communities Assurance Pool

Statement of Values

City of Cumming

Effective Date: 07/01/2024

Printed on: 01/30/2024

Location Description	Area	# of Flrs	Auto Spklr	Year Built	Year Reno	Con Code	Pro Class	Equip Break	FL	EQ	Blank Limit
3 - 4 630 N. 44th St. Cumming, IA 50061 Fence	0	0		2009		3	8	Y	N	N	Y
	Value					Valuation				Deductible	
Building	\$2,192					RC				\$500	
Total Location TIV	\$2,192										
3 - 5 630 N. 44th St. Cumming, IA 50061 Playground Eqpt./Benches/Tables/Trash Receptacles	0	0		2009		3	8	Y	N	N	Y
	Value					Valuation				Deductible	
Building	\$26,518					RC				\$500	
Total Location TIV	\$26,518										
3 - 6 630 N. 44th St. Cumming, IA 50061 Swing Set	0	0		2012		3	8	Y	N	N	Y
	Value					Valuation				Deductible	
Building	\$2,526					RC				\$500	
Total Location TIV	\$2,526										



Iowa Communities Assurance Pool

Statement of Values

City of Cumming

Effective Date: 07/01/2024

Printed on: 01/30/2024

Location Description	Area	# of Flrs	Auto Spklr	Year Built	Year Reno	Con Code	Pro Class	Equip Break	FL	EQ	Blank Limit
4 - 7 300 N Brier Cumming, IA 50061 Pavilion	300	0		2021		1	8	Y	N	N	Y

	Value	Valuation	Deductible
Building	\$196,020	RC	\$500
Total Location TIV	\$196,020		

Location Description	Area	# of Flrs	Auto Spklr	Year Built	Year Reno	Con Code	Pro Class	Equip Break	FL	EQ	Blank Limit
4 - 8 300 N Brier Cumming, IA 50061 Playground Equipment	0	0		2021		1	8	Y	N	N	Y

	Value	Valuation	Deductible
Building	\$522,720	RC	\$500
Total Location TIV	\$522,720		

Location Description	Area	# of Flrs	Auto Spklr	Year Built	Year Reno	Con Code	Pro Class	Equip Break	FL	EQ	Blank Limit
4 - 9 300 N Brier Cumming, IA 50061 Restroom	80	0		2021		1	8	Y	N	N	Y

	Value	Valuation	Deductible
Building	\$130,680	RC	\$500
Total Location TIV	\$130,680		

Total Blanket TIV	\$1,491,863
Building	\$1,447,024
Personal Property	\$44,839
EDP - Hardware	\$6,941
Fine Arts	\$55,000
Total TIV	\$1,553,804



Iowa Communities Assurance Pool

Additional Property Statement of Values

City of Cumming

Effective Date: 07/01/2024

Printed on: 01/30/2024

1 - 1 - 649 N. 44th St., Cumming, 50061

Line Classification	Description	Serial No	Coverage Limit	Valuation	Deductible
1 EDP - Hardware	Lanier MP C2004 Multifunction Copier		\$6,941	RC	\$500

Total EDP - Hardware \$6,941

Total Location Additional Property Scheduled Value \$6,941

2 - 2 - 637 N. 44th St., Cumming, 50061

Line Classification	Description	Serial No	Coverage Limit	Valuation	Deductible
2 Fine Arts	Water Tower Painting		\$55,000	RC	\$500

Total Fine Arts \$55,000

Total Location Additional Property Scheduled Value \$55,000

Grand Total EDP - Hardware \$6,941

Grand Total Fine Arts \$55,000

Grand Total Additional Property Scheduled Value \$61,941

RESOLUTION 2024-24

**CUMMING, IOWA
HY-VEE DISTRIBUTION CAMPUS – PUBLIC IMPROVEMENTS
CUMMING AVENUE WIDENING AND 50TH STREET PAVING
PROFESSIONAL ENGINEERING CONSTRUCTION SERVICES**

THIS AMENDMENT TO AGREEMENT, made and entered into this _____ day of _____, 2024, by and between the **CITY OF CUMMING, IOWA**, hereinafter referred to as the as the "**Owner**" or "**City**," party of the first part, and **VEENSTRA & KIMM, INC.**, a corporation organized and existing under the laws of the State of Iowa, party of the second part, hereinafter referred to as the "**Engineers**,"

WITNESSETH, THAT WHEREAS, in an Agreement dated December 13, 2021, the City retained the services of the Engineers to provide engineering construction services on the project referred to as the "**CUMMING AVENUE WIDENING AND 50TH STREET PAVING**", or "**Project**," and

WHEREAS, the City previously approved an Amendment to Agreement to add additional engineering construction services related to necessary changes due to unforeseen conflicts with various elements of the Project, and

WHEREAS, the compensation for engineering construction services in the Agreement as amended was based on providing services up to the original completion date for the Project of October 31, 2023, with limited services for final surface restoration in the spring, and

WHEREAS, based on the recent construction schedule provided by the contractor, construction of the Project is anticipated to extend into the early summer of 2024, with a projected completion date of June 30, 2024, and

WHEREAS, the modifications to the Project schedule and construction period will require additional engineering construction related services beyond the original scope of work, and

WHEREAS, the City desires to amend the Agreement dated December 13, 2021 to add additional engineering construction services and to establish amended fees for engineering construction services for the Project.

NOW, THEREFORE, it is agreed by and between the parties hereto that the Agreement dated December 13, 2021, is amended by the following additions, deletions and modifications, to wit:

1. Under "**1. SCOPE OF PROJECT**", as previously amended, following Paragraph "I.", insert the following:

- "m. Additional General Services During Construction as set forth in **4. GENERAL SERVICES DURING CONSTRUCTION** for sanitary sewer redesign and for extended construction period through June 30, 2024.
 - n. Additional Resident Review Services and Construction Staking Services as set forth in **5. RESIDENT REVIEW AND CONSTRUCTION STAKING SERVICES** for extended construction period through June 30, 2024."
2. Under "**7. COMPENSATION**", as previously amended, following Paragraph "g." insert the following:
- "h. The total fee for additional engineering services during construction as set forth in **1. SCOPE OF PROJECT, paragraph m.** shall not exceed the sum of Fifty Thousand Five Hundred Dollars (\$50,500).
 - i. The total fee for additional engineering services during construction as set forth in **1. SCOPE OF PROJECT, paragraph n., and 5. RESIDENT REVIEW AND CONSTRUCTION STAKING SERVICES** shall not exceed the sum of Forty-One Thousand Five Hundred Dollars (\$41,500). The total hours for resident review services increases by 360 hours by this amendment."

The undersigned do hereby covenant and state this Second Amendment to Agreement is executed in duplicate as though each were an original and there are no oral agreements which have not been reduced to writing in this instrument.

It is further covenanted and stated there are no other considerations or monies contingent upon or resulting from the execution of this Second Amendment to Agreement, nor have any of the above been implied by or for any party to this Second Amendment to Agreement.

IN WITNESS WHEREOF, the parties have hereunto subscribed their names on the date first written above.

CITY OF CUMMING, IOWA

ATTEST:

By _____
Mayor

By _____
City Clerk

VEENSTRA & KIMM, INC.

ATTEST:

By  _____

By  _____

AGENDA HEADING: Motion on Travel & Training Request from Councilmember Martin Squier

SYNOPSIS: Council consideration of travel request listed below

FISCAL IMPACT:

Amount: \$3700.00

Financing Source: City of Cumming FY 24 Budget, account and code to be assigned by the City Clerk, budget amendment

ADDITIONAL INFORMATION:

Councilmember Martin Squier has attended meetings and participated in the efforts of the Greater Des Moines Sister City Commission (GDSMSSC) https://www.dsm.city/departments/city_manager_s_office/greater_des_moines_sister_cities_commission.php over the last two years. He has been appointed Vice Chair of the Kofu subcommittee.

A small delegation of GDSMSSC will be traveling to Kofu, Japan in 2024, which will mark approximately 20 years since the last visit. Councilmember Squier has requested to participate in the trip. Funds would be for travel and lodging expenses.

Councilmember Squier has submitted that the trip is an opportunity to continue the work of the GDSMSSC, building relationships between the delegations and seeking opportunities for the advancement of the City of Cumming's economic development efforts.

Additional information may be submitted at Council request, including further detail on the itinerary, dates, expense breakdown, or other details of the proposal.

I ♥
CUMMING



**I ♥
CUMMING**