

**NOTICE OF REGULAR COUNCIL MEETING  
CUMMING CITY COUNCIL  
May 28, 2024 – 5:30 p.m.  
Cumming City Hall, 649 N. 44<sup>th</sup> St., Cumming, IA\***

**ROLL CALL**

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

**PUBLIC COMMENT**-Up to 5 minutes to address the Council on items not included on this agenda

**PUBLIC HEARING**-None

**CONSENT ITEMS**

- A. Minutes from the May 13, 2024 Regular Council Meeting
- B. Payment of Bills
- C. Resolution 2024-27 Set a Date for a Public Hearing on Amendment of the Current City Budget for the Fiscal Year Ending June 30, 2024
- D. Minutes from the May 14, 2024 Planning & Zoning Commission Meeting
- E. Minutes from the May 16, 2024 Hometown Pride Committee

**BUSINESS ITEMS**

- A. Resolution 2024-28 Great Western Crossing Plat 5 Final Plat
- B. Motion to Approve Septic Tank Replacement at 737 N 43<sup>rd</sup>
- C. Resolution 2024-29 Support of Workforce Housing Tax Credit Application
- D. Resolution 2024-30 City Administrator Agreement

**REPORTS:**

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

**ADJOURNMENT**

**UPCOMING ITEMS**

FY 24 Budget Amendment 6.10.24  
FY 24 Budget Transfers 6.10.24  
Public Financial Management (PFM) Taxable Valuation Projections

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

Join Zoom Meeting  
<https://us02web.zoom.us/j/2382663968> Meeting ID: 238 266 3968

## **Council Communication: Council Meeting Items for May 28, 2024**

### **SUBMITTED BY:**

Rita Conner, City Administrator

### **SYNOPSIS:**

The information below summarizes agenda items before Council for May 28, 2024.

**PUBLIC HEARING (S):** None

### **CONSENT ITEMS:**

C. Resolution 2024-27 sets a hearing for June 10, 2024 to amend the current FY 24 budget. Budget amendments show changes that have occurred during the fiscal year that were not contemplated at the time of budget adoption. This amendment contains the additional payments scheduled for our debt service, reimbursement and pass through of professional fees in the development process, LOST revenue to be receipted by end of FY, Norwalk Fire /EMS agreement paid from cash on hand, and the septic system replacement cost on this agenda.

### **BUSINESS ITEMS**

- A. Resolution 2024-28 Great Western Crossing Plat 5 Final Plat: GWC Plat 5 public improvements have been completed, with minor punch list items to complete before recording. Recommend approval with final sign off of punch list items to be completed administratively with City Engineer approval. GWC Plat 5 adds 25 single family residential lots to the city.
- B. Motion to Approve Septic Tank Replacement at 737 N 43<sup>rd</sup>  
Staff has worked with homeowner at 737 N 43<sup>rd</sup>, who is selling the family home at this address, and has conducted a transfer of title septic system inspection as part of the sale due diligence. The report and the cost of the repair are included with Council packet information, which show a need to replace the tank. The city's history shows that the septic tanks are owned by the city, so this is presented for Council review. Recommend approval of the \$6200 cost being invoiced to the City, unless there is an alternate finding from the City Attorney that this replacement is not a City of Cumming cost.
- C. Resolution 2024-29 Support of Workforce Housing Tax Credit Application: Diligent Development (Tim Portzen, Vice President 6150 Village View Dr Suite 110, West Des Moines, IA 50266) has submitted a request for City of Cumming support for a Workforce Housing Tax Credit <https://www.iowaeda.com/workforce-housing-tax-credit/> application to the Iowa Economic Development Authority (IEDA). The plan would be for 25-30 single family homes in the Middlebrook Agrihood, abutting the Great Western Trail south of the commercial/mixed use block currently under construction. Images of design concepts for the homes are included in the Council packet information and were also shared during the PUD rezoning process in 2023. These would be narrow lot, alley-load concept in accordance with the approved

PUD. Homes would range from 20'-30' wide with front porches facing bike trail/green space. These are for sale units that are consistent with the Agrihood Master Plan. Construction would be initiated in 2025 if awarded.

These lots are not part of the development agreement that was just approved with Diligent. There is a \$1,000/unit match required from the City under the WHTC program, and staff is working with the development team to review alternatives for this, which are included in the Resolution for this item.

- D. Resolution 2024-30 City Administrator Agreement  
Please see the agreement included in the Council packet.

**OFFICIAL PUBLICATION  
CITY OF CUMMING  
Regular Council Meeting 05/13/2024  
To be Approved at 05/28/2024 Meeting**

The regular City Council Meeting of the City of Cumming was held at Cumming City Hall 649 N. 44<sup>th</sup> St. on May 13, 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, Kathie Hungerford, Martin Squier, Charlie Ochanpaugh, and Larry Goode, Jr. Approved 5-0.

**Public Comment:** None

**Public Hearings:** None

**Audit Overview:** Leslie Geary of the State of Iowa Auditor's Office provided a report regarding the most recent audit.

**Consent Items:**

Motion made by Goode, Jr., seconded by Cackler to approve Consent Items; Minutes from April 22, 2024 Regular Council Meeting, Payment of Bills, April 2024 Financials, April 2024 Sheriff's Report, FY24 Budget vs Actual Year to Date Summary, Motion to Move Regular Council Meeting from May 27, 2024 to Tuesday May 28, 2024 at 5:30PM, Resolution 2024-25 Change Order No. 5 Cumming Ave Widening Project, and Resolution 2024-26 Payment Application No. 8 Cumming Ave Widening Project. Approved 5-0.

**Payment of Bills:**

| Type            | Date       | Name                           | Memo                         | Amount             |
|-----------------|------------|--------------------------------|------------------------------|--------------------|
| Check           | 04/08/2024 | Combined Systems Technology    | Invoice 164998               | -52.40             |
| Check           | 04/08/2024 | Waste Connections              | March & April 2024           | -7,010.25          |
| Check           | 04/24/2024 | City of Des Moines             | April 2024                   | -2,990.20          |
| Check           | 04/24/2024 | N/Warren Town & County News    | Invoice for April 11 Publish | -229.95            |
| Check           | 04/24/2024 | AT&T Mobility                  | April Invoice                | -82.57             |
| Check           | 04/24/2024 | Skinner Law Office PC          | Invoice 33742                | -1,041.25          |
| Liability Check | 04/25/2024 | United States Treasury         | 2024 Q1                      | -6,869.28          |
| Check           | 04/29/2024 | MidAmerican Energy             | April Invoice                | -813.80            |
| Check           | 04/29/2024 | Old Republic Surety Bond       | Bond Invoice                 | -308.00            |
| Check           | 04/29/2024 | N/Warren Town & County News    | Regular Council Minutes      | -80.60             |
| Check           | 04/29/2024 | Elan Financial Services        | April Invoice                | -52.99             |
| Check           | 04/29/2024 | Veenstra & Kimm Inc.           | Invoice 41247-7              | -1,499.00          |
| Check           | 04/29/2024 | Veenstra & Kimm Inc.           | Invoice 41250-6              | -880.00            |
| Check           | 04/29/2024 | Veenstra & Kimm Inc.           | Invoice 41235-75             | -75.00             |
| Check           | 04/29/2024 | McClure Engineering Co.        | Invoice 151766               | -6,190.00          |
| Check           | 04/29/2024 | Waste Solutions of Io.wa       | Invoice 82061                | -121.00            |
| Check           | 04/30/2024 | Waste Connections              | April Invoice                | -5,019.65          |
| Check           | 04/30/2024 | US Bank                        | Invoice 528165715            | -201.80            |
| Check           | 04/30/2024 | IMFOA                          | IMFOA 24-25 Membership       | -50.00             |
| Check           | 04/30/2024 | IMFOA                          | Conference                   | -150.00            |
| Liability Check | 05/02/2024 | Iowa Department of Revenue     | Q1 2024                      | -1,169.96          |
| Check           | 05/02/2024 | Mike Pedersen MCP, Inc         | April Invoice                | -5,143.00          |
| Check           | 05/02/2024 | Mike Pedersen MCP, Inc         | May Invoice                  | -5,143.00          |
| Check           | 05/02/2024 | Mike Pedersen MCP, Inc         | Nuisance Mowing              | -225.00            |
| Paycheck        | 05/09/2024 | Onstot, Nichole                |                              | -1,118.01          |
| Paycheck        | 05/09/2024 | Conner, Rita                   |                              | -2,199.57          |
| Check           | 05/09/2024 | City of Des Moines             | Invoice 135550               | -2,990.20          |
| Check           | 05/09/2024 | Absolute Concrete Construction | Change Order No. 5           | -10,450.00         |
| Check           | 05/09/2024 | Absolute Concrete Construction | Partial Payment No. 8        | -106,304.05        |
|                 |            |                                | <b>Total</b>                 | <b>-168,460.53</b> |



**Business Items:**

- A. Motion to Approve Resolution 2024 Street Maintenance Projects and Striping with Speck USA in the amount of \$6250.00. Motion by Ochanpaugh, seconded by Hungerford. Approved 5-0.
- B. Motion to Approve 2024 Concrete Leveling Street Repair with Iowa Concrete Leveling for \$1,500. Motion by Goode, Jr., seconded by Squier. Approved 5-0.
- C. No Motion taken on Fiscal Year Recap.

**Reports:**

- A. Mayor Brent Highfill received a request to change out the trashcan at Ed Harkin Park to a dumpster or a larger bin. The current garbage bins are filling up very quickly. The City of Norwalk met with the Mayor and City Administrator to discuss a wastewater pipe located by Michael Foods and going 1.5 miles west. The hope is to continue to the interstate, eventually. This will not be located on any properties that have current homes.
- B. Martin Squier reported an update regarding his trip to Kofu, Japan. He met with local businesses to discuss possible gifts for the residents of Kofu.
- C. No Report.
- D. Planning & Zoning Commission will meet on 05/14/2024 to approve Plat 5 in Great Western Crossing. Paul Rausch from Wilson's Orchard will also be presenting to P&Z regarding upcoming plans. Paul will meet with Council in the future. Hy-Vee is planning a grand opening in June for Council to attend. The current CIP will be updated in June 2024. Working with Iowa State to get a pavement management study completed. There is no cost associated.
- E. No Report.

**Adjourn:**

Motion by Cackler, seconded by Squier to adjourn the meeting at 7:42PM.

NEXT CITY COUNCIL MEETING: May 28, 2024, 5:30 pm at City Hall

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Brent Highfill, Mayor

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Attest: Nichole Onstot, City Clerk

8:31 AM

05/24/24

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

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| <u>Type</u>  | <u>Date</u> | <u>Num</u> | <u>Name</u>           | <u>Memo</u>                             | <u>Amount</u>    |
|--------------|-------------|------------|-----------------------|---|------------------|
| Check        | 05/10/2024  |            | Century Link          | May Invoice - Autopay                   | -281.93          |
| Check        | 05/13/2024  |            | First Net             | Invoice 28732129420                     | -41.27           |
| Check        | 05/13/2024  |            | Des Moines Stamp      | Invoice 1234005                         | -30.50           |
| Check        | 05/23/2024  |            | Conner, Rita          | Health Insurance Reimbursement May 2024 | -618.21          |
| Paycheck     | 05/23/2024  |            | Onstot, Nichole       |   | -1,118.01        |
| Paycheck     | 05/23/2024  |            | Conner, Rita          |   | -2,199.57        |
| Check        | 05/23/2024  |            | Corporate Warehous... | Toner for Printer                       | -1,039.75        |
| <b>Total</b> |             |            |                       |   | <b>-5,329.24</b> |

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**RESOLUTION 2024-27  
CITY OF CUMMING**

**Set a Date for a Public Hearing on Amendment of the Current City  
Budget for the Fiscal Year Ending June 30, 2024**

**WHEREAS**, The annual budget for the City of Cumming, Iowa, for fiscal year 2023-2024 was adopted on June 19, 2023, and

**WHEREAS**, A budget amendment is required due to expenses exceeding the amounts originally budgeted in certain programs, and

**WHEREAS**, The Code of Iowa requires cities to hold a public hearing whenever an amendment is made to the adopted budget,

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

Section 1. This Council will meet at the Cumming City Hall, 649 N. 44<sup>th</sup> Street, Cumming, Iowa, on the 10<sup>th</sup> day of June, 2024, at 6:00 P.M. at which time and place it will hold a public hearing to receive comments on amending the Current City Budget for the Fiscal Year Ending June 30, 2024.

Section 2. The City Clerk shall publish notice of said hearing, the same being in the form attached to this resolution, which publication shall be in the newspaper by which has been permanently designated by ordinance, which publication shall be not less than ten (10) nor more than twenty (20) days before the date set for the hearing.

Passed and approved this 28<sup>th</sup> day of May, 2024.

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

Attest: \_\_\_\_\_  
Nichole Onstot, City Clerk

**NOTICE OF PUBLIC HEARING - AMENDMENT OF CURRENT BUDGET**

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

The City of CUMMING will conduct a public hearing for the purpose of amending the current budget for fiscal year ending June 30, 2024

**Meeting Date/Time:** 6/10/2024 06:00 PM

**Contact:** Nichole Onstot

**Phone:** (515) 981-9214

**Meeting Location:** 649 N 44th St  
Cumming, IA 50061

There will be no increase in taxes. Any residents or taxpayers will be heard for or against the proposed amendment at the time and place specified above. A detailed statement of: additional receipts, cash balances on hand at the close of the preceding fiscal year, and proposed disbursements, both past and anticipated, will be available at the hearing. Budget amendments are subject to protest. If protest petition requirements are met, the State Appeal Board will hold a local hearing. For more information, consult <https://dom.iowa.gov/local-gov-appeals>.

| REVENUES & OTHER FINANCING SOURCES   |           | Total Budget as Certified or Last Amended | Current Amendment | Total Budget After Current Amendment |
|--|-----------|---|-------------------|--------------------------------------|
| Taxes Levied on Property   | 1         | 342,842                                   | 6,737             | 349,579                              |
| Less: Uncollected Delinquent Taxes - Levy Year                                     | 2         | 0   | 0                 | 0                                    |
| Net Current Property Tax   | 3         | 342,842                                   | 6,737             | 349,579                              |
| Delinquent Property Tax Revenue  | 4         | 0   | 0                 | 0                                    |
| TIF Revenues   | 5         | 255,863                                   | 0                 | 255,863                              |
| Other City Taxes   | 6         | 47,108                                    | 3,182             | 50,290                               |
| Licenses & Permits   | 7         | 101,157                                   | -39,143           | 62,014                               |
| Use of Money & Property  | 8         | 22,292                                    | 11,078            | 33,370                               |
| Intergovernmental  | 9         | 37,000                                    | 139,225           | 176,225                              |
| Charges for Service  | 10        | 117,000                                   | 33,729            | 150,729                              |
| Special Assessments  | 11        | 0   | 0                 | 0                                    |
| Miscellaneous  | 12        | 30,000                                    | 1,824,257         | 1,854,257                            |
| Other Financing Sources  | 13        | 0   | 0                 | 0                                    |
| Transfers In   | 14        | 211,525                                   | 74,270            | 285,795                              |
| <b>Total Revenues &amp; Other Sources</b>  | <b>15</b> | <b>1,164,787</b>                          | <b>2,053,335</b>  | <b>3,218,122</b>                     |
| EXPENDITURES & OTHER FINANCING USES  |           |   |                   |                                      |
| Public Safety  | 16        | 51,756                                    | 30,225            | 81,981                               |
| Public Works   | 17        | 153,500                                   | 697,319           | 850,819                              |
| Health and Social Services   | 18        | 0   | 0                 | 0                                    |
| Culture and Recreation   | 19        | 50,000                                    | 16,992            | 66,992                               |
| Community and Economic Development   | 20        | 138,770                                   | 804,018           | 942,788                              |
| General Government   | 21        | 244,684                                   | -35,240           | 209,444                              |
| Debt Service   | 22        | 241,154                                   | 44,641            | 285,795                              |
| Capital Projects   | 23        | 0   | 143,223           | 143,223                              |
| Total Government Activities Expenditures   | 24        | 879,864                                   | 1,701,178         | 2,581,042                            |
| Business Type/Enterprise   | 25        | 65,000                                    | 87,508            | 152,508                              |
| <b>Total Gov Activities &amp; Business Expenditures</b>                            | <b>26</b> | <b>944,864</b>                            | <b>1,788,686</b>  | <b>2,733,550</b>                     |
| Transfers Out  | 27        | 211,525                                   | 74,270            | 285,795                              |
| <b>Total Expenditures/Transfers Out</b>  | <b>28</b> | <b>1,156,389</b>                          | <b>1,862,956</b>  | <b>3,019,345</b>                     |
| <b>Excess Revenues &amp; Other Sources Over (Under) Expenditures/Transfers Out</b> | <b>29</b> | <b>8,398</b>                              | <b>190,379</b>    | <b>198,777</b>                       |
| Beginning Fund Balance July 1, 2023  | 30        | 1,318,736                                 | -213,656          | 1,105,080                            |
| <b>Ending Fund Balance June 30, 2024</b>   | <b>31</b> | <b>1,327,134</b>                          | <b>-23,277</b>    | <b>1,303,857</b>                     |

**Explanation of Changes:** Additional LOST revenue anticipated before end of fiscal year, developer reimbursement to City of professional fees. Increase in Fire Department fees for FY24. Adjustment to debt service amount to account for extra payments. Anticipated cost of replacement of septic tank.

## PNZ 5/14/2024

- Karen B- Y
- Shamus- Y
- Ethan- Y
- John- Y
  
- Approval of Agenda- Agenda Passes- John 1st, Karen B seconds Motion Passes
  
- Consent items
  1. Approve minutes- Karen M- 1st Karen B- 2nds
  2. Motion Passes

• Public Comment  
N/A

• Public Hearing  
N/A

- Business Items
  
- Review and Recommendation to council on final plat for Great Western Crossing Plat 5
  1. Shamus Motions
  2. Karen B 2nds
  3. Recommendation Passes
  
- Overview Wilson's Orchard- Middlebrook Agrihood PUD
  
  
- Upcoming Planning and Zoning Meeting
  1. Next Meeting June 2024
  
- Adjourn
  - Karen M- motions- Karen B- Seconds
  - Motion Passes



## Cumming Hometown Pride Meeting Minutes May 16, 2024

Attendance: Renee Highfill, Shaunda Murphy, Pat Whalen, Angela Cooper, Craig Olson, Rita Conner

### 1. Old Business

- A. Warren County Philanthropic Grant – Renee reported we did not get this grant
- B. New Bike Trail from HyVee Update –
  - a. Rita said we can work with Diligent on this project and they will put in the signs and benches. Trail will be 10 feet wide.
  - b. We will need a 1.5 foot x 2.5 foot pad for each of the 3 artwork pieces
    - i. We decided we want the 3 pieces along G-14 on south side of new bike trail. Can Diligent suggest locations?
    - ii. Reminder – Richards Construction put in previous artwork pieces
  - c. A larger pad will be needed for the benches. Need to decide how many benches and location. Can Diligent suggest locations?
  - d. Rita will discuss with Diligent and see if she can set up a meeting between them and HTP

### 2. New Business

- A. Front Porch Cumming – Dates for this in 2024 are: June 12, July 10, and August 14. Time 6-8 pm. Angela is working on flyer – will add Hosted By as well as reach out to HTP if interested in hosting. If no host volunteers we may do something in the City Park.
- B. Cumming Clean Up Day – Saturday June 1<sup>st</sup> from 9 am to 11 am. Need to put on Facebook and City of Cumming. Renee got supplies with the \$50 from Keep IA Beautiful.
- C. New projects – Rita discussed that the city would like HTP to come up with Welcome to Cumming roadway sign ideas to submit to the city council. Pat asked if the Council could give some guidance as to size, type, location. We discussed a possible sign that would tie in our artwork, slogan, Est. 1888, heart, etc. Rita will see if she can get us some feedback.
- D. Welcome Bags – no new residents. We will approach the new businesses to ask if they want to include something in our Welcome Bags. Pat will reach out to Wilson's Orchard, Renee said Hy-vee Fast & Fresh has something for the bag she will pick up, Shaunda – Caseys (when it opens). We also need Middlebrook Friday at Farm info to add to bags, Shaunda will contact.
- E. Sign w/City Businesses at N. 44<sup>th</sup> St & Cumming Rd. – Rita asked what we thought of the sign and if it should be preserved/moved or if it should go. Discussion around this but no decision.
- F. No other new business

With no other new business, meeting was adjourned.

Next meeting – July 18, 2024 at 7:00 pm at City Hall

**Resolution 2024-28  
City of Cumming**

**Approving Final Plat 5 for Great Western Crossing**

**WHEREAS**, the Planning & Zoning Commission reviewed this request at a regular meeting on May 14<sup>th</sup>, 2024 and recommends approval of Final Plat 5 for Great Western Crossing; and

**WHEREAS**, that the applicant provides all supporting documentation required within the Cumming Code; and

**WHEREAS**, that any significant modification to the Final Plat must be reviewed by the Planning & Zoning Commission and approved by City Council; and

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

That the City of Cumming, Iowa approves the Final Plat 5 for Great Western Crossing as described and shown in exhibit "A" attached hereto and made a part thereof by reference

**PASSED AND APPROVED** this 28<sup>th</sup> day of May, 2024.

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Brent Highfill, Mayor

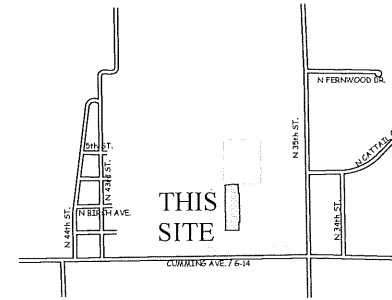
Attest:

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Nichole Onstot, City Clerk

**INDEX LEGEND**

LOCATION: S.E. 1/4 SEC. 8-77-25  
REQUESTOR: DILIGENT GWC, LLC  
PROPRIETOR: DILIGENT GWC, LLC  
SURVEYOR: KEVEN J. CRAWFORD  
COMPANY: COOPER CRAWFORD & ASSOCIATES  
475 S 50th ST., STE. 800,  
WDM, IA 50265  
RETURN TO: COOPER CRAWFORD & ASSOCIATES



**FINAL PLAT**  
**GREAT WESTERN**  
**CROSSING PLAT 5**

**CUMMING, IOWA**  
**OWNER / DEVELOPER**

DILIGENT GWC, LLC  
12119 STRATFORD DR.  
CLIVE, IA 50325  
515-309-0705

**ZONING**

EXISTING: GREAT WESTERN CROSSING P.U.D.  
PROPOSED: GREAT WESTERN CROSSING P.U.D.  
MINIMUM LOT AREA=8,400 SQ. FT.

**SETBACKS**

FRONT - 25'  
REAR - 35'  
SIDE - 8' MIN (13' TOTAL)

**LEGAL DESCRIPTION**

A PART OF PARCEL 'M' AND PARCEL 'N', OF THE PLAT OF SURVEY, RECORDED BOOK 2016, PAGE 9567, CUMMING, WARREN COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF GREAT WESTERN CROSSING PLAT 2, AN OFFICIAL PLAT, CITY OF CUMMING, WARREN COUNTY, IOWA; THENCE S89°30'35"W, 1128.41 FEET ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M.; THENCE N00°29'25"W, 60.00 FEET TO A POINT OF CURVATURE OF A 25.00 FEET RADIUS CURVE THAT IS CONCAVE TO THE NORTHWEST; THENCE NORTHEASTERLY, 39.27 FEET ALONG SAID CURVE, SAID CURVE HAS A CHORD LENGTH OF 35.36 FEET AND A CHORD BEARING OF N44°30'35"W; THENCE N00°29'25"W, 82.21 FEET TO A POINT OF CURVATURE OF A 465.00 FEET RADIUS CURVE THAT IS CONCAVE TO THE SOUTHWEST; THENCE NORTHWESTERLY 101.24 FEET ALONG SAID CURVE, SAID CURVE HAS A CHORD LENGTH OF 101.04 FEET AND A CHORD BEARING OF N06°43'40"W; THENCE N10°06'10"W, 100.12 FEET; THENCE N12°57'55"W, 42.63 FEET TO A POINT OF CURVATURE OF A 530.00 FEET RADIUS CURVE THAT IS CONCAVE TO THE NORTHEAST; THENCE NORTHWESTERLY 52.50 FEET ALONG SAID CURVE, SAID CURVE HAS A CHORD LENGTH OF 52.47 FEET AND A CHORD BEARING OF N10°07'40"W; THENCE N89°30'35"E, 523.02 FEET; THENCE N00°49'29"W, 195.77 FEET; THENCE N89°27'18"E, 23.74 FEET; THENCE N00°49'29"W, 703.91 FEET; THENCE S89°27'18"W, 23.74 FEET; THENCE N00°49'29"W, 210.01 FEET; THENCE N89°41'16"E, 902.91 FEET TO THE NORTHWEST CORNER OF GREAT WESTERN CROSSING PLAT 3, AN OFFICIAL PLAT, CITY OF CUMMING, WARREN COUNTY, IOWA; THENCE S30°10'11"W, 363.65 FEET ALONG THE WEST LINE OF SAID GREAT WESTERN CROSSING PLAT 3; THENCE S89°49'49"E, 315.53 FEET ALONG THE WEST LINE OF SAID GREAT WESTERN CROSSING PLAT 3; THENCE S30°10'11"W, 219.68 FEET ALONG THE WEST LINE OF SAID GREAT WESTERN CROSSING PLAT 3; THENCE S00°29'25"E, 1048.73 FEET ALONG THE WEST LINE OF SAID GREAT WESTERN CROSSING PLAT 3 AND PLAT 2 TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 8.711 ACRES MORE OR LESS.

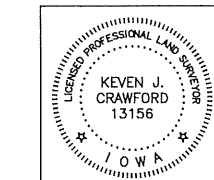
SAID TRACT OF LAND BEING SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

**NOTES**

- 1. LOTS 'A' & 'B' TO BE DEDICATED TO THE CITY FOR RIGHT-OF-WAY PURPOSES.
- 2. ANY P.U.E. IS SUBORDINATE TO THE CITY'S USE OF ITS DESIGNATED EASEMENTS AND ANY USER OF THE P.U.E. MUST RELOCATE ITS FACILITIES AT NO COST TO THE CITY WHEN THE USE OF THE P.U.E. IS IN CONFLICT WITH THE CITY'S USE OF ITS DESIGNATED EASEMENTS

**LEGEND**

- PLAT BOUNDARY
- ▲ SECTION CORNER
- FOUND CORNER, AS NOTED
- SET CORNER 5/8" I.R. W/ YELLOW CAP #13156
- I.R. IRON ROD
- G.P. GAS PIPE
- D. DEEDED DISTANCE
- M. MEASURED DISTANCE
- R. PREVIOUSLY RECORDED DISTANCE
- P.U.E. PUBLIC UTILITY EASEMENT
- 3333 ADDRESS
- B.S.L. BUILDING SETBACK LINE
- M.O.E. MINIMUM OPENING ELEVATION
- M.P.E. MINIMUM PROTECTION ELEVATION
- N.R. NOT RADIAL



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.  
KEVEN J. CRAWFORD, P.L.S. IOWA LICENSE NO. 13156  
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2024  
PAGES OR SHEETS COVERED BY THIS SEAL:  
THIS SHEET ONLY

**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: 11-27-2023  
REVISIONS: X-X-XXXX  
JOB NUMBER: **CC 2447**  
SCALE: 1"=60'  
AS-BUILT: (X-X-XXXX)  
FINAL PLAT  
GREAT WESTERN CROSSING PLAT 5  
SHEET 1 OF 1







TIME OF TRANSFER INSPECTION TOT# 9607 SETH BROWN

CERT # 13190

Site Information

Parcel Description: 42080140010

Address: 737 N 43RD ST, Cumming, IA 50061

County: Warren

Owner Information

Property is owned by a business: No

Business Name:

Owner Name: KIRTS JOINT FAMILY TST

Email Address: kjkirts@gmail.com

Address: 737 N 43RD ST, Cumming, IA 50061

Phone No:

This report is for a tank that is part of the Cumming Sewer System. No action required by EH.

Site related information

No Of Bedrooms: 5

Facility Type: Residential

Last Occupied:

Permit issued by County: N/A

All plumbing fixtures enter septic system: Yes

Property Information Comments:

Inspection Date: 04/17/2024

Currently Occupied: No

System Installation Date:

Permit Number:

County contacted for records: Yes

Primary Treatment

Tank 1

Tank Name: Tank 1

Tank Material: Concrete

No. of Compartments: 2

Date Pumped: 4/17/2024

Distance To Well (Ft.):

Risers Intact: No

Type: Septic Tank

Tank Corrosion Type: Excessive

Pump Tank Chamber: No

Meets Setback to Well: N/A

Is Accessible: Yes

Effluent Filter Present: No

Tank Size (Gal): 1000

Liquid Level Type: Below Baffle

Licensed Pumper Name: Rogers Septic

Well Type:

Lid Intact: Yes

Watertight: No

Tank/Vault Pumped: **Yes**      Inlet Baffle Present: **Yes**      Outlet Baffle Present: **Yes**      Functioning as Designed: **No**

Tank Comments:

General Primary Treatment Comments:

**Water level was 1.5 - 2 ft below working level. Outlet wall shows excessive deterioration, was able to probe through outlet side.**

Distribution Type

Distribution System :      **No**

General Distribution System Comments :

Secondary Treatment

Secondary Treatment:      **No**

General Secondary Treatment Comments:      **Outlet line goes to sanitary sewer, verified through camera and blue dye. Opened up sanitary manhole cover and visually seen blue dye that I had put in outlet pipe of tank.**

Narrative Report

TOT Inspection Report Overall Narrative Comments:      **All wastewater goes to septic. 1000 gallon concrete septic tank with excessive deterioration. Accessible by concrete riser and lid to ground surface over center. Exposed outlet side of tank. Water level was 1.5 - 2 ft below working level. Outlet wall shows excessive deterioration, was able to probe through outlet side. Outlet line goes to sanitary sewer, verified through camera and blue dye. Opened up sanitary manhole cover and visually seen blue dye that I had put in outlet pipe of tank. Would recommend replacing septic tank. I am under the impression that city of cumming requires septic tank before sanitary sewer.**



**TIME OF TRANSFER INSPECTION TOT# 9607 SETH BROWN**

**CERT # 13190**

Owner Name: **KIRTS JOINT FAMILY TST**

Address: **737 N 43RD ST , Cumming , IA 50061**

County: **Warren**

Inspection Date: **04/17/2024**

Submitted Date: **4/18/2024**

**This page certifies a Time of Transfer inspection was conducted and submitted for the property listed above in accordance with Subrule 567 IAC 69.2(8).**











Kirts, George & Patt - 04/08/2024 TOT W P Work Order (continued)

Images:



4/18/24, 5:25 PM



4/18/24, 5:25 PM



4/18/24, 5:25 PM



4/18/24, 5:25 PM



4/18/24, 5:25 PM



4/18/24, 5:37 PM











**Rogers Septic Maintenance and Repair Inc**

6288 NE 14th St  
 Des Moines, IA 50313  
 Phone: (515)282-0777  
 E-mail: Admin@rogersseptic.com

**Work Order**

4/18/2024

**Service Information**

George & Patt Kirts  
 737 N 43rd St  
 Po BOX 91  
 Cumming, IA 50061  
 Contact: George & Patt Kirts  
 Phone: (515) 979-5567  
 E-mail: kjkirts@gmail.com

**Billing Information**

George & Patt Kirts  
 737 N 43rd St  
 Po BOX 91  
 Cumming, IA 50061

**Job Name**

Kirts, George &amp; Patt - 04/08/2024 TOT W P

| Job Type | PO # | Invoice # | Scheduled  | Start    | End     |
|----------|------|-----------|------------|----------|---------|
| TOT      |      |           | 04/17/2024 | 12:00 PM | 2:00 PM |

| Item                                | Description   | Quantity | Rate         | Amount   |
|-------------------------------------|---|----------|--------------|----------|
| TOT:TOT WITH PUMPING                | <p>Time of Transfer (TOT) Septic Inspection for Real Estate Sale:<br/>           Documentation. Includes docs required per code. Docs provided to: DNR, county, sellers, buyers &amp; agents, (if contact info provided).<br/>           Services. Includes: inspection by a certified inspector, locating, pumping, cleaning, and disposal of septic tank.</p> <p>TOT report will follow within 10 days unless otherwise agreed upon.</p> <p>Deduct -\$10 if paid on-line</p>  | 1.0000   | \$850.0000   | \$850.00 |
| TANK REPLACEMENT:C) SEPTI TANK GOOD | <p>GOOD : 3 yr warranty parts &amp; labor on : NEW 1500 gallon Mid-Heavy Duty Concrete septic tank, back filled with crushed concrete (Max rating of 4ft of dirt cover on top). With riser and lids to surface and outlet filter.</p> <p>Includes Demo of old septic tank ( if tank was not pump/cleaned recently there could be pumping charges added).</p> <p>Rough grade back fill. Area around the septic tank can not be tracked over or compacted the dirt will need to settle back naturally, we try are best to equal distribute the dirt over top so it settles out mostly level.</p> <p>Not included is seeding, sodding or any landscape repair.</p> | 0.0000   | \$7,600.0000 | \$0.00   |

**Kirts, George & Patt - 04/08/2024 TOT W P Work Order (continued)**

| <b>Item</b>                              | <b>Description</b>   | <b>Quantity</b> | <b>Rate</b>  | <b>Amount</b> |
|--|--|-----------------|--------------|---------------|
| TANK REPLACEMENT:D) SEPTIC TANK STANDARD | STANDARD : 2 yr warranty parts & labor on : NEW 1500 gallon POLY plastic septic tank with added internal bracing, and back filled with crushed concrete for extra support. (Max rating of 2ft of dirt cover on top). With riser and lids to surface and outlet filter. Includes Demo of old septic tank ( if tank was not pump/cleaned recently there could be pumping charges added).<br>Rough grade back fill. Area around the septic tank can not be tracked over or compacted the dirt will need to settle back naturally, we try are best to equal distribute the dirt over top so it settles out mostly level. Not included is seeding, sodding or any landscape repair. | 0.0000          | \$6,200.0000 | \$0.00        |
| JOBS:INSTALLATION                        | Tank Abandonment: Demo old concrete septic tank and taking the inlet and outlet and connecting them together as the outlet already goes to sanitary sewer. At least 4-6t on of fill dirt or sand will be needed to backfill old tank. Unsure of what type of of inlet pipe we have but outlet pipe is sch 40 4".   | 0.0000          | \$3,794.0000 | \$0.00        |

|                |                 |
|----------------|-----------------|
| Job Subtotal:  | \$850.00        |
| Warren County: | \$0.00          |
| Payment Total: | \$0.00          |
| <b>Total:</b>  | <b>\$850.00</b> |

**Kirts, George & Patt - 04/08/2024 TOT W P Work Order (continued)**

**Job Notes and Instructions:**

SethB - Seth Brown - Apr 18, 2024 5:16 PM

Office: After speaking with rick, he is under the impression that city of Cumming requires everyone to have septic tank before hooking into sanitary sewer. Priced tank replacement and if by chance we can hook to city sewer, I've priced demoing the tank and hooking up pipe.

SethB - Seth Brown - Apr 18, 2024 7:08 AM

Office: All wastewater goes to septic. 1000 gallon concrete septic tank with excessive deterioration. Accessible by concrete riser and lid to ground surface over center. Exposed outlet side of tank. Water level was 1.5 - 2 ft below working level. Outlet wall shows excessive deterioration, was able to probe through outlet side. Outlet line goes to sanitary sewer, verified through camera and blue dye. Opened up sanitary manhole cover and visually seen blue dye that I had put in outlet pipe of tank. Would recommend decommissioning septic tank and hooking fully into sanitary sewer.

Spoke with homeowner about doing demo to tank and connecting pipes. Pricing attached.

Paid via check # 1345 for tot in the amount of 850.00

AnnaK - Anna K - 4/17/2024 7:49:42 AM - ON THE PORTAL

AnnaK - Anna K - 4/8/2024 11:02:43 AM - NO DRAWING PER CO

AnnaK - Anna K - 4/8/2024 10:07:09 AM - 42080140010

TOT W PUMP: 5 Bedrooms, water is ON, No agent, No buyer. Vacant - call otw - collect. The son ordered this.

LOCATES-240991277

DRAWING- requested

EMAIL- sent

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PAY ONLINE AT [RogersSeptic.Com](http://RogersSeptic.Com)

ORDER PUMPING OF SEPTIC TANK AT: [RogersSeptic.com](http://RogersSeptic.com)

Payment Due at completion of work.

Payment arrangement must be approved before work begins.

0% and low interest financing available

Late payments are subject to 5% late fee per month calculated from invoice date. Attorney and collection fees will also apply to all accounts 30 days past due.

\$50 returned check charge.

Signature: x \_\_\_\_\_

**RESOLUTION NO. 2024-30**  
**City of Cumming**

**RESOLUTION IN SUPPORT OF A WORKFORCE HOUSING APPLICATION  
LETTER OF SUPPORT TO THE IOWA ECONOMIC DEVELOPMENT  
AUTHORITY**

**WHEREAS**, Diligent Development, represented by Tim Portzen, Vice-President, and the City of Cumming (City) entered into a Master Development and Annexation Agreement for the development of land as the Middlebrook Agrihood on March 8, 2021 by Resolution 2021-20; and

**WHEREAS**, development of housing is an essential component of the project, including workforce residential units that can provide homes for employees of existing and proposed businesses in the community and its environs; and

**WHEREAS**, Diligent Development has proposed a 25-30 unit single family housing project in the Middlebrook Agrihood that can provide new housing opportunities for the City of Cumming and is consistent with the Master Plan for the Middlebrook Agrihood; and

**WHEREAS**, the City of Cumming is a small community of an estimated 436 residents by the 2020 Census and is working to carefully guide the community's development, including offering housing options that do not currently exist in the City; and

**WHEREAS**, the City of Cumming supports this application to advance the 25-30 unit housing project proposal and commits to a \$1,000 per unit IEDA required local match totaling \$30,000 in the form of a utility connection fee waiver, economic development grant, rebate from property taxes in the form of tax increment (TIF) or other negotiated form for the project to be approved by City Council; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Cumming, Iowa, that this confirms that the City Council supports this application for the IEDA Workforce Housing Tax Credit Program and provision of the required local match.

**BE IT FURTHER RESOLVED**, by the City Council of the City of Cumming, Iowa, that the Mayor is hereby authorized and directed to execute said Resolution.

Passed and approved this 28<sup>th</sup> day of May, 2024.

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

ATTEST:

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

CITY OF CUMMING, IOWA  
649 N 44<sup>th</sup> STREET  
CUMMING, IOWA 50061

Tim Portzen, Vice President  
Diligent Development  
12119 Stratford Drive Suite B  
Clive, Iowa 50325

RE: MIDDLEBROOK AGRIHOOD DEVELOPMENT PROJECT

Dear Tim,

This correspondence is to verify that property annexed into the City of Cumming, Iowa for the Middlebrook Agrihood project, and subject of the Master Development and Annexation Agreement between Middlebrook Development, LLC and the City of Cumming, has access to municipal public improvements and utilities including sanitary sewer, water, stormwater and street infrastructure.

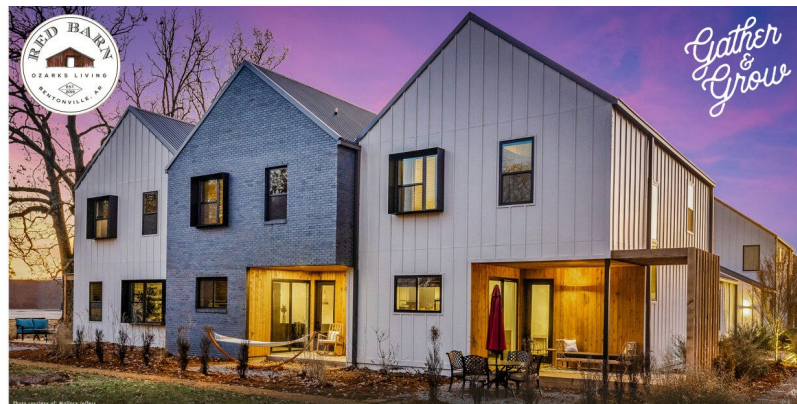
The property is part of a Planned Unit Development (PUD) that is in accordance with the City's 2023 Comprehensive Plan.

We look forward to the development of this important project for the City of Cumming.

Sincerely,

Rita Conner  
City Administrator

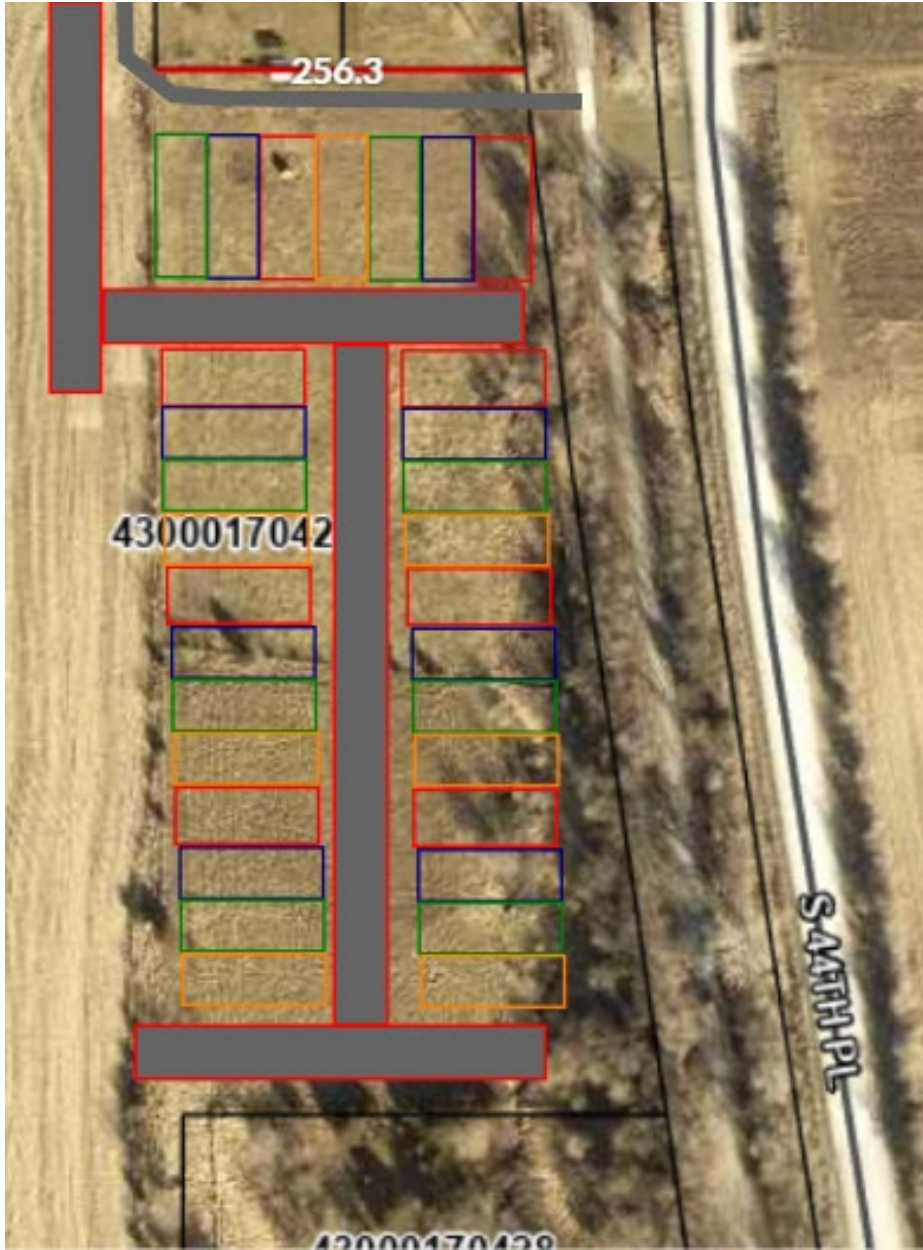




Palmetto, Georgia  
Google Street View  
Feb 2023







**CITY OF CUMMING**  
**Amended Employment Contract and Agreement**

**THIS AMENDED EMPLOYMENT CONTRACT AND AGREEMENT** made and entered into on \_\_\_\_\_, 2024 by and between the City of Cumming, Iowa, by its Council Members (hereinafter referred to as “Employer”) and Rita Conner, an individual and resident of the State of Iowa (hereinafter referred to as “Employee”) both whom understand as follows:

**WHEREAS**, the Employer desires to extend the services of the Employee as City Administrator effective \_\_\_\_\_, 2024; and

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

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

**NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

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



- (a) **Just Cause Defined.** Just cause shall include but not be limited to professional incompetence and other faults attributable to the employee, but shall not include legitimate reasons relating to the City’s personnel and budgetary requirements.
- (5) The Employee shall perform those duties outlined in the ordinance, Chapter 21 entitled “City Administrator” and such additional duties as may be assigned by the City Council.
- (6) That the Employee shall devote her time and talents to the best of her ability to advance the best interests of the City of Cumming, Iowa. Employee agrees to not hold another paid position.
- (7) Employer agrees to pay Employee for her services rendered, at an annual base salary of Ninety Thousand Dollars (\$90,000.00), effective \_\_\_\_ July 1\_\_\_\_, 2024, for the contract term payable in equal installments at the same time as other employees of the Employer are paid. The Employer shall not, at any time during the term of this Agreement, reduce the salary or other benefits of the Employee. The employee’s salary may be increased periodically as approved by the City Council by resolution without amendment to this agreement.
- (8) It is understood that the Employee will normally work at least forty (40) hours per week, inclusive of scheduled Council Meetings, Planning and Zoning Meetings, and other evening meetings where her presence is required. It is also recognized that the Employee must devote a substantial amount of time outside the normal office hours to the business of the Employer, and to that end Employee may vary her schedule accordingly.
- (9) Employee shall provide a weekly written and/or oral report to Mayor Brent Highfill that summarizes the status of any major project of the City of Cumming, Iowa.
- (10) Employer shall defend, hold harmless and indemnify Employee against any tort or liability claim or demand or any other legal action arising from City activities or any alleged act or omission occurring in the performance of Employee’s duties as City Administrator; provided said acts are not in violation of any state or federal criminal statutes.
- (11) In addition to those terms set out above, Employee shall be entitled to the benefits set out below:
- (a) **Vacation.** The Employee shall accrue vacation at the rate of two weeks (80 hours) of paid vacation per annum.
- (b) **Holidays.** Employee is considered to be on-call twenty-four (24) hours a day; however, unless his services are needed, the Employee shall not be required to work on those days which have been designated as holidays in the City’s Personnel Policy/Handbook.
- (c) **Professional Dues and Subscriptions.** Employer shall budget and pay for professional dues and subscriptions necessary for Employee’s memberships in various associations and organizations which are necessary and desirable for his continued professional participation and growth for the good of the Employer, and to pay for any professional development or training expenses that have been previously approved by the City Council. The employer shall budget funds for membership and meeting attendance including but not limited to International City/County Management

Association (ICMA), American Planning Association (APA), and the state and local city management associations. Those publications deemed to be necessary and desirable shall include, but not limited to, regular publications of the above organizations. Those meetings and seminars deemed to be necessary and desirable shall include, but not limited to, ICMA Annual Conference, APA Annual Conference, the Iowa League of Cities and the state and local city management associations. Each item under this section must be pre-approved by the City Council prior to City reimbursement or payment.

- (d) **Health Insurance.** The Employer shall reimburse Employee Seven Hundred NinetyDollars and Twenty Seven cents (\$\$ 790.27) per month, which represents the cost of Employee’s private health insurance plan. The Employee will pay the monthly premium and the City will issue a reimbursement. No taxes are required to be withheld from the reimbursement check to the Employee. This number will be modified by the Employer to match Employee’s actual cost of health insurance when appropriate.
  - (e) **Other Leaves and Benefits.** The Employer will provide other leaves of absence and benefits available to other City Employees as designated in the City’s Personnel Policy/Handbook.
  - (f) **Residency Requirement.** The City Council of the City of Cumming, Iowa, by approval of this Employment Contract and Agreement, hereby waives the Residency Requirement in section 21.05 of the City Code of the City of Cumming, Iowa.
  - (g) **Travel Expenses.** Employee’s travel expenses shall be provided according to the City’s policy.
  - (h) **Retirement.** The Employee and Employer shall participate and contribute in the usual and customary monetary amounts into the State of Iowa Retirement System (IPERS).
- (12) This Contract shall become effective upon execution by the Employee, approval by resolution of the City Council and execution by Mayor Brent Highfill and shall continue until such time as this contract is terminated by one party or the other pursuant to the terms of this contract.

**IN WITNESS WHEREOF**, the Mayor and the City Clerk of the City of Cumming, Iowa have executed this contract on behalf of the City following approval by Resolution 2024-\_\_\_, passed and approved by the City Council of the City of Cumming, Iowa on the \_\_\_ day of \_\_\_\_\_, 2024.

**CITY OF CUMMING, IOWA  
CITY COUNCIL**

**EMPLOYEE**

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

\_\_\_\_\_  
**Rita Conner, City Administrator**

**ATTEST:**

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

I  CUMMING

