

**NOTICE OF REGULAR COUNCIL MEETING
CUMMING CITY COUNCIL
August 26, 2024 – 6:00 PM
Cumming City Hall, 649 N. 44th St., Cumming, IA***

ROLL CALL

APPROVAL OF AGENDA as presented and/or amended

PUBLIC COMMENT

PUBLIC HEARING

CONSENT ITEMS

- A. Minutes from the August 12, 2024 Regular Council Meeting
- B. Payment of Bills

BUSINESS ITEMS

- A. Resolution 2024-33 Approving Final Plat for Middlebrook Main Plat 1

REPORTS:

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

ADJOURN INTO WORKSESSION

WORKSESSION:

- A. Comprehensive Land Use and Capital Planning Continued from August 12, 2024: Presentation from City of Norwalk

ADJOURNMENT

UPCOMING ITEMS

Annual Financial Report
Street Finance Report
GASB 77 Report
Urban Renewal Report
TIF Certifications

*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

**OFFICIAL PUBLICATION
CITY OF CUMMING
Regular Council Meeting 08/12/2024
To be Approved at 08/26/2024 Meeting**

The regular City Council Meeting of the City of Cumming was held at Cumming City Hall 649 N. 44th St. on August 12, 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 “Dino” Goode, Jr via phone, Martin Squier, and Charlie Ochanpaugh. Kathie Hungerford absent. Motion by Cackler, seconded by Squier to approve agenda. Approved 4-0. Hungerford absent.

Public Comment: Mark Matlage is present at City Hall to discuss his run for Warren County Supervisor for District 1.

Public Hearings: None

Consent Items:

Motion made by Cackler, seconded by Ochanpaugh to approve Consent Items; Minutes from July 22, 2024 Regular Council Meeting, Payment of Bills, July 2024 Sheriff’s Report and Conditional Approval of Alcohol License for Cumming Tap, pending acceptance of dramshop review. Approved 4-0. Hungerford absent.

Payment of Bills:

Type	Date	Vendor	Memo	Amount
Check	07/22/2024	McClure Engineering	Invoice 152505	-6,610.00
Check	07/22/2024	City of Des Moines	Invoice 136332	-3,646.60
Check	07/22/2024	Skinner Law Office PC	Invoice 34840 & Invoice 33845	-1,986.25
Check	07/25/2024	Midamerican Energy	June 2024	-858.14
Check	07/25/2024	Absolute Concrete Concrete	Payment Application No. 10	-110,462.71
Check	07/31/2024	Veenstra & Kimm Inc.	Invoice 41233-094-7	-721.05
Check	07/31/2024	Veenstra & Kimm Inc.	Invoice 41233-096-1	-1,034.00
Check	07/31/2024	Veenstra & Kimm Inc.	Invoice 41233-094-7	-721.05
Check	07/31/2024	Elan Financial Servic...	July Invoice	-58.30
Check	07/31/2024	Veenstra & Kimm Inc.	Invoice 41235-78	-24,333.49
Check	07/31/2024	Mike's Metro Lock &	Invoice 301280	-90.00
Check	08/01/2024	N/Warren Town & County News	Minutes for 06.24.24	-53.80
Check	08/01/2024	Waste Solutions of Iowa	Invoice 87314	-166.00
Check	08/01/2024	Combined Systems Technology	Invoice 166546	-499.80
Check	08/06/2024	MCP, LLC	August 2024 Invoice	-5,143.00
Check	08/06/2024	N/Warren Town & County	Minutes for 07.08.24	-108.89
			Total	-156,493.08

Business Items:

- A. Motion by Cackler, seconded by Squier to approve Resolution 2024-32 Approving Payment Application No. 10 Cumming Avenue Widening and 50th Street Paving Project. Approved 4-0. Hungerford absent.
- B. Alex Schlader and Derek Anderson from McClure Engineering are present to provide and update regarding the Old Town Sewer Project. The design is currently at 60% for the Right of Way, the plans are currently at 85%. There was a discussion surrounding asphalt vs concrete, there is a cost difference of around \$1 million dollars. The early number of the project was around \$4 million and the new estimate is coming in around \$6.2 million. These are both rough estimates and the final number will not be determined until after the job has gone out for bid. The increase in cost is due to widening the roads, completing a full redo of the roads within Old Town, as well as the cost for storm sewer. The roads will be following SUDAS standards, when they are replaced. Thomas Cackler and Kathie Hungerford have been involved with the Old Town Sewer Committee, along with a few residents. They have also been present at the public meetings. Bids for construction will likely go out in late 2024. The decision for asphalt

vs concrete will need to be made within the next month. Financing won't take place until after the bid has been accepted. No vote was taken for this business item.

Reports:

- A. Mayor Highfill discussed the upcoming Final Plat for Middlebrook Main, this will be brought to council on August 26, 2024.
- B. Charlie Ochanpaugh discussed landscaping questions regarding the areas that the City is responsible maintain and what areas Diligent is responsible to maintain. This will be discussed during the upcoming FY 2026 budget. Martin Squier attended the Warren County Economic Development meeting on July 31, 2024 during the Balloon Classic. Thomas Cackler discussed an ongoing issue with Facebook and posting the Council Packet PDFs. This has been resolved and City staff has a solution for posting upcoming agendas and council packets. He is working with the website host to rebuild the weekly newsletter. He will update at the next Regular Council Meeting.
- C. Cameron Wright reports that the Iowa Supreme Court passed a ruling that states that the City can now be held responsible for the adjacent sidewalk, if they are not mainted correctly. This includes snow removal and mowing. The City will begin sidewalk inspections in the near future.
- D. City Clerk reported that the accounting software and computer hardware will be presented at the first meeting in September. This is in effort to get the items updated prior to October 2024. City Clerk also noted that a report has been created to help keep track of the budget, this will be presented at the first September meeting, after the books have been closed for July 2024.
- E. City Administrator provided a recap of the boundary meeting with Norwalk. The City officials from Norwalk will be here on August 26, 2024 to discuss the boundary. City Administrator brought forward a discussion surrounding a few ordinances within the City, they are; Home Based Businesses, Urban Chickens, and Open Burning. After discussion, the Council advised to enact a few changes within the ordinances. The suggested changes included removing registration for home-based businesses, changing the language within the open burning ordinance. These changes were noted by City Staff and they ordinances will be brought forward in the next few months for revision and adoption. The Urban Chicken Ordinance will have no updates or changes, at this time.

Adjourn into Worksession:

- A. Motion by Cackler, seconded by Squier to adjourn into worksession at 7:20PM. Approved 4-0. Derek Anderson and Alex Schlader are present to provide an update regarding the current comprehensive plan and the upcoming Old Town Sewer project. As discussed previously in the meeting, the project will go out for bid in late 2024 and should plan to start in 2025. There was discussion surrounding existing sewer trunks, future sewer trunks, and their location.

Adjourn:

Motion by Cackler, seconded by Squier to adjourn the meeting at 8:24 PM. Approved 4-0. Hungerford absent.

NEXT CITY COUNCIL MEETING: August 12, 2024 at 6:00PM at City Hall

Brent Highfill, Mayor

Attest: Nichole Onstot, City Clerk

3:02 PM

08/20/24

City of Cumming
Claims To Be Approved
All Transactions

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Check	08/12/2024		US Bank	Invoice 534842299	-199.70
Check	08/12/2024		Waste Connections	Invoice 3686700T071	-3,549.35
Check	08/12/2024		City of Des Moines	Invoice 136742	-3,646.60
Check	08/12/2024		Warren County Trea...	Invoice 2501	-5,878.00
Check	08/12/2024		First Net	Invoice 287321929420	-41.24
Check	08/19/2024		Veenstra & Kimm Inc.	Invoice 41233-095-2	-1,100.00
Check	08/19/2024		Veenstra & Kimm Inc.	Invoice 41233-097-1	-2,136.00
Check	08/19/2024		Veenstra & Kimm Inc.	Invoice 41233-097-2	-3,961.70
Total					-20,512.59

**Resolution 2024-33
City of Cumming**

Approving Final Plat for Middlebrook Main Plat 1

WHEREAS, the Planning & Zoning Commission reviewed this request at a regular meeting on July 23, 2024 and recommended approval of Final Plat for Middlebrook Main Plat 1 with conditions; and

WHEREAS, conditions include response to City review comments and posting of a performance bond for public improvements if not completed; and

WHEREAS, in lieu of a performance bond, staff recommends Council approval of the Final Plat with condition that the Plat will not be recorded until paving has been completed, estimated to be by September 20; 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 for Middlebrook Main Plat 1 as described and shown in exhibit "A" attached hereto and made a part thereof by reference

PASSED AND APPROVED this 12th day of August, 2024.

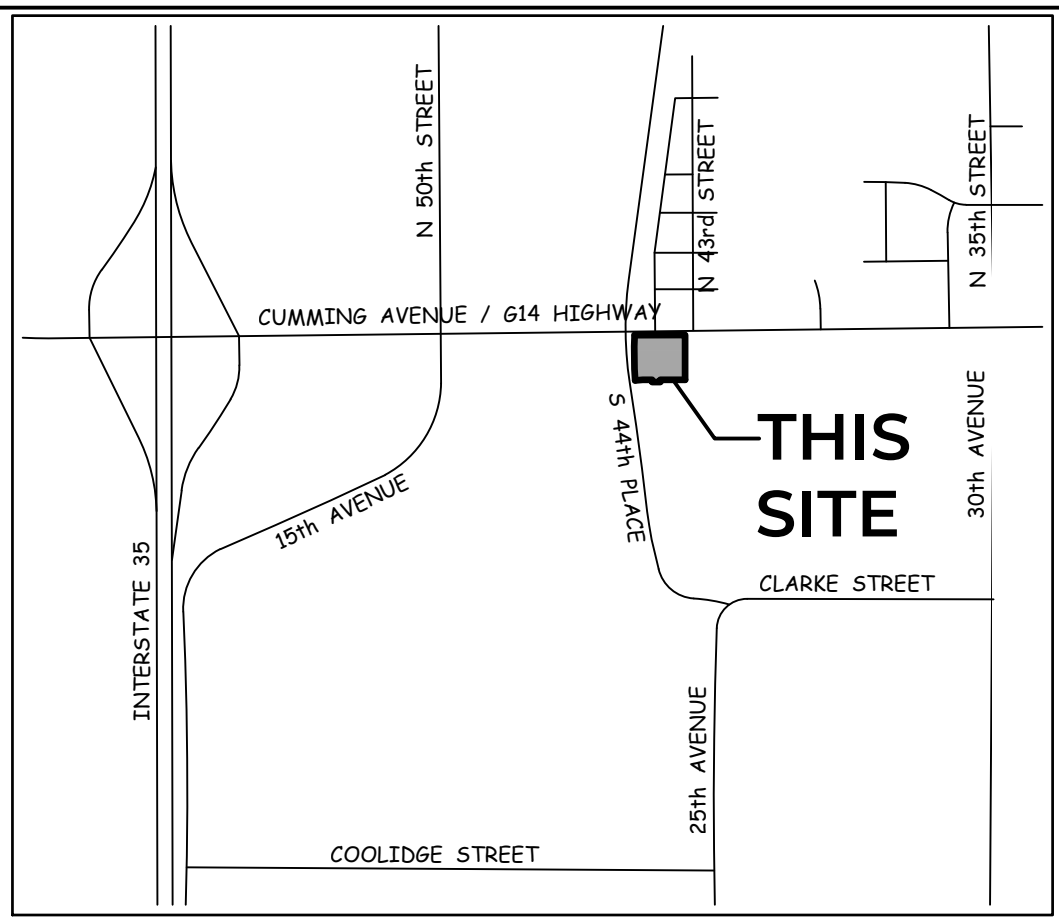
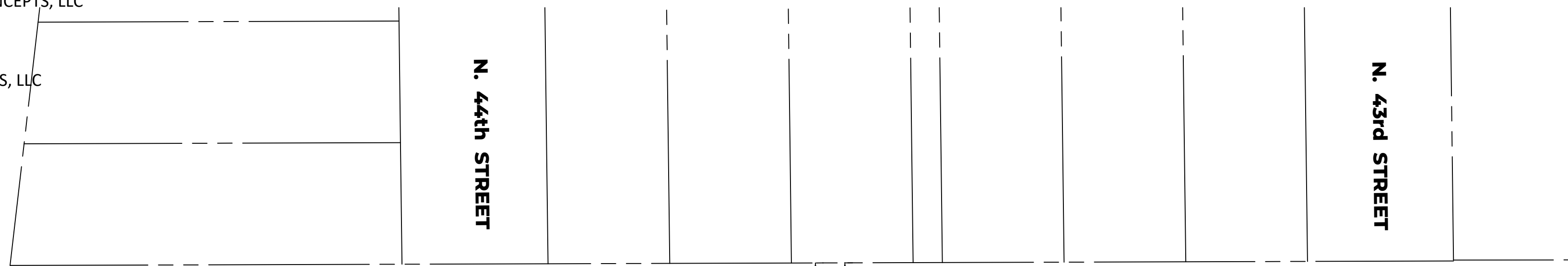
Brent Highfill, Mayor

Attest:

Nichole Onstot, City Clerk

INDEX LEGEND

LOCATION : NW 1/4 SEC. 17-77-25
 REQUESTOR: MIDDLEBROOKHB, LLC / LAND CONCEPTS, LLC
 PROPRIETOR: DHC 1, LLC
 SURVEYOR: KEVEN J. CRAWFORD, P.L.S.
 SURVEYOR COMPANY: COOPER CRAWFORD & ASSOCIATES, LLC
 475 S. 50th STREET, SUITE 800
 WEST DES MOINES, IOWA 50265
 RETURN TO: KEVEN J. CRAWFORD, P.L.S.



VICINITY SKETCH NORTH SCALE: 1"=2,000'

FINAL PLAT
MIDDLEBROOK
MAINSTREET
 Cumming, Iowa

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

ZONING
 EXISTING: A-1 AGRICULTURAL DISTRICT
 PROPOSED: MIDDLEBROOK P.U.D.

SETBACKS

FRONT -0'
 15' (ALONG CUMMING AVENUE)
 REAR -10'
 SIDE -5'

LEGAL DESCRIPTION

A part of the Northwest 1/4 of Section 17, Township 77 North, Range 25 West of the 5th P.M., city of Cumming, Warren County, Iowa, that is more particularly described as follows:

Commencing at the North 1/4 corner of Section 17, Township 77 North, Range 25 West of the 5th P.M., city of Cumming, Warren County, Iowa; thence S89°49'19"W 325.53 feet along the North line of said Section 17; thence S00°00'00"E 33.00 feet to the South right-of-way line of Cumming Avenue, as it is presently established, and to the Point of Beginning; thence continuing S00°00'00"E 441.88 feet; thence N90°00'00"W 245.12 feet; thence S00°00'00"E 22.08 feet; thence N90°00'00"W 80.00 feet; thence N00°00'00"E 22.08 feet; thence N90°00'00"W 93.24 feet; thence S84°45'15"W 73.77 feet to the West right-of-way line of 25th Avenue, as it is presently established, and to a non-tangent 3770.66 feet radius curve concave to the East; thence Northerly 447.37 feet along said curve, and along said West right-of-way, said curve having a chord length of 447.11 feet and a chord bearing of N00°40'35"W, to the South right-of-way line of Cumming Avenue; thence N89°49'19"E 497.10 feet along said South right-of-way line to the Point of Beginning.

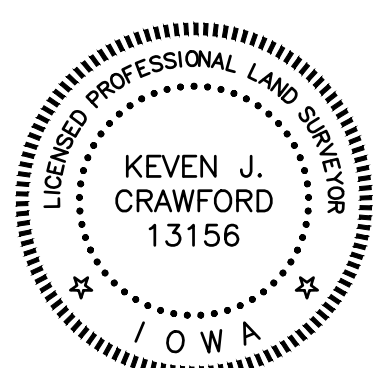
Said tract of land contains 5.099 acres more or less.

Said tract of land being subject to any and all easements of record.

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.P.E. MINIMUM PROTECTION ELEVATION
- N.R. NOT RADIAL

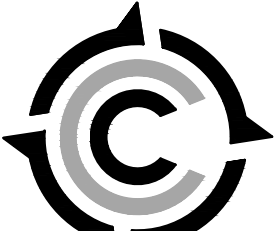
CERTIFICATION



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.

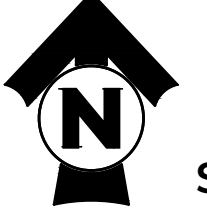
KEVEN J. CRAWFORD, PLS IOWA LICENSE NO. 13156
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2024

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: 6-27-2024
 REVISIONS: X-X-XXXX

SCALE: 1"=40'

JOB NUMBER
CC 2802

FINAL PLAT
MIDDLEBROOK MAINSTREET

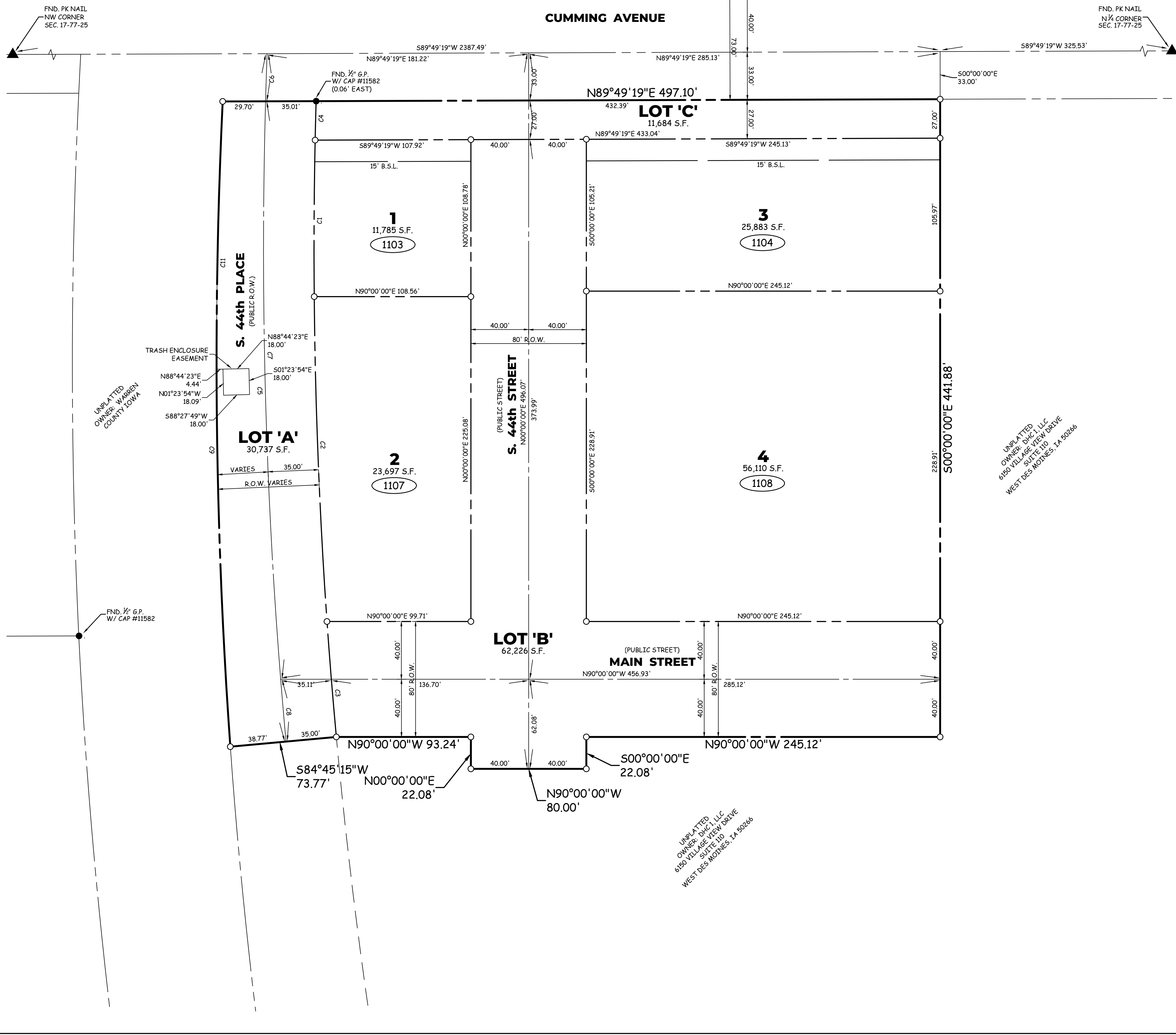
SHEET
1 OF 1

NOTES

1. THIS PLAT HAS AN ERROR OF CLOSURE OF LESS THAN 1 IN 10,000.
2. LOT CORNERS SHALL BE SET WITHIN ONE YEAR OF RECORDING.
3. BEARINGS ARE BASED ON AN ASSUMED BEARING.
4. 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.
5. SIDEWALKS WILL BE THE RESPONSIBILITY OF EACH LOT OWNER AT THE TIME OF DEVELOPMENT.
6. LOT 'A' R.O.W. TO BE VACATED AND WILL BE PRIVATE PARKING.
7. LOTS 'B' AND 'C' TO BE DEEDED TO THE CITY OF CUMMING FOR PUBLIC STREET.

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CH. BEARING
C1	001°41'01"	3690.66	108.45	54.23	108.45	S00°20'22"W
C2	003°29'51"	3690.66	225.29	112.68	225.26	S02°15'04"E
C3	001°14'46"	3690.66	80.26	40.13	80.26	S04°37'22"E
C4	000°25'10"	3690.66	27.01	13.51	27.01	S01°23'28"W
C5	006°09'47"	3725.66	400.75	200.57	400.56	S01°29'51"E
C6	000°30'28"	3725.66	33.02	16.51	33.02	S01°50'16"W
C7	006°09'47"	3725.66	400.75	200.57	400.56	S01°29'51"E
C8	000°40'01"	3725.66	43.36	21.68	43.36	S04°54'45"E
C9	006°47'52"	3770.66	447.37	223.95	447.11	S00°40'35"E
C11	002°49'15"	3770.66	185.64	92.84	185.62	S01°18'44"W





July 23, 2024

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

CUMMING, IOWA
MIDDLEBROOK MAINSTREET
FINAL PLAT

Veenstra & Kimm, Inc. has reviewed the final plat for Middlebrook Mainstreet and offer the following comments:

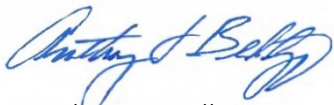
1. Public improvements including utilities and streets should be constructed and approved by the City prior to approval of the final plat by the City Council unless a Performance Bond is posted for the cost of the public improvements.
2. Building setback lines should be shown on the side and rear yards. Front yard setbacks are not required per Middlebrook PUD.
3. Lot C should be labeled as public street.
4. Note 6 indicates Lot 'A' ROW to be vacated and will be private parking. The plat identifies Lot 'A' as "Public ROW", which should be clarified. We believe the intent is for this ROW to stay public, which should be confirmed with the City.
5. It is noted a dumpster easement is located within the Public ROW of S. 44th Place, and located over existing sanitary sewer, which may require relocation from time to time for sewer maintenance, which should be added to the notes. The dumpster easement should be identified as private.
6. "Under Zoning" remove "existing A-1 Agricultural District" and just refence "Middlebrook PUD". The Middlebrook PUD should be approved prior to approval of the Final Plat.

Rita Conner
July 23, 2024
Page 2

7. Provide easements for all utilities extending beyond plat boundary. Easements should also be shown for storm sewers within the plat boundary outside public rights-of-way and where there is less than 10' from the centerline of the storm sewer.
8. A private overland flowage and storm water detention easement should be provided for the stormwater detention facility area beyond the plat boundary.

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

VEENSTRA & KIMM, INC.



Anthony J. Bellizzi, P.E.

AJB:mmc
41233-098

Council Communication: Annexation-Growth Planning August 26, 2024

SUBMITTED BY:

Rita Conner, City Administrator

COUNCIL WORKSESSION WITH CITY OF NORWALK AUGUST 26:

Staff from Cumming and Norwalk, as well as elected officials, have met over the last several months to discuss the planning and long-range development of both cities. As future neighborhoods, businesses, streets and infrastructure are considered, both communities are seeking to maximize available resources and make prudent decisions with public funds.

SUMMARY CITY OF CUMMING:

The City of Cumming's current Comprehensive Plan

<https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:5e369407-4283-4fe5-bcc1-82b724bfb34> was developed by a citizen committee with public participation through

surveys and meetings in 2022, with formal adoption of the plan by Council in 2023. The plan identifies the areas where the City is forecasting new development, or re-development, to occur (a re-development example-new homes in Old Town), and what public infrastructure and public amenities are needed to serve the community decades into the future. The public input included support for the City's growth while maintaining its historic small-town scale and feel. This input has helped guide the development of both Great Western Crossing and the Middlebrook Agrihood neighborhoods, which maintain a lower density footprint, are walkable and bikeable in nature, contain high quality materials and architecture, and feature continuation of the community's agricultural history with projects like Wilson's Orchard.

Public and private capital investment in 2024 in furtherance of the Comp Plan's goals includes the completion of widening Cumming Avenue adjacent to the HyVee Distribution Center, partial pavement of 50th Street, re-alignment and pavement of S. 44th Street, construction of N. 39th Street and the extension of N. Callison Avenue, planning and financing the Old Town Sanitary Sewer and Street Infrastructure Project, Cumming Avenue trail construction, Orilla Road surface repair and initiating further study of Cumming Avenue and our street network, particularly roads acquired through annexation.

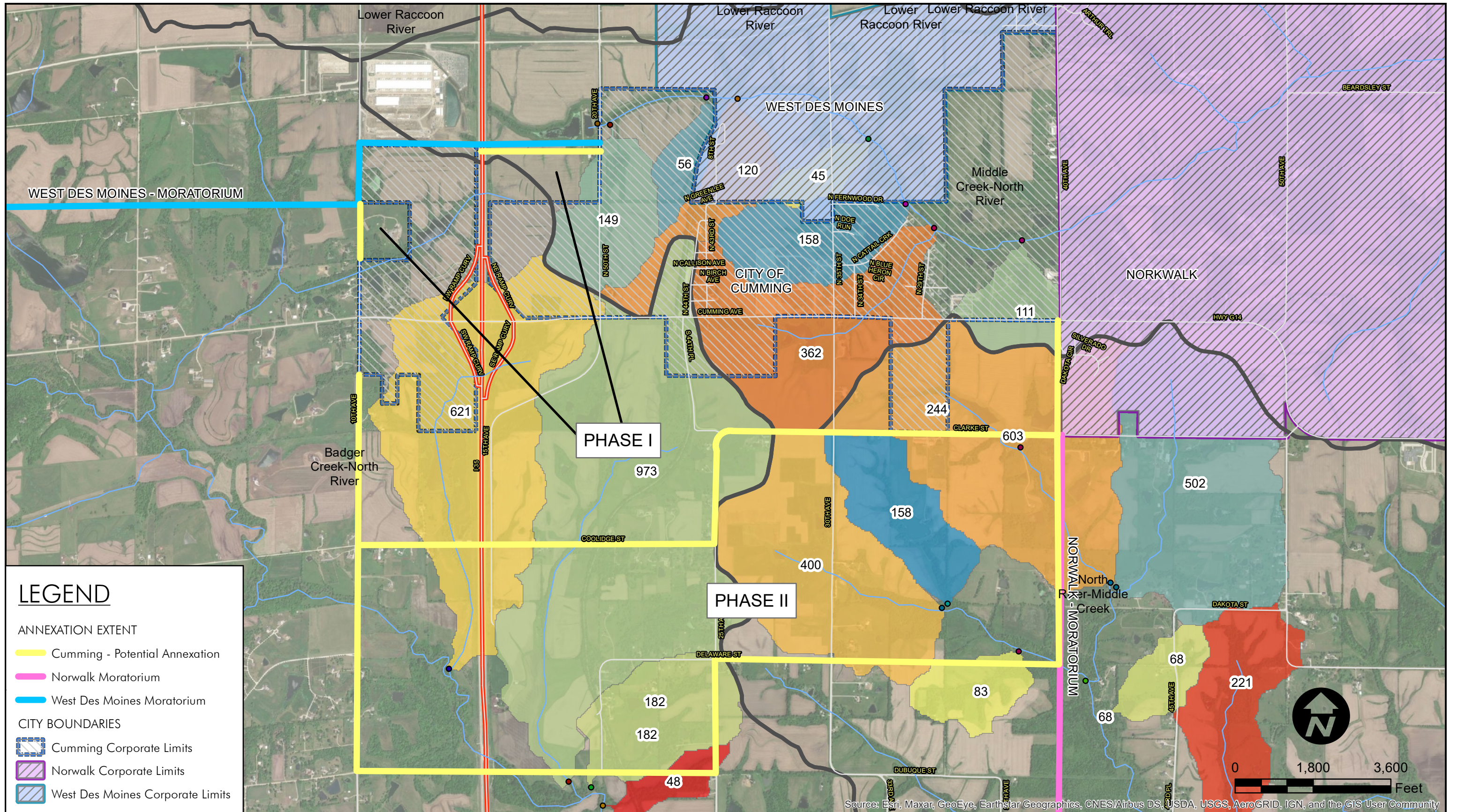
Over the summer of 2024, Council has conducted three worksessions on comprehensive land use and capital planning (including operational needs, utilities, and financial projections). An updated Capital Improvement Plan (CIP) has been drafted that will continue to be refined through the FY 26 budget process. The CIP will provide 5, 10 and 20-year priorities for extension of sanitary sewer, water, street rehabilitation, trails and parks.

Growth and development priorities for the City of Cumming have been initially identified through this planning work as re-investing in Old Town, building out Great Western

Crossing and Agrihood neighborhoods adjacent to Old Town, and advancing discussions with landowners for maximizing opportunities at the I-35/Cumming Avenue interchange. These priority areas include over 750 acres currently incorporated in the City of Cumming.

WORKSESSION GOALS

- Review and discussion on materials that accompany this Council Communication
- No action step is requested of Cumming City Council at this meeting, but there is interest to consider an annexation moratorium reflective of the information under review here. Any action would be at a future meeting. Generally, a moratorium should be based on the principles of good planning and shared information between cities, which both Cumming and Norwalk strive to do.
- The City of Norwalk has prepared for an annexation of approximately 2300 acres. They are requesting that the City of Cumming consider a resolution of support for the annexation, along with the Warren County Board of Supervisors. The resolution would be submitted to the State of Iowa City Development Board, which reviews and acts on annexation proposals in the state.



Proposed Annexation Extent - Cumming, IA

Cumming Growth

Years	4%	Acres	6%	Acres	10%	Acres	12%	Acres
0	436	218	436	218	436	218	436	218
10	645	323	781	390	1,131	565	1,354	677
20	955	478	1,398	699	2,933	1,467	4,206	2,103
30	1,414	707	2,504	1,252	7,608	3,804	13,063	6,531
40	2,093	1,047	4,485	2,242	19,733	9,867	40,570	20,285

Acres: Assumes population density of 2.0 people per acre
 Norwalk = 2.8-3.9 people per acre
 Windsor Heights = 5.26 people per acre
 Clive = 3.44 people per acre

Area	Square Feet	Acres
Existing City Limits	71,302,097.62	1,637
Phase 1 Area	58,250,131.94	<u>1,337</u>
		2,974
Phase 2 Area	85,591,981.63	<u>1,965</u>
		4,939



Annexation & Growth Planning

August 26, 2024



Item Title: **Annexation Moratorium Agreement between the City of Cumming and the City of Norwalk**

SUMMARY EXPLANATION & HISTORY:

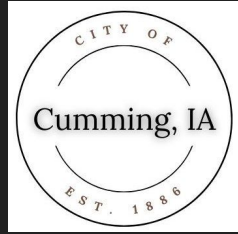
Norwalk and Cumming previously had an annexation moratorium agreement that is now expired. Both Cumming and Norwalk desire to secure the future of the area and protect both city’s financial investment in infrastructure through a comprehensive annexation agreement reflecting what is shown in both city’s comprehensive plans. Norwalk’s leading growth direction, as established in the City’s 2017 Comprehensive Plan, is a southwest expansion. A Comprehensive Plan is a holistic view of community growth considering many factors that allow a community to be sustainable. Our Comprehensive Plan process was the result of many public meetings, engineering analysis, land use compatibility, transportation, and even park/recreation considerations. The City of Cumming also went through a similar process through your recent Comprehensive Plan adoption.

Today we have the opportunity to review these two community growth plans and align ourselves in a way that helps both communities focus without concern of missteps. We desire to work collaboratively with our neighboring community and ask that Cumming enter into a new annexation moratorium agreement with the City of Norwalk. The agreement would provide the following:

1. Enhanced Regional Planning:
 - a. Allows for coordinated land use and infrastructure development, ensuring growth in one area does not negatively impact neighborhoods.
 - b. Comprehensive planning leads to efficiency and sustainability.
2. Efficient Resource Allocation:
 - a. Ensures that infrastructure and public services are developed and maintained in a way that benefits both communities, avoiding duplication of efforts and resources.
 - b. Enables Cumming and Norwalk to pool resources for large-scale projects that may be too costly for one city to handle alone (i.e. North River Sewer Interceptor).
 - c. We already have an outstanding example: Western Feeder Water Main.
3. Strategic Growth Management which helps manage growth more effectively, ensuring that development is aligned with long-term strategic goals.

ALTERNATIVES:

1. Enter into an annexation moratorium agreement.
2. Approve a Resolution from the City of Cumming in support of the City of Norwalk’s annexation efforts to the southwest of Norwalk (as presented below).
3. Deny the request.
4. No action at this time.



Cumming

Norwalk

Planning for Growth

Why are we here?

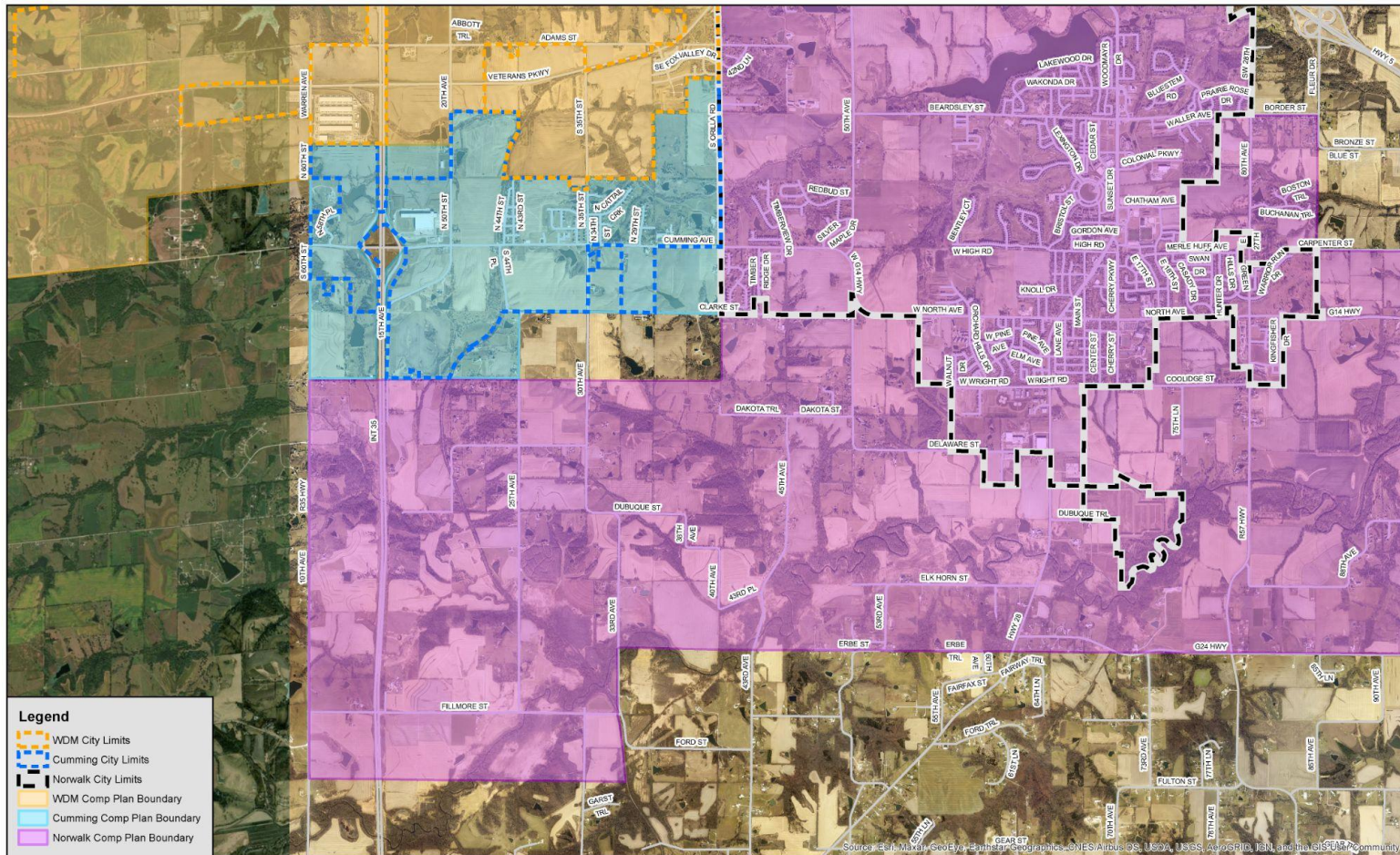
- Enhanced Regional Planning
- Efficient Resource Allocation
- Strategic Growth Management which helps manage growth more effectively, ensuring that development is aligned with long-term strategic goals.

...Smart Growth

What are we asking from Cumming?

ALTERNATIVES:

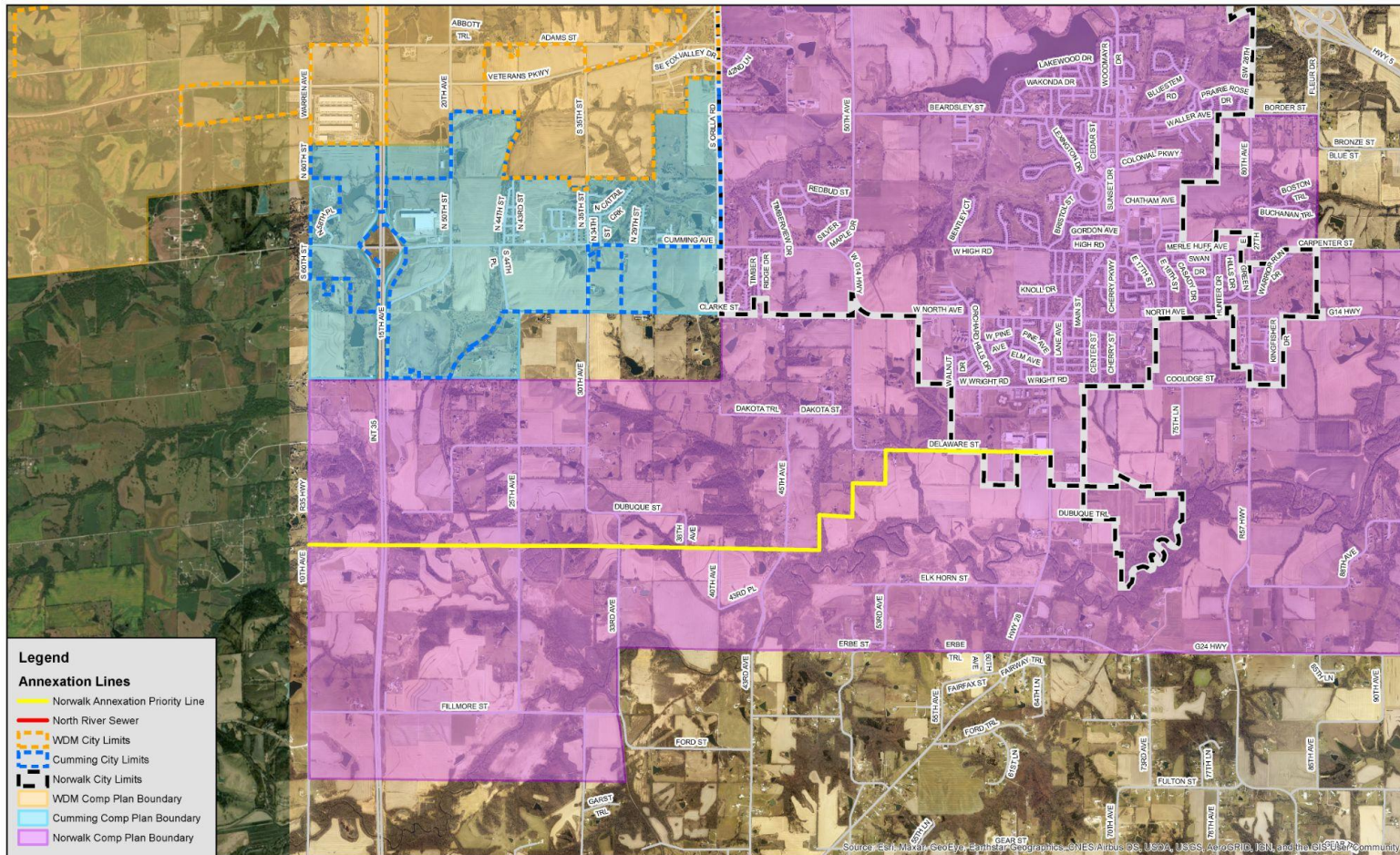
1. Enter into an annexation moratorium agreement.
2. Approve a Resolution from the City of Cumming in support of the City of Norwalk's annexation efforts to the southwest of Norwalk (we can show you a copy).
3. Deny the request(s).
4. No action at this time.



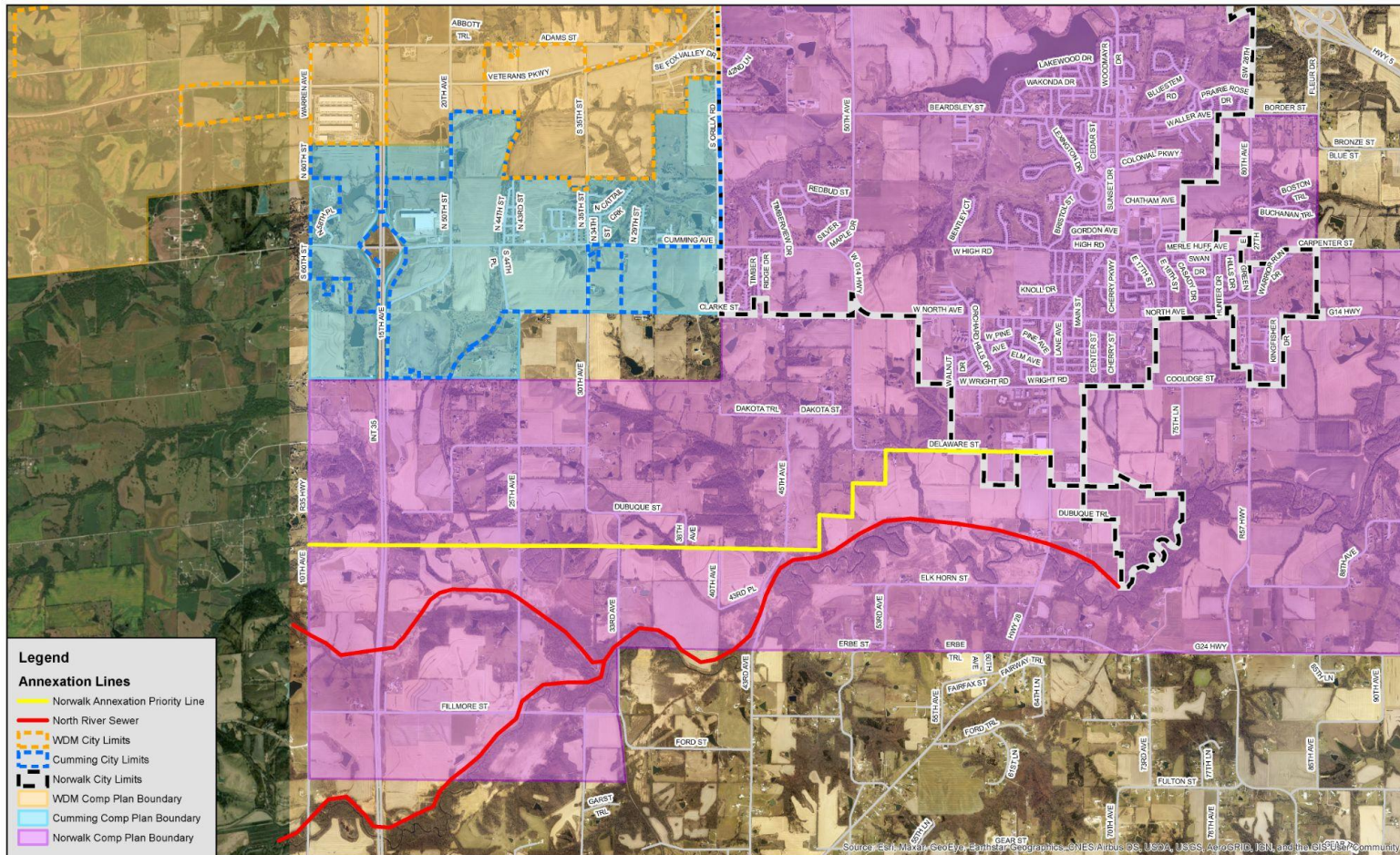
Comp Plan Boundaries vs. Annexation Lines



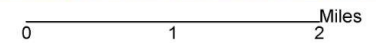
Miles
0 1 2

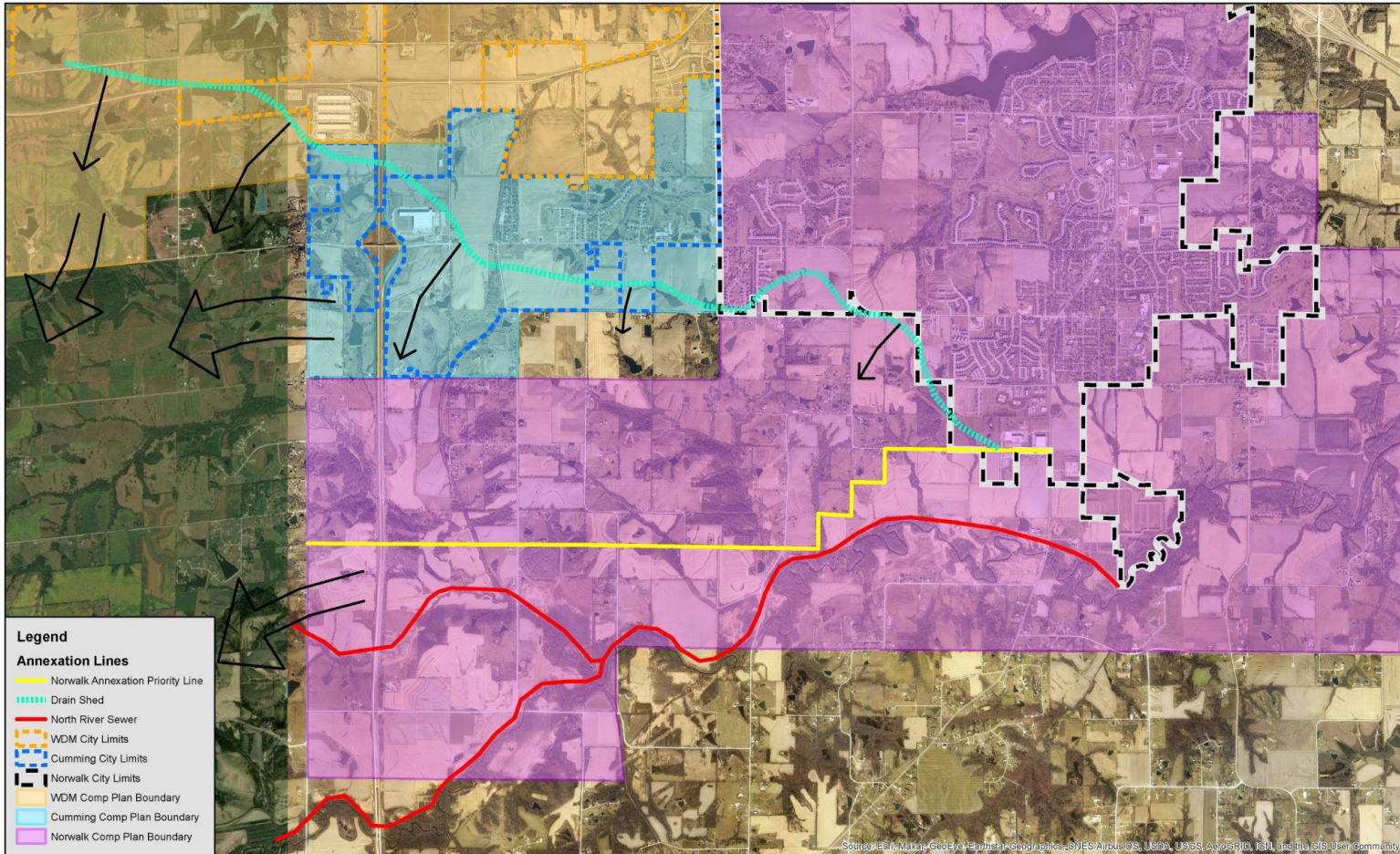


Comp Plan Boundaries vs. Annexation Lines

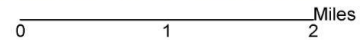


Comp Plan Boundaries vs. Annexation Lines





Comp Plan Boundaries vs. Annexation Lines

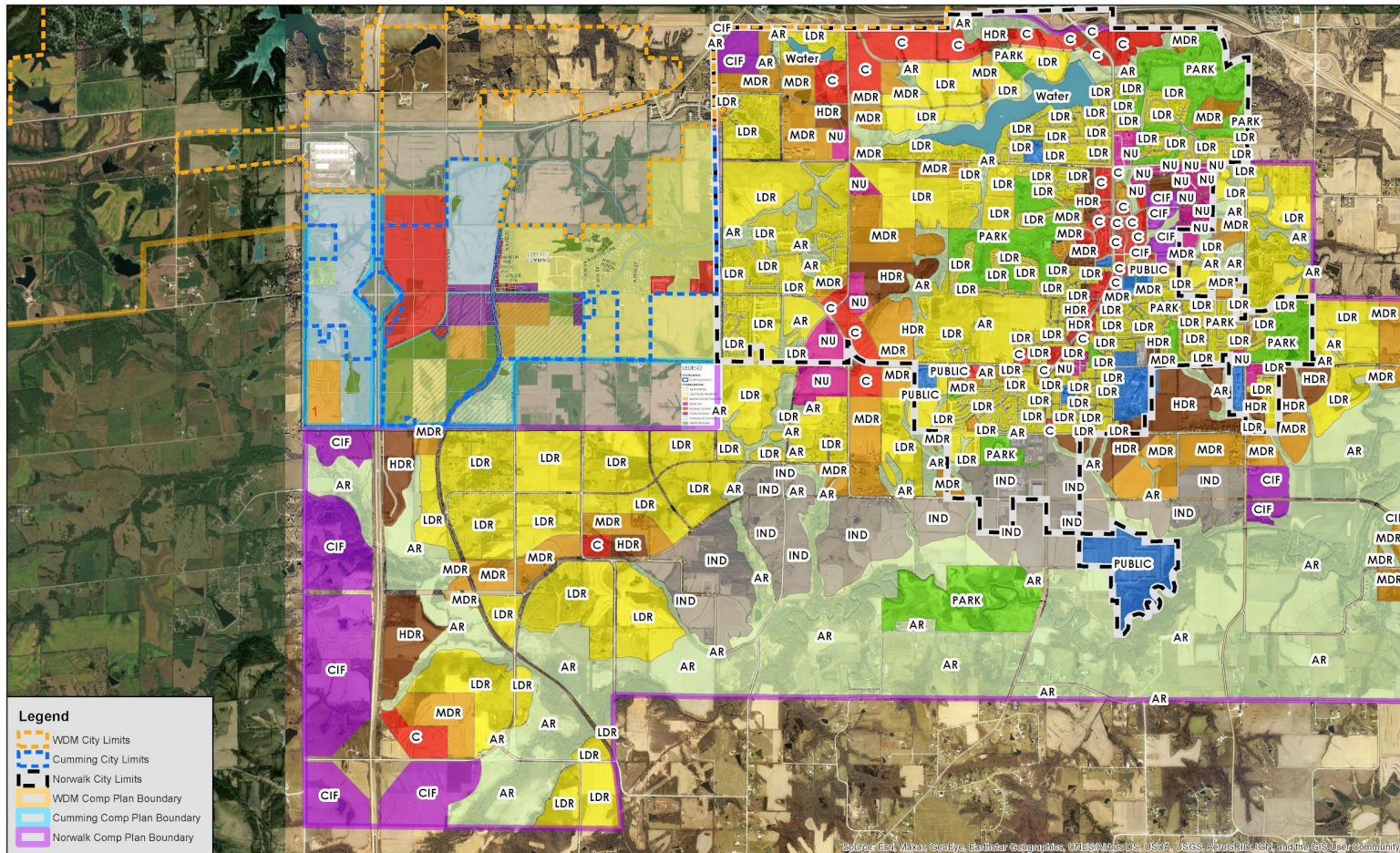


What are we asking from Cumming?

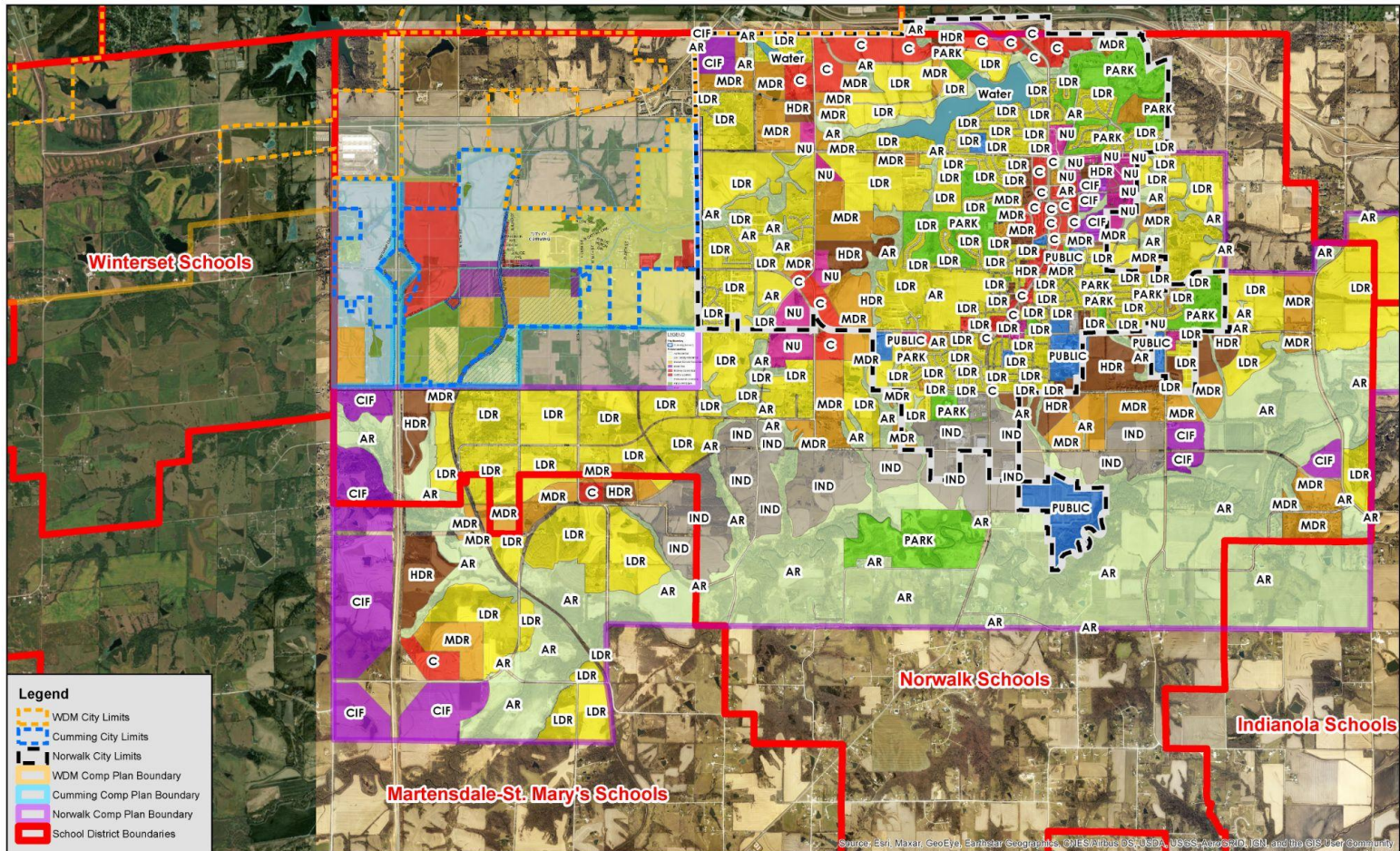
ALTERNATIVES:

1. Enter into an annexation moratorium agreement.
2. Approve a Resolution from the City of Cumming in support of the City of Norwalk's annexation efforts to the southwest of Norwalk (we can show you a copy).
3. Deny the request(s).
4. No action at this time.

Misc Maps for Discussion...

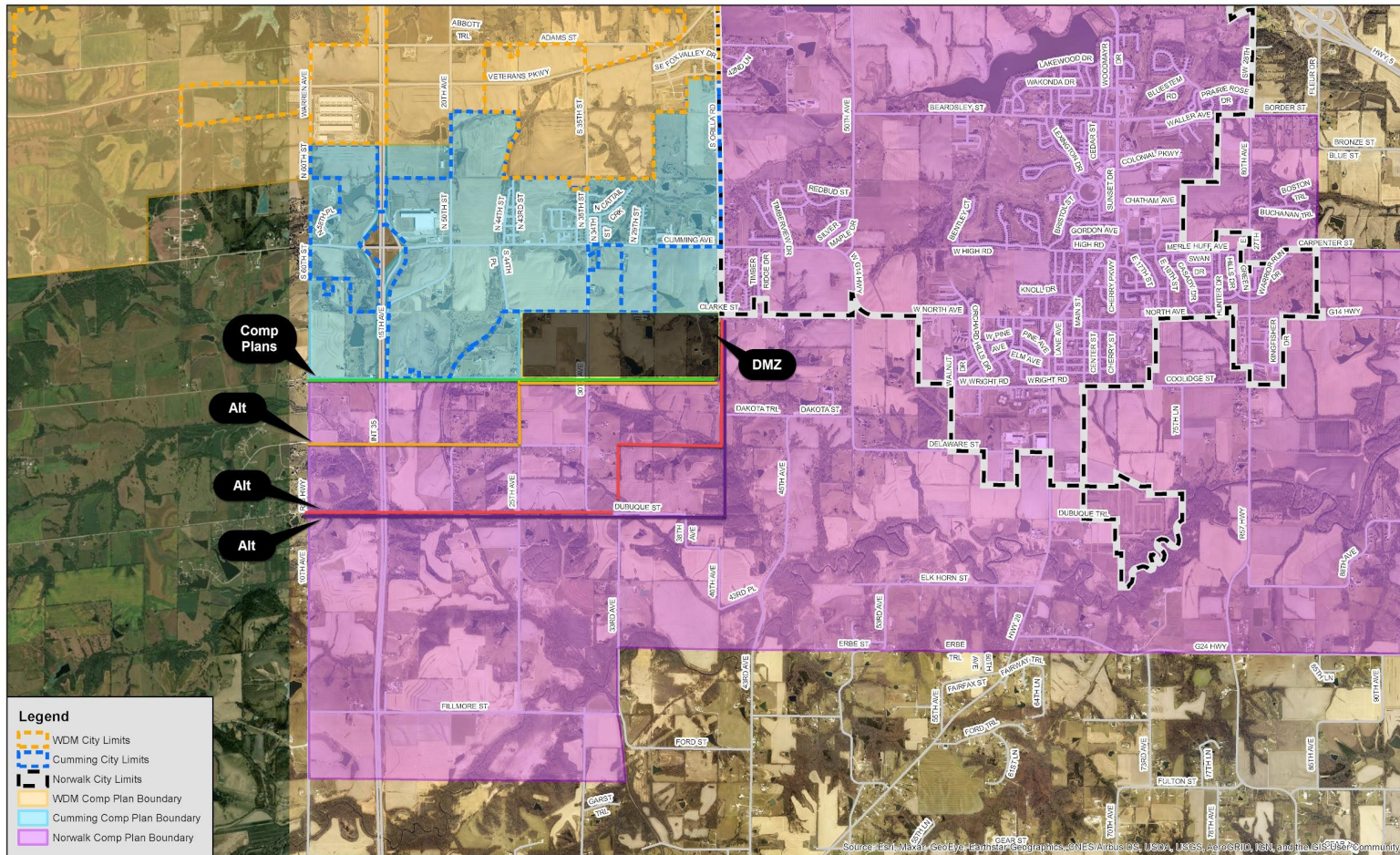


Comp Plan Boundaries vs. Annexation Lines



Comp Plan Boundaries vs. Annexation Lines





Comp Plan Boundaries vs. Annexation Lines



0 1 2 Miles

**Resolution from the City of Cumming in Support of the City of Norwalk's Annexation Efforts to the Southwest of
Norwalk**

WHEREAS, the City of Norwalk is pursuing annexation efforts to the southwest of its current boundaries, aiming to promote orderly growth and development; and

WHEREAS, such annexation is anticipated to bring numerous benefits to the region, including improved infrastructure, enhanced public services, and economic development opportunities; and

WHEREAS, the City of Cumming recognizes the importance of regional cooperation and the positive impact that Norwalk's expansion can have on surrounding communities, including Cumming; and

WHEREAS, the City of Cumming and the City of Norwalk share common goals of sustainable development, economic prosperity, and improvement quality of life for all residents; and

WHEREAS, supporting Norwalk's annexation efforts aligns with Cumming's commitment to fostering strong intergovernmental relationships and collaborative regional planning;

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

1. The City of Cumming hereby expresses its full support for the City of Norwalk's efforts to annex the area to the southwest of Norwalk as shown in the attached map.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the City Council of the City of Norwalk as a formal expression of support of Norwalk's annexation efforts.

Passed and approved this _____ day of _____, 2024.

Annexation Moratorium Agreement and 28E Agreement

This Annexation Moratorium Agreement and 28E Agreement (hereinafter “this agreement”) is made and entered into as of the ____ day of _____, 20__, by and between the **City of Norwalk**, an Iowa municipal corporation; and the **City of Cumming**, an Iowa municipal corporation.

WHEREAS, the cities of Cumming and Norwalk previously entered into an Annexation Moratorium Agreement that expired within the past several years, wherein the two cities established a line beyond which each city agreed not to annex for a ten year term of the agreement; and

WHEREAS, the cities of Cumming and Norwalk desire to reaffirm a new/revised Annexation Moratorium Agreement for a new ten year term pursuant to Iowa Code 368.4; and

WHEREAS, the cities of Cumming and Norwalk have both exercised their authority under Iowa Code 354.9 to review subdivision plats and plats of survey for divisions or subdivisions in the unincorporated area within two miles of each cities’ respective boundary; and

WHEREAS, the cities of Cumming and Norwalk desire to establish a line between the areas over which each city would exercise its extraterritorial jurisdiction to review subdivision plats and plats of survey so that each city would review only those subdivision plats and plats of survey of land located within their planned future growth areas; and

WHEREAS, the cities of Cumming and Norwalk have approved this Agreement after notice and public hearing as provided by Iowa Code 368.4;

NOW, THEREFORE, the parties to this Agreement hereby covenant and agrees as follows:

ARTICLE 1. GENERAL

Section 1. Purpose.

- a. The purpose of this agreement is to allow the cities of Cumming and Norwalk to each plan for their orderly future growth. By establishing an agreed upon boundary for the future growth of each city, both cities can plan for the orderly future extension of its public infrastructure and services to serve all of its future growth areas. Without such an agreement, each city’s investment of scarce resources in public infrastructure and services

to serve planned future growth may be lost if the area planned to be served by such investment becomes part of the other city. This is not fair or equitable for citizens and utility customers.

- b. A further purpose of this Agreement is to avoid duplication in the review of plats of unincorporated land located within two miles of both cities. It is the intent of the two cities that such plats be reviewed only by Warren County and by the city in whose planning area it is located.

Section 2. Term. The term of this Agreement shall commence upon the date this Agreement is approved by the City Council of the City of Cumming, or the date this Agreement is approved by the City Council of the City of Norwalk, whichever occurs later. This agreement shall thereafter remain in full force and effect for a term of ten (10) years.

ARTICLE 2. ANNEXATION MORATORIUM AGREEMENT

Section 1. Planning Area Boundary. The cities of Cumming and Norwalk hereby agree upon the establishment of a Planning Area Boundary Line to be located as follows:

INSERT LEGAL DESCRIPTION

Such Planning Area Boundary Line being generally as shown on the map attached hereto as Exhibit "A".

Section 2. Annexation Limitations. The City of Norwalk agrees for the term of this Agreement to refrain from annexing any land which is located north and west of and within 200 feet of the Planning Area Boundary Line described above. The City of Cumming agrees for the term of this Agreement to refrain from annexing any land which is located south and east of and within 200 feet of the Planning Area Boundary Line described above. Pursuant to Iowa Code 368.4, the City Development Board shall dismiss any petition, plan or application for a boundary adjustment which would cause either city to annex land in violation of this section.

ARTICLE 3. REVIEW OF PLATS

Section 1. Plat Review Authority.

- a. Subdivision plats and plats of survey for land located north and west of the Planning Area Boundary Line in the portion of unincorporated Warren County within two miles of the boundaries of the City of Cumming shall be subject to the extraterritorial jurisdiction of the City of Cumming pursuant to Iowa Code Section 354.9. The City of Norwalk hereby

waives all right to review and approve any subdivision plats and plats of survey within such area.

- b. Subdivision plats and plats of survey for land located south and east of the Planning Area Boundary Line in the portion of unincorporated Warren County within two miles o the boundaries of the City of Norwalk shall be subject to the extraterritorial jurisdiction of the City of Norwalk pursuant to Iowa Code Section 354.9. The City of Cumming hereby waives all right to review and approve any subdivision plats and plats of survey within such area.

Section 2. Plats Crossing the Plat Review Line. Subdivision plats and plats of survey for divisions and subdivisions which include land located on both sides of the Planning Area Boundary Line shall be subject to review and approval by both Cumming and Norwalk. Owners of such land are hereby requested to separately plat the portions of their land located on each side of the Planning Area Boundary Line.

IN WITNESS WHEREOF, the City of Cumming and the City of Norwalk have caused this Agreement to be executed by their respective Mayors and attested to by their respective City Clerks.

CITY OF CUMMING, IOWA

Brent Highfill, Mayor

ATTEST:

Nichole Onstot, City Clerk

STATE OF IOWA)
) ss:
COUNTY OF WARREN)

On this ____ day of _____, 2024, before me, the undersigned, a Notary Public in the State of Iowa, personally appeared BRENT HIGHFILL and NICHOLE ONSTOT, to me personally known, and who, being by me duly sworn did state that they are the Mayor and City Clerk, respectively, of the City of Cumming, Iowa, a municipal corporation; that the instrument was signed on behalf of the City of Cumming, Iowa, by authority of its City Council, as contained in the Resolution adopted by City Council under Roll Call No. _____ of the City Council on the ____ day of _____, 2024, and that Brent Highfill and Nichole Onstot acknowledged the execution of the instrument to be the voluntary act and deed of the City of Cumming, Iowa, by it and by them voluntarily executed.

Notary Public in the State of Iowa

CITY OF NORWALK, IOWA

Tom Phillips, Mayor

ATTEST:

Lindsey Offenburger, City Clerk

STATE OF IOWA)
) ss:
COUNTY OF WARREN)

On this ____ day of _____, 2024, before me, the undersigned, a Notary Public in the State of Iowa, personally appeared TOM PHILLIPS and LINDSEY OFFENBURGER, to me personally known, and who, being by me duly sworn did state that they are the Mayor and City Clerk, respectively, of the City of Norwalk, Iowa, a municipal corporation; that the instrument was signed on behalf of the City of Norwalk, Iowa, by authority of its City Council, as contained in the Resolution adopted by City Council under Roll Call No. _____ of the City Council on the ____ day of _____, 2024, and that Tom Phillips and Lindsey Offenburger acknowledged the execution of the instrument to be the voluntary act and deed of the City of Norwalk, Iowa, by it and by them voluntarily executed.

Notary Public in the State of Iowa

Exhibit “A”
to the Annexation Moratorium and 28E Agreement between the Cities of
Cumming and Norwalk, Iowa.

INSERT MAP SHOWING ANNEXATION MORATORIUM LINES