

**NOTICE OF REGULAR COUNCIL MEETING  
CUMMING CITY COUNCIL  
October 28, 2024 – 6:00 PM  
Cumming City Hall, 649 N. 44<sup>th</sup> St., Cumming, IA\***

**ROLL CALL**

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

**PUBLIC COMMENT**

**PUBLIC HEARING**

- A. Public hearing on proposal to enter into a General Obligation Corporate Purpose Loan Agreement

**CONSENT ITEMS**

- A. Minutes from the October 14, 2024 Regular Council Meeting
- B. Payment of Bills
- C. Motion to Approve Wednesday, October 30, 2024 from 6PM to 8PM as Beggar's Night
- D. Resolution 2024-44 Set Public Hearing to Amend the City Code of the City of Cumming, Iowa: Chapter 65 – Stop or Yield Required

**BUSINESS ITEMS**

- A. Resolution 2024-45 taking additional action on proposal to enter into a General Obligation Corporate Purpose Loan Agreement
- B. Resolution 2024-43 Resolution for Accepting Design Choices for Old Town Sewer and Street Rehabilitation Project (tabled at October 14, 2024 Council meeting)

**REPORTS:**

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

**ADJOURNMENT**

**UPCOMING ITEMS**

Annual Financial Report  
Street Finance 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 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 October 28, 2024**

### **SUBMITTED BY:**

Rita Conner, City Administrator

### **SYNOPSIS:**

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

**PUBLIC HEARING** This public hearing was set by Council on October 14, 2024 by Resolution No. 2024-39.

**Background:** Council has been working through much of summer 2025 to review and discuss an inventory of capital improvement items, and to act to capture an increase in taxable valuation growth that can be used for capital improvement work, under our existing Urban Renewal Plan.

Several key capital projects have already been undertaken in the last 2-3 years, including the construction of Mayor Tom Becker Park, the widening of Cumming Avenue and added deceleration lane, the paving of N 50<sup>th</sup>, bike pedestrian crossing at N 50<sup>th</sup>, Cumming Avenue shared use path connecting to the Great Western Trail, the addition of S. 44<sup>th</sup> Street and N 38<sup>th</sup> Street, and the surface rehabilitation of Orilla Road and the Great Western Trail parking lot. These projects were completed with upfront financial contributions from Hy Vee and Diligent Development, cost sharing and collaboration with the City of Norwalk and Warren County, Iowa Economic Development Authority, Iowa Department of Transportation and prudent management of City of Cumming general tax dollars and tax increment (TIF) dollars.

Capturing this TIF allows the city to not utilize general fund tax dollars to service the new debt. Our current remaining debt is final payments to loans for sanitary sewer extensions between 2011 and 2020. Of the original three loans totaling \$1,635,000, an estimated \$176,000 remains to be paid off in FY26. This debt has also been serviced with TIF. The Old Town Sanitary Sewer project will be conducted with a loan from the State of Iowa Finance Authority under the State Revolving Loan Fund (SRLF), with debt service by new TIF from the Hy Vee Distribution Center project.

Action at this hearing by Council allows us to move forward with a local lender, submit certification to Warren County by December 1 to receive TIF for this new debt in FY 26, and to develop formal plans for improvements to Cumming Ave and street rehabilitation in the Prairie Shores neighborhood.

### **CONSENT ITEMS**

- A. **Claims:** At the September 24<sup>th</sup> Council meeting, a cost of \$3100 for the Laserfiche software was presented for payment. Laserfiche is an electronic

records management company that the City of Cumming signed agreement with in 2022 for \$4,025. The payment would provide for cloud data storage and technical advisement on the keeping of City records. By law, certain public records must be retained for specific periods of time, which historically were done on paper with hard copy files. Technology provides the ability to scan in and store records in electronic form, saving on paper costs and storage capacity.

The city is required to pay an annual ongoing fee of \$3100 for the software and support. Council removed the payment from claims in September and requested more information on the item. At the next meeting, we will briefly visit the website and walk through what has been stored to date in our Laserfiche account and what the public can access. Oakland Corporation in Story City is the company that the City worked with to obtain and manage the software, and has already made the \$3100 annual payment on the City's behalf. We need to reimburse those funds and request Council approval to do so. We also need to determine if Council wants to continue with this software going forward.

- B. Resolution 2024-44 Setting the Date for a Public Hearing to Amend City Code Chapter 65, Stop/Yield Required. S. 44<sup>th</sup> Street construction is nearing conclusion. Finish items including signage and pavement markings will be underway. Action is needed to install a four way stop at N/S 44<sup>th</sup> Street and Cumming Avenue, and remove of the east-west stop at N. 43<sup>rd</sup> Street and Cumming Avenue.

## **BUSINESS ITEMS**

- A. Resolution 2024-45 Public hearing is set for this meeting to move forward with debt issuance in the amount of \$1.5 million. This amount is proposed to be borrowed from a local lender with the debt service being paid from available tax increment (TIF). The TIF is available to us to capture beginning in FY 26, based on the increased taxable valuation we have seen as a city. There will be subsequent steps to take on this item to finalize a loan agreement with a local lender.
- B. Resolution 2024-46 Resolution for Accepting Design Choices for Old Town Sewer and Stormwater Project

**Background:** The Old Town neighborhood has a hybrid system for wastewater management, made up of individual septic lines and tanks that drain to a collective pipe for conveyance to the Des Moines Wastewater Regional Authority (WRA) for treatment. The system is planned to be replaced with urban standard traditional sanitary sewer, connecting residents and businesses. In addition, stormwater management would be reviewed for potential upgrades needed to that system, which consists today of shallow swales, culverts and overland flowage.

In 2023, as the preliminary plans for the work were initiated, it was

recognized that doing the underground work could present an ability to repair or replace years of seal coat overlay on the Old Town street system, look at parking for local businesses and events, potential natural gas service, and consider adding a more complete sidewalk system for dedicated pedestrian use.

Like many Iowa communities founded in the 1800's, the original lines of subdivision platting and public right of way in Old Town have become somewhat less distinct over time. The design team had to take this into account, and account for how to construct the various project elements within the footprint that we have.

Following a public meeting at the American Legion in May, and a direct mailer to Old Town property owners, Council received direct feedback from 15-16 property owners that elements of the design as proposed were concerning to them. Stormwater management concerns impact the SE section of Old Town more significantly than other areas, some wanted no sidewalks, and some were concerned about where their yards would meet the road after the project. The minutes from the meeting include additional detail.

Following this input, staff and design consultants worked on considering some alternatives that will be shared at the meeting Monday. They include:

- Looking differently at the street classifications for N 44<sup>th</sup> and N 43<sup>rd</sup>. State of Iowa design standards have specific widths for streets based on how they will function-collector streets carry traffic from local streets to arterial streets and may also have on street parking, sidewalk, curb and gutter and stormwater intakes. We are looking at taking the width down while still providing for on-street parking in specific areas.
- Removing most or all of the sidewalks from the design. The look and feel of Old Town is rural, and people regularly walk in the streets. The input received was strong preferences to forego sidewalks, save space and keep the Old Town aesthetic the same as it is today.
- Focusing stormwater management strategies on areas that have the more challenging conditions today.

We will share the meeting and the above detail on our website and social media to encourage the public to attend or contact staff for one on one meetings.

**OFFICIAL PUBLICATION  
CITY OF CUMMING  
Regular Council Meeting 010/14/2024  
To be Approved at 10/28/2024 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 October 14, 2024 at 6:00PM. The meeting was called to order at 6:00 P.M. by Mayor Brent Highfill. Present at Roll Call: Charlie Ochanpaugh, Mayor Pro Tem; Larry “Dino” Goode, Jr, Kathie Hungerford, and Martin Squier. Cackler absent. Motion by Goode, Jr., seconded by Squier to approve the agenda. Approved 4-0.

**Public Comment:** None

**Consent Items:**

Motion made by Hungerford, seconded by Ochanpaugh to approve Consent Items with the motion to exclude Laserfiche from Claims. Minutes from September 23, 2024 Regular Council Meeting, Payment of Bills, September 2024 Financials, Building Permit Report Updated September 2024, September 2024 Sheriff’s Report, Motion to Approve License for Lucky Wife Wine Slushies, Motion to Move November 11, 2024 Regular Meeting to November 12, 2024 at 6 PM, Motion to Approve Engagement Letter with Public Financial Management, Motion to Approve Engagement Letter with Dorsey Whitney, LLP, Resolution 2024-39 (duplicate number of 2024-42 on this Resolution changed to 2024-39) Setting the Date for a Public Hearing and Additional Action on Proposal to Enter Into a General Obligation Corporate Purpose Loan Agreement and to Borrow Money Thereunder. Approved 4-0.

**Payment of Bills:**

Type	Date	Name	Memo	Amount
Check	09/24/2024	N/Warren Town & County News	Minutes for Regular City Council Min 08.26.24	-102.48
Check	09/24/2024	Iowa One Call	Invoice 265131	-22.50
Check	09/24/2024	MCP, LLC	September 2024 Invoice	-5,293.00
Check	09/24/2024	Veenstra & Kimm Inc.	Invoice 41235-80	-150.00
Check	09/24/2024	EO Johnson Business Technologies	Invoice 1608606	-12.87
Check	09/27/2024	ClerkBooks, Inc.	10 Hour Package	-950.00
Check	09/27/2024	Veenstra & Kimm Inc.	Invoice 41233-094-3	-990.00
Check	09/27/2024	Veenstra & Kimm Inc.	Invoice 41241-10	-15,000.00
Check	09/27/2024	Veenstra & Kimm Inc.	Invoice 41233-094-5	-3,849.10
Check	09/27/2024	Veenstra & Kimm Inc.	Invoice 41242-9	-12,741.50
Check	09/27/2024	Combined Systems Technology	Invoice 167596	-84.10
Check	09/27/2024	Elan Financial Services	September Invoice	-134.84
Liability Check	10/02/2024	IPERS	91308	-1,664.04
Liability Check	10/02/2024	United States Treasury	42-1124870	-11,362.96
Check	10/04/2024	N/Warren Town & County News	Minutes for Regular City Council Min 09.09.24	-96.08
Check	10/07/2024	US Bank	Invoice 539152629	-451.39
Check	10/07/2024	Iowa Department of Revenue	Tax Payment	-1,361.94
Check	10/11/2024	McFarlands Hawkeyepaving Co.	Invoice 75	-6,500.00
Check	10/15/2024	Midamerican Energy	September Invoice	-844.84
Check	10/23/2024	Waste Connections	September 2024	-3,850.28
			<b>Total</b>	<b>-65,461.92</b>

**Business Items:**

- A. Motion by Goode, seconded by Ochanpaugh to approve Resolution 2024-40 for Change Order No. 6 for the Cumming Avenue Widening and 50<sup>th</sup> Street Paving Project for Four Additional “No Parking” Signs and Steel 2x2 14 Gauge Posts. Approved 4-0.

- B.** Motion by Hungerford, seconded by Squier to approve Resolution 2024-41 for Payment Application No. 11 for the Cumming Avenue Widening and 50<sup>th</sup> Street Paving Project with the Correction of the Payment Amount to \$66,552.42 from \$66,965.67. Approved 4-0.
- C.** Motion by Squier, seconded by Hungerford to Approve Resolution 2024-42 Authorizing an Internal Advance for Funding of Urban Renewal Project (Urban Renewal Administration and Professional Support Program) in the amount of \$76,500. Approved 4-0
- D.** Motion by Goode, Jr., seconded by Ochanpaugh to Approve Resolution 2024-43 for Accepting Design Choices for Old Town Sewer and Street Rehabilitation Project. Comments were provided by approximately sixteen residents and business owners of Old Town. Questions included whether sidewalks were needed and concerns about ongoing sidewalk maintenance, concerns about stormwater management and standing water in the SE section of Old Town, whether Callison Ave would someday connect to the Great Western Crossing development to the east and bring additional traffic, lane widths proposed to accommodate both traffic and parking for Old Town, existing Right of Way lines and some areas where sheds, fences or other elements have built into the Right of Way over time, and how to construct public improvements while protecting the look and feel of Old Town today. City Administrator and design team will meet further to review the questions and the project variables and share the results of those meetings with Council and the public. Residents present at time of discussion included: Debbie Belmonte located at 148 N 43<sup>rd</sup> St, she is concerned about losing some her driveway, her proposition was 3' on one side and 6' on her side. The project may hinder parking. John Dagenais 124 N 43<sup>rd</sup> St had questions regarding what prompted streets and sidewalks and how the project will be funded. Francis Doll at 327 N 43<sup>rd</sup> St has concerns regarding traffic and people walking and to take parking off street. He is not sure that we need sidewalks. Garth Swisher at 609 N 43<sup>rd</sup> Street had questions regarding elevation and how it will affect his property. Has questions regarding the 26 feet and why it is all on one side, Swisher does not want sidewalks on either side. Mark Atkinson at 4423 N Dawson stated there is not a good understanding of the project, he supports stormwater and sewer but has concerns of widening. Atkinson would like to see stakeouts placed of where road is going to be to show existing and future widening. Kris Niklawski 4311 N Alice Ave supports sewer and stormwater but has concerns about sidewalks along the eastside. Niklawski will lose a big tree for the sidewalk and concerns over losing character of Old Town. Niklawski also had concerns about passage between new and old developments. Martha Scott 102 N 43<sup>rd</sup> Street is in support of the sewer and stormwater, but has does not support sidewalks, along with concerns about parking. Rachelle Swisher 609 N 43<sup>rd</sup> Street questions surrounding septic tanks being abandoned. Swisher had questions regarding if property lines have been surveyed and if residents could see the survey. Swisher had questions regarding the street widths and the variances between 26 feet and 31 feet. Twyla Pease 246 N 43<sup>rd</sup> Street had questions regarding the street width and why it was 31 feet side. Pease had questions surrounding the Legion, gas vs propane, concrete vs asphalt. Pease noted poor communication surrounding project and there was no legend on map sent to residents. N Dawson Karen McKinney has concerns regarding the wide streets and they may lose all the trees on the property. McKinney currently has 4 trees. Michelle Miller 645 N 43<sup>rd</sup> Street has concerns regarding communication of the project with the residents. Miller has questions regarding elevation, supports cement and curb gutter sewers. Miller shares concerns regarding how much property will be taken along with 4 to 5 trees and questions surrounding sump pump and where that water will go. Jennifer DeVaughn 737 N 43<sup>rd</sup> Street has concerns regarding street widths, sidewalks and would like to see other alternatives. DeVaughn stated she did not see anything about her property. Theresa Carr 212 N 44<sup>th</sup> Street loves the character of Old Town. Jessica Carr 4301 N Fielding Ave has concerns regarding trees and street widths. Discussion surrounding the urban design on all roads, 31 feet wide streets will allow for parking on one side of street, at the end of N 44<sup>th</sup> Street the street width will be 26 feet. Sidewalks will be replaced or added on one side of road, only. Roadways will be centered on the right of way and tapered down. Design follows SUDAS. There will be no cost to residents for the sewer and stormwater project. Septic tanks will be cracked on bottom, filled with sand, and abandoned in place. Covers will be removed. Decision surrounding concrete vs asphalt to be determined. Concrete requires more staging. Ongoing discussions with MidAmerican regarding natural gas. Discussions with Mediacom regarding fiber internet. Lower profile on streets to go with curb & gutter. Driveways will receive a new approach. SUDAS will follow ADA requirements with sidewalks, if they are constructed. Motion by Squier, seconded by Goode, Jr. to table for future review. Approved 4-0

## Reports:

- A.** No Reports

**Adjourn into Worksession:**

- A. Motion by Goode, Jr., seconded by Ochanpaugh to adjourn into worksession at 7:58 PM. Approved 4-0. Mayor Highfill updated the Council on review of the proposed moratorium boundary by the Planning & Zoning Commission on September 24, 2024. Next step is to present map with proposed boundary to City of Norwalk and work to amend moratorium agreement. Motion to adjourn Worksession by Hungerford seconded by Squier. Approved 4-0.

**Closed Session:**

- A. Motion to enter closed session by Hungerford., seconded by Goode, Jr at 8:08 PM. Approved 4-0. Motion by Hungerford, seconded by Goode, Jr. to adjourn closed session at 8:16 pm. No action was taken during the closed session.

**Adjourn:**

Motion by Squier, seconded by Ochanpaugh to adjourn the meeting at 8:17PM. Approved 4-0.

NEXT CITY COUNCIL MEETING: October 28, 2024, at 6:00PM at City Hall

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Brent Highfill, Mayor

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Attest: Nichole Onstot, City Clerk

# City of Cumming

## Claims To Be Approved

### All Transactions

Type	Date	Num	Name	Memo	Amount
Check	10/24/2024		McClure Engineering Co.	Invoice 154257	-17,850.00
Check	10/24/2024		McClure Engineering Co.	Invoice 155232	-38,378.00
Check	10/24/2024		Skinner Law Office PC	Invoice 35998 & 36591	-1,877.50
Check	10/25/2024		Veenstra & Kimm Inc.	Invoice 41242-11	-3,173.70
Check	10/25/2024		Veenstra & Kimm Inc.	Invoice 41242-14	-3,552.80
Check	10/25/2024		Veenstra & Kimm Inc.	Invoice 41233-097-4	-2,096.23
Check	10/25/2024		Iowa One Call	Invoice 266065	-56.70
Check	10/25/2024		Oakland Corporation	Lasherfische Renewal	-3,100.00
<b>Total</b>					<b><u>-70,084.93</u></b>





1360 NW 121st Street  
Clive, IA 50325

Rita Conner  
City of Cumming, IA  
PO Box 100  
Cumming, IA 50061

August 31, 2024  
Project No: 2023000167-000  
Invoice No: 154257  
Due Date: September 30, 2024

Project 2023000167-000 Cumming Sanitary Sewer Collection System

**Professional Services from July 28, 2024 to August 31, 2024**

Phase	300	Funding
Task	302	Funding Application/Procurement

Billing Phase	Fee	Percent Complete	Earned	Previous Billing	Current Billing
Funding Application/Procurement	10,000.00	50.00	5,000.00	5,000.00	0.00
Total Fee	10,000.00		5,000.00	5,000.00	0.00
<b>Total Fee</b>					<b>0.00</b>
<b>Total this Task</b>					<b>0.00</b>

Task	303	Funding Administration and Coordination			
<b>Total this Task</b>					<b>0.00</b>
<b>Total this Phase</b>					<b>0.00</b>

Phase	400	Preliminary Design			
Billing Phase	Fee	Percent Complete	Earned	Previous Billing	Current Billing
Preliminary Design	100,000.00	100.00	100,000.00	100,000.00	0.00
Preliminary Geotechnical Design	5,000.00	100.00	5,000.00	5,000.00	0.00
Total Fee	105,000.00		105,000.00	105,000.00	0.00
<b>Total Fee</b>					<b>0.00</b>
<b>Total this Phase</b>					<b>0.00</b>

Phase	500	Final Design			
Billing Phase	Fee	Percent Complete	Earned	Previous Billing	Current Billing

Project	2023000167-000	Cumming Sanitary Sewer Collection System				Invoice	154257
Final Design		105,000.00	43.00	45,150.00	27,300.00	17,850.00	
Final Geotechnical Design		1,500.00	0.00	0.00	0.00	0.00	
Final Storm Study		7,400.00	0.00	0.00	0.00	0.00	
Total Fee		113,900.00		45,150.00	27,300.00	17,850.00	
<b>Total Fee</b>							<b>17,850.00</b>
<b>Total this Phase</b>							<b>\$17,850.00</b>

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Phase	700	Survey Services				
<b>Billing Phase</b>		<b>Fee</b>	<b>Percent Complete</b>	<b>Earned</b>	<b>Previous Billing</b>	<b>Current Billing</b>
Preliminary Design Survey		74,200.00	100.00	74,200.00	74,200.00	0.00
Total Fee		74,200.00		74,200.00	74,200.00	0.00
<b>Total Fee</b>						<b>0.00</b>
<b>Total this Phase</b>						<b>0.00</b>

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Phase	850	Project Management				
<b>Billing Phase</b>		<b>Fee</b>	<b>Percent Complete</b>	<b>Earned</b>	<b>Previous Billing</b>	<b>Current Billing</b>
Project Management		18,800.00	84.00	15,792.00	15,792.00	0.00
General Meetings		12,000.00	85.00	10,200.00	10,200.00	0.00
Total Fee		30,800.00		25,992.00	25,992.00	0.00
<b>Total Fee</b>						<b>0.00</b>
<b>Total this Phase</b>						<b>0.00</b>

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Phase	950	Misc Fees and Expenses				
Task	960	Consultants (Braun Intertec Corporation)				
<b>Total this Task</b>						<b>0.00</b>
<b>Total this Phase</b>						<b>0.00</b>
<b>Total Due this Invoice</b>						<b>\$17,850.00</b>

**Outstanding Invoices**

Number	Date	Balance
150618	2/21/2024	9,376.00
153037	7/1/2024	8,102.00
153629	7/30/2024	12,490.00
<b>Total</b>		<b>29,968.00</b>



1360 NW 121st Street  
Clive, IA 50325

Rita Conner  
City of Cumming, IA  
PO Box 100  
Cumming, IA 50061

October 03, 2024  
Project No: 2023000167-000  
Invoice No: 155232  
Due Date: November 02, 2024

Project 2023000167-000 Cumming Sanitary Sewer Collection System

**Professional Services from September 01, 2024 to September 28, 2024**

Phase	300	Funding
Task	302	Funding Application/Procurement

Billing Phase	Fee	Percent Complete	Earned	Previous Billing	Current Billing
Funding Application/Procurement	10,000.00	50.00	5,000.00	5,000.00	0.00
Total Fee	10,000.00		5,000.00	5,000.00	0.00
<b>Total Fee</b>					<b>0.00</b>
<b>Total this Task</b>					<b>0.00</b>

Task	303	Funding Administration and Coordination	<b>Total this Task</b>			<b>0.00</b>
<b>Total this Phase</b>					<b>0.00</b>	

Phase	400	Preliminary Design			
Billing Phase	Fee	Percent Complete	Earned	Previous Billing	Current Billing
Preliminary Design	100,000.00	100.00	100,000.00	100,000.00	0.00
Preliminary Geotechnical Design	5,000.00	100.00	5,000.00	5,000.00	0.00
Total Fee	105,000.00		105,000.00	105,000.00	0.00
<b>Total Fee</b>					<b>0.00</b>
<b>Total this Phase</b>					<b>0.00</b>

Phase	500	Final Design			
Billing Phase	Fee	Percent Complete	Earned	Previous Billing	Current Billing

Project	2023000167-000	Cumming Sanitary Sewer Collection System				Invoice	155232
Final Design		105,000.00	75.00	78,750.00	45,150.00	33,600.00	
Final Geotechnical Design		1,500.00	0.00	0.00	0.00	0.00	
Final Storm Study		7,400.00	25.00	1,850.00	0.00	1,850.00	
Total Fee		113,900.00		80,600.00	45,150.00	35,450.00	
<b>Total Fee</b>							<b>35,450.00</b>
<b>Total this Phase</b>							<b>\$35,450.00</b>

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Phase	700	Survey Services				
<b>Billing Phase</b>		<b>Fee</b>	<b>Percent Complete</b>	<b>Earned</b>	<b>Previous Billing</b>	<b>Current Billing</b>
Preliminary Design Survey		74,200.00	100.00	74,200.00	74,200.00	0.00
Acquisition Plats and Legal Descriptions		5,000.00	0.00	0.00	0.00	0.00
Total Fee		79,200.00		74,200.00	74,200.00	0.00
<b>Total Fee</b>						<b>0.00</b>
<b>Total this Phase</b>						<b>0.00</b>

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Phase	850	Project Management				
<b>Billing Phase</b>		<b>Fee</b>	<b>Percent Complete</b>	<b>Earned</b>	<b>Previous Billing</b>	<b>Current Billing</b>
Project Management		18,800.00	90.00	16,920.00	15,792.00	1,128.00
General Meetings		12,000.00	100.00	12,000.00	10,200.00	1,800.00
Total Fee		30,800.00		28,920.00	25,992.00	2,928.00
<b>Total Fee</b>						<b>2,928.00</b>
<b>Total this Phase</b>						<b>\$2,928.00</b>

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Phase	950	Misc Fees and Expenses				
Task	960	Consultants (Braun Intertec Corporation)				
<b>Total this Task</b>						<b>0.00</b>
<b>Total this Phase</b>						<b>0.00</b>
<b>Total Due this Invoice</b>						<b>\$38,378.00</b>

**Outstanding Invoices**

Number	Date	Balance
150618	2/21/2024	9,376.00
153037	7/1/2024	8,102.00
153629	7/30/2024	12,490.00
154257	8/31/2024	17,850.00
<b>Total</b>		<b>47,818.00</b>

# SKINNER LAW OFFICE, P.C.

# INVOICE

PO Box 367  
Altoona, IA 50009

Invoice # 36591  
Date: 10/23/2024  
Due Upon Receipt

CUMMING  
PO BOX 100  
CUMMING, IA 50061

## CITY BUSINESS

Date	Notes	Timekeeper	Quantity	Rate	Total
09/23/2024	Email from and to Nichole Onstot re: meeting agenda	CW	0.20	\$175.00	\$35.00
09/23/2024	City council meeting	CW	2.00	\$175.00	\$350.00
09/24/2024		CW	1.25	\$175.00	\$218.75
09/27/2024	Email from and to Rita Conner re: disposal of personal property and fence line issues	CW	0.30	\$175.00	\$52.50
09/27/2024	Review emails regarding Ritchie meeting and respond. Add emails to electronic file.	NM	0.25	\$175.00	\$43.75
10/03/2024	Meet with Rita Conner, Mayor Highfill, outside counsel re: ongoing litigation	CW	0.50	\$175.00	\$87.50
10/03/2024	Review PFM engagement and correspondence from Rita Conner re: TIF	CW	0.30	\$175.00	\$52.50
10/11/2024	Review easement issue and email response to Alex Schlader re: easement	CW	0.40	\$175.00	\$70.00
10/14/2024	Council Meeting attendance.	BS	1.95	\$225.00	\$438.75

**Subtotal** \$1,348.75

**Total** \$1,348.75

## Detailed Statement of Account

### Other Invoices

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
35998	09/17/2024	\$528.75	\$0.00	\$528.75

### Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
36591	10/23/2024	\$1,348.75	\$0.00	\$1,348.75

<b>Outstanding Balance</b>	<b>\$1,877.50</b>
<b>Total Amount Outstanding</b>	<b>\$1,877.50</b>

Account	Balance
Trust Account Balance	\$0.00
<b>Total Account Balance</b>	<b>\$0.00</b>

Please make all amounts payable to: Skinner Law Office, P.C.  
 Payment is due upon receipt.  
 We gladly accept Visa, Mastercard, Discover and American Express.

**Resolution 2024-44  
City of Cumming**

**Set a Date for a Public Hearing to Amend the  
Code of Ordinances, City of Cumming, Iowa, by  
Amending Chapter 65 – Stop or Yield Required**

**WHEREAS**, The City Council desires to consider removing 65.02 (1) North 43<sup>rd</sup> Street and Cumming Avenue east-west stop; and

**WHEREAS**, The City Council desires to consider adding to Section 65.06 Four-Way Stop Intersections; and

**WHEREAS**, Iowa Law requires a Public Hearing be held before the Council prior to amending any changes in the Code of Ordinances,

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

Section 1. This Council will meet on the 12<sup>th</sup> day of November, 2024, 6:00 P.M. at which time and place it will hold a public hearing on amending the Code of Ordinances for the City of Cumming.

Section 2. The City Clerk shall post notice of said hearing, which posting shall be at the three public places in said City which have been permanently designated by ordinance, and such posting shall be at least 4 days but not more than 20 days prior to any action by the City Council.

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

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Brent Highfill, Mayor

Attest:

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Nichole Onstot, City Clerk

# **NOTICE OF PUBLIC HEARING CITY OF CUMMING**

## **AMENDING THE CITY CODE OF THE CITY OF CUMMING, IOWA: CHAPTER 65 – STOP OR YIELD REQUIRED**

Notice is hereby given that the City Council of the City of Cumming, Iowa, will conduct a public hearing on Tuesday, November 12, 2024, 6:00 P.M. to receive comments on the following:

Amend the Code of Ordinances of the City of Cumming by removing 65.02(1) N 43<sup>rd</sup> and Cumming Avenue and adding to Section 65.06 Four-Way Stop Intersections at N/S 44<sup>th</sup> and Cumming Avenue.

Anyone wishing to comment on this request should attend this hearing or submit written comments at any time prior to the hearing. Send comments to City of Cumming, PO Box 100, Cumming, IA 50061 or email to [nonstot@cumming.iowa.gov](mailto:nonstot@cumming.iowa.gov) no later than 2:00 pm on the day of the hearing.

Additional information regarding this request may be obtained by contacting the City Clerk at 515-981-9214.



**Ordinance 2024-01**  
**City of Cumming**

**An Ordinance Amending the Code of Ordinances of the City of Cumming, Iowa, by Amending Provisions Pertaining to Chapter 65 – Stop or Yield Required**

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

**SECTION 1. 65.06 FOUR-WAY STOP INTERSECTIONS.** Each driver of a vehicle shall stop before entering the following four-way stop intersection(s):  
*(Code of Iowa, Sec. 321.345)*

1. Cumming Avenue, N. 44<sup>th</sup> Street and S. 44<sup>th</sup> Street. Vehicles approaching the intersection of from the north, south, east and west shall stop before entering such intersection.

**SECTION 2. SUBSECTION REPEALED.** The Code of Ordinances of the City of Cumming, Iowa, is hereby amended by repealing Section 65.02, Subsection 1, which required vehicles traveling east/west on Cumming Avenue to stop at North 43<sup>rd</sup> Street as it is included in section, 65.02.

**SECTION 3. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions in this ordinance are hereby repealed.

**SECTION 4. SEVERABILITY CLAUSE.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION 5. WHEN EFFECTIVE.** This ordinance shall be in effect from an after its final passage, approval, and publication as provided by law.

Passed by the Council the \_\_\_\_ day of November 2024 and approved this \_\_\_\_ day of November 2024.

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

ATTEST:

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

First Reading:  
Second Reading:

Third Reading:

I certify that the foregoing was published as Ordinance No. 2024-01 on the \_\_\_\_ day of November 2024.

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

DRAFT

October 24, 2024

**Via Email**

Rita Conner  
City Administrator/City Hall  
Cumming, Iowa

Re: General Obligation Corporate Purpose Loan Agreement  
Our File No. 420923-22

Dear Rita:

We have prepared and attach proceedings related to the action to be taken on the City's General Obligation Corporate Purpose Loan Agreement (the "Loan Agreement") at the October 28th City Council meeting.

The proceedings attached include the following items:

1. Minutes of the meeting covering the hearing, followed by the resolution taking additional action in connection with the Loan Agreement. This resolution simply sets forth the City Council's determination to enter into the Loan Agreement in the future, and its adoption constitutes the "additional action" required by the Iowa Code.
2. Certificate attesting to the validity of the transcript.

On October 28th the City Council should meet as scheduled, hold a hearing on its intention to enter into the Loan Agreement and adopt the attached resolution. The minutes as drafted assume that no objections will be filed or made.

As soon as possible after the City Council meeting, please return one fully executed copy of these proceedings. If you have any questions, please contact Erin Regan, Cheryl Ritter or me.

Best regards,

John P. Danos

**Attachments**

cc: Nichole Onstot  
Cameron Wright  
PFM Financial Services LLC

MINUTES FOR HEARING AND  
ADDITIONAL ACTION ON ENTERING  
INTO LOAN AGREEMENT

420923-22

Cumming, Iowa

October 28, 2024

The City Council of the City of Cumming, Iowa met on October 28, 2024, at \_\_\_\_ o'clock  
\_\_\_\_.m. at the \_\_\_\_\_, Cumming,  
Iowa.

The Mayor presided and the roll being called, the following named Council Members were  
present and absent:

Present: \_\_\_\_\_

Absent: \_\_\_\_\_.

This being the time and place specified for taking action on the proposal to enter into a  
General Obligation Corporate Purpose Loan Agreement, as defined in the attached resolution, and  
to borrow money thereunder in a principal amount not to exceed \$1,500,000, the City Clerk  
announced that no written objections had been placed on file. Whereupon, the Mayor called for  
any written or oral objections, and there being none, the Mayor declared the public hearing closed.

After due consideration and discussion, Council Member \_\_\_\_\_  
introduced and moved that the resolution be adopted, seconded by Council Member  
\_\_\_\_\_. The Mayor put the question upon the adoption of said resolution, and  
the roll being called, the following Council Members voted:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_.

Whereupon, the Mayor declared the motion carried and the resolution duly adopted in  
substantially the form hereinafter set out.

RESOLUTION NO. 2024-45

Resolution taking additional action on proposal to enter into a General Obligation Corporate Purpose Loan Agreement

WHEREAS, the City of Cumming (the “City”), in Warren County, State of Iowa, pursuant to the provisions of Section 384.24A of the Code of Iowa, heretofore proposed to enter into a general obligation corporate purpose loan agreement (the “Loan Agreement”) and to borrow money thereunder in a principal amount not to exceed \$1,500,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the costs, to that extent, of (a) constructing street, water system, sanitary sewer system, storm water drainage and sidewalk improvements; and (b) acquiring and installing street lighting, signage and signalization improvements; and pursuant to law and a notice duly published, the City Council has held a public hearing on such proposal on October 28, 2024;

NOW, THEREFORE, Be It Resolved by the City Council of the City of Cumming, Iowa, as follows:

Section 1. The City Council hereby determines to enter into the Loan Agreement in the future and orders that General Obligation Corporate Purpose bonds or notes be issued at such time in evidence thereof. The City Council further declares that this resolution constitutes the “additional action” required by Section 384.24A of the Code of Iowa.

Section 2. Further action with respect to the Loan Agreement is hereby adjourned to the City Council meeting on November 12, 2024.

Section 3. All resolutions or parts thereof in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 4. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved this October 28, 2024.

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Mayor

Attest:

---

City Clerk

• • • •

At the conclusion of the meeting, and upon motion and vote, the City Council adjourned.

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Mayor

Attest:

---

City Clerk

**ATTESTATION CERTIFICATE**

STATE OF IOWA  
COUNTY OF WARREN  
CITY OF CUMMING

SS:

I, the undersigned, City Clerk of the City of Cumming, do hereby certify that attached hereto is a true and correct copy of the proceedings of the City Council relating to the public hearing and additional action on the City Council's intention of entering into a certain Loan Agreement in the future.

WITNESS MY HAND this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
City Clerk

**Resolution 2024-43**  
**City of Cumming**

**Resolution Accepting Design Choices for Old Town Sewer and Stormwater Project**

**WHEREAS**, the City of Cumming is committed to improving the infrastructure and management of sewer and stormwater systems to enhance public health, safety, and environmental quality; and

**WHEREAS**, the City of Cumming has undertaken a comprehensive review and planning process to identify the most effective design choices for the sewer and stormwater project; and

**WHEREAS**, the proposed design choices have been developed in consultation with engineering experts, stakeholders, and the community to ensure they meet current and future needs; and

**WHEREAS**, the City of Cumming has reviewed the proposed design choices and finds them to be in the best interest of the community;

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

1. Approval of Design Choices: The design choices for the sewer and stormwater project, as detailed.
2. Authorization to Proceed: The City Administrator is hereby authorized and directed to proceed with the implementation of the approved design choices, including but not limited to, finalizing design plans, obtaining necessary permits, and initiating construction.
3. Funding and Budget: The City Clerk/Finance Officer is authorized to allocate and expend funds as necessary from the approved budget for the sewer and stormwater project to implement the design choices.
4. Reporting and Oversight: The City Administrator shall provide regular updates to the City Council on the progress of the project, including any significant changes to the design or budget.
5. Effective Date: This resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** by the City Council of the City of Cumming on this 14<sup>th</sup> day of October, 2024.

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

Attest: \_\_\_\_\_  
Nichole Onstot, City Clerk/Finance Officer





ENGINEER'S OPINION OF PROBABLE COST

Base Bid  
 Bid Alternate 1: PCC  
 Bid Alternate 2: HMA

SANITARY SEWER IMPROVEMENTS PROJECTS  
 CITY OF CUMMING, IOWA

JULY 23, 2024

Item No.	Item Code	Item Description	Unit	Quantity			Unit Price	Extended Price		
				Base	Alt. 1	Alt. 2		Base	Alt. 1	Alt. 2
1	2010-A	Clearing and Grubbing	UNIT	497			\$ 70.00	\$ 34,776.00	\$ -	\$ -
2	2010-D-1	Topsoil, On-Site	CY	3,380			\$ 21.00	\$ 70,980.00	\$ -	\$ -
3	2010-E	Excavation, Class 10	CY	9,000			\$ 15.00	\$ 135,000.00	\$ -	\$ -
4	2010-G	Subgrade Preparation	SY	26,982			\$ 2.50	\$ 67,454.28	\$ -	\$ -
5	2010-J	Subbase, Modified, 6 in.	SY	26,982			\$ 15.00	\$ 404,725.66	\$ -	\$ -
6	2010-M	Compaction Testing	LS	1			\$ 5,000.00	\$ 5,000.00	\$ -	\$ -
7	3010-F	Trench Compaction Testing	LS	1			\$ 3,000.00	\$ 3,000.00	\$ -	\$ -
8	4010-A-1	Sanitary Sewer Gravity Main, Trenched, PVC, 8 in.	LF	6,439			\$ 85.00	\$ 547,349.51	\$ -	\$ -
9	4010-E	Sanitary Sewer Service Stub, PVC, 4 in.	LF	4,116			\$ 60.00	\$ 246,981.54	\$ -	\$ -
10	4010-H	Removal of Sanitary Sewer, PVC, 6 in.	LF	3,658			\$ 10.00	\$ 36,580.00	\$ -	\$ -
11	4010-999-A	Building Sanitary Sewer Service Connection	EA	70			\$ 1,100.00	\$ 77,000.00	\$ -	\$ -
12	4010-999-B	Abandon Septic Tank	EA	70			\$ 5,000.00	\$ 350,000.00	\$ -	\$ -
13	4020-A-1	Storm Sewer, Trenched, RCP, 15 in.	LF	3,384			\$ 85.00	\$ 287,666.35	\$ -	\$ -
14	4020-A-1	Storm Sewer, Trenched, RCP, 18 in.	LF	585			\$ 95.00	\$ 55,619.65	\$ -	\$ -
15	4020-A-1	Storm Sewer, Trenched, RCP, 24 in.	LF	740.9			\$ 105.00	\$ 77,789.25	\$ -	\$ -
16	4020-A-1	Storm Sewer, Trenched, RCP, 30 in	LF	424.9			\$ 140.00	\$ 59,479.00	\$ -	\$ -
17	4020-D	Removal of Storm Sewer, PVC, 6 in.	LF	60			\$ 8.00	\$ 480.00	\$ -	\$ -
18	4020-D	Removal of Storm Sewer, PVC, 12 in.	LF	374.0			\$ 10.00	\$ 3,740.00	\$ -	\$ -
19	4030-B	Pipe Apron, RCP, 15 in.	EA	1			\$ 1,700.00	\$ 1,700.00	\$ -	\$ -
20	4030-B	Pipe Apron, RCP, 18 in.	EA	1			\$ 1,900.00	\$ 1,900.00	\$ -	\$ -
21	4030-B	Pipe Apron, RCP, 30 in.	EA	1			\$ 2,500.00	\$ 2,500.00	\$ -	\$ -
22	4040-A	Subdrain, Type 1, PVC, 6 in.	LF	8,342			\$ 20.00	\$ 166,840.00	\$ -	\$ -
23	4040-C-1	Subdrain Cleanout, Type A-2, PVC, 6 in.	EA	10			\$ 675.00	\$ 6,750.00	\$ -	\$ -
24	4040-D	Subdrain Outlets and Connections, PVC, 6 in.	EA	49			\$ 400.00	\$ 19,600.00	\$ -	\$ -
25	6010-A	Manhole, SW-301, 48 in.	EA	25			\$ 8,000.00	\$ 200,000.00	\$ -	\$ -
26	6010-A	Manhole, SW-401, 48 in.	EA	6			\$ 5,000.00	\$ 30,000.00	\$ -	\$ -
27	6010-A	Manhole, SW-401, 60 in.	EA	3			\$ 7,500.00	\$ 22,500.00	\$ -	\$ -
28	6010-A	Manhole, SW-401, 72 in.	EA	1			\$ 10,000.00	\$ 10,000.00	\$ -	\$ -
29	6010-B	Intake, SW-501	EA	4			\$ 5,000.00	\$ 20,000.00	\$ -	\$ -
30	6010-B	Intake, SW-503	EA	1			\$ 6,000.00	\$ 6,000.00	\$ -	\$ -
31	6010-B	Intake, SW-505	EA	16			\$ 7,000.00	\$ 112,000.00	\$ -	\$ -
32	6010-B	Intake, SW-506	EA	14			\$ 9,000.00	\$ 126,000.00	\$ -	\$ -
33	6010-B	Intake, SW-511	EA	11			\$ 4,000.00	\$ 44,000.00	\$ -	\$ -
34	6010-G-1	Connection to Existing Manhole	EA	1			\$ 2,000.00	\$ 2,000.00	\$ -	\$ -
35	6010-H-1	Remove Manhole	EA	13			\$ 850.00	\$ 11,050.00	\$ -	\$ -
36	6010-H-2	Remove Intake	EA	9			\$ 850.00	\$ 7,650.00	\$ -	\$ -
37	7010-A	Pavement, PCC, 8 in.	SY		23,198	1,141	\$ 70.00	\$ -	\$ 1,623,856.18	\$ 79,864.40
38	7010-E	Curb and Gutter, 3.0 ft., 7 in.	LF			9,754	\$ 65.00	\$ -	\$ -	\$ 634,032.36
39	7010-I	PCC Pavement Samples and Testing	LS	1			\$ 5,000.00	\$ 5,000.00	\$ -	\$ -
40	7020-A	Pavement, Asphalt, Base Course, 1/2 in., 58-28S	TON			3,870	\$ 120.00	\$ -	\$ -	\$ 464,378.19
41	7020-A	Pavement, Asphalt, Intermediate Course, 1/2 in., 58-28S	TON			1,463	\$ 120.00	\$ -	\$ -	\$ 175,544.47
42	7020-A	Pavement, Asphalt, Surface Course, 1/2 in., 58-28S	TON			1,458	\$ 120.00	\$ -	\$ -	\$ 174,988.67
43	7030-A-1	Removal of Sidewalk	SY	2,371			\$ 12.00	\$ 28,455.60	\$ -	\$ -
44	7030-A-3	Removal of Driveway	SY	740			\$ 12.00	\$ 8,880.00	\$ -	\$ -
45	7030-E	Sidewalk, PCC, 4 in.	SY	2,327			\$ 65.00	\$ 151,249.15	\$ -	\$ -
46	7030-E	Sidewalk, PCC, 6 in.	SY	571			\$ 80.00	\$ 45,672.00	\$ -	\$ -
47	7030-G	Detectable Warnings	SF	300			\$ 50.00	\$ 15,000.00	\$ -	\$ -
48	7030-H-1	Driveway, Paved, PCC, 6 in.	SY	3,240			\$ 65.00	\$ 210,587.00	\$ -	\$ -



ENGINEER'S OPINION OF PROBABLE COST

Base Bid  
 Bid Alternate 1: PCC  
 Bid Alternate 2: HMA

SANITARY SEWER IMPROVEMENTS PROJECTS  
 CITY OF CUMMING, IOWA

JULY 23, 2024

Item No.	Item Code	Item Description	Unit	Quantity			Unit Price	Extended Price		
				Base	Alt. 1	Alt. 2		Base	Alt. 1	Alt. 2
49	7030-H-3	Driveway, Granular, 4 in.	TON	416			\$ 30.00	\$ 12,469.80	\$ -	\$ -
51	7040-H	Pavement Removal	SY	19,155			\$ 10.00	\$ 191,550.00	\$ -	\$ -
52	8030-A	Temporary Traffic Control	LS	1			\$ 60,000.00	\$ 60,000.00	\$ -	\$ -
53	8040-I	Remove and Reinstall Traffic Signs	EA	31			\$ 300.00	\$ 9,300.00	\$ -	\$ -
54	9010-B	Hydraulic Seeding, Seeding, Fertilizing, and Mulching, Type 1	ACRE	3.2			\$ 5,000.00	\$ 16,000.00	\$ -	\$ -
55	9040-A-2	SWPPP Management	LS	1			\$ 4,000.00	\$ 4,000.00	\$ -	\$ -
56	9040-D-1	Filter Sock, 9 in.	LF	10,650			\$ 2.50	\$ 26,625.00	\$ -	\$ -
57	9040-D-2	Filter Sock, Removal	LF	10,650			\$ 0.50	\$ 5,325.00	\$ -	\$ -
58	9060-D	Removal and Reinstallation of Existing Fence, Chain Link, 48 in.	LF	71			\$ 50.00	\$ 3,550.00	\$ -	\$ -
59	11010-A	Construction Survey	LS	1			\$ 15,000.00	\$ 15,000.00	\$ -	\$ -
60	11020-A	Mobilization	LS	1			\$ 400,000.00	\$ 400,000.00	\$ -	\$ -
61	11030-A	Maintenance of Postal Service	LS	1			\$ 5,000.00	\$ 5,000.00	\$ -	\$ -
62	11030-B	Maintenance of Solid Waste Collection	LS	1			\$ 5,000.00	\$ 5,000.00	\$ -	\$ -
63	11050-A	Concrete Washout	LS	1			\$ 5,000.00	\$ 5,000.00	\$ -	\$ -
Subtotals (ROUNDED):								\$ 4,478,000.00	\$ 1,624,000.00	\$ 1,529,000.00
Contingency (10%):								\$ 448,000.00	\$ 162,000.00	\$ 153,000.00
Total (by Division):								\$ 4,926,000.00	\$ 1,786,000.00	\$ 1,682,000.00
BASE BID PLUS BID ALTERNATE (ROUNDED):									\$ 6,712,000.00	\$ 6,608,000.00

<b>Cost Category</b>	<b>Estimated Total Cost in \$</b>
Legal Expenses	20,000
Land and Easements	+ -
Engineering Planning Fees	+ 65,000
Engineering Design Fees	+ 260,000
Engineering Construction Fees	+ 260,622
Construction	+ 3,003,110
Equipment	+ -
Other:	+
Other:	+
<b>PROJECT SUBTOTAL</b>	= 3,608,732
Contingencies	+ 600,622
Planning and design loan proceeds, if rolling into construction loan	+ -
Less Any Funds Requested from Other Sources	- -
<b>LOAN SUBTOTAL</b>	= 4,209,354
Loan Initiation Fee (Loan Subtotal x .005)	+ 21,047
<b>TOTAL IUP REQUEST (Round to the nearest \$1,000)</b>	= 4,231,000

