

**State of Iowa
City Development Board
Meeting Minutes of April 8, 2020
Iowa Economic Development Authority/IFA
1963 Bell Avenue, Suite 200, Helmick Conference Room
Des Moines, Iowa
VIRTUAL MEETING DUE TO CORONAVIRUS**

Call to order 1:00 p.m.

Present

Dennis Plautz, Board Chairperson*
Jim Halverson, Board Vice Chairperson*
Mari Bunney*
Chris McKee*
Mackenzie O'Hair*

Others Present

Matt Rasmussen, Administrator, City Development Board
Betty Hessing, Administrative Assistant, City Development Board
Emily Willits, Iowa Department of Justice*
Alecia Meuleners, City Attorney, City of Grimes*
Alex Pfaltzgraff, Development Services Director, City of Grimes*
Maggie Murray, Planning & Comm. Development Director, City of Bondurant*
Seth Gunnerson, Sr. Planner, Comm. Development & Planning Dept.,
City of Cedar Rapids*
Ken DeKeyser, Development Services Manager, City of Cedar Rapids*
Jennifer Pratt, Community Development Director, City of Cedar Rapids*
Kelley Gaul-Houser, 6271 Edgewood Rd. SW, Cedar Rapids*
Todd Stelling, Cedar Rapids*
Shawn Christ, Development Services Director, City of Oskaloosa*

*Participated via teleconference

Introduction by Chairperson, Dennis Plautz

Roll Call by Matt Rasmussen, Board Administrator

All Board Members were present via teleconference.

Request for amendments to agenda

Motion by	Jim Halverson
Motion	I move to approve the agenda as printed.
Second	Mackenzie O'Hair
Roll Call	All ayes. Motion approved.

Consideration of March 11, 2020, business meeting minutes

Motion by Mari Bunney
Motion I move the minutes of March 11, 2020, be approved as printed and distributed.
Second Jim Halverson
Roll Call All ayes. Motion approved.

New Business

UA20-09
Grimes
Matt Rasmussen reported this was a 100% voluntary annexation consisting of 3.65 acres for the City of Grimes. The City of Grimes's Comprehensive Land Use Plan identifies this area in its Land Use Map as future Low Density Residential, which emphasizes single-family detached development, although innovative single-family forms may be permitted with special review. The developer of this property intends to divide the parcel into two lots for purposes of constructing single family homes consistent with the Land Use Plan. In connection with this development, the owner desires to receive city services. The city services that will be provided include, but are not limited to, water and sanitary sewer. The annexation territory is not subject to an existing moratorium agreement and it does appear to be complete and properly filed.

Alex Pfaltzgraff, Development Services Director for the City of Grimes, was present to answer questions of Board members. No questions were asked.
Motion by Mackenzie O'Hair
Motion I move the Board find UA20-09 as complete and properly filed and in the public interest and that it be approved.
Second Chris McKee
Roll Call All ayes. Motion approved.

NC20-10
Bondurant
Matt Rasmussen reported this was an 80/20 annexation request for the City of Bondurant. The total acres are 36.71, with 2 acres being non-consenting. This annexation application was submitted to the City as a result of a proposed subdivision within the consenting annexation area. The non-consenting area consists of two parcels—one is used as a single-family detached dwelling and the other contains a foundation of a former barn building located on this property.
As required by Section 180.05 of the City's Subdivision Code, titled Subdivision Design Standards, water mains, sanitary sewer lines, and storm sewers shall be constructed and installed in accordance with standards of Statewide Urban Design and Specifications.

The territory proposed to be annexed is not subject to an annexation moratorium agreement and Matt Rasmussen reported that this packet does appear to be complete and properly filed.

Mr. Halverson asked where the non-consenting property was on the map and Matt Rasmussen explained if you look at the zoomed-in color map, this annexation area is the area that's outlined in purple. On the southeast corner of that area, there are two small parcels outlined in orange and that's where the non-consenting parcels are.

Chris McKee asked what the property was to be used for or zoned as if annexed. Maggie Murray, Planning & Community Development Director for the City of Bondurant, replied the consenting portion was recently re-zoned from unincorporated which would have been agricultural, once it's annexed to the city's medium density residential R2 zoning district.

No other comments or questions were asked.

Motion by
Motion

Jim Halverson

I move the Board find NC20-10 as complete and properly filed and that a date for a public hearing be scheduled.

Second
Roll Call

Mackenzie O'Hair

All ayes. Motion approved.

The Board tentatively scheduled the Bondurant Public Hearing for May 13, 2020, at 1:30 p.m. Stay tuned if it will be in-person or via audio/video

UA20-11
Cedar Rapids

Matt Rasmussen reported this was a 100% voluntary annexation request consisting of 31.04 acres for the City of Cedar Rapids. The proposed annexation area is largely undeveloped, except for two utility buildings. The Future Land Use Map designation for the property is Urban Large Lot and Agricultural. The territory is planned primarily for residential development.

The proposed territory has access to all utilities. The extensions were completed by the applicant in previous adjacent developments to the east. This territory is not subject to a moratorium agreement and it does appear to be complete and properly filed.

Seth Gunnerson, Senior Planner for the City of Cedar Rapids, was present to answer questions of Board members and others.

Todd Stelling, adjacent property owner, asked when they were planning to develop this property. Seth Gunnerson

replied the developer is talking with Cedar Rapids' Development Services Department to begin in the relatively near future. Mr. Gunnerson's assumption would be later this year or next year. Also, if this annexation were to go through, as an adjacent property owner, you would receive notification of zoning changes and preliminary plats when those go through. Mr. Stelling also had concerns regarding where the exact property lines are—the fence lines or the stake lines. Ken DeKeyser, Development Services Manager for Cedar Rapids, replied that they would expect during the platting of that project, that the licensed land surveyor that's working with the developer, would be able to give us some more definitive boundary. If the surveyor comes up with something you didn't agree with, then it would have to go to the Courts. The City wouldn't adjudicate on a boundary line issue. The land surveyor will make the boundary determination and you can examine those documents when we get them. As this goes to re-zoning, you will get notice and you can raise that concern then and we can at that point, even talk to the surveyor.

Chairperson Plautz stated it's determined by survey and legal descriptions and it's not something the City can influence or certainly this Board can influence. Emily Willits, Attorney for City Development Board, agreed with what Dennis Plautz stated and encouraged Mr. Stelling to consult with his attorney if he had a question about his own boundary line. Chairperson Plautz said it will be pinned when the land gets subdivided and then you will know what's being annexed and what isn't. If one party doesn't agree with the placement of those pins, then it could be resolved by the Courts. Ken DeKeyser stated the pins are evidence of the property line and if you disagree with where the developer's surveyor placed those pins, you could hire your own surveyor to determine whether the other guy made a good call on that. This Board, as well as the City, bases our annexation descriptions and rezoning descriptions on the deeds. For those purposes, any kind of rezoning or an annexation could go through because it's the deed description. The actual physical boundary is determined in the ground by the platting which will come later. A boundary dispute would be insufficient to allow an annexation or rezoning, because we're using a deed description which is generally what the Court's go by. It's up to the surveyor and property owner to retrace those deeds. Mr. Stelling thanked Mr. DeKeyser.

Motion by
Motion

Jim Halverson

I move the Board find UA20-11 as complete and properly filed and in the public interest and that it be approved.

Second
Roll Call

Chris McKee
All ayes. Motion approved.

UA20-12
Cedar Rapids

Matt Rasmussen reported this was a 100% voluntary annexation to the City of Cedar Rapids consisting of 394.69 acres. The City's Future Land Use Map identifies the land to be annexed as "Employment Reserve", which the Comp Plan and the Zoning Code identify as being suitable for a variety of employment based uses, including industrial, office and supporting commercial activities. The annexation is also part of what the State of Iowa's Economic Development Authority recognizes as the Big Cedar Mega Site and the intent of the applicant is to market this land for industrial or commercial related development. The proposed annexation area is largely agriculture, except one occupied single family home and railroad right-of-way.

Water, sanitary sewer and storm sewer are all available at the eastern edge of the annexation area. There is no existing moratorium agreement. There was one with Fairfax, but that agreement has expired. This is consistent with that expired agreement. Matt Rasmussen reported this annexation appears to be complete and properly filed.

Seth Gunnerson, Sr. Planner for Cedar Rapids; Ken DeKeyser, Development Services Manager for the City of Cedar Rapids; and Jennifer Pratt, Community Development Director for the City of Cedar Rapids; were present to answer questions.

Kelley Gaul-Houser, resident at 6271 Edgewood Rd. SW in Cedar Rapids, stated she was the only residential property that is adjacent to this proposed annexation. The house across the street is no longer occupied. Kelley's main concern is the traffic load on Edgewood Road SW; it's intense and adding more industrial to this road is going to greatly impact and increase that. Ms. Gaul-Houser stated she is also concerned about the property value of her home and if it will significantly decrease. She's also concerned of what will be coming behind her property and across the street.

Chairperson Plautz asked if Ms. Gaul-Houser's property was in Section 18 and Ken DeKeyser replied her property was in Section 18, NW quarter of that section.

Chairperson Plautz asked the City to address her questions. Ken DeKeyser stated that regarding traffic, the proposed annexation falls within our Comprehensive Plan for what's called "Employment Reserves" which is

intended more for industrial use. We do have in our plans, with any new development coming in, a plan to improve the traffic—the road network out there. We can't just let this large acreage subdivide without having plans like that. There are already things in the works presently, for getting the road improvements to Edgewood Road in the form of widening with turn lanes as well as 76th Avenue to the South. Those would be done in connection with any development of the property.

Ms. Gaul-Houser wanted in the record that she is starting a business on her property and she's concerned with the amount of traffic on the road and that her clients will be able to pull in and out of her driveway with subcontractors working on the project. One of the features of her business is she's going to be utilizing the walking circle and so if the City cuts into her property too much and she's not able to use that, it will affect her business. Thus, she is concerned. Ken DeKeyser replied that he understood and that they wouldn't propose any kind of disruption without having a good plan and good discussion with her about how to make things whole again.

Seth Gunnerson stated that in that part of town, it's generally zoned light general industrial. In the future Land Use Map, this area will be zoned generally industrial. Chairperson Plautz asked if this was an approved certified mega site by the State and Mr. Gunnerson replied that it was.

Jim Halverson stated that issues related to direct impacts on properties, as well as zoning, are things that do come up periodically. Albeit we've been consistent in allowing for local jurisdictions such as Planning Commissions and City Council's to address those issues on a case-by-case basis. Traditionally, the focus of the City Development Board has been on addressing the feasibility and reasonableness of allowing for an annexation to materialize. This type of concern would fall more within the local fray.

Kelley Gaul-Houser apologized, but stated that she just bought this property in June and she was unaware that this annexation proposal was happening. Chairperson Plautz stated the purpose of this Board was to look at annexation law and not to really get involved in Land Use Planning that is done by the City. Chairperson Plautz completely agreed with Mr. Halverson's comments.

Motion by
Motion

Jim Halverson

I move the Board find UA20-12 as complete and properly filed and in the public interest and that it be approved.

Second
Roll Call

Chris McKee
All ayes. Motion approved.

UA20-13
Oskaloosa

Matt Rasmussen reported this was a 100% voluntary annexation petition for the City of Oskaloosa, consisting of 16.42 acres. Annexation is sought by the owner and City to facilitate land use and redevelopment of land on a highway entry corridor into the City of Oskaloosa. Oskaloosa has a Comprehensive Plan and all recommendations within the plan will be followed. This property is recommended for commercial/industrial "business park" land uses and is located between two established industrial parks. Property shall be zoned General Industrial. City services, including streets and utilities, are already provided to this site.

The proposed territory to be annexed is not subject to an existing moratorium agreement and it appears to be complete and properly filed.

Shawn Christ, Development Services Director for the City of Oskaloosa, was present to answer questions. No questions were asked.

Motion by
Motion

Mari Bunney
I move the Board find UA20-13 as complete and properly filed and in the public interest and that it be approved.

Second
Roll Call

Mackenzie O'Hair
All ayes. Motion approved.

Staff Reports

Matt Rasmussen stated that as of today, we don't have any new business for May City Development Board agenda.

Emily Willits wanted to make sure that if we do have the Bondurant Public Hearing in May, we need to make sure there is audio and video available if it can't be held in-person. We also need to make sure the non-consenting owner can access everything, whether that means the City sending paper copies of their exhibit packet to everyone, including to the non-consenting owners so everyone has a paper copy in-hand. Chairperson Plautz stated that we should make sure everyone is connected twenty minutes ahead of time and that they have access to everything.

Matt Rasmussen replied that we will send notices to everyone regarding the logistics of the public hearing. Matt stated that another option would be for him to contact the City of Bondurant and see if we could possibly have the hearing in Bondurant. Emily Willits said she's reluctant to having people gather in-person if we

are still under the same recommendations as we are today.

Matt Rasmussen said we'll hold off on sending "Notice of Public Hearing" mailings out until we get closer to the meeting date so we will know how to proceed.

Future Meeting & Public Hearing

Tentatively scheduled for May 13, 2020, at 1:00 p.m., City Development Board Business Meeting at IEDA/IFA, 1963 Bell Ave., Ste. 200, Helmick Conference Room, Des Moines, Iowa

Tentatively scheduled for May 13, 2020, at 1:30 p.m., Public Hearing for NC20-10, Bondurant either in-person at IEDA/IFA, 1963 Bell Ave., Ste. 200, Helmick Conference Room, Des Moines, or via audio/video

Adjourn 1:47 p.m.

Respectfully Submitted,
Betty Hessing, Administrative Assistant