

**State of Iowa
City Development Board
Meeting Minutes of June 14, 2023
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200, Helmick Conference Room
Des Moines, Iowa**

Call to order 1:00 p.m.

Board Members Present

Dennis Plautz, Board Chairperson
Jim Halverson, Board Vice Chairperson
Laura Skogman
Thomas Treharne

Absent

Chris McKee

Others Present

Matt Rasmussen, Administrator, City Development Board
Betty Hessing, Administrative Assistant, City Development Board
Eric Dirth, Iowa Department of Justice
Vicky Clinkscales, IT Department, IEDA
Amy Beattie, Brick Gentry P.C., City Attorney representing Ankeny
Eric Jensen, Director of Community Development, City of Ankeny
Adam Shoepner, Nilles Associates Inc.
Dennis Albaugh, Owner, D.R.A. Properties, L.C.
Ashley Johnson, COO, D.R.A. Properties, L.C.
Matt Farver, Vice President of Construction, D.R.A. Properties, L.C.
Jeff Hanson, Business Development, McClure Engineering
Tammi Dillavou, City Administrator, City of Mitchellville
Nicholas Murrow, Mayor, City of Mitchellville*
Wally Wernimont, Planning Services Manager, City of Dubuque
Jason Duba, Assistant Planner, City of Dubuque
Barry Lindahl, City Attorney, City of Dubuque*
Shawn Christ, Development Services Director, City of Oskaloosa*
Andrew Ritland, Mahaska County Attorney*
Jeff Wozencraft, Community Devl. & Planning Dept., City of Cedar Rapids*
Jace Mikels, Iowa Senate Democratic Caucus Staff*
Bret VandeLune, Planning & Development Manager, Polk County*
Lori Judge, IDOT*
Anthony Volz, IDOT*
Nathan Aronson, IDOT*
Christopher Higgins, The Des Moines Register*

*Participated via Teams Webinar

Introduction by Chairperson Dennis Plautz

Roll Call by Matt Rasmussen, Board Administrator

Four board members were present; a quorum was established.

Request for amendments to agenda

Motion by Jim Halverson
Motion I move to approve the agenda as presented.
Second Thomas Treharne
Roll Call All ayes. Motion approved.

Consideration of May 10, 2023 Business Meeting Minutes

Motion by Jim Halverson
Motion I move the meeting minutes of May 10, 2023 be approved as printed and distributed.
Second Thomas Treharne
Roll Call All ayes. Motion approved.

Old Business

NC23-02
Ankeny

Matt Rasmussen explained that after an annexation is approved, the process is we hold it for thirty days in case there is an appeal. In this Ankeny annexation, there was an appeal. What we would normally do is not file it until the appeal is over. There is some confusion in the Iowa Administrative Code and the rules are not clear as to whether or not you should or should not file. There was an Altoona case a couple months ago, where there was an 80/20 that got appealed and the Altoona attorney filed a similar motion to proceed and the Board approved the motion to proceed with filing. We have a very similar motion today from Ankeny. Matt Rasmussen displayed a map showing the annexation territory and Mr. Campbell's property—the person who filed the appeal. Matt Rasmussen stated that before the Board is a "Motion to Proceed with Filing of Annexation Records" from the City of Ankeny.

Chairperson Plautz asked Eric Dirth to comment. Mr. Dirth stated we have had two recent cases where there have been appeals that are currently in District Court and in both those cases, the Board has gone ahead and filed the documents. As Matt Rasmussen appropriately stated, it is somewhat ambiguous in Iowa Code, whether or not the documents have to be held, so I think that is why we saw the motion last time and why we received again this time. I feel comfortable defending the Board on either basis, so it is the Board's decision.

Chairperson Plautz asked if anyone had a comment. Amy Beattie, attorney on behalf of the City of Ankeny, stated that Dennis Albaugh and representatives of the property owner were also present. Amy Beattie stated the only person who had appealed the Board's annexation decision was the person who was added for purposes of making a uniform border. Amy Beattie stated we do request that you proceed to allow us to file and record the annexation so the property owner and the City can proceed with the development of that property.

Amy Beattie stated that Mr. Albaugh would like to speak.

Dennis Albaugh, owner of D.R.A. Properties, L.C., stated it is a beautiful piece of property in Ankeny and he has been developing property for years in Ankeny. I appreciate you considering this—it is property that we paid a lot of money for and costs are on-going monthly and we would like to get going with sewer, water and get streets paved before the snow flies. I appreciate your consideration of trying to give the City permission to let me get started. Thank you.

Chairperson Plautz asked if anyone else would like to comment; no one did. He then came back to the Board for questions, comments or motions.

Thomas Treharne stated there is a development proposal for the property, so I am assuming they will have to go through the rezoning and platting process—Chairperson Plautz replied they will have to go through all the local controls—Thomas Treharne stated that if this is challenged and taken to court, that could be something that could happen without the Board's involvement. I would hate to hold-up a development and a property owner who has submitted a petition, so I would make a motion to proceed with filing.

Motion by
Motion

Thomas Treharne

I move to accept the City of Ankeny's "Motion to Proceed with Filing of Annexation Records" for NC23-02.

Second
Roll Call

Laura Skogman

All ayes. Motion approved.

New Business

UA23-10
Dubuque

Matt Rasmussen reported this is a 100% voluntary annexation petition for the City of Dubuque consisting of 2.804 acres.

The annexation territory is comprised of agricultural land east of Cottingham Road and south of Seippel Road. The

subject lot is in Dubuque County, just outside the City of Dubuque limits, and is in the process of being rezoned to become part of the Planned Unit Development that defines the Dubuque Industrial Center South. The proposed annexation is within two miles of the City of Asbury.

The submitted annexation request is to allow for development of an industrial warehouse in the Dubuque Industrial Center South PUD.

The City of Dubuque has the capacity to provide substantial municipal services to the annexation territory. Those city services include water, sanitary sewer, police, fire and emergency response. Future street access will be provided from Seippel Road and from Simmons Way.

The proposed annexation territory is not subject to an existing annexation moratorium agreement and the packet appears to be complete and properly filed.

Wally Wernimont, Planning Services Manager for the City of Dubuque, was present to explain further and answer questions.

Motion by
Motion

Jim Halverson

I move the Board finds UA23-10 as complete and properly filed and in the public interest and that it be approved.

Second
Roll Call

Thomas Treharne

All ayes. Motion approved.

UA23-11
Cedar Rapids

Matt Rasmussen reported this is a 100% voluntary annexation petition for the City of Cedar Rapids and consists of 10.33 acres.

The application was reviewed by all city departments. No concerns with municipal services were raised. The site is adjacent to the city limits and therefore near existing service areas for all city services. The Future Land Use Map designation for the proposed annexation is Urban Low Intensity, which would be suitable for a variety of residential and small scale commercial development. The City of Cedar Rapids believes that the annexation area provides for orderly growth and does not create irregular boundaries.

The area to be annexed is not subject to a moratorium agreement and Mr. Rasmussen reported that the packet appears to be complete and properly filed.

Jim Halverson stated that he does serve on the Planning

Commission for Cedar Rapids. This is not part of the jurisdiction, but he wanted to put this in the record. He does intend in participating in the vote today. Annexation issues are not things the Planning Commission handles.

Chairperson Plautz asked if we had representatives from Cedar Rapids present. Jeff Wozencraft, Community Development & Planning Department for the City of Cedar Rapids, was participating virtually to answer questions. No questions were asked.

Motion by
Motion

Tom Treharne

I move the Board finds UA23-11 as complete and properly filed and in the public interest and that it be approved.

Second
Roll Call

Jim Halverson

All ayes. Motion approved.

NC23-12
Cedar Rapids

Matt Rasmussen reported this is an 80/20 annexation petition for the City of Cedar Rapids and it is within two miles of Swisher and Shueyville. The proposed annexation consists of 44.11 total acres including right-of-way and 40.61 excluding right-of-way. It has 12% or 4.9 acres of non-consenting property.

The area proposed to be annexed is immediately adjacent to the existing corporate limits of the City of Cedar Rapids. The addition of the non-consenting property creates more regular boundaries. The city's Future Land Use Map identifies the land to be annexed as "Urban Medium Intensity", which the Comp Plan and the Zoning Code identify as being suitable for a variety of residential, commercial and light industrial uses.

The application was reviewed by all city departments and no concerns with municipal services were raised. The site is adjacent to the city limits and therefore near existing service areas for all city services and adjacent to proposed road improvements.

The area to be annexed is not subject to an annexation agreement with Shueyville and aligns with an annexation moratorium agreement with the City of Swisher.

Mr. Rasmussen stated the packet does appear to be complete and properly filed.

Jeff Wozencraft, Community Development & Planning Department for the City of Cedar Rapids, was participating virtually to answer questions. Jim Halverson asked Mr. Wozencraft if this was in Johnson County and Mr. Wozencraft replied that it was in Linn County, just

north of the boundary.

Thomas Treharne asked if the City of Cedar Rapids reached out to adjacent property owners to determine if there were additional voluntary annexation requests and also, as part of the non-consenting, was a transition of taxes being offered. Mr. Wozencraft replied they did reach out to the non-consenting property owner and had no response. City staff reached out to the adjacent property owners as part of the annexation process and the petitioner is an adjacent property owner as well. We have not discussed property tax adjustments. Mr. Treharne thanked Mr. Wozencraft. No other questions were asked.

Motion by
Motion

Jim Halverson

I move the Board finds NC23-12 as complete and properly filed and that a date for a public hearing be scheduled.

Second
Roll Call

Laura Skogman

All ayes. Motion approved.

Matt Rasmussen stated that regarding a date for a public hearing, typically what we do is hold the hearing next month after the regular City Development Board meeting. I do know that Chris McKee will not be present next month. An 80/20 requires four affirmative votes. I will defer to the City of Cedar Rapids if they want to proceed next month at 1:30 p.m. with four Board members, or wait until August, when I would anticipate all five members being present. Jeff Wozencraft stated he will discuss with other city staff and get back to Matt Rasmussen. A public hearing was tentatively scheduled for 1:30 p.m. on July 12, 2023.

UA23-13
Mitchellville

Matt Rasmussen reported this is a 100% voluntary annexation petition for the City of Mitchellville consisting of 172.2 acres. This annexation territory is consistent with the short-term annexation priority of the Future Annexation Map in the City of Mitchellville's Comprehensive Plan Amendment 2022. If annexed, the property will remain zoned agriculture. At this time, the city does not have any plans to rezone this property. In the future, should that change, Mitchellville's plan for development will take into consideration and will be in accord with, to the maximum extent possible, the Smart Planning Principles as referenced in Iowa Code 18B.1.

The City of Mitchellville currently provides fire and EMS service to the property. The following municipal services would be extended to the annexed property: law enforcement, public works, parks and recreation. The property is currently served with a septic system and

water from Des Moines Water Works. The city has sewer lines north of the interstate that could be tapped into for future sanitary sewer service and the city is bringing watermains closer to this territory with Watermain Project Phase 3, scheduled to begin later this summer.

The proposed annexation territory is not subject to a moratorium agreement. Mr. Rasmussen reported that the packet appears to be complete and properly filed.

Available to answer questions and representing the City of Mitchellville were Jeff Hanson with McClure Engineering and Tammi Dillavou, City Administrator. Also participating virtually was Mayor Nicholas Murrow. No questions were asked.

Motion by
Motion

Tom Treharne
I move the Board finds UA23-13 as complete and properly filed and in the public interest and that it be approved.

Second
Roll Call

Laura Skogman
All ayes. Motion approved.

UA23-14
Oskaloosa

Matt Rasmussen showed a color aerial map of the annexation territory and reported this is a 100% voluntary annexation petition for the City of Oskaloosa consisting of 5.18 acres. This site, combined with an adjoining 9.7 acre site previously annexed into the city, will provide approximately 15 acres for future residential development. This property is recommended for medium density residential land uses and is located near existing residential homes and city streets. The plan includes multiple strategies to adapt and grow and to encourage infill development. This portion of western Oskaloosa was identified for new development, with a concept for single-family homes, duplexes and townhomes on this site.

The site is located in an area already served with city services. Sanitary sewer is on the property and water runs in front of the property on 3rd Avenue. Oskaloosa's recreation trail adjoins the site to the south.

The proposed territory to be annexed is not subject to an existing moratorium agreement and Mr. Rasmussen reported that the packet appears to be complete and properly filed.

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

Motion by

Jim Halverson

Motion I move the Board finds UA23-14 as complete and properly filed and in the public interest and that it be approved.

Second Laura Skogman
Roll Call All ayes. Motion approved.

Staff Reports Matt Rasmussen stated he has been in communication the past couple months with the City of Randalia. They are trying to discontinue and get their financial affairs in order. Ultimately, they may have a little bit of a shortfall, but Fayette County is prepared to cover the shortfall and they would assess the residents of the former city if needed. This would be similar to what the Board would ultimately have to do if it came to the Board without it being taken care of. What happens with a discontinuance is the Board sits in the financial position of the city after it is discontinued for a period of six months to adjudicate claims. At the end of that six months, if there is a shortfall, the Board has the authority to levy taxes against those former residents to make-up the shortfall. In this case, Fayette County is prepared to do that so the Board will not have to do—the Board will just have to approve the discontinuance itself. They have some assets they are trying to dispose of and I think the Board will probably see this discontinuance next month. We also have a couple more annexations so we will plan to see everyone next month.

Eric Dirth stated on the Campbell/Ankeny case—that is on a petition for judicial review and has been scheduled for hearing on September 15th.

**Future Meeting/
Public Hearing** July 12, 2023 at 1:00 p.m., City Development Board Business Meeting at IEDA, 1963 Bell Ave., Suite 200, Helmick Conference Room, Des Moines or via Teams Webinar.

Tentatively scheduled for July 12, 2023 at 1:30 p.m., Cedar Rapids (NC23-12) Public Hearing at IEDA, 1963 Bell Ave., Suite 200, Helmick Conference Room, Des Moines or via Teams Webinar.

Adjourn 2:05 p.m.

Respectfully Submitted,
Betty Hessing, Administrative Assistant