

**State of Iowa
City Development Board
Meeting Minutes of July 12, 2023
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200, Helmick Conference Room
Des Moines, Iowa**

Call to order 1:01 p.m.

Board Members Present

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

Board Member 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
John Shaw, Community Development Director, City of Altoona
Natalie Jacobson, City Planner, City of Altoona
Frank Smith, Attorney, Representing City of Granger
Bob Veenstra, City Engineer, City of Granger
Kirk Bjorland, City Administrator, City of Granger
Benjamin Rouse, City Attorney, City of Granger*
Edgar Nunez, Collins Engineers, Inc.*
David Wilwerding, Community Development Director, City of Johnston
Amy Beattie, Attorney, Representing City of Johnston
Brent Nelson, Senior Planner, City of Sioux City*
Eric Jensen, Director of Community Development, City of Ankeny*
Jeff Wozencraft, Planner, City of Cedar Rapids*
Robert Rice, Public Works Director, Polk County*
Bret VandeLune, Planning & Development, Polk County*
Benjamin Whisnant, Polk County*
Tom Saxen, CEO/Chairman/Founder, League Commissioner*
David Dougherty, Business Development Director, HR Green, Inc.*
Cory Shannon, Project Engineer, HR Green, Inc.*
Chris Bengtson, Business Development Account Mgr., Black Hills Energy*
Eric Bohnenkamp, Director of Development, ATI Group*
Christopher Higgins, The Des Moines Register*
Aaron Vosmek, CEO, CR Signs, Inc.*
Lori Judge, IDOT*
Anthony Volz, IDOT*
Nathan Aronson, IDOT*
Evan Johnson, Legislative Services Agency, State of Iowa*
Jace Mikels, Iowa Senate Democratic Caucus Staff*
Eric, Rick & Erikka, Guests*

***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 Thomas Treharne
Motion I move to approve the agenda as presented.
Second Laura Skogman
Roll Call All ayes. Motion approved.

Consideration of June 14, 2023 Business Meeting Minutes

Motion by Thomas Treharne
Motion I move the Business meeting minutes of June 14, 2023 be approved as printed and distributed.
Second Laura Skogman
Roll Call All ayes. Motion approved.

New Business

UA23-15
Sioux City
Matt Rasmussen reported this is a 100% voluntary annexation request for the City of Sioux City consisting of 27.69 acres. The Siouxland Initiative (TSI) owns the proposed annexation parcel of land located along Allison Avenue, adjacent to the City of Sioux City. TSI requests that this parcel be annexed into the City of Sioux City.

The reason for the proposed annexation is for the expansion of Sioux City's premier industrial park, westerly rail extension. The current land use is agricultural and the proposed land use will be industrial development sites. Services proposed to be provided to the territory include water, sanitary sewer, storm sewer, fire and police protection and rail access.

This annexation is not subject to an annexation moratorium agreement. This annexation territory has a common boundary with a secondary road. Matt Rasmussen stated the petition appears to be complete and properly filed.

Brent Nelson, Senior Planner for the City of Sioux City, was present to answer questions.

Motion by Jim Halverson
Motion I move the Board finds UA23-15 as complete and properly filed and in the public interest and that it be approved.

Second
Roll Call

Thomas Treharne
All ayes. Motion approved.

UA23-16
Altoona

Matt Rasmussen stated this is a 100% voluntary annexation for the City of Altoona. It is 72.377 acres, which includes county right-of-way of 1.58 acres. The land is for future development use and is adjacent to a public street know as NE 56th Street in Polk County and 34th Avenue NE in the city. The site directly abuts with a major north-south arterial road. Sidewalks will be constructed as the site develops and will connect with the local and regional bike trail system. Water is nearby and directly adjacent to the property with a stub to the southeast of the territory, across 34th Avenue NW. The city is currently working with the property owners to install a sanitary sewer line through the property connecting to the Muchikinock sewer trunk. All other traditional city services will be available.

The territory proposed for annexation is not subject to an existing moratorium agreement. There is county owned right-of-way taken to the centerline, which was properly noticed. Matt Rasmussen reported that the packet appears to be complete and properly filed.

Motion by
Motion

John Shaw, Community Development Director for the City of Altoona, was present to answer questions. Laura Skogman
I move the Board finds UA23-16 as complete and properly filed and in the public interest and that it be approved.

Second
Roll Call

Thomas Treharne
All ayes. Motion approved.

NC23-17
Ankeny

Matt Rasmussen reported this is an 80/20 voluntary annexation request for the City of Ankeny consisting of 140.40 total acres, including road right-of-way, and 137.29 without road right-of-way. The non-consenting acreage is 26.11 or 19.02% of total area.

The annexation territory is currently identified as low-density residential and open space with consideration for existing topography, hydrology and other natural features. The City of Ankeny currently provides fire and EMS to the annexation territory and has the immediate fiscal and physical capability of extending other substantial municipal services to the annexation territory. Services include public water, sanitary sewer, law enforcement, public works, community development, library, parks and recreation.

This annexation is not subject to an annexation moratorium agreement. This annexation contains 3.11 acres of public road right-of-way and it was properly noticed. They are including the non-consenting to avoid the creation of an island and to provide for uniform boundaries. Mr. Rasmussen reported their packet appears to be complete and properly filed.

Eric Jensen, Community Development Director for the City of Ankeny, was present to explain further and answer questions.

Motion by
Motion

Thomas Treharne

I move the Board finds NC23-17 as complete and properly filed and that a date for a public hearing be scheduled.

Second
Roll Call

Laura Skogman

All ayes. Motion approved.

A public hearing was scheduled for 1:30 p.m. on August 9th. Mr. Rasmussen reported that he expects all five board members to be present at the August 9th meeting.

UA23-18
Granger

Matt Rasmussen reported this is a 100% voluntary annexation request to add property to the City of Granger. Granger seeks approval of the annexation of a tract of land within the urbanized areas of Johnston and Grimes and adjacent to Granger on its easterly and southeasterly boundary consisting of 503.197 acres, which includes 67.104 acres of Iowa DOT road right-of-way and 3.264 acres of Polk County road right-of-way and 432.829 acres of privately owned land.

Most of the annexing property owners have generational ties to Granger. None of the annexation petitions were solicited by Granger. The impetus for this annexation are (1) the recognition by the property owners that although the annexation territory is currently zoned agricultural, it is in a rapidly urbanizing area, and (2) their desire to remain a part of the Granger community and work with Granger as this development occurs. If this annexation is approved, a \$115,000,000 development known as Lambert's Landing is scheduled to immediately break ground. Hope K Farms is also proposing a development in the near future for this annexation territory. Granger's Comprehensive Plan anticipated urbanized development of the annexation territory; projected future land uses for commercial and various types of mixed and residential land uses; included a proposed transportation network and addressed utilities extensions.

Granger has the fiscal capability and physical capacities/capabilities of providing substantial municipal

services to the annexation territory. Services include wastewater; water; new Public Safety Building/City Hall; law enforcement; fire & EMS; public works; building, zoning, engineering, planning and related services; roads; library, parks & recreation.

This annexation is not subject to a moratorium agreement and the packet appears to be complete and properly filed. Mr. Rasmussen noted that the Board may have noticed that what was originally approved by Granger's City Council was a much larger annexation territory. Matt Rasmussen displayed the map and explained what is shown in purple and green was what was originally approved in January by the City Council. What is before the Board today is a portion of that, which is shown in green on the map.

Frank Smith, attorney representing the City of Granger and Kirk Bjorland, City Administrator for the City of Granger, were present to answer questions. Mr. Smith explained that Mr. Rasmussen has accurately summarized the information in the petition and he would request the Board's favorable consideration of this 100% voluntary annexation. The Board had no questions for Granger representatives.

Chair Plautz asked if anyone else had questions or comments. Amy Beattie, Brick Gentry Law Firm here today on behalf of the City of Johnston. We wanted to let you know, as you can probably tell from your packet, that the City of Johnston does not have any objection to the proposed annexation that is before you today. We do however, want to make sure from a procedural standpoint, that anything that is brought forth at a later date, that was originally included in that pink area, that that does have to go back through City Council and have to start the procedure over again. We want to make sure that everyone is of that understanding and would like the City Development Board's confirmation on that. Other than that, we have no objection today.

Chairperson Plautz thanked Ms. Beattie and asked if anyone disagreed with that.

Frank Smith stated that the statement by the City of Johnston regarding the determination, which first off, does not need to be made today. This is not an issue before the Board today. The issue before the Board is whether this 100% voluntary annexation is complete and properly filed and should be approved. The second thing is neither the Iowa Code nor the Administrative Code

precludes a city from parcelling or piecemealing its annexations. To be sure, Johnston and Polk County were noticed and appeared at the City Council meeting where this was discussed and I did identify some areas that were concerning to them. This particular annexation is development driven, but the issue of whether this matter can be parcelled or not is a separate legal issue. Eric Dirth and I may have some discussion about that down the road, but I can assure this Board that based on my understanding of the Code, there is no prohibition about that. It is not uncommon—like many cities do, for example—to stockpile annexation petitions or annexation applications. It is kind of along the same line—there is a public hearing; there was notice; there were objections; they were identified; all property owners affected had the opportunity to appear and speak; so I don't believe that the request by Johnston is in order—it is not on the agenda and is not before the Board today and does not need to be decided by the Board today and should not be decided by the Board today. If Granger brings forth another annexation within this territory, that would be the appropriate time for that issue to be presented and queued up in front of the Board, but it is not a justiciable controversy. It is not a matter of issue and an advisory ruling would be wholly inappropriate at this time.

Chairperson Plautz stated that maybe he misunderstood what Johnston was saying. Were you saying that they are prohibited from coming back based upon notice, hearings and everything that has been done? Amy Beattie replied that what we are saying is that our understanding is that they will need to go back, if they want to proceed with any other annexation areas that were included in their January hearing, other than what is before you today—our understanding is that they would need to start the process again, from a public hearing standpoint.

Frank Smith stated that Granger adamantly disagrees with that. That is not in the Code; their opportunity to appear and object would be at the next matter that comes before the Board. They have already had their chance before the City Council and took full advantage of it and Granger has respected that and should not be penalized on account of that.

Chairperson Plautz stated he agreed that it is not before the Board today, but I am going to ask our legal counsel if he would like to comment on that today, or as Mr. Smith said, that is for a date and time if and when it would come to this Board.

Eric Dirth replied that it is important for the Board Administrator, because there are different procedures that need to be followed for any of these annexations to get to the Board in its present state and so whatever those procedures are, will go through Matt Rasmussen. That is something that happens outside of this meeting. Matt Rasmussen is a great resource for anyone to contact and work through what the process is to make sure everything has been complied with. Those questions would be more suitable for not at this meeting. My understanding, on the agenda today is that we have UA23-18, Granger, which is the annexation area only including the green area on the map that is displayed. Nothing of this annexation today has anything to do with the additional purple area that is shown on the map. What is before the Board today is a decision on whether or not everything has been completed satisfactorily and is subject to approval by the Board for this green area. Anything with the purple area has no bearing on this decision that is being made today. Matt Rasmussen agreed with Mr. Dirth's statements.

Chairperson Plautz asked if there were any further questions or comments on this proposal. Thomas Treharne replied he would make a motion, but before he did, he would like to encourage the two communities to work together to resolve your annexation boundary line. That would be ideal so the Board would understand what is going on as it relates to the two communities and their growth.

Motion by
Motion

Thomas Treharne
I move the Board finds UA23-18 as complete and properly filed and in the public interest and be approved.

Second
Roll Call

Laura Skogman
All ayes. Motion approved.

Staff Reports

Matt Rasmussen reported that we have been working with a couple of cities on some annexations for next month.

Eric Dirth reported there are currently two pending hearings that will be taking place in September on behalf of the Board. The petition for judicial review on the Schuling matter has been set for hearing on September 1st and the Campbell matter will go to hearing on September 15th.

**Future Meeting/
Public Hearing**

August 9, 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

August 9, 2023 at 1:30 p.m., Ankeny (NC23-17) Public
Hearing at IEDA, 1963 Bell Ave., Suite 200, Helmick
Conference Room, Des Moines or via Teams Webinar

Adjourn 1:25 p.m.

Respectfully Submitted,
Betty Hessing, Administrative Assistant