

**State of Iowa
City Development Board
Telephonic and Teams Meeting Minutes
February 10, 2021
1:00 p.m.**

Call to order 1:01 p.m.

Present

Dennis Plautz, Board Chairperson
Jim Halverson, Board Vice Chairperson
Mari Bunney
Chris McKee

Absent

Mackenzie O'Hair

Others Present

Matt Rasmussen, Administrator, City Development Board
Betty Hessing, Administrative Assistant, City Development Board
Emily Willits, Iowa Department of Justice
Maggie Murray, Planning & Community Devl. Director, City of Bondurant
Marketa Oliver, City Administrator, City of Bondurant
Brad Deets, Development Services Director, City of Waukee
Lori Judge, IDOT
Anthony Volz, IDOT

Introduction by Chairperson, Dennis Plautz

Roll Call by Matt Rasmussen, Board Administrator

All Board Members were present except Mackenzie O'Hair.

Request for amendments to agenda

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

Consideration of January 13, 2021, Business Meeting Minutes

Motion by Jim Halverson
Motion I move the minutes of January 13, 2021, be approved as printed and distributed.
Second Mari Bunney
Roll Call All ayes. Motion approved.

New Business

NC21-04
Bondurant
Matt Rasmussen introduced the proposed 80/20 annexation for the City of Bondurant within the urbanized area of Altoona. It is 108.29 total acres; non-consenting

acreage total is 1.89. The annexation is consistent with the Future Land Use Map included, as part of the City's Comprehensive Plan.

The City of Bondurant services that will be provided to this annexation area include: public safety, planning and other general municipal services. A note that no new City of Bondurant water, sanitary, or storm sewer lines will be extended to this annexation area at this time; such utilities will be reviewed in detail if development is proposed in the future.

The City of Bondurant is unaware of any annexation moratorium agreements currently in existence for this annexation area.

Mr. Rasmussen stated that he did get a phone call from Greg Reicherts, the non-consenting property owner, and he said he is not in opposition to the annexation. Matt Rasmussen told him we did not have a consenting application from him on file. He voiced his approval of the annexation; he just had not communicated the fact that he was willing to be annexed into the City and he does not have an application with the City.

Matt Rasmussen reported to the Board that the packet does appear to be complete and properly filed.

Chairperson Plautz asked if there were questions for Matt Rasmussen. Jim Halverson stated he made an observation that on one of the maps, it identifies Mr. Reicherts as an involuntary annexation owner, but what we really mean is he is a non-consenting owner. For clarity in the record, we might want to spell that out.

Marketa Oliver, City Administrator for the City of Bondurant, stated they will correct the exhibit for the public hearing. There were no questions.

Motion by
Motion

Mari Bunney

I move the Board find NC21-04 as complete and properly filed and that a date for a public hearing be scheduled.

Second
Roll Call

Jim Halverson

All ayes. Motion approved.

Motion to Schedule Public Hearing

Motion by
Motion

Jim Halverson

I move to schedule the public hearing for March 10, 2021 at 1:30 p.m. for NC21-04.

Second
Roll Call

Mari Bunney

All ayes. Motion approved.

UA21-05
Waukee

Matt Rasmussen stated this was a proposal for a 100% voluntary annexation, consisting of 80 acres, to the City of Waukee.

The current owner is Waukee Community School District. They completed the purchase of the property from William Fox Farm Company on December 21, 2020.

The Waukee Community School District intends on constructing two schools on the property. The property will be annexed into the city with a designated zoning classification of A-1 Agricultural District. Schools are a principal permitted use within the A-1 zoning district and it is anticipated that no additional rezoning of the property will occur.

Both sanitary sewer and public water main are located directly south of the property and will be extended to the north as a part of the development of the school site. The Waukee Fire and EMS Department, already serve the area proposed within the annexation. Upon completion of the annexation, the City's Police Department would be responsible for patrolling and responding to the area. Both Departments have seen increased staffing levels over the last several years, which puts them in good position to serve the area proposed within the annexation.

The proposed annexation territory is subject to an existing moratorium agreement with the City of Urbandale. Matt Rasmussen noted that the Waukee Community School District did take ownership of the property after the original owner had submitted an application to the City. You have an application from the original owner, William Fox Farm Company, and the Waukee Community School District, and there is also a letter from the Community School District that states that they were aware of the annexation—that it was in process—when they took ownership of the property. Mr. Rasmussen stated the filing does appear to be complete and properly filed.

Brad Deets, Development Services Director for the City of Waukee, was present to explain further and answer questions from Board members. No questions were asked.

Motion by
Motion

Jim Halverson
I move the Board find UA21-05 as complete and properly filed and in the public interest and that it be approved.

Second
Roll Call

Chris McKee
All ayes. Motion approved.

Staff Reports

Matt Rasmussen had nothing to report.

Emily Willits reported that she had a brief update on the Mount Union litigation. As you will recall, we filed an application for further review with the Iowa Supreme Court of the decision that the Court of Appeals issued. The legal issue in that case has to do with the standard of review that is applied to decisions of the City Development Board. It is not a merits issue; it is more of a procedural standard of review question. The Iowa Supreme Court did grant our application for further review. They will review it and decide if they agree with the Court of Appeals or not. In the meantime, on the question of the underlying defamation judgement, that kind of gave rise to this whole dispute, that judgement has not been reversed. The Court of Appeals affirmed the reversal of that defamation judgement and the Johnson's, who were the plaintiffs in the defamation case, have not sought further review. I am expecting that the residents may try to remand the case back in front of this Board to take another look at it now that that judgement has been reversed. If they do not, I might request a remand, just to get it back in front of you. It is possible that may be on the agenda for the March meeting. If it is, it could be a longer meeting than normal.

Chairperson Plautz thanked Ms. Willits.

Jim Halverson asked Emily Willits if the City Development Board would be adjudicating the legitimacy of that defamation lawsuit. Ms. Willits replied the Johnson's might ask you to and then you would have to make a decision about that. Jim Halverson thanked Ms. Willits and said that answered his question. Emily Willits stated the Board would not be doing that in March.

Future Meeting/Public Hearing

March 10, 2021, at 1:00 p.m., City Development Board Business Meeting via Teams/Teleconference

March 10, 2021, at 1:30 p.m., Bondurant (NC21-04) Public Hearing via Teams/Teleconference

Adjourn

1:18 p.m.

Respectfully Submitted,
Betty Hessing, Administrative Assistant