

**State of Iowa
City Development Board
Meeting Minutes of April 10, 2024
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

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
Jenna Sabroske, Ahlers & Cooney P.C., Attorney for City of Clinton
Brent Nelson, Senior Planner, City of Sioux City*
Ryan Rusnak, Planning Director, City of North Liberty*
Lori Judge, IDOT*
Anthony Volz, IDOT*
Nathan Aronson, IDOT*
Julie Culver, Guest*
Randy Olsen, Guest*
Annie Smith Barkalow, Guest*
Pat, Guest*

*Participated via Teams Webinar

Introduction by Chair Dennis Plautz

Roll Call by Matt Rasmussen, Board Administrator

All Board members were present.

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 March 13, 2024 Business Meeting Minutes

Motion by Laura Skogman
Motion I move the Business meeting minutes of March 13, 2024 be approved as printed and distributed.
Second Thomas Treharne
Roll Call All ayes. Motion approved.

New Business

UA24-09
North Liberty
Matt Rasmussen explained the City of North Liberty requests that the City Development Board approve the 100% voluntary annexation petition consisting of 5.36 acres. The proposed annexation territory is located on the north side of Oak Lane and east of North Liberty Road in the northeast part of the City. The original application was completed and signed on December 6, 2023 by James Patrick Scanlon, registered agent and authorized to sign on behalf of Scanlon Family, LLC. However on February 8, 2024, a Warranty Deed was completed, conveying that property to Northridge 2-4, L.L.C. and recorded on February 13, 2024, by the Johnson County Recorder. James Patrick Scanlon, registered agent and authorized to sign on behalf of Northridge 2-4, LLC, signed an application on February 8, 2024. You have those two applications, basically signed by the same person, was because after the original application was signed, the City approved it, so if you notice that the City Council Resolution was in January, and changed hands in February, so we got another application from the new owners, which is signed by the same person.

The 5.36 acre property contains an agricultural pasture and a drainage feature. The property owner has indicated they would like to develop the property with two home sites. Water, sanitary and storm sewer infrastructure are adjacent to the property. All other typical city services will be provided upon annexation, including police, fire, refuse pickup and others.

Mr. Rasmussen stated the packet appears to be complete and properly filed and he displayed the proposed annexation territory on maps.

Ryan Rusnak, Planning Director for the City of North Liberty, was present to explain further and answer questions.

Motion by Thomas Treharne
Motion I move the Board find UA24-09 as complete and properly filed and in the public interest and that it be approved.
Second Laura Skogman
Roll Call All ayes in favor. Motion approved.

NC24-10
Sioux City

Matt Rasmussen explained this is an 80/20 annexation proposal for the City of Sioux City. The location of this annexation is the 2100 block of Decatur Street. The total acres is 29.97 with .87 acres or 2.9% being non-consenting.

The applicant wishes to develop the property with City services. Present use of property is agriculture and future use will be residential. Services proposed to be provided to the proposed annexation include street maintenance, water service, fire protection and police protection. The subject property is not covered by an annexation moratorium agreement.

Mr. Rasmussen stated the packet appears to be complete and properly filed and displayed the proposed annexation territory on maps.

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

Motion by
Motion

Thomas Treharne
I move the Board find NC24-10 as complete and properly filed and that a date for a public hearing be scheduled.

Second
Roll Call

Laura Skogman
All ayes in favor. Motion approved.
A public hearing was scheduled for May 8, 2024 at 1:15 p.m.

S/UA24-11
Clinton

Matt Rasmussen explained this is a severance and annexation. The City of Low Moor has approved a Resolution to voluntarily sever and then annex said territory into the City of Clinton. The City of Clinton is the owner of the private property included in the annexation territory and has requested the annexation. The parcels included in the annexation territory were recently established as separate properties by recorded Right-of-Way Acquisition Plat. These new parcels were then purchased by the City of Clinton. The annexation territory is currently within the corporate limits of the City of Low Moor. However, the City of Clinton, as owner of the property, recently petitioned Low Moor for severance of territory. The City Council of Low Moor approved the severance by Resolution on March 5, 2024. The annexation territory is adjacent to and contiguous with the corporate boundaries of the City of Clinton on the eastern boundary of the annexation territory.

Following annexation, the annexation territory is expected to be used for construction of a roadway extension that will grant additional access to the City's Industrial Rail

and Air Park. In turn, this roadway extension will support new industrial development. No building construction is anticipated on this strip of land. It is not expected that water service or sanitary sewer service will need to be extended to the future roadway. However, the City will provide municipal services to the annexation territory as needed, including police and fire protection services.

There are no existing annexation moratorium agreements in place. The proposed annexation does contain county-owned right-of-way and the County Attorney was properly noticed.

Mr. Rasmussen stated the packet appears to be complete and properly filed and displayed the proposed severance/annexation territory on maps.

Chairperson Plautz asked for further clarification on the proposed annexation and who owned the property at the end of the road to the west. Jenna Sabroske, Attorney with Ahlers & Cooney, P.C., representing the City of Clinton, explained this entire roadway area will be constructed as a roadway extension to create a secondary access point to the Industrial Park that the City of Clinton is developing. Ms. Sabroske showed on a map where the Industrial Park is located, and she stated there are no future annexation plans to the west; the main intension is to connect to the north-south road that runs adjacent to the west side of this annexation territory.

Motion by
Motion

Laura Skogman

I move the Board find S/UA24-11, voluntary severance from Low Moor and annexation into Clinton, complete and properly filed and in the public interest and that it be approved.

Second
Roll Call

Thomas Treharne

All ayes in favor. Motion approved.

Staff Reports

Matt Rasmussen stated he was copied on an E-mail regarding our fifth City Development Board member. Rita Grimm, Chief Legal Counsel with IEDA, followed-up with the Governor's Office regarding the City Development Board's appointment, so it should happen before the session is over, as the Iowa Senate must approve it.

Eric Dirth gave an update on the three cases pending in the Courts. They are as follows:

(1) Nefzger vs. the City Development Board regarding the Ankeny (NC24-04) annexation. This case was appealed to Polk County District Court. A petition has been filed and the answer has been response files responding to it and next there will be a briefing scheduled and then there

will be an oral argument, presumably in front of the District Court Judge. So that case is at the District Court level.

(2) Campbell vs. the City Development Board regarding the Ankeny (NC23-02) annexation. Eric Dirth stated that we are still waiting to hear for the cases on appeal to the Appellate Court system. It has finished briefing but has not been designated. Just so you are aware, every case after appeal to District Court goes to the Supreme Court and the Supreme Court decides if they will keep it or if they will send it to the Court of Appeals. The Campbell matter has been to the Supreme Court, but they have not designated where it is going yet.

(3) City of Dubuque vs. the City Development Board regarding Sageville annexations from 2022 has been designated to the Court of Appeals. Those have been completely briefed and filed; we are just waiting for the appellate system to work its course.

Eric Dirth stated he will not have any more updates on these until the one case is heard in District Court and the other two cases are fully submitted in the Appellate Courts.

Future Meeting & Public Hearing

May 8, 2024 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

May 8, 2024 at 1:15 p.m., Sioux City (NC24-10) Public Hearing at IEDA, 1963 Bell Ave., Suite 200, Helmick Conference Room, Des Moines or via Teams Webinar

Adjourn 1:27 p.m.

Respectfully Submitted,
Betty Hessing, Administrative Assistant