

**State of Iowa  
City Development Board  
Meeting Minutes of June 9, 2021  
Iowa Economic Development Authority/IFA  
1963 Bell Avenue, Suite 200  
Des Moines, Iowa  
TEAMS/TELEPHONIC MEETING**

**Call to order 1:00 p.m.**

**Board Members Present**

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

**Board Member 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  
David Peck, Summer Intern at Iowa Department of Justice  
Erin Clanton, Brick Gentry P.C., Nevada City Attorney  
Frank Smith, Frank Smith Law Firm, Representing Lincolnway Energy LLC  
Dr. Eric Damian Kelly, J.D., Ph.D., FAICP, Kelly Planning & Law, LLC  
John Hall, Vice President, Ames Chamber of Commerce  
Greg Faith, President, VERBIO Nevada Biorefinery  
Greg Northrup, President, VERBIO NA Holdings Corp.  
Ron Jensen, Property Owner & Resident, Nevada, Iowa  
Lori Pickart, City Clerk, City of Robins  
Kurt Frederes, Code Enforcement Officer, City of Orange City  
Joshua Dykstra, Non-consenting Owner for Orange City Annexation  
Brent D. Nelson, Senior Planner, City of Sioux City  
Steven Postolka, Assistant City Attorney, City of Sioux City  
Jeff Hansen, Planning Manager, City of Sioux City  
Gregg L. Owens, City Administrator/City Attorney, City of Spirit Lake  
John Hines, Attorney for Developer for Sioux City Annex., Crary Huff Law Firm  
Mary Audia, Washington Economic Development Group  
Eloise Sahlstrom, Planner, City of Ames  
Julie Gould, Planner, City of Ames  
Amelia Schoeneman, Planning & Development Director, Story County  
Christopher Shoemaker, Muscatine Center for Social Action  
Mike Guanci, Legislative Service Agency  
Lori Judge, IDOT  
Anthony Volz, IDOT

## **Introduction by Chairperson, Dennis Plautz**

### **Roll Call by Matt Rasmussen, Board Administrator**

All Board Members were present via Teams except Mackenzie O'Hair.

### **Request for amendments to agenda**

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

### **Consideration of May 12, 2021, Business Meeting Minutes**

Motion by	Jim Halverson
Motion	I move the Business meeting minutes of May 12, 2021, be approved as printed and distributed.
Second	Mari Bunney
Roll Call	All ayes. Motion approved.

### **Old Business**

UA21-12 Nevada	Chairperson Plautz stated this was tabled at our last meeting.
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Matt Rasmussen reported that the City of Nevada was given until May 24<sup>th</sup> to respond to some concerns that were raised by Mr. Frank Smith, Attorney for Lincolnway Energy LLC. The City Development Board did receive those in a timely manner. Mr. Smith had until June 2<sup>nd</sup> to reply to the City's paperwork and what the City of Nevada submitted. The City Development Board received Mr. Smith's paperwork by June 2<sup>nd</sup>. A couple items have been received since then. Mr. Rasmussen received a Power Point presentation this morning from Mr. Smith and one from Dr. Kelly, who is Mr. Smith's witness. There was also some additional information submitted by the City of Nevada. So, the City Development Board received the follow-up information from the City of Nevada and from Mr. Smith. Emily Willits may have a thought regarding what was received from the City of Nevada. Emily Willits and Mr. Rasmussen talked about the supplemental application that was received from the City of Nevada.

Emily Willits stated the City of Nevada submitted a couple of additional documents earlier this week. One of those documents was a new application from the railroad. Ms. Willits's recommendation to the Board would be to not accept that document because the original application that the railroad filed is the application that was presented to

the Board and approved by the City Council. Typically, the Board would not accept a different application at this stage in the proceedings. In regard to the other documents that came in after the deadline, I don't have any particular concerns. I would certainly be happy to hear any reply from the City of Nevada on that.

Matt Rasmussen stated that there is a full agenda for the afternoon and that there was some discussion prior to the meeting regarding some kind of time limitations. Mr. Rasmussen deferred to the Chair and the Board regarding that.

Chairperson Plautz asked if any action regarding the new application is needed or is it by default that it's not part of today's meeting. Emily Willits asked if that application was distributed to the Board and Matt Rasmussen replied it was placed in their file, but not distributed to the Board. Ms. Willits stated she would recommend taking a vote on whether we would consider that as part of the packet and if the City of Nevada would like to respond at all, they are welcome to.

Erin Clanton, City Attorney for the City of Nevada, replied that that application was provided by Union Pacific as a supplement for them to reaffirm that they want to move forward with this voluntary application. Ms. Clanton stated the new application is regarding the same parcel of land that we've been discussing all along so with regards to the notices that would go out, it's exactly the same parcel of land.

Frank Smith asked Chairperson Plautz if he could respond on behalf of his client and Chair Plautz agreed. Mr. Smith stated that he concurred with the recommendation of Ms. Willits. This is a new application and also to note, even though it's a new application, the legal description is still in error, which is another point to take up. The application was dated May 26<sup>th</sup> and it wasn't disseminated until June 7<sup>th</sup>. It's not clear why it wasn't included with the initial filing by the city, but I believe Ms. Willits has articulated good reasons for it to be excluded. Again, regarding the initial application, there is still no showing that it was executed by the person who had authority to execute it. Thank you, Mr. Chairman.

Chairperson Plautz asked if there was a motion in regard to the supplemental or new application that was submitted. Jim Halverson

Motion by

Motion	I move the Board follow Emily's recommendation that we do not consider this as part of our materials submitted for today.
Second	Mari Bunney
Roll Call	All ayes. Motion approved.

Chairperson Plautz stated we do have several requests, one from Frank Smith and one from Dr. Kelly, to present a series of power points. Matt Rasmussen stated one Power Point has forty slides and the other one has eighteen. Chairperson Plautz suggested giving ten minutes for Mr. Smith & Dr. Kelly to give their new presentation and after discussion with Board members it was agreed upon.

Frank Smith stated there were new submittals after the fact and the power points essentially address those new submittals. There were some things that were considered briefly at the prior meeting, but Mr. Smith & Dr. Kelly would like an opportunity to make a full and complete record. Mr. Smith recognized the Chair's concern. There is one other matter—Ms. Bunney did not participate in the prior hearing. If she only hears part of the many matters that were previously discussed, it was Mr. Smith's opinion that she should not be participating in the decision-making process. Mr. Smith asked for a ruling from the Chair regarding that point.

Chairperson Plautz stated it was his understanding that Mari Bunney has read the record and looked at the power points, but he deferred back to Emily Willits.

Ms. Willits asked Mari Bunney if she had an opportunity to listen to the recording from the May meeting. Mari Bunney replied she watched and listened to the entire three hours of the May meeting and reviewed all the materials. Emily Willits stated that with that being said, she was comfortable with Ms. Bunney participating from a legal standpoint. Ms. Willits stated that these meetings are recorded.

Matt Rasmussen stated the recording is not just an audio recording—it's a video recording as well. Mr. Rasmussen did speak with Mari Bunney, and Ms. Bunney has reviewed the video and audio and is up-to-speed with all the documentation.

Chairperson Plautz stated that he was going to allow Mari Bunney to participate based on our legal counsel's advice.

Chairperson Plautz asked Mr. Smith if his presentation was rebuttal to new information submitted and Mr. Smith replied it's essentially responsive to that and he could go through

that in five minutes. There were issues raised by the Board at the last meeting strictly related to when a 100% voluntary annexation may not be approved. The Board had questions regarding this, and that's part of the information Mr. Smith wanted to address. Chairperson Plautz agreed to give Mr. Smith & Dr. Kelly ten minutes to give their presentations.

Frank Smith and Dr. Kelly presented Power Point presentations<sup>1</sup> which is part of the record with the City Development Board.

Chairperson Plautz gave the Board an opportunity to ask questions and discuss. The video/audio recording is part of the record with the City Development Board.

Motion by  
Motion

After discussion, Chairperson Plautz asked for a motion.  
Jim Halverson  
I move the Board find UA21-12 as complete and properly filed and in the public interest and that it be approved.

Second  
Roll Call

Chris McKee  
All ayes. Motion approved.

### **New Business**

UA21-15  
Robins

Matt Rasmussen explained this is a 100% voluntary annexation for the City of Robins. Property is located in Linn County, contiguous on the northwest side of Robins's city boundary and consists of 15 acres of land. All public utilities will be provided to proposed annexation area, including, water, sanitary sewer, etc.. The moratorium agreement with Hiawatha was only to County Home Road, but it has expired. It does include road right-of-way and it does appear to be complete and properly filed.

Motion by  
Motion

Lori Pickart, City Clerk for the City of Robins, was present to answer questions, but no questions were asked.

Mari Bunney

I move the Board find UA21-15 as complete and properly filed and in the public interest and that it be approved.

Second  
Roll Call

Chris McKee  
All ayes. Motion approved.

NC21-16  
Orange City

Matt Rasmussen explained this was a request for an 80/20 annexation with up to 20% being non-consenting property. It's 144.27 total acres, with non-consenting acres being 1.4 which is 1%. The City of Orange City is looking into future development of 90.74 acres into Low

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<sup>1</sup> Case File, including party's submissions, are maintained by CDB staff and may be viewed by the public upon request.

Density Residential housing for single family homes and for the New MOC-FV Elementary School and sports fields. This proposed future use does conform to the City's Comprehensive Land Use Plan.

The City of Orange City will require the developer to install sanitary sewers, storm sewers and concrete streets with curb and gutter. The City will provide municipal natural gas, potable water, electricity, trash pickup, police and fire protection. Telecommunications is provided to the area by Frontier, Premier and Long Lines communication centers. The City will be installing adequately sized water mains to provide for fire hydrants.

The annexation territory is not subject to a Moratorium Agreement. There is road right-of-way included in the annexation. The reason for the inclusion of the non-consenting is to avoid the creation of an island. Mr. Rasmussen reported to the Board that this does appear to be complete and properly filed.

Kurt Frederes, Code Enforcement Officer with the City of Orange City, was present to answer questions.

Chairperson Plautz asked if anyone else was present who would like to make a comment or ask a question. Joshua Dykstra, non-consenting owner for this 80/20 annexation, stated he is a business owner, and he lives next door to where they are building the MOC-FV Elementary School. Basically, what it comes down to is the City of Orange City said they were willing to work with Mr. Dykstra and they are bringing, water, sewer, gas, etc. However, the City of Orange City is not physically bringing it to Mr. Dykstra. The City of Orange City will only bring it to Mr. Dykstra at a cost of approximately \$70,000 for a single-family house. Mr. Dykstra told the City of Orange City from day one that he would sign their agreement if they worked with him, and it didn't cost him anything. That's why Mr. Dykstra was here today pleading his case. The City also want to bring about 600 feet of sidewalk to Mr. Dykstra's property and cause him to take the liability, snow removal and so on.

Chairperson Plautz stated that with the type of proposal that is being made here, we are required to hold a public hearing on this where we will consider the types of things you are talking about. Today we are just considering if it was properly filed, but there will be a hearing where anyone can state their position on this proposal.

No other comments or questions were made.  
Jim Halverson

Motion by

Motion	I move the Board find NC21-16 as complete and properly filed and that a date for a public hearing be scheduled.
Second	Mari Bunney
Roll Call	All ayes. Motion approved. A public hearing was scheduled for July 14, 2021 at 1:30 p.m.
UA21-17 Sioux City	<p>Matt Rasmussen explained this was a 100% voluntary annexation for the City of Sioux City consisting of 44.898 acres. The purpose for this annexation is to allow for development of a multi-lot residential development. Elk Creek LLC, the developer, will create 81 lots with a total of 143 residential units to be developed. Additionally, a neighborhood community building is being proposed. Services proposed to be provided to the territory include fire protection, police protection, ambulance, rescue services, garbage collection, zoning, storm sewer, water, sanitary sewer and flood plain management. This area is not subject to a moratorium agreement and does include secondary road right-of-way and it does appear to be complete and properly filed.</p> <p>Matt Rasmussen noted that if you take a look at the map, it looks like it's a flagpole annexation; there is city owned property used to get to the proposed annexation territory. We did not get an application from the City; typically, when the city owns property and it's not city-owned right-of-way, we get an application. Emily Willits and I discussed this, and the Iowa Code doesn't talk about city-owned property. The wrinkle with this is there appears to be future road right-of-way owned by the city which is a flagpole that reaches out to get to the development.</p> <p>Steven Postolka, Assistant City Attorney, was present to explain further and answer questions.</p> <p>Emily Willits stated that historically when we've had annexations, including voluntary annexations, where there has been city property involved, the City has also submitted an application and that did not occur in this instance. It's unclear, looking at the Iowa Code, whether that's a requirement for a 100% voluntary petition. In any event, as we just heard, their City Council did approve this, so we didn't feel there was any question that the city wants this to happen. It's just a little different than the way we have seen these in the past.</p> <p>Chairperson Plautz thanked Ms. Willits and asked if the Board had any questions. Jim Halverson asked if the area immediately west of the area to be annexed, which looks like a rural subdivision and county property, if the City has</p>

	<p>ever considered annexing that property and doing an 80/20. Brent Nelson replied that the City did consider that, but we didn't think the amount of non-consenting property owners we could bring in would make the city's boundaries more uniform and with the property we have, we could only bring in 8.8 acres of non-consenting ground. We would have to get up to about 14.5 acres to do that. Before long, the City Development Board will be seeing an involuntary annexation in this area because the City of Sioux City can't grow after this. Jim Halverson explained that it can create some challenges for the city to do that—just from a municipal services perspective.</p>
Motion by	Jim Halverson
Motion	I move the Board find UA21-17 as complete and properly filed and in the public interest and that it be approved.
Second	Mari Bunney
Roll Call	All ayes. Motion approved.
UA21-18 Spirit Lake	<p>Matt Rasmussen explained this is a 100% voluntary annexation request for the City of Spirit Lake and consists of 27.76 acres. The primary reason for the proposed annexation is to make available an opportunity for growth in residential housing, for which there is a shortage in Spirit Lake and in the area in general. The current use of the property is and has been agricultural and it is anticipated that will change to R-3 multifamily, but with single family residences organized in a horizontal property regime into single story triplex and duplex units. The annexed area borders townhomes to the north and a golf course and residential housing to the west and will integrate well with the existing uses and provide protection against future and inconsistent uses. Necessary infrastructure is adjacent to the property for connection and the developer is anticipated to bear the cost of installing infrastructure for the development, so it will not be a cost the City budget will need to absorb. The area will cause no added strain on any services already provided to all residents of the City. This annexation is not subject to an existing moratorium agreement and there is no county-owned right of way in this annexation petition. If you look at your map, there is a six-foot strip of land that reaches, what would otherwise be an island, that connects it to the county. Matt Rasmussen got on the Beacon website to verify that this does not create an island. Matt Rasmussen stated he did get a letter from the City of Okoboji, which is in the urban area, and they are neutral on the annexation. Matt Rasmussen stated this packet does appear to be complete and properly filed.</p>



	Gregg Owens was present to answer questions, but no comments or questions were asked.
Motion by	Chris McKee
Motion	I move the Board find UA21-18 as complete and properly filed and in the public interest and that it be approved.
Second	Jim Halverson
Roll Call	All ayes. Motion approved.
NC21-19 Ames	<p>Matt Rasmussen explained this was an 80/20 annexation request to the City of Ames. It's 45.15 acres including right-of-way; 41.11 without right-of-way. The non-consenting consists of 6.42 acres which is approximately 15.6%. The land is immediately adjacent to the City's western boundary. The subject area is within the Southwest Growth Area I of the City's current Land Use Policy Plan. The Southwest Allowable Growth Area has long been considered the next development area on the periphery of Ames. The annexation request is consistent with both the City's LUPP and the Ames Urban Fringe Plan process for annexation. The area has frontage on Lincoln Highway and North 500th Avenue. The annexation territory is intended to accommodate future housing development as well as 3-5 acres of convenience commercial in the vicinity of the intersection of Lincoln Highway and N. 500th Avenue according to the City's Land Use Policy Plan. Development will extend paved roads, sanitary sewer service and water service into the annexation territory. This area is not subject to a formal moratorium agreement and this packet does appear to be complete and properly filed.</p> <p>Eloise Sahlstrom, Planner for the City of Ames, was present to explain further and answer questions. No questions were asked.</p>
Motion by	Chris McKee
Motion	I move the Board find NC21-19 as complete and properly filed and that a date for a public hearing be scheduled.
Second	Mari Bunney
Roll Call	<p>All ayes. Motion approved.</p> <p>A public hearing was scheduled for July 14, 2021 at 2:00 p.m.</p> <p>Emily Willits asked if the July 14<sup>th</sup> meeting would be virtual and Matt Rasmussen replied that our office at 1963 Bell Avenue in Des Moines is open to the public, so anyone who would like to come in-person is welcome to do so. It will also be available via Teams if attendees choose to participate via Teams/telephonic, like we are doing today.</p>
UA21-20 Ames	<p>Matt Rasmussen explained this is a 100% voluntary annexation request for the City of Ames consisting of approximately 117.01 acres with three property owners</p>

representing four parcels of land. Locally, this annexation is known as the Caremoli Annexation and is located east and south of the Ames corporate limits at the northwest corner of Highway 30 and 580th Avenue.

The Larson Leasing, LC site is served by rural water and can continue to be used for the existing building. The property is also on a private septic system. There is currently no plan or requirement to bring utilities south with the annexation. The property owner is aware that no city water or sewer will be available upon annexation. The other three properties owned by LDY, LLC that are being proposed to be annexed, do not have existing uses and are expected to remain as agricultural upon their annexation. Future development of these vacant lands will require rezoning and subdivision approval, which at that time the City will require conformance to their infrastructure standards. It is City policy that future development on the three other vacant lots must be served by City water. Future development will be required to meet City infrastructure requirements.

There is an annexation agreement with the City of Nevada. This is consistent with that agreement. Mr. Rasmussen stated this packet does appear to be complete and properly filed.

Motion by  
Motion

Julie Gould, Planner for the City of Ames, was present to answer questions. No questions were asked.

Jim Halverson

I move the Board find UA21-20 as complete and properly filed and in the public interest and that it be approved

Second  
Roll Call

Mari Bunney

All ayes. Motion approved.

### **Staff Reports**

Matt Rasmussen stated that our office is now open to the public so the Board will be welcome to come in-person next month. Folks will also have the ability to participate as we are today via Teams. To date, we have one annexation for next month.

### **Future Meeting & Public Hearings**

July 14, 2021 at 1:00 p.m., City Development Board Business Meeting at IEDA, 1963 Bell Ave., Ste. 200, Des Moines or via Teams/Teleconference.

July 14, 2021 at 1:30 p.m., Orange City (NC21-16) Public Hearing at IEDA, 1963 Bell Ave., Ste. 200, Des Moines or via Teams/Teleconference.

July 14, 2021 at 2:00 p.m., Ames (NC21-19) Public Hearing at IEDA, 1963 Bell Ave., Ste. 200, Des Moines or via Teams/Teleconference.

**Adjourn** 2:35 p.m.

Respectfully Submitted,  
Betty Hessing, Administrative Assistant