

**State of Iowa
City Development Board
Meeting Minutes of August 14, 2019
Iowa Economic Development Authority
200 E. Grand Avenue, 2nd Floor Main Conference Room
Des Moines, Iowa**

Call to order 1:00 p.m.

Present

Dennis Plautz, Board Chairperson
Jim Halverson, Board Vice Chairperson
Mari Bunney
Mackenzie O'Hair
Chris McKee*

Others Present

Matt Rasmussen, Administrator, City Development Board
Betty Hessing, Administrative Assistant, City Development Board
Emily Willits, Iowa Department of Justice
Ray Anderson, City Planner, City of Ames
Clyde Evans, Director of Community Development, City of West Des Moines
Eric Jensen, Planning & Building Director, City of Ankeny
Eric Carstens, Planning Administrator, City of Ankeny
Kellen Gorman, Planner, City of Ankeny
Frank Smith, Attorney, City of Altoona
*Participated via teleconference

Introduction by Chairperson, Dennis Plautz

Roll Call by Matt Rasmussen, Board Administrator

All Board Members were present.

Request for amendments to agenda

Motion by Jim Halverson
Motion I move to approve the agenda as presented.
Second Mackenzie O'Hair
Roll Call All ayes. Motion approved.

Consideration of July 10, 2019, business meeting minutes

Motion by Jim Halverson
Motion I move the minutes of July 10, 2019, be approved as
 printed and distributed.
Second Mari Bunney
Roll Call All ayes. Motion approved.

New Business

UA19-13
West Des Moines

Matt Rasmussen stated this is a 100% voluntary annexation request for West Des Moines consisting of 77.1 acres of property located in a portion of Section 3 in Lee Township, Madison County. It encompasses 77.10 acres of land along the east right-of-way of Grand Prairie Parkway and generally north of SW Adams Street. The annexation consists of two parcels, all of which are considered to be agricultural property, according to Madison County Assessor. The City of West Des Moines's Comprehensive Plan indicates that the property has a land use category of residential. The Raccoon River Land Company is proposing the construction of a residential development.

As part of a different project, the City is extending streets and water through the area. The proposed residential development by Raccoon River Land Company will be serviced off those facilities. The City and Raccoon River Land Company will be extending sanitary sewer to serve the area. All of the infrastructure work will be completed by the end of 2019. The City of West Des Moines is prepared to provide police, fire, public works and emergency medical services to the annexed area.

The City of West Des Moines has an Annexation Agreement with the City of Cumming that shows that this area is eligible for annexation by the City of West Des Moines.

Mr. Rasmussen stated that the packet appears to be complete and properly filed.

Clyde Evans, Director of Community Development for the City of West Des Moines, was present to explain further and answer questions from Board members and others. There were no questions.

Motion by
Motion

Mari Bunney
I move the Board find UA19-13 as complete and properly filed and in the public interest and that it be approved.

Second
Roll Call

Jim Halverson
All ayes. Motion approved.

UA19-14
Ames

Matt Rasmussen explained this is a 100% voluntary annexation for the City of Ames consisting of 156.56 acres. The City of Ames received voluntary annexation petitions from eleven property owners representing eighteen parcels that comprise of the annexation territory. The parcels are located south of the current city limits between University Boulevard/530th Avenua and Cedar Lane. The annexation area includes land used for

agricultural purposes and land developed with single-family homes. The City has a policy that annexations be consistent with the LUPP and the Ames Urban Fringe Plan. The Ames Urban Fringe Plan designates the land area as "Urban Residential". Land within the "Urban Residential" designation is planned for future annexation into the City with development of urban densities and design standards. If approved for annexation, the LUPP designation would be "Village/Suburban Residential", allowing for a broad range of residential development types.

City infrastructure, consisting of water and sanitary sewer mains, have been constructed for properties currently within the City boundaries adjacent to the north, east and west boundaries of the proposed annexation territory. Extension of infrastructure to serve all properties within the annexation area will be necessary as development occurs, and as individual properties choose to hook-up to public water and sanitary sewer.

The annexation territory is not subject to an existing moratorium agreement and Mr. Rasmussen reported that the packet does appear to be complete and properly filed.

Ray Anderson, Planning and Housing Department for the City of Ames, was present to answer questions. No questions were asked.

Motion by
Motion

Mackenzie O'Hair

I move the Board find UA19-14 as complete and properly filed and in the public interest and that it be approved.

Second
Roll Call

Jim Halverson

All ayes. Motion approved.

UA19-15
Ankeny

Matt Rasmussen stated this is a 100% voluntary request for the City of Ankeny. The subject property is approximately 124 acres, adjacent to the northeast quadrant of Ankeny, generally located north of NE 54th Street and east of NE Delaware Avenue. This annexation area is identified in the Ankeny Plan 2040 future land use map as Low Density Residential. If the property is annexed, it will be initially zoned R-1, One-Family Residential.

Public utilities exist to the south and west of this property, which can be extended to serve this area. The Developer will be responsible for installing streets, storm drainage, water service and other public utilities of the property.

This annexation is not subject to a moratorium agreement and it appears to be complete and properly filed.

Eric Jensen, Planning & Building Director for the City of Ankeny, was present to answer questions. No questions were asked.

Motion by
Motion

Mari Bunney

I move the Board find UA19-15 as complete and properly filed and in the public interest and that it be approved.

Second
Roll Call

Mackenzie O'Hair

All ayes. Motion approved.

Staff Reports

Matt Rasmussen reported that he's had a few discussions with folks about potential annexations coming to Board in future, but there is nothing on the table as of today.

Emily Willits gave an update on the Mount Union litigation that is still going on. About a year and a half ago there was a city discontinuance for Mount Union. There were some claims by various entities that were owed money by the former city of Mount Union. The Board has a role in collecting whatever funds are left from the City and then dispersing funds and approving claims that are submitted. One of the claims that came in was a default judgement order against the City in a defamation case. The Board held a hearing regarding this case and the Board ultimately approved the payment of that claim. There are now two litigation matters regarding this—one is a Judicial Review of the Board's decision, which is proceeding and is with the Henry County District Court.

The other litigation matter is a declaratory judgement action that a group of residents filed against the plaintiffs in the defamation case and the City Development Board. Emily filed a motion to dismiss the Board from that second action and the Board did get dismissed so we are not a party to that case anymore, but we are still following it.

The Henry County District Court and the declaratory judgement action granted a motion to the residents, essentially reversing that Court's earlier ruling on the defamation case. That decision is now on appeal. Part of the appeal that's been filed is an appeal of the decision dispensing us out of that lawsuit. Emily will be briefing that on behalf of the Board. In the meantime, she moved to stay the judicial review proceeding on the Board's action, and the Court granted that stay, while that lawsuit plays out. There continues to be a lot of activity, but that's the latest update on developments. If the Board ever wants to discuss strategy for this, we could put as a closed session item on agenda.

Future Meeting September 11, 2019, at 1:00 p.m., City Development
Board Business Meeting at IEDA, 200 E. Grand Ave., 2nd
Floor Main Conference Room, Des Moines, Iowa.

Adjourn 1:22 p.m.

Respectfully Submitted,
Betty Hessing, Administrative Assistant