

**State of Iowa
City Development Board
Meeting Minutes of September 8, 2021
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa
TEAMS WEBINAR MEETING**

Call to order 1:02 p.m.

Present

Jim Halverson, Board Vice Chairperson*
Mari Bunney*
Chris McKee*

Absent

Dennis Plautz, Board Chairperson
Mackenzie O'Hair

Others Present

Matt Rasmussen, Administrator, City Development Board*
Betty Hessing, Administrative Assistant, City Development Board*
Emily Willits, Iowa Department of Justice*
Lori Judge, IDOT*
Anthony Volz, IDOT*
Eric Richardson, Legislative Services Agency*
Jeff Hanson, Community Development Operations Manager, City of Sioux City*
Ryan Rusnak, Planning Director, City of North Liberty*
Sara Doermann, Planning Technician, City of North Liberty*

*Participated via Teams Webinar

Introduction by Board Vice Chairperson, Jim Halverson

Roll Call by Matt Rasmussen, Board Administrator

Jim Halverson, Mari Bunney and Chris McKee were present via Teams Webinar. Quorum was met.

Request for amendments to agenda

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

Consideration of August 11, 2021, Business Meeting Minutes

Motion by	Mari Bunney
Motion	I move the Business meeting minutes of August 11, 2021, be approved as printed and distributed.
Second	Chris McKee
Roll Call	All ayes. Motion approved.

Old Business

UA21-17
Sioux City

Matt Rasmussen explained that the Board had approved UA21-17, the Sioux City annexation. The legal description was incorrect that we provided to the County Recorder. The County Recorder contacted the city, Emily Willits and me. Before the Board today is a corrected legal description. It left off part of the flagpole part of the piece of property that got to the main property that is being annexed. The flagpole is actually owned by the City of Sioux City. Mr. Rasmussen asked Mr. Hanson if he had anything to add.

Jeff Hanson stated that, as Matt had mentioned, on June 9th the City Development Board had approved the annexation here in Sioux City, which is referred to as the residents of Elk Creek, which is on the eastern portion of Sioux City. Ultimately, that was recorded with our County Recorder's Office on July 16th. Upon the recording, the County Recorder's Office did catch a scrivener's error in that legal description. All the exhibits and maps were accurate, but the legal description had a scrivener's error. As Matt had mentioned, it is the piece of property that is owned by the City of Sioux City. Ultimately, working with Matt and Emily and our City Attorney's Office, we filed an affidavit with our County Recorder's Office on August 4th correcting the legal description and on August 23rd our City Council approved an amended resolution which we provided to Emily and Matt and your team. We feel we have done everything on our end, and this just needs your final approval.

Motion by
Motion

Mari Bunney
I move the Board approve the amended Appendix A, that legal description, for UA21-17.

Second
Roll Call

Chris McKee
All ayes. Motion approved.

New Business

UA21-27
North Liberty

Matt Rasmussen introduced UA21-27, a 100% Voluntary annexation for North Liberty consisting of 76 acres. There are two properties that have applied to the City. One is a 2.55 acre property owned by Robert and Joyce Bowman which is currently a homestead and would remain so for an undetermined period of time. The 73.13 acre property owned by Bowman Property, LLC is currently being utilized for agricultural use. The property owner submitted a draft development plan for the area, which City staff is generally in agreement with. Water 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. There is

an existing 8' wide multi-use trail on the west of South Kansas Avenue. A sanitary sewer pump station/force main is nearing completion and will be able to provide sanitary sewer service to the southwest portion of the City. The territory is not subject to a moratorium agreement and the packet appears to be complete and properly filed.

Ryan Rusnak with the City of North Liberty was present to explain further and answer questions from the Board. No questions were asked.

Motion by
Motion

Chris McKee
I move the Board find UA21-27 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 we are using new technology today. I thank the Board for bearing with us as we transition into Team Papers. If you have any questions or challenges moving forward, please let me know. Thank you to Vicky Clinkscales for her assistance as well. I think the Board will ultimately like this better. The public can join via a link, which will be the same every month. The nice thing about having a webinar versus having a regular open meeting, is we know who is in attendance—it doesn't just show "guest" on the screen—because they have to register in order to get in the meeting. We can also give them permission to speak at any given moment.

Matt Rasmussen stated the next Board meeting is scheduled for October 13th, but at this point we don't have anything for the agenda, so we may not have an October meeting.

Emily Willits had an update on the Mount Union matter. As you will recall, this is the discontinuance of which the Board approved payment of a judgement that had been issued by the District Court against the City in a defamation case. There was subsequent litigation about that. That underlying judgement has now been reversed. The piece of litigation, in which some residents were challenging that judgement, has now ended. There is a second lawsuit, which was a judicial review case filed against the Board, challenging the Board's decision to approve that judgement. That case had been stayed for a long time, pending the outcome of the litigation. That stay has been lifted and Ms. Willits filed this week, a motion to remand the matter back to the Board. The residents joined in that motion. We have not yet heard from the plaintiffs in the original defamation case, who were the

owners of that judgement. I don't know how quickly the Henry County District Court will rule on our motion to remand the matter back to the Board. I doubt it would be in time for the October meeting, so more likely, you will see that on the agenda in November. Emily Willits will keep Matt Rasmussen and Betty Hessing posted.

Jim Halverson asked if it involves the defamation lawsuit and Ms. Willits replied it depends on if any of the parties involved asks the Board to do something specific. Emily Willits stated that she would recommend that the Board take a look at it, in light of the fact that that judgement has now been vacated. As you will recall, the Board's decision really turned on the validity of the District Court judgement. Ms. Willits stated that when it comes back in front of you, she will prepare a memo for the Board members, refreshing their memories on what happened, and we can attach the meeting minutes from when the Board approved it. The motion we filed to remand that was pretty generic, but we just asked that the Court remand it back to the Board for further proceedings in accordance with the outcome and litigation. Matt Rasmussen stated a memo will be especially helpful since Jim Halverson and Dennis Plautz were the only two Board members that were on the Board at the time. To get the other three new Board members up-to-speed on this case will be very helpful. Ms. Willits agreed. Jim Halverson stated that it's very different from what we typically do. Mr. Rasmussen stated it's been four years that we've been battling it around so it will be good to get it off our slate once and for all.

Future Meeting Tentatively on October 13, 2021, at 1:00 p.m., City Development Board Business Meeting at IEDA, 1963 Bell Ave., Suite 200, Des Moines or via Teams Webinar

Adjourn 1:20 p.m.

Respectfully Submitted,
Betty Hessing, Administrative Assistant