

**State of Iowa
City Development Board
Meeting Minutes of December 9, 2020
Iowa Economic Development Authority/IFA
1963 Bell Avenue, Suite 200
Des Moines, Iowa**

TEAMS/TELEPHONIC MEETING DUE TO CORONAVIRUS

Call to order 1:00 p.m.

Present

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

Absent

Chris McKee

Others Present

Matt Rasmussen, Administrator, City Development Board*
Betty Hessing, Administrative Assistant, City Development Board*
Emily Willits, Iowa Department of Justice*
James Thornton, City Attorney, City of Alleman*
Mayor Bob Kramme, City of Alleman*
Clayton Ender, City Planner, City of Johnston*
Adam Plagge, Economic Devl. Manager, City of Johnston*
Maria Brownell, Attorney with Ahlers & Cooney, City of Johnston*
Michael Lewis, Attorney, City of Cambridge*
Kristine Stone, City Attorney, City of Adel*
Anthony Brown, City Administrator, City of Adel*
Lori Judge, IDOT*

*Participated via TEAMS/Teleconference

Introduction by Chairperson, Dennis Plautz

Roll Call by Matt Rasmussen, Board Administrator

All Board Members were present via teleconference except Chris McKee.

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 November 12, 2020, business meeting minutes

Motion by Mari Bunney
Motion I move the minutes of November 12, 2020, be approved as printed and distributed.
Second Mackenzie O’Hair
Roll Call All ayes. Motion approved.

New Business

UA20-28 Matt Rasmussen reported this is a 100% Voluntary
Alleman annexation for the City of Alleman consisting of 302.02 acres. This property already borders the City of Alleman to the west. All City services will be provided to the annexation area. The property is not currently subject to a moratorium agreement and does include Polk County road right-of-way. This packet appears to be complete and properly filed.

James Thornton, City Attorney with the City of Alleman and Mayor Bob Kramme, were present via Teams. Mr. Thornton stated they do have a developer who is planning on breaking ground in the Spring if annexation is approved. The Board had no questions.

Motion by Jim Halverson
Motion I move the Board find UA20-28 as complete and properly filed and in the public interest and that it be approved.
Second Mackenzie O’Hair
Roll Call All ayes. Motion approved.

S/UA20-29 Matt Rasmussen stated this is a severance and an
Johnston annexation consisting of 11.27 acres from the City of Urbandale to the City of Johnston. The City of Johnston purchased the property from Urbandale and now wants to develop it into a sports arena. It’s actually city owned property.

The new services to the area will be the Grimes Metropolitan Fire Department; Johnston Public Works; Johnston Parks & Recreation; Johnston Community Development; Johnston Administration & Finance; Johnston Public Library; Municipal Water; Municipal Sanitary Sewer.

The annexation territory is not subject to any existing moratorium agreement.

Mr. Rasmussen stated as originally submitted, they did provide a verification from the Polk County Auditor regarding the ownership and legal description. The legal description had scrivener errors and so corrections were

made to the legal description. We did send out the corrected legal description. Matt Rasmussen reported this packet does appear to be complete and properly filed.

Chairperson Plautz asked if Emily Willits had concerns about the modification to the legal description and she did not.

Maria Brownell, Attorney with Ahlers & Cooney representing the City of Johnston, was present to explain further and answer questions of the Board.

Motion by
Motion

Mari Bunney

I move the Board find S/UA20-29 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.

UA20-30
Cambridge

Matt Rasmussen reported the City of Cambridge received an application for annexation from one property owner located in an area south and completely surrounded by the City of Cambridge.

The City of Cambridge has plans to extend sanitary sewer to the property and a two-inch watermain has been extended to the front of the property.

The territory to be annexed is not subject to a moratorium agreement and it does appear to be complete and properly filed.

Michael Lewis, Attorney for the City of Cambridge, was present to answer questions from Board members.

Motion by
Motion

Jim Halverson

I move the Board find UA20-30 as complete and properly filed and in the public interest and that it be approved.

Second
Roll Call

Mari Bunney

All ayes. Motion approved.

UA20-31
Adel

Matt Rasmussen reported this is a 100% voluntary annexation petition for the City of Adel and consists of 33.16 acres with one parcel owned by Adel Township, LLC. The property is currently used as farmland. Following annexation, the annexation territory is expected to be used for new development.

The City of Adel currently provides fire protection and first responder services to the territory pursuant to a 28E Agreement with Adel Township. Following annexation, the City would continue to provide fire protection services and

first responder services; furthermore, the City would provide sanitary sewer service and police department services to the territory, along with making available all other city amenities. Xenia Rural Water is anticipated to provide water service to the annexation territory following annexation.

The cities of Adel and Waukee have an existing annexation moratorium agreement, and this proposed annexation is within that agreement. Mr. Rasmussen stated this packet does appear to be complete and properly filed.

Kristine Stone, City Attorney, and Anthony Brown, City Administrator, were present to answer questions of Board.
Mackenzie O'Hair

Motion by
Motion

I move the Board find UA20-31 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 reported the Board should plan to have a January meeting unless we would notify you otherwise. Emily Willits has a brief report, and we are talking about moving into a closed session.

Chairperson Plautz stated we thought we would recess after Staff Reports, go into the scheduled 1:30 p.m. Johnston Public Hearing and then reconvene after that and then go into Closed Session before adjourning.

Emily Willits stated that would be fine and the purpose of the Closed Session would be to discuss pending litigation with the Board so Ms. Willits could get their input and provide some legal advice. She explained the process of how to go into a closed session.

Motion by
Motion

Jim Halverson
I move we recess the regular Board meeting and reconvene after the Johnston Public Hearing.

Second
Roll Call

Mackenzie O'Hair
All ayes. Motion approved.

**Time the CDB
Recessed**

1:27 p.m.

Motion
Motion

Jim Halverson
I move we go back into our December 9th regular Board meeting and out of recess.

Second
Roll Call

Mackenzie O'Hair
All ayes. Motion approved.

Time the CDB went back into regular Board meeting 1:46 p.m.

Pending (D17-01) Mount Union Litigation Chairperson Plautz asked if anyone would like to make a motion to go into Closed Session.

Motion by Jim Halverson
Motion I move the Board hold a closed session pursuant to Iowa Code Section 21.5(1)(c) to discuss strategy with Counsel regarding matters that are presently in litigation.

Second Mari Bunney
Roll Call All ayes. Motion approved.

Chairperson Plautz commented that as the motion that was presented stated, we are doing this to discuss pending litigation. We did approve by affirmative vote of 2/3's of our members. We will be recording the closed session and we will be conducting the closed session on a separate line, only accessible to staff and the City Development Board members and we will come back into open session of this December 9th Board meeting, if we take action or to adjourn the meeting.

Time the CDB went into closed session 1:52 p.m.
Note: Separate Closed Session meeting minutes were done.

Time the CDB went back into open session 2:24 p.m.

Chairperson Plautz asked if there was a motion to be made regarding agenda Item #6 – Pending Mount Union Litigation (D17-01) -- John Marek et al. v. Dan Johnson et al., Henry County Case No. CVEQ006115 and John Marek et al. v. The City Development Board, Henry County Case No. CVEQ006111

Motion by Jim Halverson
Motion I would make a motion to authorize the Department of Justice to seek a judicial review of the Court of Appeals decision to the Iowa Supreme Court.

Second Mackenzie O'Hair
Roll Call All ayes. Motion approved.

Future Meeting January 13, 2021, at 1:00 p.m., City Development Board Business Meeting

Adjourn 2:26 p.m.

Respectfully Submitted,
Betty Hessing, Administrative Assistant