

MINUTES
State of Iowa City Development Board
Board Meeting
April 9, 2025
1:00 p.m.
1963 Bell Avenue, Suite 200 – Helmick Conference Room
Des Moines, Iowa

BOARD MEMBERS PRESENT:

Dennis Plautz, Board Chairperson
Jim Halverson, Board Vice Chairperson*
Colleen Frein*
Laura Skogman
Thomas Treharne**

STAFF MEMBERS PRESENT:

Betty Helsing, Interim Admin.
Vicky Clinkscales, IT Support

OTHERS PRESENT:

Eric Dirth, Iowa Attorney General's Office
Leann Reinsbach, City of Milford*
David Stein, Stein Law, Rep. City of Milford*
Stacy Tegtmeier, Beck Engineering Inc.*
Darryl Bresson, RE/MAX Concepts, Ankeny*
Isaac Pezley, City of Bondurant*
Chadd Kahlsdorf, Snyder & Associates*
Brian McDonough, Polk County*
Chad Quick, City of Altoona*
John Shaw, City of Altoona
Justin Peterson, City of Altoona
Claire Habel, City of Altoona
Daniel Manning, Sr., City Attorney, City of Altoona
Daniel Manning, Jr., City Attorney, City of Altoona
Stephen Banning, Gerald Banning Trust
Dorrance Brezina, Developers Realty Group, Inc.
William Luding, Land Owner
Clayton Mitchell, Land Owner
Anthony Volz, IDOT*
Phil Brown*
Loren Steenhoek*
Ethan Marks*
Rachel Cross*

*Participated via Teams Webinar

**Arrived at 1:03 p.m.

Call to Order at 1:00 p.m.

- I. **Welcome & Introductions – Board Chairperson Dennis Plautz**
- II. **Roll Call – Betty Helsing, Interim Board Administrator**
A quorum was established.

III. Approve Agenda

Motion by: Jim Halverson

Motion: Move approval of the April 9, 2025 agenda as presented.

Second: Laura Skogman

Roll Call: All ayes. Motion approved.

IV. Consideration of March 12, 2025 Business Meeting Minutes

Motion by: Jim Halverson

Motion: Move approval of the March 12, 2025 Business Meeting Minutes.

Second: Laura Skogman

Roll Call: All ayes. Motion approved.

V. New Business

UA25-09 – Milford

Betty Hessing stated this is a 100% voluntary annexation petition for the City of Milford consisting of 9 acres. The annexation territory shares a common boundary line with the City of Milford, exceeding 50 feet. This annexation is tied in with UA25-10. It could have been one annexation, but they submitted as two separate annexations, so I did as two. The property will address needed housing in the area and expected property use after annexation will be single family and multi-family development. The property will be served by the City's police, fire and water. There are no moratorium agreements and no State or County road right-of-ways included in this annexation. Ms. Hessing reported the packet appears to be complete and properly filed.

David Stein, City Attorney for Milford, and Leann Reinsbach, City Administrator for Milford, were present to explain further and answer questions. Mr. Stein explained these two annexations will provide needed housing and he asked for approval of both annexations and also requested a waiver of the 30-day appeal period. Mr. Stein stated they sent out notices and have no objections to date.

Chair Plautz asked if the Board had any questions. Mr. Halverson stated his assumption is there is a project in the wings that is driving the schedule. The City should be aware that there is a vulnerability in trying to avoid the 30-day appeal period. Mr. Stein replied that the City understands there is an appeal time and if an appeal is filed, that could delay the annexation. David Stein stated it would give the City and the developer flexibility in moving forward. Leann Reinsbach concurred with what Dave Stein stated and said the developer is anxious to start moving dirt.

Eric Dirth, City Development Board Attorney, stated he would be happy to answer any questions some of the newer Board members may have and noted that it is standard practice for the City Development Board to wait 30 days to allow for that expiration of the time to appeal before filing. That is standard and is what has been done historically. In 263 Iowa Administrative Code 7.13(1), it does say "Upon expiration of the time for appeal, the Board shall file with the Secretary of State and record with the County Recorder of each county containing a portion of the city or territory involved copies of the Board's proceedings, as required by Iowa Code Section 368.20(2)." That is not to say, if there is special circumstance, it is possible that the Board could potentially waive that general requirement, but as I would advise the Board and caution the Board, oftentimes these annexations are done with the expectation that a development will happen as soon as annexation is done. If you determine to approve this today and waive that 30-day filing requirement, I think the Board should expect that it will happen again in the future, and it might happen more regularly in the future. Mr. Dirth wanted to caution the Board of this and as Jim Halverson pointed out, simply the filing does not mean anything per se because they can still appeal within a 30-day window. The filing may give some type of an indication that it is approved, but if someone can appeal on the 29th or 30th day, it still would be invalid or it still could be stayed. It can help a developer feel better about beginning the development, but it doesn't mean the City or the developer is protected from the annexation being revoked or reversed.

Chair Plautz asked Eric Dirth if there was any type of liability that we would assume by waiving

the appeal period. Mr. Dirth replied the Board was put in a somewhat similar position two or three years ago with an Altoona annexation about proceeding to file pending an appeal. The Board waited the 30 days; someone appealed within that 30-day window and so the appellate process kicked-off and then the City, not wanting to wait for the appeal process to exhaust itself, presented to the Board and said why don't you file, let the appeal process play out and if we are successful, it's been filed and all is good and if not, it's on the developer and the city who is taking on the risk—not the Board. I believe in that matter, the Board proceeded to allow for the filing. Betty Hessing concurred that was correct. Ms. Willits was the Board's counsel at that time, and it was determined that the liability is primarily on the developer and the city. There is nothing indicating that the Board would be open to liability. It is not that it cannot be done, we just need to make sure the petitioner has a good reason of why it needs to be expedited and make sure that reason is established, as you could be getting more of these in the future.

Eric Dirth stated, and if it is okay with the City, he would like to separate the two motions—approval of the annexation and then after that is approved, take up whether or not you want to waive that 30-day filing, unless the City wants them tied together. Mr. Stein agreed that approval is the most important with these annexations and then we could request to waive the 30-day appeal period before filing—then you would have a record if something were to come-up.

Tom Treharne asked if there was any correspondence from surrounding cities—either supporting or not supporting the annexation. Ms. Reinsbach replied she has had no phone calls or correspondence in regards to the annexation.

Motion by: Jim Halverson

Motion: I move the Board find UA25-09 as being complete and properly filed and in the public interest and that it be approved.

Second: Tom Treharne

Roll Call: All ayes. Motion approved.

Chair Plautz asked if there was a motion or further discussion on waiving the timeframe.

Motion by: Jim Halverson

Motion: I would move that the City's request that the 30-day appeal period be waived, recognizing that any potential risk would fall to the City as well as any development that were to occur during that period.

Second: Laura Skogman

Eric Dirth asked Mr. Halverson if he would be willing to state the specific rationale for why he felt this was an appropriate circumstance to waive the 30-day requirement. Mr. Halverson said he absolutely would. Mr. Halverson stated the City has made it clear that there are a number of pending development opportunities for the area and that the 30-day window could be used very well to help them deal with permitting, plan review, authorizing the initiation of a project that might be within a very tight window from a seasonality of construction perspective.

Roll Call: All ayes. Motion approved.

UA25-10 – Milford

Betty Hessing stated this is a 100% voluntary annexation petition for the City of Milford consisting of 16.36 acres. It is connected to the west of LucileMae's annexation (UA25-09). The property will address needed housing in the area and expected property use after annexation will be a manufactured home community/ mobile home district. The property will be served by City's police, fire and water. There are no moratorium agreements and no State or County right-of-ways included in this annexation. Ms. Hessing reported the packet appears to be complete and properly filed.

Chair Plautz asked if Milford representatives would like to add anything to Betty's presentation. Mr. Stein stated we would incorporate our comments from the earlier discussion, as they are equally applicable for the same reasons, as the two parcels are tied into each other.

Motion by: Jim Halverson

Motion: I move the Board find UA25-10 as being complete and properly filed and in the public interest and that it be approved.

Second: Tom Treharne

Roll Call: All ayes. Motion approved.

Chair Plautz asked if there was an additional motion on the 30-day appeal.

Motion by: Jim Halverson

Motion: I would make a motion to waive the 30-day appeal period; again, that is a window that does not preclude a third party from filing an appeal during that period and that any risk that would be borne would be that of the City through its permitting authorization and the developer or developers. The rationale behind the motion being the same as was stated for UA25-09.

Second: Tom Treharne

Roll Call: All ayes. Motion approved.

VI. Staff Reports

Betty Hessing stated nothing has come in for May, so we may not have a May 14th meeting. If not, the next meeting would be June 11th. Chair Plautz pointed out that if we do not have a May meeting, this is Betty's last meeting. Chair Plautz thanked Ms. Hessing for everything she has done. Jim Halverson also thanked Betty for all her work with the City Development Board over the years.

Eric Dirth informed the Board that Matthew Clarke filed an appeal on the Board's decision in the Norwalk annexation, so that is in District Court for Warren County and that process is just starting. Also, the Campbell vs. City Development Board matter, which was appealed to the Court of Appeals in 2024—we got a judgement back supporting the City Development Board's decision—determining that the annexation was valid and Mr. Campbell has appealed that, requesting further review from the Iowa Supreme Court. I am currently working on a resistance to that request for further review and on this standard judicial review proceeding with Mr. Clarke. Those are the two litigation matters that the Board is involved with.

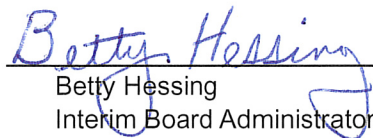
VII. Future City Development Board Meeting

Either May 14, 2025 or June 11, 2025 – 1:00 p.m. Business Meeting at IEDA, 1963 Bell Avenue, Helmick Conference Room, Des Moines

VIII. Adjournment

1:25 p.m.

Respectfully submitted:


Betty Hessing
Interim Board Administrator