

**POLK COUNTY BOARD OF SUPERVISORS AGENDA  
POLK COUNTY ADMINISTRATIVE OFFICE BUILDING  
111 COURT AVENUE - ROOM 120  
MARCH 22, 2016 9:30 A.M.**

1. Roll Call.
2. Action on the Minutes of the Previous Meeting(s).
3. Special Claims as submitted by the County Auditor, if any.
4. Action on the Bill List as submitted by the County Auditor.

**PERMITS**

5. Renewal application for Special Class "C" Liquor License, Sunday Sales and Outdoor Service Area Permit for Animal Rescue League of Iowa, 5452 NE 22<sup>nd</sup> Street.

6. **PUBLIC COMMENTS**

**RESOLUTIONS**

- \*7. Resolution approving agreement with West Interactive Services Corporation and Pfizer, Inc. for vaccine reminders services.
- \*8. Resolution approving contract with Amerihealth Caritas Iowa, Inc. for onsite services (Medicaid-eligible families).
- \*9. Resolution approving agreement amendment with 208 Restaurant & Bar, LLC for use of part of the sidewalk (owned by Polk County) located at 200 Court Avenue (d/b/a RoCA).
10. Resolution approving creation of a side-by-side position in the Public Works Department.
11. Resolution approving position modifications included in the FY 16/17 budget.
- \*12. Resolution approving release of mortgage on 5449 SE 26<sup>th</sup> Court (Castro-Aguirre).
- \*13. Resolution approving amendment to the Financial Services Agreement with Piper Jaffray & Co.
14. Resolution approving Community Betterment Grant awards.
- \*15. Resolution approving and authorizing execution of IEC Hotel project documents.

**COMMUNICATIONS**

16. Nutrient Management Plan from Brad Moeckly, Elkhart, Iowa (MMP).

**BUDGET ACTIONS**

17. Memorandum of Budget Actions.

**APPOINTMENTS**

18. Memorandum of Appointments.

**ADJOURNMENT**

*\* Asterisk denotes attachments to items are on file in the Auditor's Office.*

Applicant License Application ( BW0093133 )

Name of Applicant: <u>ANIMAL RESCUE LEAGUE OF</u>		
Name of Business (DBA): <u>ANIMAL RESCUE LEAGUE OF IOWA INC</u>		
Address of Premises: <u>5452 NE 22ND ST</u>		
City <u>Des Moines</u>	County: <u>Polk</u>	Zip: <u>50313</u>
Business	<u>(515) 262-9503</u>	
Mailing	<u>5452 NE 22ND ST</u>	
City <u>Des Moines</u>	State <u>IA</u>	Zip: <u>50313</u>

Contact Person

Name	<u>Lindsey Rupp</u>		
Phone:	<u>(515) 473-9113</u>	Email	<u>lrupp@arl-iowa.org</u>

Classification Special Class C Liquor License (BW) (Beer/Wine)

Term: 12 months

Effective Date: 04/01/2016

Expiration Date: 03/31/2017

Privileges:

Outdoor Service

Special Class C Liquor License (BW) (Beer/Wine)

Sunday Sales

Status of Business

BusinessType:	<u>Privately Held Corporation</u>		
Corporate ID Number:	<u>71688</u>	Federal Employer ID	<u>42-0680427</u>

Ownership

CAROL GRIGLIONE

First Name: CAROL Last Name: GRIGLIONE  
City: RUNNELLS State: Iowa Zip: 50237  
Position: PRESIDENT OF BOARD  
OF DIRECTORS  
% of Ownership: 0.00% U.S. Citizen: Yes

MARK ZIMMERMAN

First Name: MARK Last Name: ZIMMERMAN  
City: URBANDALE State: Iowa Zip: 50322  
Position: TREASURER OF BOARD  
OF DIRECTORS  
% of Ownership: 0.00% U.S. Citizen: Yes

CHAD RASMUSSEN

First Name: CHAD Last Name: RASMUSSEN  
City: DES MOINES State: Iowa Zip: 50312

#5

Position: VICE PRESIDENT BOARD  
OF DIRECTORS  
% of Ownership: 0.00% U.S. Citizen: Yes

**Insurance Company Information**

Insurance Company:	<u>Illinois Casualty Co</u>		
Policy Effective Date:	<u>04/01/2016</u>	Policy Expiration	<u>03/31/2017</u>
Bond Effective		Dram Cancel Date:	
Outdoor Service Effective		Outdoor Service Expiration	
Temp Transfer Effective		Temp Transfer Expiration Date:	

R E S O L U T I O N

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

WHEREAS, providing enhanced immunization services for children, adolescents and under-immunized populations will assure high immunization coverage levels and a lower incidence of vaccine preventable disease in Polk County; and

WHEREAS, it is important that children receive all recommended doses of required vaccinations so that maximum protection is achieved; and

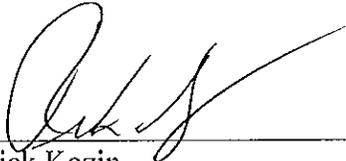
WHEREAS, Polk County wishes to provide the parents/guardians of children in the childhood immunization program reminder mailings regarding vaccination series that they may not be up to date on; and

WHEREAS, West Interactive Services Corporation and Pfizer, Inc. will provide this service at no charge; and

WHEREAS, because protected health information will be shared, a business associate agreement between the entities is required.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Health/Board of Supervisors approves the service and business associate agreement with West Interactive Services Corporation and Pfizer, Inc.

By \_\_\_\_\_  
Chairperson  
Polk County Board of Supervisors/Board of Health

  
\_\_\_\_\_  
Rick Kozin  
Public Health Director

Approved as to form:  
JOHN P. SARCONI  
POLK COUNTY ATTORNEY

By   
\_\_\_\_\_  
Assistant County Attorney

FISCAL NOTE: None

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# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** Agreement with West Interactive Services Corporation and Pfizer Inc. for vaccine reminders services

**Agenda Date:** March 22, 2016

**Contact Individual:** Scott Slater, 286-3752

**Previous Action taken by the Board:** N/A

**Board/Commission Actions:** None

**Action Requested (Recommended):** Approval

**Comply with Policy:** Controlling the spread of communicable disease in the county is an essential public health function and mandated by Iowa law.

**Background:** Polk County has a Vaccine for Children Program that allows the necessary childhood vaccinations to be provided free of charge to children ages 0-18 who qualify. Staying up to date on a child's vaccination schedule provides maximum disease protection to the child and to other's in the community who may be at risk.

Polk County wishes to send reminder letters to the parents/guardians of children who may be behind in their vaccination series. West Interactive Services Corp. and Pfizer Inc. can provide this service to the county at no charge. Protect health information will be shared. Participation is voluntary and clients may opt out of the service.

**Action Impact:** More children will be fully vaccinated against communicable diseases in Polk County .

**Fiscal Note:**

Fiscal Year	Budget -ed? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code
15/16						

**Additional Fiscal Note Information:**

RESOLUTION

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

THAT THE FOLLOWING RESOLUTION BE ADOPTED:

WHEREAS, Polk County Health Department provides services to Medicaid-eligible families; and

WHEREAS, Polk County currently contracts with Iowa Medicaid Enterprise (IME) for these services; and

WHEREAS, IME is transitioning to a managed care model as of April 1, 2016 and contracting with organizations to ensure services are provided; and

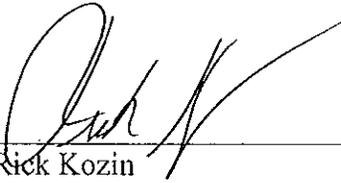
WHEREAS, Polk County Health Department seeks to maximize choices for Medicaid –eligible members seeking services; and

WHEREAS, Amerihealth Caritas Iowa, Inc. is one of the managed care organizations selected by the State of Iowa for Medicaid and they have requested to contract with Polk County to provide services to their members;

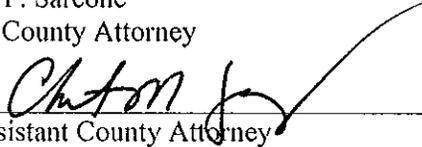
NOW, THEREFORE, BE IT RESOLVED: That the Polk County Board of Supervisors/Board of Health approves and authorizes Chairperson to sign the contract.

POLK COUNTY BOARD OF SUPERVISORS

By \_\_\_\_\_  
Chair

  
\_\_\_\_\_  
Rick Kozin  
Director of Public Health

Approved as to form:  
John P. Sarcone  
Polk County Attorney

By   
\_\_\_\_\_  
Assistant County Attorney

FISCAL NOTE:

# 8

# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** Resolution approving contract with Amerihealth Caritas Iowa, Inc (services to Medicaid-eligible families) for onsite services

**Agenda Date:** 3/22/2016

**Contact Individual:** Scott Slater, 286-3752

**Previous Action taken by the Board:** Agreement approved for offsite services on 3/1/2016

**Board/Commission Actions:** None

**Action Requested (Recommended):** Approval

**Comply with Policy:** Yes

**Background:** Polk County currently contracts with Iowa Medicaid Enterprises (IME) to provide services for Medicaid Eligible members. IME is transitioning to a managed care model as of April 1, 2016 and has entered into contracts with managed care organizations to ensure services continue to be provided in the community.

Amerihealth Caritas Iowa, Inc. is one of the managed care organizations selected by the State of Iowa and they have requested to contract with Polk County to provide clinic services to their members. An initial agreement was signed with Amerihealth Caritas in early March for the provision of ancillary services (offsite immunization clinics). This agreement will cover services performed on-site at the health department under a physician's or nurse practitioner's order.

Annual revenue from Medicaid is \$50,000/year.

**Action Impact:** This contract will allow Polk County, through the health department, to be reimbursed for clinical services it provides to Amerihealth Caritas Iowa, Inc. members.

**Fiscal Note:**

Fiscal Year	Budget- ed? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code
	Y					

**Additional Fiscal Note Information (optional):**

**RESOLUTION**

Moved by \_\_\_\_\_, Seconded by \_\_\_\_\_ that the following Resolution be adopted:

**WHEREAS**, 208 Restaurant & Bar, LLC d/b/a RoCA (208) conducts a restaurant business at 208 Court Avenue, Des Moines, Iowa which location borders the parking lot owned by the County at 200 Court Avenue, Des Moines, Iowa; and

**WHEREAS**, the County has previously agreed to consent to 208 receiving a permit from the City of Des Moines to operate a "sidewalk café" on the sidewalk in front of its business and on a part of the sidewalk in front of the property owned by the County which application requires 208 to obtain the consent of the County; and

**WHEREAS**, 208 and General Services have agreed to an amendment to the Agreement which is evidenced in the Amended Agreement attached hereto subject to the Board of Supervisors approval;

**NOW, THEREFORE BE IT RESOLVED**, that the Polk County Board of Supervisors hereby approves entering into said Amended Agreement with 208 and consents to the operation of a sidewalk café on the sidewalk in front of 200 Court Avenue, Des Moines, Iowa as set forth in the attached Amended Agreement and Consent.

**BE IT FURTHER RESOLVED**, that the Polk County Board of Supervisors hereby approves and authorizes the Chair to sign the attached Amended Agreement and Consent.

**POLK COUNTY BOARD OF SUPERVISORS**

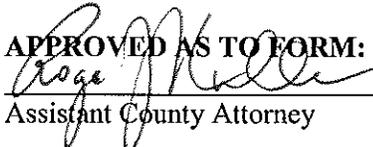
\_\_\_\_\_  
Chairperson

1516-014

**SUBMITTED BY:**

  
\_\_\_\_\_  
John Rowen, Director  
General Services

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Assistant County Attorney

**FY 15/16 Fiscal Impact: None**

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# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** Approval of Amendment of Agreement with 208 Restaurant & Bar, LLC d/b/a RoCA (208) for use of part of the sidewalk, owned by Polk County, located at 200 Court Avenue, Des Moines, IA.

**Agenda Date:** March 22, 2016

**Contact Individual:** John Rowen, Director General Services

**Background:** Polk County has previously agreed to consent to RoCA receiving a permit from the City of Des Moines to operate a “sidewalk café” on the sidewalk in front of its business and on a part of the sidewalk in front of the property owned by the County. This application requires RoCA to obtain the consent of Polk County.

**Action Impact:** Approval of this Amendment will allow RoCA to operate a sidewalk café on part of the County property located at 200 Court Avenue.

**Fiscal Note:** None

Fiscal Year	New Budget Item? (Y/N)	# of New Position(s) Required	Anticipated Expense	Anticipated Revenue	Budget Amendment Required? (Y/N)	If Amendment is Required,	
						Expense Account Code	Revenue Account Code
1516	N						

**Additional Fiscal Note Information (optional):**

RESOLUTION

MOVED BY \_\_\_\_\_, SECONDED BY \_\_\_\_\_,

That the following Resolution be adopted:

WHEREAS, the Public Works Department has requested a side-by-side Equipment Operator position due to the extended absence of an employee, and

WHEREAS, the employee's wages are covered under Workers Compensation Insurance but utilizes accrued leave (approximately 16.5 hrs weekly) to cover his Polk County insurance costs, and

WHEREAS, the Director of Public Works indicates the side-by-side position is needed to maintain Clean Sweep Program operations, and

WHEREAS, the side-by-side position will continue until the employee returns to work or terminates employment but no later than 1/8/17, and

WHEREAS, the Human Resources Department recommends:

- Create one (1) side-by-side Equipment Operator position, AFSCME grade 17, range \$47,531-\$62,217 effective 5/1/16 and continuing until the employee returns from leave or terminates but no later than 1/8/17.

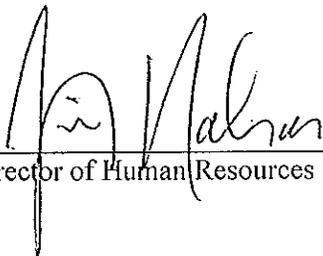
NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors hereby adopts the recommendation to create a side-by-side position and directs the County Auditor and the Director of Human Resources to take the necessary steps to implement this resolution.

Approved this \_\_\_\_\_ Day of \_\_\_\_\_ 2016

POLK COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Chairperson

Submitted By:



\_\_\_\_\_  
Jim Nahas, Director of Human Resources

# 10

# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** Creation of a Side-By-Side Position within the Public Works Department.

**Agenda Date:** 3/22/16

**Contact Individual:** Jim Nahas, Director of Human Resources

**Previous Action taken by the Board:**

**Action Requested (Recommended):** Create one (1) side-by-side Equipment Operator position, AFSCME grade 17, range \$47,531-\$62,217 effective 5/1/16 and continuing until the employee returns from leave or terminates but no later than 1/6/17.

**Comply with Policy:**

**Background:** The incumbent of the Equipment Operator position (#1545) in the Public Works Department is on an extended absence. His wages are covered under Worker's Compensation Insurance funds, however, he uses accrued leave to pay for his Polk County insurance costs (about 16.5 hrs a week). His insurance benefit costs will continue to be paid under general funds. The Director indicates he needs the side-by-side position to maintain the Clean Sweep operations. The Director does not anticipate requiring the position beyond January 2017 and indicates currently budgeted funds are available to cover the costs.

**Action Impact:** Creates one (1) side-by-side Equipment Operator position (#1545SBS), AFSCME grade 17, range \$47,531-\$62,217 effective 5/1/16 until the employee returns from leave or terminates but no later than 1/6/17.

**Fiscal Note:** Estimated costs are based upon the position lasting from 5/1/16 until 1/6/17. FY15/16 savings are the result of unused wages for the incumbent on leave. Budgeted funds are available to cover the costs of the side-by-side position and no additional funds are requested.

Fiscal Year	New Budget Item? (Y/N)	# of New Position(s) Required	Anticipated Expense	Anticipated Revenue	Budget Amendment Required? (Y/N)	If Amendment is Required,	
						Expense Account Code	Revenue Account Code
15/16	Y	1	(21,878)				
16/17	Y	1	13,589				

**Additional Fiscal Note Information (optional):**

RESOLUTION

MOVED BY \_\_\_\_\_, SECONDED BY \_\_\_\_\_,

That the following Resolution be adopted:

WHEREAS, the Polk County Board of Supervisors certified the FY16/17 on March 8, 2016, and

WHEREAS, the Polk County Board of Supervisors, during the FY16/17 budget deliberations, authorized the following position modifications to staff the new Criminal Courthouse:

General Services- (to be effective 12/1/16)

- Create four (4) Building Technician positions, AFSCME grade 9, range \$33,136-\$43,100.

Sheriff's Office (to be effective 4/1/17)

- Create three (3) Sergeant positions, Management/Supervisory grade 21, range \$64,611-\$85,020.
- Create twenty-one (21) Deputy positions, Teamsters grade 17, range \$43,560-\$62,007.

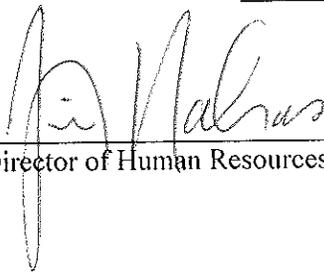
NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors approves the above position modifications and directs the County Auditor, and Human Resources to make the above changes in the specified departments/offices.

Approved this \_\_\_\_\_ Day of \_\_\_\_\_ 2016

POLK COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Chairperson

Submitted By:



\_\_\_\_\_  
Jim Nahas, Director of Human Resources

# | |

# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** Position Modifications Included in the FY16/17 Budget

**Agenda Date:** 3/22/16

**Contact Individual:** Jim Nahas, Director of Human Resources

**Previous Action taken by the Board:** By resolution dated 3/8/16, certified the FY16/17 Budget.

**Action Requested (Recommended):** Create four (4) Building Technician positions effective 12/1/16; create three (3) Sergeant positions and twenty-one (21) Deputy positions effective 4/1/17.

**Comply with Policy:**

**Background:** During budget deliberations, the Board of Supervisors approved creation of four (4) Building Technician positions effective 12/1/16 and creation of three (3) Sergeant and twenty-one (21) Deputy positions to be effective 4/1/17 to staff the new Criminal Courthouse.

**Action Impact:** Creates four (4) Building Technician positions, AFSCME grade 9, range \$33,136-\$43,100 effective 12/1/16; creates three (3) Sergeant positions, Management grade 21, range \$64,611-\$85,020 and twenty-one (21) Deputy positions, Teamsters grade 17, range \$43,560-\$62,007 effective 4/1/17.

**Fiscal Note:** Costs incorporated in the FY16/17 budget.

Fiscal Year	New Budget Item? (Y/N)	# of New Position(s) Required	Anticipated Expense	Anticipated Revenue	Budget Amendment Required? (Y/N)	If Amendment is Required,	
						Expense Account Code	Revenue Account Code
16/17		28					

**Additional Fiscal Note Information (optional):**

**RESOLUTION**

MOVED BY \_\_\_\_\_ SECONDED BY \_\_\_\_\_

that the following resolution be adopted:

WHEREAS, through a technical oversight, Alma J. Castro-Aguirre and Napoleon Alonzo ("Castro-Aguirre") were found to be ineligible for the City of Des Moines' Tax Abatement Program; and

WHEREAS, as a result of this ineligibility, Castro-Aguirre were in financial distress and were in jeopardy of losing their home ownership; and

WHEREAS in 2010, Polk County entered into an agreement with Castro-Aguirre to provide financial assistance, through the Department of Community, Family and Youth Services, to assist in the payment of their property taxes; and

WHEREAS, Castro-Aguirre signed a mortgage to Polk County in the amount of \$2,108.00 on April 7, 2011. The mortgage is recorded in the Office of the Polk County Recorder on April 8, 2011, Book 13819 pages 426-429, repayment of which is due and payable to Polk County by March 31, 2016.

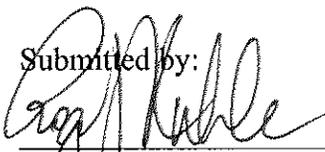
WHEREAS, Castro-Aguirre have paid the full amount of the mortgage in March, 2015.

NOW, THEREFORE BE IT RESOLVED that the Polk County Board of Supervisors release the mortgage on 5449 SE 26<sup>th</sup> Court and authorizes the Chair of the Board of Supervisors to sign the attached.

POLK COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Chairperson

Submitted by:



\_\_\_\_\_  
Roger Kuhle  
Assistant County Attorney

# 12

**RESOLUTION**

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_  
that the following resolution be adopted:

WHEREAS, Polk County utilizes the services of a financial advisor to assist with debt review, bond issuance, and financial advice, and

WHEREAS, Polk County contracts for such services with Piper Jaffray through a contract approved on May 15, 2012, and

WHEREAS, the approved contract specifies that the parties will amend the contract for each new bond issuance and/or refinancing/refunding of municipal bonds, and

WHEREAS, Polk County is now initiating proceedings to issue new bonds, thereby precipitating the need for a contract amendment,

NOW, THEREFORE, BE IT RESOLVED that Polk County does agree to the attached Amendment to Financial Services Agreement with Piper Jaffray & Co. and does further authorize the Chairperson of the Board of Supervisors to execute the contract amendment and purchase letter on behalf of Polk County.

POLK COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Chairperson

Submitted By:

  
\_\_\_\_\_  
Deb Anderson, Budget Manager

Approved as to Form:

  
\_\_\_\_\_  
Roger Kuhle,  
Assistant Polk County Attorney

#13

# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** Resolution approving amendment to the Financial Services Agreement with Piper Jaffray & Co.

**Agenda Date:** March 22, 2016

**Contact Individual:** Deb Anderson, Budget Manager  
Board of Supervisors  
286-3016

**Background:** Polk County uses a financial advisor primarily to coordinate bond sales. The financial advisor also monitors market conditions and the County's debt to apprise the County of refunding opportunities and performs various financial functions at the request of the County.

On May 15, 2012, Polk County entered into a financial advisory services agreement with Piper Jaffray. The contract specified that the parties would amend the contract for each new bond issuance and/or refinancing/refunding of municipal bonds and prescribed a form to be used for such amendment. Polk County is now initiating proceedings to issue new bonds, thereby precipitating the need for a contract amendment.

The proposed amendment specifies the scope of services to include issuance of general obligation bonds to finance (a) the refinancing on or around 6/1/2016 of the principal portion due 6/1/2016 of the County's 6/1/2015A, 12/30/2010A&B and 8/1/2012B general obligation bonds/notes; and (b) the refinancing on or around 6/1/2017 of the principal portion due 6/1/2017 of the County's 6/1/2015A, 12/30/2010A&B and 8/1/2012B general obligation bonds/notes.

**Action Impact:** Approves an amendment to the Financial Services Agreement to cover services rendered in connection with two upcoming, proposed bond issuances.

**Fiscal Note:**

Fiscal Year	New Budget Item? (Y/N)	# of New Position(s) Required	Anticipated Expense	Anticipated Revenue	Budget Amendment Required? (Y/N)	If Amendment is Required,	
						Expense Account Code	Revenue Account Code
15/16	Y		\$20,000		N	2950950100.79140	
16/17	Y		\$20,000		N	2950950100.79140	

**RESOLUTION**

**MOVED** by \_\_\_\_\_ **SECONDED** by \_\_\_\_\_ that

the following Resolution be adopted:

**WHEREAS**, the Polk County Board of Supervisors has identified funding for Community Betterment projects in the FY 15-16 Prairie Meadows Revenue Gaming Plan; and,

**WHEREAS**, community agencies/organizations throughout the metropolitan area submit requests for Community Betterment funding; and,

**WHEREAS**, requests for support of community agencies/organizations throughout the metropolitan area have been received from all of the agencies listed on the attached Community Betterment Grant Award List; and,

**WHEREAS**, the nature of these agencies/organizations and their projects are an appropriate use of the Community Betterment funds.

**NOW, THEREFORE, BE IT RESOLVED** that the Polk County Board of Supervisors hereby approves awarding \$10,500.00 in Community Betterment Grants, in the individual amounts as identified, to the agencies/organizations on the attached Community Betterment Grant Award List from the Community Betterment fund.

**POLK COUNTY BOARD OF SUPERVISORS**

\_\_\_\_\_  
Chairperson

**SUBMITTED BY:**

*Lisa Moody-Tunks*

Lisa Moody-Tunks  
Grant Administrator

Fiscal Impact: \$10,500.00 from the Community Betterment fund, FY 15-16

#14

# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** Resolution Approving Community Betterment Grant Awards.

**Agenda Date:** March 22, 2016

**Contact Individual:** Lisa Moody-Tunks,  
Grant Administrator  
Polk County Board of Supervisors  
286-2272

**Previous Action taken by the Board:** Community Betterment Awards March 8, 2016-\$52,250.00.

**Board/Commission Actions:** N/A

**Action Requested (Recommended):** Approval of the attached March 22, 2016 Community Betterment Grant Award List.

**Comply with Policy:** Yes

**Background:** Polk County has funding for Community Betterment projects in the FY15-16 Prairie Meadows Revenue Gaming Plan. Request for support of community agencies/organizations have been received and their projects are an appropriate use of the Community Betterment funds.

**Action Impact:** Passing of this resolution approves awarding \$10,500.00 in Community Betterment Grants in the individual amounts as identified on the attached Community Betterment Grant Award List.

**Fiscal Note:**

Fiscal Year	Budget- ed? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code
15/16		\$10,500.00		N		40109033.79410

**Additional Fiscal Note Information (optional):**

Community Betterment Grant Awards  
March 22, 2016

Des Moines Neighbors	\$3,000.00
Guns N Hoses DSM	\$5,000.00
Roosevelt High School	\$2,500.00

\$10,500.00

Moved by \_\_\_\_\_, seconded by \_\_\_\_\_, that the following Resolution be adopted:

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF  
IEC HOTEL PROJECT DOCUMENTS

WHEREAS, by resolution, adopted September 8, 2015, this Board found and determined that certain areas located within the County are eligible and should be designated as an urban renewal area under Iowa Law, and approved and adopted the Iowa Events Center Urban Renewal Plan (the "Plan") for the Iowa Events Center Urban Renewal Area (the "Urban Renewal Area") described therein, which Plan is on file in the office of the Recorder of Polk County; and

WHEREAS, the City of Des Moines (the "City") and County, respectively, believe that the development of a full-service convention center hotel and meeting space is in the vital and best interests of the City and County, and their citizens, and will improve the economic conditions within both the City and the County, and is in accordance with the public purposes and provisions of the applicable State and local laws under which the Project has been undertaken and is being assisted; and

WHEREAS, IEC Hotel Corporation ("IEC") is a nonprofit Iowa corporation with the primary purposes of (i) supporting the County through the provision of charitable grants directly to the County, (ii) promoting economic development and enhancing job creation within the City and County, and (iii) lessening the burdens of government borne by the County, including the burdens associated with the County's current ownership of the Iowa Events Center convention and entertainment complex ("Events Center"); and

WHEREAS, in support of its primary purpose IEC, pursuant to its Articles of Incorporation, as amended, and applicable State law, intends to lease-purchase the hotel to be constructed adjacent to the Events Center (the "Project") and to finance the acquisition with one or more debt issuances, which upon retirement of said debt the hotel will be conveyed to the County; and

WHEREAS, the Project furthers the objectives of the City's Metro Center Urban Renewal Plan and the County's Urban Renewal Plan, and will assist the efforts of the City and County to preserve and create an environment which will protect the health, safety, and general welfare of residents and maintain taxable values within the City's Metro Center Urban Renewal Project Area, and the County's Urban Renewal Area, to encourage intensive and coordinated mixed-use development of commercial and parking facilities, including hotel improvements that will support businesses and help assure the most efficient and effective use of public and private investments, and to provide for the orderly expansion of downtown Des Moines as a retail, financial and business center of the metropolitan area; and

WHEREAS, the economic development incentives to be used for the Project shall be provided by the City and County pursuant to the Urban Renewal Act and Chapter 15A of the Iowa Code, and the parties believe that the obligations they are each assuming under the Agreement for the Project will generate the following public gains and benefits: (i) provide a "signature" convention center hotel development that will help attract larger and better-attended conventions and meetings to the Iowa Events Center and increase economic activity and commercial development, including additional employment opportunities, in the Metro Center Urban Renewal Project Area and the County's Urban Renewal Area; (ii) encourage further private investment and supporting commercial development and will attract and retain residents and businesses in the Metro Center Urban Renewal Project Area and the County's Urban

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Renewal Area; and (iii) further efforts to create and retain job opportunities within the Metro Center Urban Renewal Project Area and County's Urban Renewal area which might otherwise be lost; and

WHEREAS, public gains and benefits from the development of the Project and resulting commercial, hotel and parking redevelopment opportunities would not occur without the financial assistance provided by the Agreement and the public gains and benefits are warranted in comparison to the amount of the economic incentives; and

WHEREAS, as of November 10, 2015, the City, County and IEC Hotel Corporation approved a Development Agreement related to funding and administration of the Project, and the findings of this Board in Resolution #20, dated November 10, 2015 are incorporated herein; and

WHEREAS, in furtherance of the Project, IEC has been involved in active negotiations with Hilton Management LLC, as proposed hotel manager, Bankers Trust Company, as construction and partial permanent lender, and DSM Convention Hotel LLC, as general contractor; and

WHEREAS, an Amended and Restated Development Agreement (the "Agreement") has been prepared memorializing the obligations of the parties; and

WHEREAS, under the Agreement, the County will ground lease the Development Property to effectuate the construction, delivery and acquisition of the Project upon its completion in March 2018. The County will further assist by (i) funding that certain Preconstruction and Design Services Loan Agreement, as amended, (ii) agreeing to make an economic development loan to DSM Convention Hotel LLC and fund the Class B Obligations in accordance with the Certificate Purchase Agreement, (iii) contributing funds related to the Grayfield Grant, and (iv) providing the County Facility Fee Guaranty and County General Guaranty for the Project acquisition financing by IEC; and

WHEREAS, under the Agreement, the City will assist the Project by (i) delivering its City TIF Contribution to supplement the Project acquisition, (ii) provide the Iowa Reinvestment Act funds received from the State to the IRA Trust Agreement, (iii) sell its City Bonds, and (iv) provide the City Guaranty for Project acquisition by IEC; and

WHEREAS, so construction can commence to achieve the agreed upon delivery schedule, DSM Convention Hotel LLC is preparing to close on its construction loan with Bankers Trust Company, and commitments related to Hilton Management LLC's intended management arrangement with IEC need to be executed before the construction loan can close.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF POLK COUNTY, STATE OF IOWA:

Section 1. That the form and content of the following (referred to herein as "Project Documents"), the most recent drafts of which are attached hereto, are in all respects authorized, approved and confirmed. The Chair and County Auditor are authorized, empowered and directed to execute, attest, seal and deliver each of the Project Documents for and on behalf of the County in substantially the form and content now before this meeting, but with such changes, modifications, additions or deletions therein as shall be approved by such officers, the County Attorney's Office, special counsel and advisors to the County. From and after the execution and delivery of the Project Documents, the Chair, County Auditor and County Administrator are hereby authorized, empowered and directed to do all such acts and to execute all such documents as may be necessary to carry out and comply with the provisions of the Project Documents to effectuate the Project as discussed and contemplated herein.

The Project Documents formally approved include:

- a. Amended and Restated Development Agreement;
- b. Ground Lease;
- c. Consent to Ground Sublease;
- d. Certificate Purchase Agreement;
- e. Bankers Trust Company construction loan documents, including:
  - (i) Consent to Collateral Assignments of Amended and Restated Development Agreement;
  - (ii) Consent to Assignment of Certificate Purchase Agreement;
- f. Hilton Management LLC's management agreement documents, including:
  - (i) Non-Disturbance Agreement;
- g. First Amendment to Preconstruction Services and Design Loan Agreement.

Section 2. That the performance by the County of its obligations under the Project Documents, including but not limited to providing financial assistance in connection with the Project, is hereby declared to be public undertakings and purposes in furtherance of the Plan and Urban Renewal Law, and, further, that the County's performance thereunder is in furtherance of appropriate economic development activities and objectives of the County within the meaning of Chapter 15A and 403 of the Iowa Code, taking into account the factors set forth therein.

PASSED AND APPROVED THIS 22<sup>nd</sup> day of March, 2016.

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Tom Hockensmith, Chair, Board of Supervisors

ATTEST

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County Auditor

ROLL CALL



# MMP Short Form for Annual Updates

Iowa law requires confinement feeding operations to submit updated manure management plans (MMPs) and fees on an annual basis. The update, which must be submitted on this form, may be submitted any time in the 45 days prior to the due date. If the update is not submitted to the appropriate DNR field office by the due date, a Notice of Violation will be issued. **If a complete update, including fees, is not submitted by the end of the month in which it is due, the matter will be referred to our legal services section for enforcement action, including a \$3,000 penalty.** The postmark is considered the submittal date for mailed updates.

### Instructions:

1. Fill in the facility information including name, ID number, location, and owner/contact information. Check the box(es) below that apply to your operation. Sign and date the form.
2. Make copies of this form for yourself, the appropriate county or counties, and the DNR field office.
3. Submit a copy of this form and the changes to the plan to the appropriate county or counties.
4. Submit a copy of this form [signed and dated by the facility owner and by the county representative(s)] to the appropriate DNR field office. You do not need to submit the changes to the DNR field office. Submit only this form.
5. Attach a copy of the compliance fee form (542-8064) along with a check made out to the DNR.

Facility Name: Brad Moeckly Facility ID #: 63137

Facility Address: 4171 NE 118th Avenue Elkhart IA 50073  
(Address) (City) (State) (Zip)

Location: NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Sec 32 T 81N R 23W Elkhart Polk  
( $\frac{1}{4}$ ) ( $\frac{1}{4}$ ) (Section) (Tier & Range) (Township Name) (County)

Owner's Name: Brad Moeckly Phone Number: 515-367-3791

Mailing Address: 3073 NE 126th Avenue Elkhart IA 50073  
(Address) (City) (State) (Zip)

Contact Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
(If different than owner)

Mailing Address: \_\_\_\_\_  
(Address) (City) (State) (Zip)

Changes indicated below must be included in your current, on-site copy of the MMP (kept within 30 miles of the site). Prior to making changes in manure management practices, the on-site copy must be updated to show the proposed changes.

- I have made no changes to my MMP.
- I have made the following changes to my MMP:
- I have added acres.
  - I have changed my crop rotation or optimum yields.
  - My type of feeding system has changed.
  - I used a different method of application.
  - I am using a manure analysis for determining application rates when applying manure
  - I am electing to be a small animal feeding operation (SAFO)
    - The manure has been removed/applied effective \_\_\_\_\_ (date)
    - The animal unit capacity of my facility has changed to \_\_\_\_\_ (AUCs)
    - Compliance Fee Form (542-8064) to be submitted with original election (no check required)
  - The animal unit capacity of my facility has changed. (Contact your local DNR field office.)
  - I have made (other) changes to my MMP. Describe: \_\_\_\_\_

RECEIVED  
 15 MAR 14 AM 10:41  
 POLK CO AUDITOR  
 JAMIE FITZGERALD

Signature of Facility Owner: Brad Moeckly Date: 3/14/16

VERIFICATION OF COUNTY RECEIPT: I have received a complete copy of the annual MMP update.

County: Polk Signature: Jamie Fitzgerald A.A. Date: 3/14/16

County: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

County: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

To be approved, the update must be submitted on this form, at least one of the boxes above must be checked, the form must be signed and dated by the county representative(s) and the facility owner, and the correct fees must be paid.

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