

**POLK COUNTY BOARD OF SUPERVISORS AGENDA**  
**POLK COUNTY ADMINISTRATIVE OFFICE BUILDING**

**111 COURT AVENUE - ROOM 120**

**OCTOBER 11, 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.

**PUBLIC HEARING**

**FY 16/17 BUDGET AMENDMENT**

5. Resolution amending the FY 16/17 budget.

**ORDINANCE**  
**(THIRD READING)**

6. Ordinance amending the Polk County Zoning Ordinance to allow certain Light Industrial uses within the Mixed Use District through a Conditional Use process.

**ORDINANCE**  
**(THIRD READING)**

7. Ordinance establishing a Polk County Minimum Wage.

8. **PUBLIC COMMENTS**

**RESOLUTIONS**

9. Resolution authorizing the Auditor's Office to publish Notice of Public Hearing for November 1, 2016 regarding rezoning request for property at the northwest corner of NW 2<sup>nd</sup> Street and NW 54<sup>th</sup> Avenue (Woodside Commercial Park LLC).
- \*10. Resolution approving agreement with IMPACT Community Action Partnership.
11. Resolution canceling erroneous assessment of sanitary sewer user charges special assessment for property at 5499 NE 14<sup>th</sup> Street.

12. Resolution approving employment agreement for on-call Forensic Lab Assistant (R. Jessen).
13. Resolution creating side-by-side position in the Sheriff's Office (military leave).
14. Resolution creating side-by-side position in the Sheriff's Office (extended absence).
- \*15. Resolution approving agreement with RDG to complete the design of the skywalk over Park Street.
- \*16. Resolution awarding Community Development Grant to St. Vincent de Paul.
17. Resolution approving Community Betterment Grant awards.

#### **REPORTS**

- \*18. First Quarter Report FY 16/17 from Polk County Veteran Affairs.

#### **COMMUNICATIONS**

19. Request for abatement of taxes on property at 1116 Army Post Rd (Fort Des Moines Open Bible).
20. Communication from Luther Care Services regarding Notice and Direction to Trustee as to Exercise of Prepayment/Optional Redemption of bonds (Luther Park Health Center Inc Project).
- \*21. Notice of a consultation concerning the proposed amendment to the (amended and restated) Downtown Urbandale Neighborhood Area Urban Renewal Plan for the City of Urbandale.

#### **BUDGET ACTIONS**

22. Memorandum of Budget Actions.

#### **APPOINTMENTS**

23. Memorandum of Appointments.

#### **ADJOURNMENT**

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

# RESOLUTION

MOVED by \_\_\_\_\_ SECONDED by \_\_\_\_\_  
that the following Resolution be adopted:

WHEREAS, Section 331.434(6) of the Iowa Code requires the Board of Supervisors to appropriate by resolution the amounts deemed necessary for each of the County offices and departments for all statutory budget funds; and

WHEREAS, Iowa Code Section 331.435 permits a County to amend its fiscal year budget after providing proper notice and opportunity for public comment, and

WHEREAS, it is necessary to amend the FY 2016/2017 Polk County Budget and Appropriation to reflect the actions and expenditure requirements of the County Offices and Departments since the budget was certified on March 8, 2016, and

WHEREAS, a staff meeting on the proposed amendment was held August 31, 2016, and a public hearing was held October 11, 2016,

NOW, THEREFORE, BE IT RESOLVED, that the Polk County Board of Supervisors amends the appropriation for Fiscal Year 2016/2017 by fund, department, and service area and appropriates for FY 2016/2017 the sums reflected in the attached appropriation summary.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2016.

POLK COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Chairperson

SUBMITTED BY:

Deborah Anderson  
Deb Anderson, Budget Manager

## FISCAL NOTE:

	Current Budget	Proposed Amendment	Total Budget After Amendment
Revenues & Other Sources	\$ 261,915,612	\$ 2,517,357	\$ 264,432,969
Expenditures & Other Uses	300,018,186	(1,296,342)	298,721,844
Excess of Revenues & Other Sources Over/(Under) Expenditures & Other Uses	\$ (38,102,574)	\$ 3,813,699	\$ (34,288,875)
Beginning Fund Balance - July 1, 2016	\$ 124,204,784	\$ 9,950,566	\$ 134,155,350
Ending Fund Balance - June 30, 2017	\$ 86,102,210	\$ 13,764,265	\$ 99,866,475

Note: Figures include transfers

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# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** Resolution amending FY 16/17 budget

**Agenda Date:** October 11, 2016

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

**Background:** Polk County routinely amends the current budget and appropriation to reflect a variety of actions taken by the Board of Supervisors, Offices, and Departments since the original budget was certified. Adjustments include such items as re-appropriating special projects funds, grant awards, position changes, and adjustments based on current expenditure and revenue estimates.

Staff presented the proposed amendment to the Board of Supervisors for discussion and review on August 31, 2016. The amendment has no impact on property taxes levied for FY 16/17.

**Action Impact:** Approves amendment of the FY 16/17 certified budget

**Fiscal Note:** Expenditures decrease \$1.7 million. Revenues increase \$1.9 million. Net transfers increase \$0.2 million. The proposed revenue, expense, and transfer adjustments decrease usage of fund balances by \$3.8 million. Beginning fund balances are adjusted to actual and increase \$10.0 million, mainly due to bond proceeds being held in reserve for capital projects. The net impact of these changes is a \$13.8 million increase in ending fund balances as compared to the budget certified in March 2016.

Fiscal Year	New Budget Item? (Y/N)	# of New Position(s) Required	Anticipated Expense & Transfers Out	Anticipated Revenue & Transfers In	Budget Amendment Required? (Y/N)	If Amendment is Required,	
						Expense Account Code	Revenue Account Code
16/17	N	N/A	298,721,844	264,432,969	Y	Various	Various

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

<b>COUNTY NAME:</b> Polk	<b>RECORD OF HEARING AND DETERMINATION ON THE AMENDMENT TO COUNTY BUDGET</b>	<b>COUNTY NO:</b> 77
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Date budget amendment was adopted: 10/11/16	For Fiscal Year Ending: June 30, 2017
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The County Board of Supervisors met on the date specified immediately above to adopt an amendment to the current County budget as summarized below. The amendment was adopted after compliance with the public notice, public hearing, and public meeting provisions as required by law.

Iowa Department of Management Form 653 A-R Sheet 2 of 2 (revised 05/01/14)		Total Budget as Certified or Last Amended	Adopted Current Amendment	Total Budget After Current Amendment
<b>REVENUES &amp; OTHER FINANCING SOURCES</b>				
Taxes Levied on Property	1	156,347,407	0	156,347,407
Less: Uncollected Delinquent Taxes - Levy Year	2	643,547	0	643,547
Less: Credits to Taxpayers	3	7,002,405	0	7,002,405
Net Current Property Taxes	4	148,701,455	0	148,701,455
Delinquent Property Tax Revenue	5	800	0	800
Penalties, Interest & Costs on Taxes	6	1,307,000	(150,000)	1,157,000
Other County Taxes/TIF Tax Revenues	7	5,854,489	0	5,854,489
Intergovernmental	8	49,928,184	1,701,488	51,629,672
Licenses & Permits	9	973,800	0	973,800
Charges for Service	10	13,365,530	188,000	13,553,530
Use of Money & Property	11	3,078,610	105,835	3,184,445
Miscellaneous	12	2,513,940	33,760	2,547,700
<b>Subtotal Revenues</b>	13	225,723,808	1,879,083	227,602,891
Other Financing Sources:				
General Long-Term Debt Proceeds	14	100,000	0	100,000
Operating Transfers In	15	35,716,804	594,274	36,311,078
Proceeds of Fixed Asset Sales	16	375,000	44,000	419,000
<b>Total Revenues &amp; Other Sources</b>	17	261,915,612	2,517,357	264,432,969
<b>EXPENDITURES &amp; OTHER FINANCING USES</b>				
Operating:				
Public Safety & Legal Services	18	74,288,161	299,879	74,588,040
Physical Health & Social Services	19	37,803,145	403,877	38,207,022
Mental Health, ID & DD	20	28,229,014	(5,075,789)	23,153,225
County Environment & Education	21	13,332,666	67,809	13,400,475
Roads & Transportation	22	10,885,012	359,195	11,244,207
Government Services to Residents	23	8,103,922	44,882	8,148,804
Administration	24	33,240,292	421,428	33,661,720
Nonprogram Current	25	0	0	0
Debt Service	26	19,306,455	0	19,306,455
Capital Projects	27	47,004,311	1,775,084	48,779,395
<b>Subtotal Expenditures</b>	28	272,192,978	(1,703,635)	270,489,343
Other Financing Uses:				
Operating Transfers Out	29	27,825,208	407,293	28,232,501
Refunded Debt/Payments to Escrow	30	0	0	0
<b>Total Expenditures &amp; Other Uses</b>	31	300,018,186	(1,296,342)	298,721,844
<b>Excess of Revenues &amp; Other Sources over (under) Expenditures &amp; Other Uses</b>	32	(38,102,574)	3,813,699	(34,288,875)
Beginning Fund Balance - July 1,	33	124,204,784	9,950,566	134,155,350
Increase (Decrease) in Reserves (GAAP Budgeting)	34	0	0	0
Fund Balance - Nonspendable	35	0	0	0
Fund Balance - Restricted	36	30,140,175	11,301,163	41,441,338
Fund Balance - Committed	37	16,027,824	(1,184,439)	14,843,385
Fund Balance - Assigned	38	0	0	0
Fund Balance - Unassigned	39	39,934,211	3,647,541	43,581,752
<b>Total Ending Fund Balance - June 30,</b>	40	86,102,210	13,764,265	99,866,475

Date original budget adopted: 03/08/16	Date(s) current budget was subsequently amended:
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The below-signed certify that proof of publication of the hearing notice and proposed amendment is on file for each official County newspaper, that all public hearing notices were published not less than 10, nor more than 20 days prior to the public hearing, and that adopted expenditures do not exceed published amounts for any of the 10 individual expenditure classes, or in total.

Board Chairperson (signature)

County Auditor (signature)

ORDINANCE NO.

WHEREAS, the Polk County Board of Supervisors adopted the Zoning Ordinance on August 28, 2007 and most recently amended on April 13, 2010; and

WHEREAS, a text amendment to the Polk County Zoning Ordinance to allow certain light industrial uses within the Mixed Use District zone through a Conditional Use process has been initiated by County staff; and

WHEREAS, the text amendment resulted from numerous inquiries from the public and past rezoning requests to allow additional commercial and industrial uses in the Mixed Use District zone; and

WHEREAS, the Text Amendment was reviewed and heard by the Polk County Zoning Commission on Monday, August 22, 2016 at 7:00 P.M., at the meeting room of the Polk County Public Works Department, Planning Division, 5885 N.E. 14<sup>th</sup> Street, Des Moines, Iowa, due and timely notice published as provided by law; and

WHEREAS, the Polk County Zoning Commission met on August 22, 2016, and voted four (4) for, zero (0) against with three (3) absent to recommend **approval** of the Polk County Zoning Ordinance Text Amendment to the Polk County Board of Supervisors; and

WHEREAS, the Text Amendment was heard by the Polk County Board of Supervisors on Tuesday, September 27, 2016 at 9:30 A.M., in Room 120 of the Polk County Administrative Office Building, 111 Court Avenue, Des Moines, Iowa, due and timely notice published as provided by law.

NOW, THEREFORE, BE IT ORDAINED that the Text Amendments (Attachment A) to the Polk County Zoning Ordinance for the Unincorporated Area of Polk County, Iowa be amended and become effective upon publication.

POLK COUNTY BOARD OF SUPERVISORS:

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
County Auditor

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# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** Ordinance No. 1st reading on a Text Amendment to the Polk County Zoning Ordinance to allow certain Light Industrial uses within the Mixed Use District through a Conditional Use process.

**Agenda Date:** September 27, 2016

**Contact Individual:** Bret VandeLune, Planning and Development Manager, Polk County Public Works, 286-2290

**Previous Action taken by the Board:** None

**Board/Commission Actions:** At their August 22, 2016 meeting, the Zoning Commission voted four (4) for, zero (0) against with three (3) absent to recommend approval of the Text Amendment to the Polk County Zoning Ordinance to allow certain Light Industrial uses within the Mixed Use District through a Conditional Use process.

**Action Requested (Recommended):** Approval

**Comply with Policy:** Yes

**Background:** As a result of a recent rezoning application and numerous inquiries over time, County staff has had an opportunity to review the Mixed Use District zone. This review focused on the allowed uses and how the district has developed over time. Due to the numerous residential homes and variety of uses in this district, staff is suggesting a Conditional Use process to provide for notification, review and conditions on industrial use requests.

**Action Impact:** If the Text Amendment to the Polk County Zoning Ordinance is approved, certain Light Industrial uses will be allowed on properties zoned Mixed Use through the approval of a Conditional Use permit from the Polk County Board of Adjustment.

**Fiscal Note:** None

Fiscal Year	Budgeted? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code
16/17	N	N	N	N		

**ORDINANCE**  
**September 27, 2016**

AN ORDINANCE ESTABLISHING A POLK COUNTY MINIMUM WAGE

WHEREAS, SEC. 39A of the Iowa Constitution grants counties the power and authority to determine their local affairs and government so far as not inconsistent with the laws of the general assembly and it also expressly disavows the proposition that a county can exercise only those powers granted in express words; and

WHEREAS, Section 331.301(1), Iowa Code, permits counties, except as expressly limited by the Constitution of the State of Iowa, and if not inconsistent with the laws of the general assembly, to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county or of its residents and to set standards and requirements which are higher and more stringent than those imposed by state law; and

WHEREAS, Polk County, Iowa has one of the highest costs of living in the state; and

WHEREAS, many working families and individuals in Polk County are unable to adequately sustain themselves due to wages being below the cost of living in this county whether a person is single, married with children or single with children; and

WHEREAS, payment of a higher minimum wage will advance Polk County's interests by creating jobs that help workers and their families avoid poverty, economic hardship and hunger, reduce residents' reliance upon public and private aid, and better enable residents to meet basic needs; and

WHEREAS, increasing the minimum wage increases consumer purchasing power which stimulates the economy and increases all workers' standards of living which will improve the peace, safety, health, welfare, comfort, prosperity and convenience of Polk County residents;

WHEREAS, certain "youth employees" (defined herein as between the ages of 14 and 17) are treated differently under Federal and Iowa law from other hourly paid employees for minimum wage purposes (§91D.1(c), Iowa Code) but it is well recognized that many of said employees are legally restricted in performing many job tasks and they are unable to commit to full time availability due to safety, school, family and developmental reasons which truly distinguishes a "youth employee" from those aged 18 to 20; further, many working teens receive value in employment far beyond financial necessity, e.g., teenage workers may develop attributes such as a stronger work ethic, increased responsibility and time management skills which also present employers with opportunities to develop the teens into future full-time employees; and,

WHEREAS, such differences attending "youth employees" mitigate against requiring employers to pay them the same minimum wage paid other workers as set forth herein; and,

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WHEREAS, certain “tipped employees” (as defined by state and federal law) are treated differently under Federal and Iowa law than other hourly paid employees for minimum wage purposes (§91D.1(c), Iowa Code); and,

WHEREAS, the fact that “tipped employees” earn total wages higher than the current minimum wage established by State and Federal law mitigates against including them under a Polk County Minimum Wage ordinance without employers receiving a corresponding increase in the current “tipped employee credit”.

NOW, THEREFORE, BE IT RESOLVED BY THE POLK COUNTY BOARD OF SUPERVISORS, as follows:

SECTION I. Purpose.

The purpose of this ordinance shall be to establish a meaningful minimum hourly wage applicable to all employees and employers within the geographical boundaries of Polk County, Iowa except as otherwise set forth herein.

SECTION II. Authority.

This ordinance is adopted pursuant to Polk County’s home rule authority as set out in Article III, Section 39A of the Iowa Constitution, §331.30, Iowa Code and the power of the county to adopt standards that exceed standards set forth by the legislature, both as set out in Iowa Code §§331.301(1) through §331.301(5) and with emphasis on §331.301(3) and also §331.301(6).

SECTION III. Applicability Within Polk County Municipalities.

This ordinance shall be applicable within the unincorporated areas of Polk County, Iowa, and any Polk County municipality that has not adopted a conflicting ordinance.

SECTION IV. The Polk County Minimum Wage Ordinance.

The Polk County Code of Ordinances is hereby amended to add a new ordinance to be numbered 315 which shall read as follows:

POLK COUNTY MINIMUM WAGE ORDINANCE

Minimum Wage Requirements

(a) The Polk County minimum hourly wage for all employees not exempted by State and Federal law shall be at least **\$8.75** as of April 1, 2017, **\$9.75** as of January 1, 2018, and **\$10.75** as of January 1, 2019. Further, the minimum wage then in effect beginning January 1, 2020 shall be increased by an amount corresponding to the previous calendar year’s increase (e.g., January 1, 2019 through December 31, 2019), if any, in the Consumer Price Index for the Midwest region as published by the Bureau of Labor

Statistics, U. S. Department of Labor or its successor index. The adjusted Polk County hourly wage shall be announced by the Board of Supervisors by April 1 of each year and become effective beginning July 1, 2020 and each July 1<sup>st</sup>, thereafter.

(b) Every employer as defined in the federal Fair Labor Standards Act of 1938, as amended to January 1, 2007, shall pay to each of the employer's employees as defined in the federal Fair Labor Standards Act of 1938, as amended to January 1, 2007, the Polk County hourly wage stated in paragraph "a" above, the current state hourly wage pursuant to Iowa Code §91D.1, or the current federal minimum wage, pursuant to 29 U.S.C. §206 whichever is greater.

(c) **Training wage:** An employer is not required to pay an employee the applicable Polk County hourly wage provided in paragraph "a" above until the employee has completed ninety calendar days of employment with the employer. An employee who has completed ninety calendar days of employment with the employer prior to April 1, 2017, January 1, 2018, and January 1, 2019 or as thereafter determined by future resolution shall earn the applicable Polk County hourly minimum wage as of that date. Except as provided in subsection (d) hereof, such hourly wage shall not be less than \$6.25 an hour.

(d) **Youth employees:** The "youth minimum wage" provided for in Section 6(g) of the Federal Fair Labor Standards Act Amendments of 1996 and incorporated into Iowa law in Section 91D.2(a), Iowa Code, which permits 14-20 year olds to be paid \$4.25 an hour for their first 90 days of employment is not affected by this Ordinance, provided however, after their first 90 days of employment, employees who are at least 14 years of age but not over 17 years of age can be paid 85% of the hourly Polk County minimum wage rate provided for in this Ordinance provided the current Iowa minimum wage does not exceed 85% of the Polk County minimum wage.

(e) **TIPPED EMPLOYEE CREDIT.**

i. For purposes of determining whether an employee of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receives more than thirty dollars a month in tips ("tipped wage employees") is receiving the minimum hourly wage rate prescribed in this section, the amount paid the employee by the employer shall be deemed to be increased on account of the tips by an amount determined by the employer not to exceed \$5.00 per hour at every Polk County Minimum Wage level. Barring anything to the contrary in Iowa or Federal law (which limitation under current Iowa and Federal law is considered to be a credit and expressed as 40 percent of the minimum wage) employers are obligated to pay employees any hourly wage amount less than the Polk County Minimum Wage.

ii. An employee may file a written appeal with the Iowa Labor Commissioner if the amount of tips received by the employee is less than the amount determined by the employer under this subsection. If the Commissioner does not act on the appeal, the employee may file an appeal with the Polk County Attorney.

iii. All Iowa and Federal statutes, regulations and administrative rules applicable to “tipped wage employees” shall apply equally to the Polk County Minimum Wage ordinance as applicable.

(f) **Covered employees:** Employees are covered by this ordinance for each hour worked within the geographic boundaries of Polk County or one of the municipalities located therein, provided that an employee who performs work in the geographic boundaries of Polk County or one of the municipalities located therein on an occasional basis is covered by this ordinance in a two-week period only if the employee performs more than two hours of work within Polk County or an applicable municipality during that two-week period.

(g) **Exceptions.** The exemptions and exceptions from the minimum wage requirements stated in Iowa Code §§91D.1 and 91D.2 (which incorporate all or parts of the Federal Fair Labor Standards Act and its exemptions {29 USC 206 et seq.}) and the Iowa Administrative Rules promulgated thereunder shall apply to this ordinance except as modified herein.

(h) **Anti-discrimination:** Employers may not take any action to displace any employee (including partial displacements such as a reduction in hours, wages, or employment benefits) for the purpose of employing someone at the youth wage. Violation of this anti-displacement provision a violation of 29 USC §15(a)(3).

(i) **Enforcement of Violations.** Any violation of this ordinance may be enforced pursuant to Iowa Code Chapter 91A and the remedies provided therein whether pursued by the Iowa Labor Commissioner, the County Attorney or the aggrieved employee acting independently as set forth in §91A.8, Iowa Code. Any violation of this ordinance shall also be considered a county infraction, punishable and enforceable as provided by §331.307, Iowa Code, and the County Attorney may enforce the affected employee’s remedies thereunder and in Ch. 91A., Iowa Code, provided the employee consents thereto.

(j) **Applicability.** Notwithstanding the above, this ordinance shall not be applicable within the geographic boundaries of any Polk County municipality that has adopted a conflicting ordinance, or to work performed by covered employees within said Polk County municipality.

**SECTION V. Repealer.** All other Polk County ordinances or parts of Polk County ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION VI. Savings Clause.** If any section, provision, or part of this ordinance shall be adjudged invalid, illegal or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid, illegal or unconstitutional.

SECTION V. **Effective Date.** This ordinance shall be in effect on the later of April 1, 2017, or after its final passage and publication as part of the proceedings of the Board of Supervisors.

With BOS amendment of 10-4-2016

RESOLUTION

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

WHEREAS, a rezoning petition was submitted to the Polk County Board of Supervisors by petitioners Woodside Commercial Park, LLC represented by Ben R. Doud (owners), 25528 Genesee Trail Road, Golden, CO 80401 and Mark Bockenstedt (perspective buyer), 1003 NW Ridge Road, Ankeny, IA 50023 for the subject property located at the northwest corner of NW 2<sup>nd</sup> Street and NW 54<sup>th</sup> Avenue, being legally described as Outlot Y of Woodside Estates West Plat 1 – Ex Parcel A as described in Book 15438, Page 785 in the Office of the Polk County Recorder, Saylor Township; and

WHEREAS, the petitioners are requesting a Polk County 2030 Comprehensive Plan Future Land Use Map Amendment from the Highway Commercial classification to the Light Industrial classification, and a Polk County Zoning Map Amendment from the “GC” General Commercial District to the “LI” Light Industrial District; and

WHEREAS, the Polk County Zoning Commission met on September 26, 2016, and voted five (5) for, zero (0) against with two (2) absent to recommend approval of the Polk County 2030 Comprehensive Plan Future Land Use Map Amendment and the Zoning Map Amendment; and

WHEREAS, Iowa Code Section § 335.6 requires a public hearing for a rezoning.

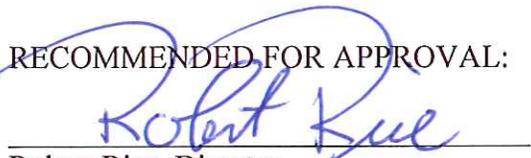
NOW, THEREFORE BE IT RESOLVED that a public hearing on this proposed rezoning is set for November 1, 2016 at 9:30 A.M. in Room 120 of the Polk County Administrative Office Building, 111 Court Avenue, Des Moines, Iowa.

BE IT FURTHER RESOLVED that the Polk County Auditor is directed to publish the attached notice of hearing.

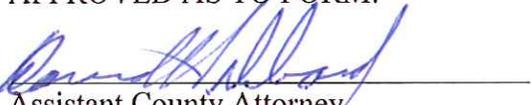
POLK COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
CHAIRPERSON

RECOMMENDED FOR APPROVAL:

  
\_\_\_\_\_  
Robert Rice, Director  
Polk County Public Works

APPROVED AS TO FORM:

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

Fiscal Note: None

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# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** Resolution No. 158-16 Setting a Public Hearing for a Rezoning Petition and requesting the Auditor to publish notice for the subject property located at the northwest corner of NW 2<sup>nd</sup> Street and NW 54<sup>th</sup> Avenue, being legally described as Outlot Y of Woodside Estates West Plat 1 – Ex Parcel A as described in Book 15438, Page 785 in the Office of the Polk County Recorder, Saylor Township.

**Agenda Date:** October 11, 2016

**Contact Individual:** Bret VandeLune, Planning and Development Manager 286-2290

**Previous Action taken by the Board:** None

**Board/Commission Actions:** The Polk County Zoning Commission met on September 26, 2016, and voted five (5) for, zero (0) against with two (2) absent to recommend approval of a Polk County 2030 Comprehensive Plan Future Land Use Map Amendment from the Highway Commercial classification to the Light Industrial classification, and a Polk County Zoning Map Amendment from the “GC” General Commercial District to the “LI” Light Industrial District.

**Action Requested (Recommended):** Setting a public hearing for November 1, 2016

**Comply with Policy:** Yes. The light industrial uses allowed by the proposed amendments contain little to no retail sales component, and therefore generate substantially less traffic than currently permitted general commercial uses. Characteristics of the subject property, including its location, transportation access, visibility, lack of current development, and overall suitability for future development, warrant a Comprehensive Plan and Zoning Map change. The request is consistent with the goals and policies of the Comprehensive Plan as they relate to growing the tax base, economic development, transportation and development, and respect for property owners, and supports the public welfare.

**Background:** The subject property is undeveloped. Directly adjacent to the west is the Woodside Estates West residential subdivision. A significant landscaping bufferyard would be required along the shared property line between the subject property and the subdivision at the time of development. The subject property contains a number of mature trees which would be required to be preserved and/or partially mitigated at the time of development.

**Action Impact:** Approval of the resolution sets the public hearing date and directs the Auditor's office to publish notice of the public hearing.

**Fiscal Note:** None.

Fiscal Year	Budgeted? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code
16/17	N	N	N	N		

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

PUBLIC NOTICE

NOTICE OF HEARING ON A PROPOSED ZONING MAP AMENDMENT TO THE AREA DESCRIBED BELOW AND AS PROVIDED FOR UNDER THE POLK COUNTY ZONING ORDINANCE AND UNDER CHAPTER 331 AND CHAPTER 335 CODE OF IOWA, AS AMENDED.

TO: All interested persons within the unincorporated territory of Polk County, Iowa:

NOTICE IS HEREBY GIVEN THAT on Tuesday, November 1, 2016 at 9:30am, a public hearing will be held by the Polk County Board of Supervisors. The hearing will take place in Room 120 of the Polk County Administrative Office Building, 111 Court Avenue, Des Moines, Iowa.

The purpose of the hearing is to take public testimony in connection with a proposed 2030 Comprehensive Plan Future Land Use Map Amendment and Zoning Map Amendment to the Official Polk County Zoning Map from Petitioners Woodside Commercial Park, LLC represented by Ben R. Doud (owners) & Mark Bockenstedt (perspective buyer), requesting a Polk County 2030 Comprehensive Plan Future Land Use Map Amendment from the Highway Commercial classification to the Light Industrial classification, and a Polk County Zoning Map Amendment from the "GC" General Commercial District to the "LI" Light Industrial District for the subject property legally described as:

Outlot Y of Woodside Estates West Plat 1 – Ex Parcel A as described in Book 15438, Page 785 in the Office of the Polk County Recorder, Section 10 of Saylor Township.

Generally located at the northwest corner of NW 2<sup>nd</sup> Street (Hwy 415) and NW 54<sup>th</sup> Avenue, being within the 5400 through the 5700 block of NW 2<sup>nd</sup> Street and totaling approximately 14.58 acres.

The proposed map amendments were heard by the Polk County Zoning Commission on September 26, 2016 at 7:00pm where the Commission recommended approval of the proposed amendments.

Anyone wishing to appear before the Polk County Board of Supervisors shall have an opportunity to be heard.

The application is on file and available for review at the Polk County Public Works Department, Planning & Development Division, located at 5885 NE 14<sup>th</sup> Street, Des Moines, IA 50313.

POLK COUNTY BOARD OF SUPERVISORS

BY: Tom Hockensmith,  
Chairperson

ATTEST:

BY: Jamie Fitzgerald,  
Clerk of the Board of Supervisors

**RESOLUTION**

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

WHEREAS, the Polk County Public Works Department, Housing Services Section, on behalf of the Polk County Board of Supervisors, has successfully administered housing programs with various organizations; and

WHEREAS, the IMPACT Community Action Partnership again desires to enter into an agreement with the Polk County Board of Supervisors for the field administration of Energy Crisis Intervention Payments(ECIP) funds to coordinate heating unit repair and/or replacements by the Housing Services Section of the Public Works Department.

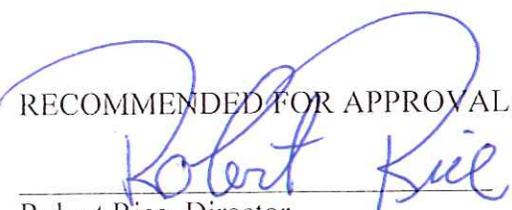
NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors approves this agreement and authorizes the Chairperson to sign agreement; and

BE IT FURTHER RESOLVED that the Polk County Department of Public Works is herein authorized to administer the agreement and the Public Works Director to sign any amendments and/or necessary documents to fulfill the agreement on behalf of Polk County.

POLK COUNTY BOARD OF SUPERVISORS:

\_\_\_\_\_  
Chairperson

RECOMMENDED FOR APPROVAL:

  
\_\_\_\_\_  
Robert Rice, Director  
Polk County Public Works

APPROVED AS TO FORM:

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

Fiscal Note: Revenue of \$40,000 from IMPACT Community Action Partnership and offset by \$38,000 of expenditures.

#10

# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** Resolution No. 157-16 approving agreement with IMPACT Community Action Partnership.

**Agenda Date:** October 11, 2016

**Contact Individual:** Dave Williamson, Housing Services/Code Enforcement Manager, Polk County Public Works, 286-3726

**Previous Action taken by the Board:** 2015 Agreement was approved.

**Board/Commission Actions:** NA

**Action Requested (Recommended):** Approve agreement with IMPACT Community Action Partnership.

**Comply with Policy:** Yes

**Background:** Polk County operates various housing programs to make the homes of low-income residents more energy efficient, make emergency repairs to homes, and operates a major home rehabilitation program. Previously, Polk County has assisted IMPACT Community Action Agency with various efforts. IMPACT has again expressed a desire for the Housing Services Section of the Public Works Department to assist with the field administration of their ECIP program. The Housing Services Section will assist by coordinating the evaluation, bidding, and inspection portions of heating unit repair and/or replacement within the program.

**Action Impact:** The proposed resolution will approve the agreement with IMPACT Community Action Partnership and authorizes the Chairperson to sign the agreement. Authorizes the Public Works Department to administer the agreement and the Public Works Director to sign any further documents to fulfill the agreement.

**Fiscal Note:** \$40,000 from IMPACT Community Action Partnership with \$38,000 in expenditures.

Fiscal Year	Budgeted? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code
16/17	Y	\$38,000	\$40,000	Y	10263410.74330	10263410.58190

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

**RESOLUTION**

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

WHEREAS, the property owner for the property located at 5499 NE 14 St. and identified in the county system as District Parcel 270.00288.001.005 is requesting the assessment for the Sanitary Sewer User Charges be abated; and

WHEREAS, the request has been reviewed and investigated by the Polk County Public Works Department; and

WHEREAS, a complete and thorough investigation of the request was conducted; and

WHEREAS, based on this investigation and documentation, the Sanitary Sewer User Charges assessment was found to be assessed incorrectly to this property on September 1, 2015; and

WHEREAS, the Polk County Public Works recommends the assessment be abated.

NOW, THEREFORE, BE IT RESOLVED that the assessment for Sanitary Sewer User Charges for 5499 NE 14 St. be abated; and

BE IT FURTHER RESOLVED that Certificate 2840090900 which was certified for assessment on September 1, 2015, for the above listed property in the amount of \$18.64 be canceled and that the Polk County Auditor is directed to strike said assessment from the tax books of Polk County.

POLK COUNTY BOARD OF SUPERVISORS:

\_\_\_\_\_  
Chairperson

RECOMMENDED FOR APPROVAL:

  
\_\_\_\_\_  
Robert Rice, Director  
Polk County Public Works

FISCAL NOTE: None

# 11

# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** Resolution #156-16 - Request for Erroneous Assessment of Sanitary Sewer User Charges Special Assessment for 5499 NE 14 St.

**Agenda Date:** October 11, 2016

**Contact Individual:** Bret VandeLune, Planning & Development Manager, Polk County Public Works, 286-3705

**Previous Action taken by the Board:** Sanitary Sewer User Charges Special Assessment 9/01/2015

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

**Action Requested (Recommended):** Approve request for Erroneous Assessment of Sanitary Sewer User Charges

**Comply with Policy:** Yes

**Background:** Each year the County assesses property owners for unpaid Sanitary Sewer Accounts. The property owner can petition the Board of Supervisors for cancellation of the assessment. The Polk County Public Works Department makes a recommendation after investigating and reviewing the request. The Board of Supervisors then may grant or deny the request. Public Works staff investigated this request and found the assessment to be cited incorrectly to this property.

**Action Impact:** Approval of the resolution approves the Erroneous Assessment request and cancels the Sanitary Sewer User Charge assessment for 5499 NE 14 St.

**Fiscal Note:** None

Fiscal Year	Budgeted? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code
16/17						

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

RESOLUTION

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

That the following Resolution be adopted:

WHEREAS, the Medical Examiner has a need for on-call staff on a sporadic basis to cover during absences, and

WHEREAS, the Medical Examiner has selected an on-call Forensic Lab Assistant for the on-call pool, and

WHEREAS, the Medical Examiner has prepared an employment contract for Randy Jessen effective 10/12/16 at a rate of \$150 per autopsy and \$100 each for consecutive autopsies, and

WHEREAS, Randy Jessen has signed the Fee for Service Employment Agreement, and

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors approves the attached employment contract and authorizes the Board Chairperson to sign the attached agreement on behalf of Polk County and directs the 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

\_\_\_\_\_  
Tom Hockensmith, Chairperson

Submitted By:



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

#12

# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** Employment Agreement for On-Call Forensic Lab Assistant

**Agenda Date:** 10/11/16

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

**Previous Action taken by the Board:** Resolution dated 5/10/16, approved on-call Forensic Lab Assistant rate of \$150 per autopsy (fee for service rate). Resolution 6/21/16 created a Polk County on-call Forensic Lab Assistant budgeted pool.

**Action Requested (Recommended):** Approve Fee for Service Employment Agreement with Randy Jessen for on-call Forensic Lab Assistant.

**Comply with Policy:**

**Background:** The Medical Examiner has selected a candidate for the On-Call Forensic Lab Assistant and submits the attached Fee For Service Employment Agreement for Board approval.

**Action Impact:** Employs Randy Jessen as an on-call Forensic Lab Assistant under a Fee for Service Employment Agreement.

**Fiscal Note:** Medical Examiner will use existing On-Call Forensic Lab Assistant pool budgeted funds for the cost. No additional funds required.

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	Y						

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

RESOLUTION

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

That the following Resolution be adopted:

WHEREAS, a Detention Officer at the Sheriff's Office has received military orders commencing 10/1/16 to 9/30/17, and

WHEREAS, the Sheriff's Office indicates a need for a side-by-side position to cover during the absences in order to meet operational needs of the Jail, and

WHEREAS, the side-by-side position will continue until such time as the employee returns from military leave or terminates employment, and

WHEREAS, the Human Resources Department recommends:

- Create one (1) side-by-side Detention Officer position, Teamsters grade 15, range \$39,610-\$56,371 until the employee returns from leave or terminates.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors hereby adopts the above recommendation 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

# 13

# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** Creation of a Side-By-Side Position within the Sheriff's Office

**Agenda Date:** 10/11/16

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

**Previous Action taken by the Board:**

**Action Requested (Recommended):** Create one (1) side-by-side Detention Officer position, Teamsters grade 15, range \$39,610-\$56,371 until the employee returns from military leave or terminates.

**Comply with Policy:**

**Background:** The incumbent of a Detention Officer position (#2839) in the Sheriff's Office is on military leave and general funds are available to cover the costs of the side-by-side position except as noted under the fiscal note. The Sheriff's Office is requesting a side-by-side position and indicates the position is needed to continue the current level of service.

**Action Impact:** Creates one (1) side-by-side Detention Officer position (#2839sbs), Teamsters grade 15, range \$39,610-\$56,371 until the employee returns from leave or terminates.

**Fiscal Note:** Minimal costs are associated with this action, as the employee elected to continue family dental insurance while on leave.

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	Y	1	668			10041051	
17/18	Y	1	223			10041051	

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

RESOLUTION

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

That the following Resolution be adopted:

WHEREAS, Sheriff's office has requested a side-by-side Detention Officer position due to the extended absence of an employee, and

WHEREAS, the employee is on unpaid leave, leaving general funds available to cover the costs of creating the side-by-side position, and

WHEREAS, the Sheriff's office indicates the side-by-side position is needed to continue the current level of service, and

WHEREAS, the side-by-side position will continue until such time as the employee returns to work or terminates employment, and

WHEREAS, no additional costs are associated with the creation of this side-by-side position, and

WHEREAS, the Human Resources Department recommends:

- Create one (1) side-by-side Detention Officer position, Teamsters grade 15, range \$39,610-\$56,371 until such time as the employee returns to work or terminates employment.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors hereby adopts the above recommendation 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 Mahas, Director of Human Resources

#14

# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** Creation of a Side-By-Side Position within the Sheriff's Office

**Agenda Date:** 10/11/16

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

**Previous Action taken by the Board:** None

**Action Requested (Recommended):** Create one (1) side-by-side Detention Officer position, Teamsters grade 15, range \$39,610-\$56,371 until such time as the employee returns from leave or terminates.

**Comply with Policy:**

**Background:** The incumbent of a Detention Officer position (#2468) in the Sheriff's Office is on an extended absence. The employee is currently on unpaid leave and general funds are available to cover the costs of the side-by-side. The Sheriff's Office is requesting a side-by-side position and indicates the position is needed to continue the current level of service.

**Action Impact:** Creates one (1) side-by-side Detention Officer position (#2468SBS).

**Fiscal Note:** No additional costs are anticipated with this resolution.

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	Y	1	0			10041051	

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

**RESOLUTION**

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

that the following Resolution be adopted:

**WHEREAS**, the construction of the Park Street skywalk between the IEC Hotel and 611 5<sup>th</sup> Street building requires a public letting to satisfy Iowa Code; and,

**WHEREAS**, to expedite the design and construction of the said skywalk Polk County will administer the design and construction of the skywalk; and,

**WHEREAS**, all costs for the design and construction of the said skywalk will be reimbursed by the City of Des Moines through a separate agreement; and,

**WHEREAS**, RDG is the architect of record for the IEC hotel; and,

**WHEREAS**, it is recommended that RDG design the said skywalk; and,

**NOW, THEREFORE, BE IT RESOLVED** that the Polk County Board of Supervisors authorize the General Services Department to administer the letting for the construction of the Park Street skywalk.

**BE IT FURTHER RESOLVED** that the Polk County Board of Supervisors approve the attached agreement with RDG for the design of the Park Street skywalk and authorize the chairperson to sign.

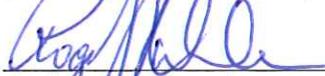
**POLK COUNTY BOARD OF SUPERVISORS**

\_\_\_\_\_  
Chair

**SUBMITTED BY:**

  
\_\_\_\_\_  
Mark Wandro  
Polk County Administrator

**APPROVED AS TO FORM:**

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

# 15

# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** Resolution approving agreement for RDG to complete the design of the skywalk over Park Street.

**Agenda Date:** October 11, 2016

**Contact Individual:** Mark Wandro, County Administrator  
Board of Supervisors  
286-2125

**Previous Action taken by the Board:** None

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

**Comply with Policy:** Yes

**Background:** The Park Street skywalk between the IEC Hotel and 611 5<sup>th</sup> Street is being rebuilt to accommodate the construction of the Iowa Events Center Convention Hotel, which requires a public letting. To expedite the design and construction the Polk County General Services Department will administer the letting of the skywalk. All costs will be reimbursed by the City of Des Moines through a separate agreement.

**Action Impact:** Approve and sign attached agreement.

**Fiscal Note:** Expense of \$86,053 will be reimbursed by the City of Des Moines.

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	Y		\$86,053		N		

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

RESOLUTION

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

that the following Resolution be adopted:

WHEREAS, St. Vincent de Paul is working to eliminate poverty through systemic change, and;

WHEREAS, St. Vincent de Paul has requested a Polk County Community Development Grant to assist with building modifications at a property they recently acquired at 500 Army Post Road, Des Moines, Iowa. This additional site will allow St. Vincent de Paul to have a second location in a major food desert on the Southside of Des Moines, and;

WHEREAS, St. Vincent de Paul is committed to providing essential services to the community. The new site will include, but not limited, to a food pantry, clothing closet, furniture and bed assistance, and;

WHEREAS, St. Vincent de Paul Community Development Grant funding will be directed toward remodeling costs related to the modification of their new location at 500 Army Post Road, Des Moines, Iowa and;

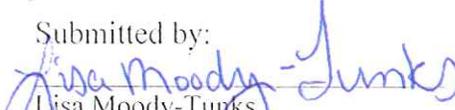
WHEREAS, it is the desire of the Polk County Board of Supervisors to approve a Community Development Grant for \$75,000.00 to St. Vincent de Paul that will assist with the costs related to the modification of the St. Vincent de Paul's new location; and,

NOW, THEREFORE, BE IT RESOLVED, that the Polk County Board of Supervisors hereby approves a grant in the amount of \$75,000.00 to St. Vincent de Paul and authorizes the Chair to sign the attached letter of agreement; and,

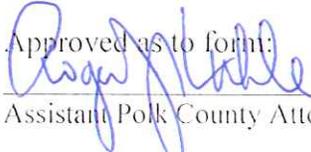
POLK COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Tom Hockensmith, Chair

Submitted by:

  
Lisa Moody-Turks  
Grant Administrator

Approved as to form:

  
Assistant Polk County Attorney

Fiscal Impact: Expenditure of \$75,000.00 from the Community Development Fund.

#16

# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** Resolution awarding a Community Development Grant to St. Vincent de Paul.

**Agenda Date:** October 11, 2016

**Contact Individual:** Lisa Moody-Tunks,  
Grant Administrator  
286-2272

**Previous Action taken by the Board:** April 19, 2016-Community Development Grant Award-\$41,000.00.

**Action Requested (Recommended):** Approval of a \$75,000.00 Community Development Grant to St. Vincent de Paul.

**Comply with Policy:** Yes

**Background:** St. Vincent de Paul has requested a Polk County Community Development Grant to assist with building modifications at a property they recently acquired at 500 Army Post Road, Des Moines, Iowa. The additional site will allow St. Vincent de Paul to have a second location in a major food desert as well as, provide essential services to the community. Funding will be directed toward remodeling costs related to the modification of the building to better serve the community.

**Action Impact:** Passage of this resolution awards \$75,000.00 to St. Vincent de Paul and authorizes the Chair to sign attached agreement.

**Fiscal Note:** \$75,000.00 from the Community Development Fund.

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	N	\$75,000.00		N	40109032,79410	

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

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 16-17 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,

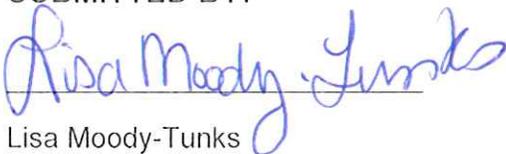
WHEREAS, the nature of these agencies/organizations and their projects are an appropriate use of the Community Betterment funds.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors hereby approves awarding \$7,500.00 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  
Grant Administrator

Fiscal Impact: \$7,500.00 from the Community Betterment fund, FY 16-17

# 17

# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

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

**Agenda Date:** October 11, 2016

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

**Previous Action taken by the Board:** Community Betterment Awards September 27, 2016-\$3,000.00.

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

**Action Requested (Recommended):** Approval of the attached October 11, 2016 Community Betterment Grant Award List.

**Comply with Policy:** Yes

**Background:** Polk County has funding for Community Betterment projects in the FY16-17 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 \$7,500.00 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
16/17		\$7,500.00		N		40109033.79110

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

Community Betterment Grant Awards  
October 11, 2016

Mitchellville Community Development	\$7,500.00
-------------------------------------	------------

<b>TOTAL</b>	<b>\$7,500.00</b>
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## Veteran Affairs

Rebecca Buch  
Veterans Administrator  
Polk County River Place  
2309 Euclid Avenue  
Des Moines, Iowa 50319-5703  
Ph 515.286.3670  
Fax 515.286.2106  
[www.polkcountyiowa.gov](http://www.polkcountyiowa.gov)

Date: October 3rd, 2016

To: Tom Hockensmith, Chairperson  
Polk County Board of Supervisors

From: Rebecca Buch, Administrator *RB*  
Polk County Veterans Affairs

Re: First Quarter Report FY 16/17

See attached copy of the Polk County Activity Report for Veteran Affairs for the First Quarter.

RB:mls

cc: Tim Krum, Chairperson, Veteran Affairs  
Commission  
Mark Wandro, Board of Supervisors

#18



# Veteran Affairs

Rebecca Buch  
 Veterans Administrator  
 Polk County River Place  
 2309 Euclid Avenue  
 Des Moines, Iowa 50319-5703  
 Ph 515.286.3670  
 Fax 515.286.2106  
 www.polkcountyiowa.gov

## POLK COUNTY ACTIVITY REPORT - FY 16/17

Department: VETERAN AFFAIRS Report Period: July 1st, 2016 to September 30th, 2016

DATA:	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total
Clients interviewed*	1,568				1,568
Vouchers issued	260				260
Monetary amount of vouchers	\$ 112,031.76				112,032
IA Veterans Home referrals*	13				13
Phone calls	2,735				2,735
New clients	323				323
Funerals	3				3
Federal Claims Filed	563				563
Federal Benefits Awarded*	\$261,693.50				261,694
Retroactive Benefits Awarded*	\$40,251.00				40,251
State Benefits (Trust Fund, DOT)	158				158
Clients served	4,303				4,303

\*The number of clients interviewed only reflects temporary assistance

\*The number of referrals does not mean the number of clients admitted to the IA Veterans Home

\*Federal Benefits Awarded monthly paid out to Veterans (compensation and/or pension)

\*Retroactive-payment due from date of claim

To the Honorable Board of Supervisors, Polk County, Iowa:

Gentlemen: The undersigned is the owner of the following property.....

120/4047/-1-2

which was assessed for the year 2015, in dist. No. .... at \$ 3700 assessed value, .....

I hereby ask that the taxes on \$ 3700 assessed value be refunded or cancelled on account of erroneous assessment as follows: Church Property

Jim Bege

(Name)

1116 Army Post Road 50315

(Address)

STATE OF IOWA, POLK COUNTY, ss:

Subscribed and sworn to before me, by.....

this..... day of.....

Deputy Auditor Polk County, Iowa

# 109

To the Honorable Board of Supervisors, Polk County, Iowa:

Gentlemen: The undersigned is the owner of the following property

120/4047/-1-2

which was assessed for the year 2016, in dist. No. at \$ 3700 assessed value.

I hereby ask that the taxes on \$ 3700 assessed value be refunded or cancelled on account of erroneous assessment as follows: Church Property

Jim Blyer (Name)

1116 Army Post Road 50315 (Address)

STATE OF IOWA, POLK COUNTY, ss:

Subscribed and sworn to before me, by

this day of

Deputy Auditor Polk County, Iowa

# Luther Care

## SERVICES

### NOTICE AND DIRECTION TO TRUSTEE AS TO EXERCISE OF PREPAYMENT/OPTIONAL REDEMPTION

Wells Fargo Bank, National Association (Trustee)  
625 Marquette Avenue, 11th Floor  
MAC N9311-115  
Minneapolis, Minnesota 55479  
Attn: Corporate Trust Department

Polk County, Iowa (Issuer)  
111 Court Avenue  
Des Moines, Iowa 50309  
Attn: Chairperson, Board of Supervisors

Re: \$6,200,000 Polk County, Iowa, Health Care Facilities Revenue Bonds (Luther Park Health Center, Inc. Project) Series 2004 (the "2004 Bonds")

The forgoing 2004 Bonds have previously been issued pursuant to that certain Indenture of Trust (the "Original Indenture") dated as of July 1, 2003 between the Issuer and Wells Fargo Bank Iowa, National Association n/k/a Wells Fargo Bank, National Association (the "Trustee"), as amended by that certain First Supplemental Trust Indenture (the "First Supplemental Indenture") dated December 1, 2004, the proceeds of which were loaned by the Issuer to Luther Park Health Center, Inc., pursuant to that certain Loan Agreement (the "Original Loan Agreement") dated as of July 1, 2003 between Luther Park Health Center, Inc. (the "Borrower"), and Polk County, Iowa (the "Issuer"), as amended by that certain First Amendment to Loan Agreement (the "Amendatory Agreement") dated December 1, 2004.

Pursuant to Section 4.3(d) of the Amendatory Agreement, the Borrower hereby exercises its option to prepay the 2004 Bonds, in whole on December 9, 2016. This notice constitutes the notice required by Section 4.4 of the Amendatory Agreement. The prepayment shall be applied to effect the optional redemption of all outstanding 2004 Bonds pursuant to Article IV of the First Supplemental Indenture at a redemption price equal to 100% of the principal amount redeemed, plus accrued interest on such 2004 Bonds to the redemption date.

The Borrower hereby directs the Trustee to give conditional notice of redemption of the 2004 Bonds as required in Article III of the Original Indenture and to redeem all outstanding 2004 Bonds on December 9, 2016, at 100% of the principal amount, plus accrued interest, pursuant to the redemption provisions of Article IV of the First Supplemental Indenture.

The Borrower, in accordance with Section 5.02 of the Original Indenture, hereby directs the Trustee to open a Series 2004 Optional Redemption Fund and on November 17, 2016 (the "Closing Date") make the following transfers/deposit:

(i) Transfer the balance from the Bond Fund currently securing the Series 2004 Bonds to the Series 2004 Optional Redemption Fund to accomplish the current refunding of the Series 2004 Bonds.

(ii) Transfer the balance from the Debt Service Reserve Fund currently securing the Series 2004 Bonds to the Series 2004 Optional Redemption Fund to accomplish the current refunding of the Series 2004 Bonds.

(iii) Deposit the amount received from the U.S. Bank National Association, as Trustee of the Series 2016A Bonds (the "Series 2016 Trustee"), into the Series 2004 Optional Redemption Fund to accomplish the current refunding of the Series 2004 Bonds.

The Borrower hereby directs the Trustee on the Closing Date to transfer to the Series 2016 Trustee all amounts existing in the Repair and Replacement Fund described in Section 5.06 of the Original Indenture.

Luther Park Health Center, Inc.

Dated: Sept 29, 2016

By Nicholas Amilly, CEO  
Authorized Borrower Representative

# Luther Care

## SERVICES

### NOTICE AND DIRECTION TO TRUSTEE AS TO EXERCISE OF PREPAYMENT/OPTIONAL REDEMPTION

Wells Fargo Bank, National Association (Trustee)  
625 Marquette Avenue, 11th Floor  
MAC N9311-115  
Minneapolis, Minnesota 55479  
Attn: Corporate Trust Department

Polk County, Iowa (Issuer)  
111 Court Avenue  
Des Moines, Iowa 50309  
Attn: Chairperson, Board of Supervisors

Re: \$350,000 Polk County, Iowa, Health Care Facilities Revenue Bonds (Luther Park Health Center, Inc. Project) Series 2005 (the "2005 Bonds")

The forgoing 2005 Bonds have previously been issued pursuant to that certain Indenture of Trust (the "Original Indenture") dated as of July 1, 2003 between the Issuer and Wells Fargo Bank Iowa, National Association n/k/a Wells Fargo Bank, National Association (the "Trustee"), as amended by that certain First Supplemental Trust Indenture (the "First Supplemental Indenture") dated December 1, 2004, the proceeds of which were loaned by the Issuer to Luther Park Health Center, Inc., pursuant to that certain Loan Agreement (the "Original Loan Agreement") dated as of July 1, 2003 between Luther Park Health Center, Inc. (the "Borrower"), and Polk County, Iowa (the "Issuer"), as amended by that certain First Amendment to Loan Agreement (the "Amendatory Agreement") dated December 1, 2004.

Pursuant to Section 4.3(d) of the Amendatory Agreement, the Borrower hereby exercises its option to prepay the 2005 Bonds, in whole on December 9, 2016. This notice constitutes the notice required by Section 4.4 of the Amendatory Agreement. The prepayment shall be applied to effect the optional redemption of all outstanding 2005 Bonds pursuant to Article IV of the First Supplemental Indenture at a redemption price equal to 100% of the principal amount redeemed, plus accrued interest on such 2005 Bonds to the redemption date.

The Borrower hereby directs the Trustee to give conditional notice of redemption of the 2005 Bonds as required in Article III of the Original Indenture and to redeem all outstanding 2005 Bonds on December 9, 2016, at 100% of the principal amount, plus accrued interest, pursuant to the redemption provisions of Article IV of the First Supplemental Indenture.

The Borrower, in accordance with Section 5.02 of the Original Indenture, hereby directs the Trustee to open a Series 2005 Optional Redemption Fund and on November 17, 2016 (the "Closing Date") make the following transfers/deposit:

(i) Transfer the balance from the Bond Fund currently securing the Series 2005 Bonds to the Series 2005 Optional Redemption Fund to accomplish the current refunding of the Series 2005 Bonds.

(ii) Transfer the balance from the Debt Service Reserve Fund currently securing the Series 2005 Bonds to the Series 2005 Optional Redemption Fund to accomplish the current refunding of the Series 2005 Bonds.

(iii) Deposit the amount received from the U.S. Bank National Association, as Trustee of the Series 2016A Bonds (the "Series 2016 Trustee"), into the Series 2005 Optional Redemption Fund to accomplish the current refunding of the Series 2005 Bonds.

Luther Park Health Center, Inc.

Dated: Sept 29, 2016

By Nicholas Grillo, CEO  
Authorized Borrower Representative

# Luther Care

## SERVICES

### NOTICE AND DIRECTION TO TRUSTEE AS TO EXERCISE OF PREPAYMENT/OPTIONAL REDEMPTION

Wells Fargo Bank, National Association (Trustee)  
625 Marquette Avenue, 11th Floor  
MAC N9311-115  
Minneapolis, Minnesota 55479  
Attn: Corporate Trust Department

Polk County, Iowa (Issuer)  
111 Court Avenue  
Des Moines, Iowa 50309  
Attn: Chairperson, Board of Supervisors

Re: \$4,970,000 Polk County, Iowa, Health Care Facilities Revenue and Refunding Bonds (Luther Park Health Center, Inc. Project) Series 2007A (the "2007A Bonds")

The forgoing 2007A Bonds have previously been issued pursuant to that certain Indenture of Trust (the "Original Indenture") dated as of July 1, 2003 between the Issuer and Wells Fargo Bank Iowa, National Association n/k/a Wells Fargo Bank, National Association (the "Trustee"), as amended by that certain First Supplemental Trust Indenture (the "First Supplemental Indenture") dated December 1, 2004 and that certain Second Supplemental Trust Indenture (the "Second Supplemental Indenture") dated April 1, 2007, the proceeds of which were loaned by the Issuer to Luther Park Health Center, Inc., pursuant to that certain Loan Agreement (the "Original Loan Agreement") dated as of July 1, 2003 between Luther Park Health Center, Inc. (the "Borrower"), and Polk County, Iowa (the "Issuer"), as amended by that certain First Amendment to Loan Agreement (the "Amendatory Agreement") dated December 1, 2004 and that certain Second Amendment to Loan Agreement (the "Second Amendatory Agreement") dated April 1, 2007.

Pursuant to Section 4.2(d) of the Second Amendatory Agreement, the Borrower hereby exercises its option to prepay the 2007A Bonds, in whole on December 9, 2016. This notice constitutes the notice required by Section 4.3 of the Second Amendatory Agreement. The prepayment shall be applied to effect the optional redemption of all outstanding 2007A Bonds pursuant to Article IV of the Second Supplemental Indenture at a redemption price equal to 100% of the principal amount redeemed, plus accrued interest on such 2007A Bonds to the redemption date.

The Borrower hereby directs the Trustee to give conditional notice of redemption of the 2007A Bonds as required in Article III of the Original Indenture and to redeem all outstanding 2007A Bonds on December 9, 2016, at 100% of the principal amount, plus accrued interest, pursuant to the redemption provisions of Article IV of the Second Supplemental Indenture.

The Borrower, in accordance with Section 5.02 of the Original Indenture, hereby directs the Trustee to open a Series 2007A Optional Redemption Fund and on November 17, 2016 (the "Closing Date") make the following transfers/deposit:

(i) Transfer the balance from the Bond Fund currently securing the Series 2007A Bonds to the Series 2007A Optional Redemption Fund to accomplish the current refunding of the Series 2007A Bonds.

(ii) Transfer the balance from the Debt Service Reserve Fund currently securing the Series 2007A Bonds to the Series 2007A Optional Redemption Fund to accomplish the current refunding of the Series 2007A Bonds.

(iii) Deposit the amount received from the U.S. Bank National Association, as Trustee of the Series 2016A Bonds (the "Series 2016 Trustee"), into the Series 2007A Optional Redemption Fund to accomplish the current refunding of the Series 2007A Bonds.

Luther Park Health Center, Inc.

Dated: Sept 29, 2016

By *Nicholas Miller, CEO*  
Authorized Borrower Representative

NOTICE OF A CONSULTATION TO BE HELD BETWEEN  
THE CITY OF URBANDALE, STATE OF IOWA AND ALL  
AFFECTED TAXING ENTITIES CONCERNING THE  
PROPOSED AMENDMENT NO. 2 TO THE AMENDED AND  
RESTATED DOWNTOWN URBANDALE NEIGHBORHOOD  
AREA URBAN RENEWAL PLAN FOR THE CITY OF  
URBANDALE, STATE OF IOWA

The City of Urbandale, State of Iowa will hold a consultation with all affected taxing entities, as defined in Section 403.17(1) of the Code of Iowa, as amended, commencing at 3:00 P.M. on October 5, 2016, in the Council Chambers, City Hall, 3600 86th Street, Urbandale, Iowa concerning a proposed Amendment No. 2 to the Amended and Restated Downtown Urbandale Neighborhood Area Urban Renewal Plan, a copy of which is attached hereto.

Each affected taxing entity may appoint a representative to attend the consultation. The consultation may include a discussion of the estimated growth in valuation of taxable property included in the proposed Urban Renewal Area, the fiscal impact of the division of revenue on the affected taxing entities, the estimated impact on the provision of services by each of the affected taxing entities in the proposed Urban Renewal Area, and the duration of any bond issuance included in the Amendment.

The designated representative of any affected taxing entity may make written recommendations for modifications to the proposed division of revenue no later than seven days following the date of the consultation. The City Manager as the designated representative of the City of Urbandale, State of Iowa, shall submit a written response to the affected taxing entity, no later than seven days prior to the public hearing on the proposed Amendment No. 2 to the Amended and Restated Downtown Urbandale Neighborhood Area Urban Renewal Plan, addressing any recommendations made by that entity for modification to the proposed division of revenue.

This notice is given by order of the City Council of the City of Urbandale, State of Iowa, as provided by Section 403.5 of the Code of Iowa, as amended.

Dated this 27th day of September, 2016.

Debra Mains  
City Clerk, City of Urbandale, State of Iowa

(End of Notice)