

**POLK COUNTY BOARD OF SUPERVISORS AGENDA  
POLK COUNTY ADMINISTRATIVE OFFICE BUILDING  
111 COURT AVENUE - ROOM 120  
SEPTEMBER 27, 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**

- \*5. TEXT AMENDMENT – POLK COUNTY ZONING ORDINANCE

**ORDINANCE**  
(FIRST 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**  
(FIRST READING)

7. Ordinance establishing a Polk County Minimum Wage.

**PERMITS**

8. Iowa Retail Permit Application for Cigarette/Tobacco/Nicotine/Vapor for Kum & Go #539, 5050 NW 2<sup>nd</sup> Street, Des Moines.
9. Renewal application for Class “C” Liquor License for Baqara, 11680 SE 64<sup>th</sup> Street, Runnells.

**PETITIONS**

- \*10. Petitions to suspend taxes and special assessments and authorizing Chairperson to sign the Application and Affidavit for Redemption of Parcel for the following:

K. Lake	2505 Maple St
S. Wolff	917 Caulder Ave

- \*11. Petitions to suspend taxes and special assessments for the following (Senior Credit):

D. Brown	2807 Oxford St
C. Cameron	5625 NE 3 <sup>rd</sup> St
F. Lucia	307 Miller Ave
J. Longerbone	300 E. Rose Ave
B. Macy	2601 Des Moines St
V. Marshall	1520 – 22 <sup>nd</sup> St
V. Meyer	2920 Indianapolis Ave

\*12. Petitions to suspend taxes and special assessments for the following (No Senior Credit):

M. Fisher	714 E Granger Ave
K. Fuller	1828 Dean Ave
C. Holley	1218 -- 47 <sup>th</sup> St
J. Lewis	827 Maxwellton Dr
S. Lindsay	1347 -- 47 <sup>th</sup> St
S. Martin	2808 Lyon St
V. Miller	2015 SE 5 <sup>th</sup> St
N. Perry	1916 Washington Ave
M. Reed	2139 Capitol Ave
P. Richie-Butts	1015 -- 42 <sup>nd</sup> St
T. Smith	2736 Dean Ave
L. Spencer	2120 Searle St
R. Vela	1624 Oakland Ave
B. Yates	1618 -- 23 <sup>rd</sup> St

13.

**PUBLIC COMMENTS**

**RESOLUTIONS**

- \*14. Resolution approving Cooperative Public Service Agreements with the cities of Altoona, Ankeny, Des Moines and Johnston for funding of a Watershed Coordinator position (within Polk Soil and Water Conservation District).
- \*15. Resolution approving contract for demolition of property associated with the Mud, Camp and Spring Creek Watershed Management Authority hazard mitigation project.
- \*16. Resolution approving award agreement with U.S. Department of Housing and Urban Development for lead hazard control and healthy homes grant.
- \*17. Resolution approving agreement with Iowa Department of Public Health for emergency Preparedness funding.
- \*18. Resolution approving Memorandum of Understanding with Iowa Department of Public Health for tuberculosis program funding.
- 19. Resolution approving abatement of taxes on City of Des Moines parcel (030.03746.003.000).
- 20. Resolution approving position modification in the General Services Department.
- 21. Resolution approving position modifications within the Board of Supervisors Office.
- 22. Resolution appointing individuals to various boards and commissions.
- 23. Resolution approving Community Betterment Grant awards.

**COMMUNICATIONS**

- \*24. Notice regarding voluntary annexation City of Altoona (including land without consent of owners) within urbanized area of Pleasant Hill and Des Moines.

**BUDGET ACTIONS**

25. Memorandum of Budget Actions.

**APPOINTMENTS**

26. Memorandum of Appointments.

**ADJOURNMENT**

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

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

# 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 315

### 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,

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

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) **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.

(f) **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. The exemption for tipped employees as defined in §91D.1(c), Iowa Code, (which differs from the FLSA exception) is specifically adopted by this ordinance.

(g) **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).

(h) **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 available under Ch. 91D, Iowa Code provided the employee consents thereto.

(i) **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 VII. 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.

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Chairperson

ATTEST:

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Jamie Fitzgerald, Polk County Auditor



SEE INSTRUCTIONS ON THE REVERSE SIDE

For period (MM/DD/YYYY) 10/1/2016 through June 30, 17

I/we apply for a retail permit to sell cigarettes, tobacco, alternative nicotine, or vapor products:

Business Information:

Trade Name/DBA: Kum & Go #539  
Physical Location Address: 5050 NW 2nd St City: Des Moines ZIP: 50313  
Mailing Address: 6400 Westown Parkway City: West Des Moines State: IA ZIP: 50266  
Business Phone Number: ( ) pending

Legal Ownership Information:

Type of Ownership: Sole Proprietor  Partnership  Corporation  LLC  LLP   
Name of sole proprietor, partnership, corporation, LLC, or LLP: Kum & Go LLC  
Mailing Address: 6400 Westown Parkway City: West Des Moines State: IA ZIP: 50266  
Phone Number: (515) 4576000 Fax Number: ( ) Email: licenses@kumandgo.com

Retail Information:

Types of Sales: Over-the-counter  Vending machine   
Types of Products Sold: (Check all that apply)  
Cigarettes  Tobacco  Alternative Nicotine Products  Vapor Products

Type of Establishment: (Select the option that best describes the establishment)

Alternative nicotine/vapor store  Bar  Convenience store/gas station  Drug store   
Grocery store  Hotel/motel  Liquor store  Restaurant  Tobacco store   
Has vending machine that assembles cigarettes  Other

If application is approved and permit granted, I/we do hereby bind ourselves to a faithful observance of the laws governing the sale of cigarettes, tobacco, alternative nicotine, and vapor products.

SIGNATURE OF OWNER(S), PARTNER(S), OR CORPORATE OFFICIAL(S)

Name (please print): Craig Bergstrom Name (please print): \_\_\_\_\_  
Signature: Craig Bergstrom Signature: \_\_\_\_\_  
Date: 8/10/16 Date: \_\_\_\_\_

Send this completed application and the applicable fee to your local jurisdiction. If you have any questions contact your city clerk (within city limits) or your county auditor (outside city limits).

FOR CITY CLERK/COUNTY AUDITOR ONLY – MUST BE COMPLETE

- Fill in the amount paid for the permit: \$37.50
- Fill in the date the permit was approved by the council or board: \_\_\_\_\_
- Fill in the permit number issued by the city/county: 2017-NO1
- Fill in the name of the city or county issuing the permit: Polk County

Send completed/approved application to Iowa Alcoholic Beverages Division within 30 days of issuance. Make sure the information on the application is complete and accurate. A copy of the permit does not need to be sent; only the application is required. It is preferred that applications are sent via email, as this allows for a receipt confirmation to be sent to the local authority.

- Email: [iapledge@iowaabd.com](mailto:iapledge@iowaabd.com)
- Fax: 515-281-7375

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**Applicant License Application ( LC0042276 )**

Name of Applicant: <u>Bacara, Inc</u>		
Name of Business (DBA): <u>Bacara</u>		
Address of Premises: <u>11680 SE 64th Avenue</u>		
City <u>Runnells</u>	County: <u>Polk</u>	Zip: <u>50237</u>
Business	<u>(515) 681-5619</u>	
Mailing	<u>11680 SE 64th Avenue</u>	
City <u>Runnells</u>	State <u>IA</u>	Zip: <u>50237</u>

**Contact Person**

Name <u>Clinton Webster</u>		
Phone: <u>(515) 681-5619</u>	Email	<u>clentweb@gmail.com</u>

**Classification** Class C Liquor License (LC) (Commercial)

**Term:** 12 months

**Effective Date:** 10/02/2016

**Expiration Date:** 10/01/2017

**Privileges:**

- Catering Privilege
- Class B Native Wine Permit
- Class C Liquor License (LC) (Commercial)

**Status of Business**

<b>BusinessType:</b>	<u>Privately Held Corporation</u>	
<b>Corporate ID Number:</b>	<u>494165</u>	<b>Federal Employer ID</b> <u>47-3111756</u>

**Ownership**

**Clinton Webster**

**First Name:** Clinton                      **Last Name:** Webster  
**City:** Runnells                              **State:** Iowa                      **Zip:** 50237  
**Position:** Vice President  
**% of Ownership:** 50.00%                      **U.S. Citizen:** Yes

**Yvette Webster**

**First Name:** Yvette                              **Last Name:** Webster  
**City:** Runnells                              **State:** Iowa                      **Zip:** 50237  
**Position:** President  
**% of Ownership:** 50.00%                      **U.S. Citizen:** Yes

**Insurance Company Information**

Insurance Company	<u>West Bend Mutual Insurance Company</u>
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*Handwritten signature/initials*

RESOLUTION

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

WHEREAS, the Polk County Board of Supervisors as a public agency, may enter into an agreement with a public or private agency to cooperate in the provision of services to the public and to cooperate in other ways to mutual advantage; and

WHEREAS, Polk County is a member of the Fourmile Creek Watershed Management Authority, the Mud, Camp and Spring Creek Watershed Management Authority, and the Walnut Creek Watershed Management Authority, collectively known as the Central Iowa Watershed Management Authorities (CIWMA); and

WHEREAS, to more efficiently implement and fund the Watershed Management Plans developed by each WMA, the Central Iowa Watershed Management Authorities have determined that this can be best accomplished by funding the position of Watershed Management Coordinator within the Polk Soil and Water Conservation District; and

WHEREAS, Resolution 88-16 dated June 14, 2016, approved the Cooperative Service Agreement between Polk County and the Polk Soil and Water Conservation District which detailed the responsibilities of each party and the proposed funding commitments of each of the WMA members; and

WHEREAS, Polk County Public Works has prepared a Cooperative Service Agreement between Polk County and the Cities of Altoona, Ankeny, Des Moines and Johnston which details the responsibilities of each party and the proposed funding commitments of each party.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors approves the terms of each of the attached agreements, adopts the agreements, and authorizes the Chairperson to execute each agreement on behalf of Polk County; and

BE IT FURTHER RESOLVED that the Public Works Department return a copy of their respective signed agreement to the City Altoona, Ankeny, Des Moines, and Johnston and administer the agreement on behalf of Polk County.

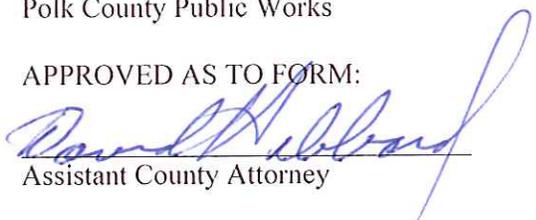
POLK COUNTY BOARD OF SUPERVISORS:

\_\_\_\_\_  
Chairperson

RECOMMENDED FOR APPROVAL:

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

APPROVED AS TO FORM:

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

FISCAL NOTE: None – cost to Polk County previously approved with Resolution 88-16.

#14

# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** Resolution No. 148-16 to approve a Cooperative Public Service Agreements with the Cities of Altoona, Ankeny, Des Moines, and Johnston for the funding of a Watershed Coordinator position within Polk SWCD.

**Agenda Date:** September 27, 2016

**Contact Individual:** Robert Rice, Director, Polk County Public Works, 286-3705

**Previous Action taken by the Board:** Resolution No. 88-16 dated June 14, 2016, approved the Cooperative Service Agreement between Polk County and the Polk Soil and Water Conservation District which detailed the responsibilities of each party and the proposed funding commitments of each of the WMA members.

**Board/Commission Actions:** None Required

**Action Requested (Recommended):** Approve the terms of the Cooperative Public Service agreements, adopt the agreements, and authorize the Chairperson to execute the agreements on behalf of Polk County.

**Comply with Policy:** Yes

**Background:** Polk County is a member of the Fourmile Creek Watershed Management Authority, the Mud, Camp and Spring Creek Watershed Management Authority, and the Walnut Creek Watershed Management Authority, collectively known as the Central Iowa Watershed Management Authorities (CIWMA). To more efficiently implement and fund the Watershed Management Plans developed by each WMA, the Central Iowa Watershed Management Authorities have determined that this can be best accomplished by funding the position of Watershed Management Coordinator within the Polk Soil and Water Conservation District. Polk County Public Works has prepared a Cooperative Service Agreements between Polk County and the Cities of Altoona, Ankeny, Des Moines, and Johnston to formalize their funding commitment.

**Action Impact:** Allows development of the Watershed Management plans and projects to move forward in a coordinated manner and reduce duplication of expenses and effort by each Watershed Management Authority.

**Fiscal Note:** None- cost to Polk County previously approved with Resolution 88-16

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	NA					
17/18						

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

**RESOLUTION**

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

WHEREAS, Resolution No. 154-15 dated October 27, 2015, approved Grant Agreement No. HMGP-DR-4181-0007-01 with Iowa Homeland Security and Emergency Management Department to perform structural acquisition (buyouts) within the Mud Creek watershed as part of the Mud, Camp, and Spring Creek Watershed Management Authority hazard mitigation project; and

WHEREAS, Resolution No. 117-16 dated August 2, 2016 approved the purchase of the property as part of the Mud, Camp, and Spring Creek Watershed Management Authority hazard mitigation project; and

WHEREAS, the property purchased will be used by Polk County as part of the proposed Mud Creek greenbelt for environmental education and protection; and

WHEREAS, as part of this project, the Polk County Public Works Department has obtained quotations for the demolition of structures and site restoration of this property and recommends acceptance of the low quotation submitted by Iowa Demolition of Des Moines, Iowa in the amount of \$48,750.00.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors does herein award Quote No. 510-1617, to Iowa Demolition of Des Moines, Iowa in the amount of Forty-Eight Thousand Seven Hundred Fifty and No/100's Dollars (\$48,750.00); and

BE IT FURTHER RESOLVED that the Polk County Board of Supervisors authorizes the Polk County Public Works Department to temporarily close the project roadways as necessary to facilitate construction; and

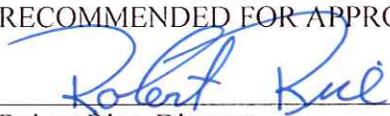
BE IT FURTHER RESOLVED that the Chairperson is herein authorized to sign the contracts prepared by the Polk County Public Works Department; and

BE IT FURTHER RESOLVED that the Polk County Board of Supervisors authorizes the Polk County Public Works Department to execute the terms of said contract.

POLK COUNTY BOARD OF SUPERVISORS:

\_\_\_\_\_  
Chairperson

RECOMMENDED FOR APPROVAL:

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

Fiscal Impact:

FEMA Funding (75%)	\$36,562.50
State HSEMD Funding (10%)	\$ 4,875.00
Polk County Funding (15%)	\$ 7,285.50
Total Contract Cost	\$48,750.00

#15

# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** Resolution No. 149-16 to approve a contract for demolition of property associated with the Mud, Camp, and Spring Creek Watershed Management Authority hazard mitigation project.

**Agenda Date:** September 27, 2016

**Contact Individual:** Kurt Bailey, P.E., County Engineer, Polk County Public Works, 286-3705

**Previous Action taken by the Board:** Resolution No. 154-15 dated October 27, 2015, approved Grant Agreement No. HMGP-DR-4181-0007-01 with Iowa Homeland Security and Emergency Management Department. Resolution No. 117-16 dated August 2, 2016 approved purchase of property associated with this project.

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

**Action Requested (Recommended):** Approves the terms of the contract, adopts the contract, and authorizes the Chairperson to execute the contract on behalf of Polk County. Also authorizes the Polk County Public Works Department to execute the terms of said contract.

**Comply with Policy:** Yes

**Background:** The Public Works Department purchased a property as part of the Mud, Camp, and Spring Creek Watershed Management Authority hazard mitigation project and has obtained quotations for the demolition of structures and site restoration of the property. Public Works recommends acceptance of the low quotation submitted by Iowa Demolition of Des Moines, Iowa in the amount of \$48,750.00.

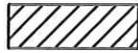
**Action Impact:** Allows Public Works to proceed with the project. The property purchased will be used by Polk County as part of the proposed Mud Creek greenbelt for environmental education and protection.

**Fiscal Note:**

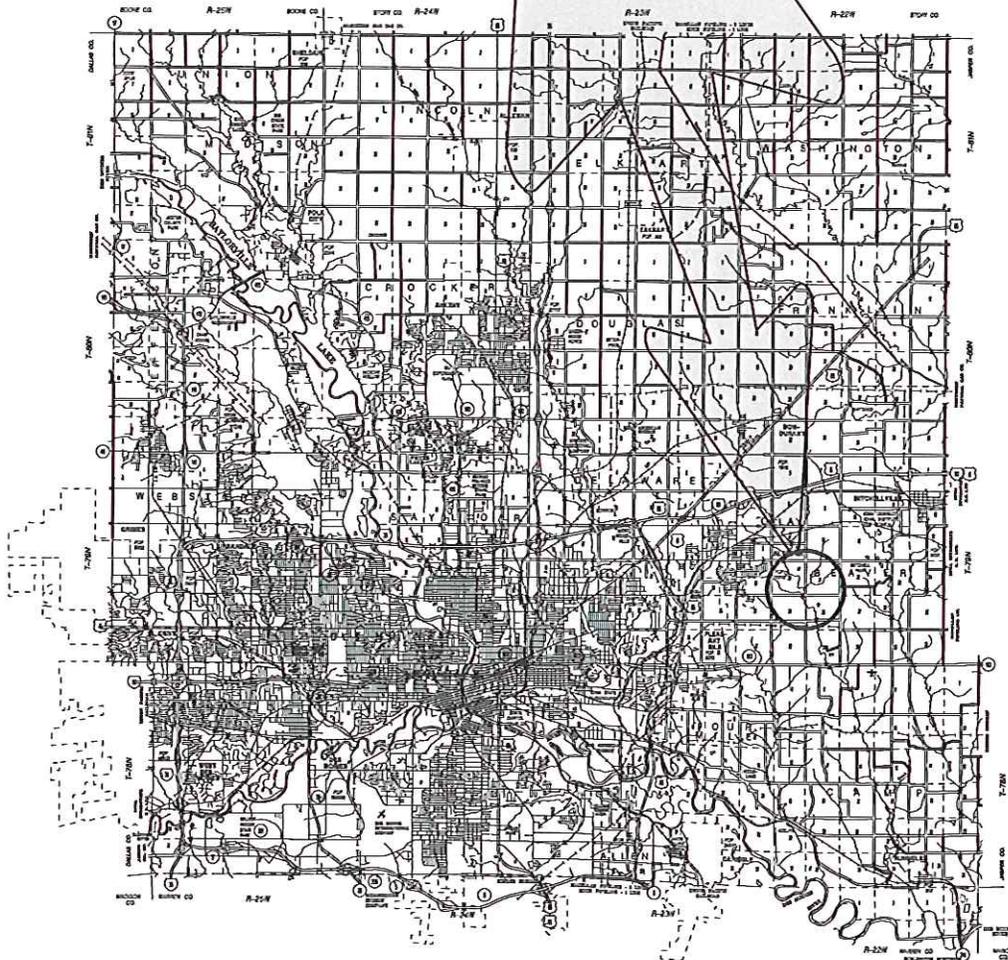
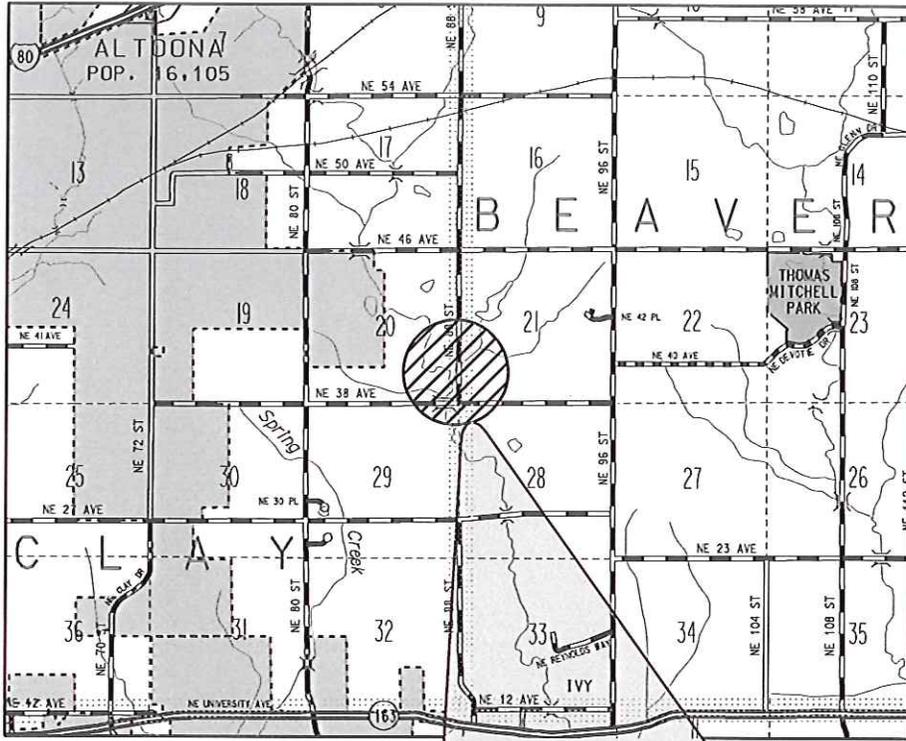
FEMA Funding (75%)	\$36,562.50
State HSEMD Funding (10%)	\$ 4,874.00
<u>Polk County Funding (15%)</u>	<u>\$ 7,285.50</u>
Total Project Cost	\$48,750.00

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	Y	\$48,750.00	\$36,562.50(Fed)	N	50106320.79400	50106320.52430
			\$4,874.00(State)	N		50106320.52290

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



PROPOSED LOCATION



RESOLUTION

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

That the following Resolution be adopted:

WHEREAS, Polk County applied for and has been awarded a Lead-Based Paint Hazard Control Grant from the U.S Department of Housing and Urban Development for the three year period October 3, 2016 through October 2, 2019; and

WHEREAS, this \$2,857,500 grant, which designates \$2,500,000 for remediation of 150 housing units and \$357,500 for 65 Healthy Homes assessments and interventions, must be approved and returned to HUD by the contracting agency prior to October 3, 2016 (grant start date); and

WHEREAS, contingent upon receipt of grant funding, Polk County will commit \$250,000 in match towards this project.

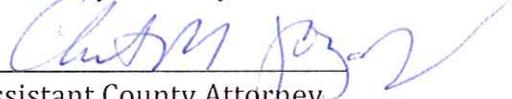
NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors/Board of Health approves the Lead Based Paint Hazard Control Grant of \$2,857,500.00 and authorizes the Chairperson to sign the letter of Assistance Award.

NOW, THEREFORE, BE IT FUTHER RESOLVED that the Polk County Board of Supervisors/Board of Health herein name Scott Slater, Deputy Director of the Polk County Health Department, as Polk County's "authorized representative" for this grant with HUD.

  
Rick Kozin  
Public Health Director

By \_\_\_\_\_  
Chair  
Polk County Board of Supervisors

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

By   
Assistant County Attorney

Fiscal Note: Expenses/Revenues \$2,857,500 over 3 years

#16

# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** Approval of Award Agreement with U.S Department of Housing and Urban Development (HUD) for Lead Hazard Control and Healthy Homes Grant

**Agenda Date:** 9/27/2016

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

**Previous Action taken by the Board:** BOS approved grant application on 4/19/2016.

**Board/Commission Actions:**

**Action Requested (Recommended):** Approval

**Comply with Policy:** Lead poisoning prevention is a priority for Polk County.

**Background:**

Polk County began remediating homes with lead-based paint hazards in 2007. In 2009, Polk County was awarded a \$3,000,000 Lead Hazard Control Grant from HUD and 156 housing units were remediated. In 2011, a second grant of \$2,475,000.00 for remediation of 129 housing units in Polk and Dallas Counties over a three year period was awarded. To date over 300 units have been repaired.

Polk County has been awarded a third, three year grant of \$2,857,500. Polk County will remediate lead hazards in 150 units of housing and perform 65 healthy homes assessments and interventions in Polk and Dallas County between 10/3/16 and 10/02/2019.

Matching funds are required for this grant application. Through contributions of in-kind staff time and direct investments towards lead repair work, Polk County will commit \$250,000, contingent upon receipt of the grant, towards this project.

**Action Impact:** 150 housing units in Polk and Dallas County will receive lead remediation and 65 of these homes will receive additional healthy homes assessments and interventions.

**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	Y	238,125	238,125		10223018	140223018
17/18	Y	952,500	952,500			
18/19	Y	952,500	952,500			
19/20	Y	714,375	714,375			

RESOLUTION

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

That the following Resolution be adopted:

WHEREAS, In 2015, the Central Iowa Coordinated Response Coalition (CICRC), with Polk County acting as Fiscal Agent, applied for and was awarded funding over 5 years of \$260,268 for Ebola virus disease preparedness and response; and

WHEREAS, this amendment redistributes budget line items within the contract. All other conditions and terms of the contract remain in effect.

NOW, THEREFORE, BE IT RESOLVED: the Polk County Board of Supervisors /Board of Health approves Amendment 1 to contract #5885BT509 with the Iowa Department of Public Health on behalf of the Central Iowa Coordinated Response Coalition and authorizes the Chairperson to sign the resolution.

NOW, THEREFORE, BE IT FURTHER RESOLVED: That the Director of the Polk County Health Department, or his designee, is authorized to execute any and all documents in furtherance of this Application or distribution.

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

By \_\_\_\_\_

Chair  
Polk County Board of Supervisors/Board of Health

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

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

Fiscal Note: No change

#17

**POLK COUNTY BOARD OF SUPERVISORS**  
**Tuesday Agenda Memorandum**

**Item Type & Title:** Amendment to Agreement with Iowa Department of Public Health (IDPH) for Emergency Preparedness funding

**Agenda Date:** 9/27/2016

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

**Previous Action taken by the Board:** Application for funding approved by BOS on 7/21/2015 and contract approved on 8/4/2015

**Board/Commission Actions:** None

**Action Requested (Recommended):** Approval

**Comply with Policy:** Yes

**Background:** In 2015, in response to a Request for Proposal issued by the Iowa Department of Public Health, the Central Iowa Coordinated Response Coalition (CICRC) submitted an application and was awarded \$260,268 in additional emergency preparedness funding to assure readiness and response capability to respond to potential Ebola virus disease (EVD) in the community over a five year period. This amendment redistributes budget line items within the contract.

**Action Impact:** These public health actions will better protect potentially exposed individuals and the public as a whole.

**Fiscal Note:**

Fiscal Year	Budget-ed? (Y/N)	Anticipat ed Expense	Anticipat ed Revenue	Ongoing Commitm ent? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code
					10223040.74280.13	10223040.52480

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

R E S O L U T I O N

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

That the following Resolution be adopted:

WHEREAS, tuberculosis is a communicable disease that is a threat to the public health of the residents of Polk County; and

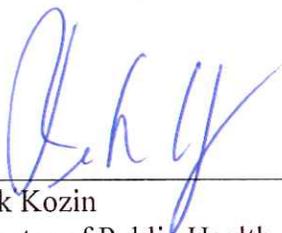
WHEREAS, the Iowa Department of Public Health has allocated funds of \$5,525 to Polk County for continuation of the Polk County tuberculosis detection and prevention program for the period of July 1, 2015 through June 30, 2016.

NOW, THEREFORE, BE IT RESOLVED: That the Polk County Board of Supervisors /Board of Health approves MOU-2017-TB01, with the Iowa Department of Public Health to continue to conduct tuberculosis prevention outreach activities in the community and authorizes the Chairperson to sign the agreement.

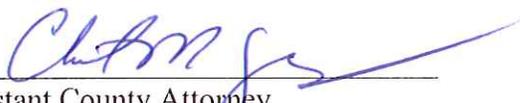
NOW, THEREFORE, BE IT FURTHER RESOLVED: That the Director of the Polk County Health Department, or his designee, is authorized to execute any and all documents in furtherance of this Application or distribution.

POLK COUNTY BOARD OF SUPERVISORS

By \_\_\_\_\_  
Chairperson

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

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

BY   
Assistant County Attorney

FISCAL NOTE: FY 16/17 Revenue/Expenses: \$5,525

#18

# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** Memorandum of Understanding with Iowa Department of Public Health for Tuberculosis Program funding

**Agenda Date:** 9/27/2016

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

**Previous Action taken by the Board:**

**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:** The Iowa Department of Public Health has provided for funding to cover some of the costs related to detection and prevention of tuberculosis in Polk County for several years. The amount awarded for the contract year July 1, 2016 through June 30, 2017 is \$5,525.

**Action Impact:** These funds will be used for the performance of Direct Observed Therapy (DOT) for suspected/confirmed cases of pulmonary Tb cases.

**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	Y	5,525	5,525	N	10223011.74290	10223011.52480

**Additional Fiscal Note Information (optional)**

# RESOLUTION

MOVED BY \_\_\_\_\_ SECOND BY \_\_\_\_\_

THAT THE FOLLOWING RESOLUTION BE ADOPTED:

**WHEREAS**, the City of Des Moines entered into a lease agreement with Des Moines Daycare, LLC for space at the City's 5<sup>th</sup> and Keo Parking Ramp, parcel 030.03746.003.000, and;

**WHEREAS**, the tenant was responsible for payment of all property taxes, and;

**WHEREAS**, on December 31, 2015 the city terminated the lease with the daycare for non-payment of rent, and;

**WHEREAS**, the daycare was forced to close their business and vacate the premises with no remaining assets to aid in the recovery of past due rent or property taxes, and;

**WHEREAS**, in future lease agreements the City will be responsible for paying the property taxes by including the amount of property taxes as a portion of the monthly rental amount, and;

**WHEREAS**, Iowa Code Section 445.16, unnumbered paragraph three, requires the abatement of taxes when the Polk County Treasurer has determined that it is administratively impractical to pursue collection of the total amount due.

**NOW, THEREFORE, BE IT RESOLVED** by the Polk County Board of Supervisors that in compliance with 445.16, Code of Iowa, the Polk County Treasurer is directed to abate the total amount due as defined in 445.1(7) on parcel 030.03746.003.000, and correct the tax records accordingly.

POLK COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Chairperson

RECOMMENDED BY:

  
\_\_\_\_\_  
Ben Lacey, CPA, CGMA  
CEO, Polk County Treasurer

#19

# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** 2017 Property Tax Abatement – City of Des Moines

**Agenda Date:** September, 27 2016

**Contact Individual:** Ben Lacey

**Previous Action taken by the Board:** Approval to abate 2016 property taxes per March 1, 2016 resolution  
**Board/Commission Actions:**

**Action Requested (Recommended):** Approval to abate 2017 property taxes against property held by a political subdivision of the State of Iowa

**Comply with Policy:** Compliance with IA Code 445.16

**Background:**

The City of Des Moines entered into a lease agreement for space at the City’s 5<sup>th</sup> and Keo Parking ramp. The tenant was responsible for paying property taxes. The city terminated the lease due to non-payment of rent. The business renting the space closed and has no assets to aid in recovery of past due rent or property taxes. In future lease agreements the City will be responsible for paying the property taxes by including the amount of property taxes as a portion of the monthly rental amount. Under the provisions of Iowa Code 445.16 the Treasurer has determined it is impractical to pursue collection of the property taxes due and recommends abatement of the total amount due. A resolution was approved on March 1, 2016 to abate the 2016 property taxes. This resolution is to abate the 2017 property taxes. The parcel has been reclassified as exempt governmental property and will not have 2018 property taxes.

**Action Impact:**

**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						
17/18						

**Additional Fiscal Note Information (optional):** Abate property taxes totaling \$7,578.00.

**RESOLUTION**

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

That the following Resolution be adopted:

WHEREAS, the Community, Family and Youth Services Department, North Community Center leases space at Park Fair, and

WHEREAS, the owner of the facility has provided the building/grounds maintenance, and

WHEREAS, the Board of Supervisors authorized construction of a new facility to house the North Community Center which is expected to open in the spring of 2017, and

WHEREAS, the General Services Department will assume the building/grounds maintenance for the facility, and

WHEREAS, the Director of General Services is requesting to create a Building Attendant position and delete a Building Technician upon vacancy, and

WHEREAS, the following position modification is requested:

- Create one (1) Building Attendant, AFSCME grade 15, range \$44,584-\$58,272.
- Delete one (1) Building Technician position, AFSCME grade 9, range \$34,047-\$44,285 upon vacancy.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors hereby approves the above position modifications 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:

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

#20

# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** Position modification in the General Services Department

**Agenda Date:** 9/27/16

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

**Previous Action taken by the Board:** Authorized construction of a North Senior Community Center.

**Action Requested (Recommended):** Create one (1) Building Attendant, AFSCME grade 15, range \$44,584-\$58,272 and delete one (1) Building Technician position, AFSCME grade 9, range \$34,047-\$44,285 upon vacancy.

**Comply with Policy:**

**Background:** Currently the North Community Senior Center space at Park Fair is leased. As such, the building/grounds maintenance is performed by the owner and only a Building Technician is assigned to the center. This is the last remaining leased facility and the Board of Supervisors has authorized construction of a new facility which will be maintained by Polk County. The Center is expected to open sometime in May 2017 and the Director of General Services has requested to convert a Building Tech to Building Attendant prior to opening of the facility.

**Action Impact:** Creates one (1) Building Attendant for the new North Community Center, AFSCME grade 15, range \$44,584-\$58,272 and delete a Building Technician position, AFSCME grade 9, range \$34,047-\$44,285 upon vacancy.

**Fiscal Note:**

Fiscal Year	New Budget Item? (Y/N)	# of New Position(s) Required	Anticipated	Anticipated	Budget Amendment Required? (Y/N)	If Amendment is Required,	
			Expense	Revenue		Expense Account Code	Revenue Account Code
16/17	Y	0	5,043			10273402	
17/18	Y	0	12,779			10273402	

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

**RESOLUTION**

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

That the following Resolution be adopted:

WHEREAS, the Board Office has experienced a turnover of the administrative support staff over the past six (6) years, and

WHEREAS, the County Administrator has requested the Human Resources Department conduct a study of the Administrative Secretary classification to determine what grade assignment is appropriate to attain and retain qualified executive level secretaries, and

WHEREAS, the Human Resources Department has evaluated local market salary data as well as internal equity considerations, and

WHEREAS, the following position modification is requested:

- Re-title two (2) Administrative Secretary positions to Executive Secretary to the Board and upgrade the positions from Excluded grade 15, range \$50,314-\$66,048 to Excluded grade 17, range \$55,207-\$72,540.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors hereby approves the above position modifications 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:



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

#21

# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** Position Modifications within the Board Office

**Agenda Date:** 9/27/16

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

**Previous Action taken by the Board:**

**Action Requested (Recommended):** Re-title and upgrade two (2) Administrative Secretary positions in the Board Office, Excluded grade 15, range \$50,314-\$66,048 to Executive Secretary to the Board, Excluded grade 17, range \$55,207-\$72,540.

**Comply with Policy:**

**Background:** Both Administrative Secretaries and the Board Executive Assistant are all new within the past 6 years. Concern over the ability to attain and retain executive level secretaries prompted the County Administrator to request a job audit of the Administrative Secretary positions to ensure the assigned grade is competitive in the market and ranked appropriately internally. The Department of Human Resources reviewed the position duties, external salary data and internal comparable positions and is recommending the positions be re-titled Executive Secretary to the Board and upgraded to Excluded 17.

**Action Impact:** Retitles/upgrades two (2) Administrative Secretary positions, Excluded grade 15 to Executive Secretary to the Board, Excluded grade 17.

**Fiscal Note:** If both current incumbents are reclassified the estimated costs would be \$5,416 for FY 16/17 and \$8,971 for FY 17/18.

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	0	5,416		Y	10109000	
17/18	Y	0	8,971		Y	10109000	

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

# RESOLUTION

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

that the following Resolution be adopted:

WHEREAS, the Polk County Board of Supervisors has the responsibility to appoint representatives to certain boards, committees and commissions, and

WHEREAS, appointments are necessary to fill the following positions.

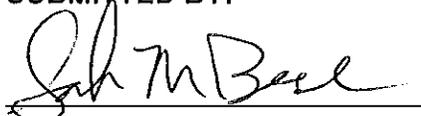
NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors hereby appoints the individual named below, effective upon passage of this Resolution, to the board specified and the indicated term.

<u>Organization</u>	<u>Term Expires</u>
<b>Prairie Meadows Board of Directors</b> Lisa Moody Tunks Michael Gartner	11/30/19 11/30/19
<b>Veteran Affairs Commission</b> Mike Scione	6/30/19

## POLK COUNTY BOARD OF SUPERVISORS

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

**SUBMITTED BY:**



Sarah Boese  
Board Executive Assistant

FY16/17 #  
Fiscal Impact: None

#22

# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

**Item Type & Title:** Appointing individuals to serve as Polk County's representative on various Boards and Commissions.

**Agenda Date:** September 27, 2016

**Contact Individual:** Sarah Boese, Board Executive Assistant  
Board of Supervisors  
286-3895

**Previous Action taken by the Board:**

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

**Action Requested (Recommended):** Appoints individuals to represent Polk County on various boards and commissions.

**Comply with Policy:** Yes

**Background:** The Polk County Board of Supervisors is responsible for appointing individuals to represent Polk County on various Boards and Commissions. This resolution appoints the individuals outlined in the attached resolution for the term indicated.

**Action Impact:** Appoints individuals as Polk County's representative on various boards and commissions.

**Fiscal Note:** None

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					
16/17						

**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,

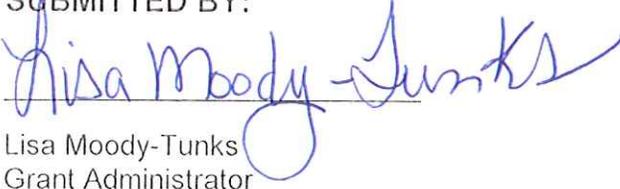
WHEREAS, the nature of these agencies/organizations and their projects are an appropriate use of the Community Betterment funds.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors hereby approves awarding \$3,000.00 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: \$3,000.00 from the Community Betterment fund, FY 16-17

#23

# POLK COUNTY BOARD OF SUPERVISORS

## Tuesday Agenda Memorandum

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

**Agenda Date:** September 27, 2016

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

**Previous Action taken by the Board:** Community Betterment Awards September 20, 2016-\$5,500.00.

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

**Action Requested (Recommended):** Approval of the attached September 27, 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 \$3,000.00 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		\$3,000.00		N		40109033.79410

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

Community Betterment Grant Awards  
September 27, 2016

West Des Moines Community Schools  
Foundation

\$3,000.00

TOTAL

\$3,000.00

CITY DEVELOPMENT BOARD  
STATE OF IOWA

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IN THE MATTER OF THE VOLUNTARY	)	
ANNEXATION OF THE CITY OF ALTOONA	)	NO. NC16-13 / ALTOONA
INCLUDING LAND WITHOUT THE CONSENT	)	
OF THE OWNERS AND IS	)	FILING OF WRITTEN DECISION
WITHIN THE URBANIZED AREA OF THE CITIES	)	
OF PLEASANT HILL AND	)	
DES MOINES	)	

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TO: Cities of Altoona, Pleasant Hill and Des Moines, Polk County Board of Supervisors, Polk County Attorney, Des Moines Area Metropolitan Planning Organization, Iowa Attorney General, Affected Public Utilities, and Parties of Record.

You and each of you are hereby notified that the City Development Board has approved the annexation of territory to the City of Altoona under City Development Board Case File No. NC16-13.

Please find enclosed the Findings of Fact, Conclusions of Law, Determination, and Final Order by the City Development Board approving the annexation. An appeal of the Board's decision may be filed within 30-days of the date of the enclosed Order.

If no appeal is filed within 30-days of the date of this Order, the City Development Board will file with the Iowa Secretary of State and record with the Polk County Recorder to complete this annexation.

CITY DEVELOPMENT BOARD



\_\_\_\_\_  
Matt Rasmussen, City Development Board Administrator  
Phone: 515-725-3126

#24

BEFORE THE CITY DEVELOPMENT BOARD  
STATE OF IOWA

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IN THE MATTER OF THE VOLUNTARY	)	NO. NC16-13 / ALTOONA
ANNEXATION OF THE CITY OF ALTOONA	)	
INCLUDING LAND WITHOUT THE CONSENT	)	FINDINGS OF FACT AND CONCLUSIONS OF
OF THE OWNER AND IS	)	LAW AND DETERMINATION
WITHIN THE URBANIZED AREA OF THE	)	
CITIES OF PLEASANT HILL AND	)	
DES MOINES	)	

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TO: Cities of Altoona Pleasant Hill and Des Moines, Polk County Board of Supervisors, Polk County Attorney, Des Moines Area Metropolitan Planning Organization, Iowa Attorney General, Affected Public Utilities and Parties of Record.

STATEMENT OF THE CASE

The City of Altoona filed its request for City Development Board approval of annexation of territory, which included some land without the owners' consent, on July 22, 2016. Such requests can be made to avoid the creation of islands or to create more uniform boundaries. Notice of the City Development Board's review of the request and owner's applications was given on July 25, 2016, and the Board reviewed the proposal at its meeting on August 10, 2016. Notice of a public hearing was given on August 15, 2016, and the City Development Board held a public hearing on the proposal on September 14, 2016. The City Development Board, having considered the City's request for approval, the property owners' applications, and all evidence submitted by the affected parties, hereby makes the following findings of fact, conclusions of law and determination.

FINDINGS OF FACT

1. On May 13, 2016, Steven Atzen; on April 4, 2016, the Mayor and City Clerk for the City of Altoona; on May 12, 2016, the manager for Molly Meadows LLC; on May 11, 2016, the manager for Spring Creek Ridge, L.C.; on March 16, 2016, Theresa L. Allison, Trustee of the Charles Edgar Simbro Family Trust; on March 18, 2016, Jean H.

Dale, AKA Margaret Dale; on May 16, 2016, Marvel Y. Dunaway, by written application which included a map, requested the City of Altoona to annex the following described property owned by them and located in Polk County, Iowa:

The proposed annexation territory is described in Appendix A, attached hereto and by this reference made a part of.

The territory also includes some land without consent of the owners, which is described in Appendix A, attached hereto and by this reference made part of.

2. On April 29, 2016, the City of Altoona notified, by mail, the Polk County Board of Supervisors and Clay Township Trustees a notice of a consultation meeting for May 20, 2016, to review the city's proposed application for annexation.
3. On June 15, 2016, the City of Altoona published in an official county newspaper notice of the City Council's meeting on July 5, 2016, to consider the application for voluntary annexation.
4. A copy of the annexation proposal was sent to the affected public utilities and owners of the territory being included without their consent on June 13, 2016.
5. By resolution dated July 5, 2016, which contained a legal description, the City Council of Altoona voted to annex the subject property.
6. The area to be annexed is within two miles of the Cities of Pleasant Hill and Des Moines and is therefore within its urbanized area.
7. The area to be annexed has a common boundary with the City of Altoona of more than 50 feet.
8. The total land area proposed for annexation included 209.982 acres, including 8.55 acres of public County road right-of-way. The territory included without the consent of the owners included 15.484 acres, which is less than 20% of the total land area proposed to be annexed.
9. On July 22, 2016, the City requested the City Development Board to approve the annexation of the territory described in finding number one. Said request included a copy of the owner's application, map and City Council resolution.

10. On July 25, 2016, the City Development Board notified, by mail, the Cities of Altoona, Pleasant Hill and Des Moines, Polk County Board of Supervisors, Polk County Attorney, Des Moines Area Metropolitan Planning Organization, Iowa Attorney General, Iowa Department of Transportation, affected public utilities and property owners of the proposed annexation and request for approval. Said notice invited oral and written evidence relative to the proposed annexation.
11. No response was received from any governmental unit, business or individual.
12. At its meeting on August 10, 2016, the City Development Board found the proposal to be complete and properly filed and scheduled a public hearing for September 14, 2016, on the annexation proposal.
13. On August 15, 2016, the City Development Board notified by mail, the Cities of Altoona, Pleasant Hill and Des Moines, Polk County Board of Supervisors, Polk County Attorney, Des Moines Area Metropolitan Planning Organization, Iowa Attorney General, Iowa Department of Transportation, affected public utilities and property owners of the public hearing and the hearing was held as scheduled on September 14, 2016. At the hearing, all persons appearing and desiring to be heard were heard.
14. The Board determined that the inclusion of the land without the owner's consent avoided the creation of islands and made the boundaries of the City more uniform.
15. Based on the information favoring the annexation found in the City's submission, presented at the public hearing and other materials filed by the City of Altoona, and the absence of evidence of any potential adverse consequences, at least four-fifths of the Board voted to approve the annexation.

#### CONCLUSIONS OF LAW

1. The territory to be annexed "adjoins" the City of Altoona as the term is defined in Iowa Code Section 368.1(1).
2. The annexation request filed by the City of Altoona included territory without the consent of the owner, which comprises not more than 20% of the land area proposed for annexation. Inclusion of this territory avoids the creation of islands and creates more

- uniform boundaries for the City of Altoona. The request submitted by the City of Altoona to the City Development Board complies with Section 368.7(1) of the Iowa Code.
3. The City published notice of the filing of the petition and provided copies of the proposed annexation to parties in accordance with the requirements of Iowa Code Section 368.7(1) and 368.7(3).
  4. The City Development Board has jurisdiction to approve or deny the owner's application for annexation Iowa Code Section 368.7(1). The annexation proposed was approved by at least four-fifths of the Board as required by Iowa Code Section 368.7(1). The Board is required to file portions of the proceedings in accord with Iowa Code Section 368.7.
  5. The resolution by the City Council of Altoona conforms to Iowa Code Section 368.7.
  6. The City of Altoona's request for Board approval and the annexation is in substantial compliance with 263 Iowa Admin Code Chapter 7.2.
  7. In accord with the standards set forth in Iowa Code Chapter 368, the annexation proposal is in the public's interest.

Dated this 15<sup>th</sup> day of September, 2016.

CITY DEVELOPMENT BOARD

  
for \_\_\_\_\_  
Dennis Plautz, Chairperson  
Signature affixed by Matt Rasmussen,  
Administrator for City Development Board as  
authorized under 263 Iowa Administrative  
Code 3.28

THEREFORE, IT IS ORDERED that the application of the following described territory to the City of Altoona is hereby approved:

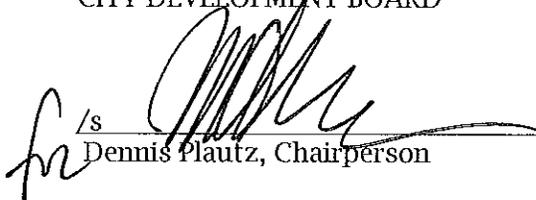
The proposed annexation territory is described in Appendix A and attached hereto and by this reference made a part of.

IT IS FURTHER ORDERED that the owners' annexation applications and map, City Council Resolution, notices of Board review and this Order be filed by the Board with the Altoona City Clerk and that the Board file a copy of the map and legal description with the Iowa Department of Transportation.

To complete the annexation process, the Board Administrator shall mail a copy of this Order and other relevant documents to the Polk County Recorder and Iowa Secretary of State on or after the 31<sup>st</sup> day following issuance of this Order. To request a stay of completion of the annexation process, a person or city authorized by Iowa Code Section 368.22 to appeal this Order must deliver to the Board Administrator a timely written request for a stay accompanied by notice of the filing of a petition for judicial review or intent to file a petition for judicial review. Any such request shall be referred to the Board for action at its next regularly scheduled meeting or at a special meeting.

Dated this 15<sup>th</sup> day of September, 2016.

CITY DEVELOPMENT BOARD

 /s \_\_\_\_\_  
Dennis Plautz, Chairperson

Appendix A  
Legal Description of Territory Proposed to be Annexed to the  
City of Altoona, Iowa  
CDB Case No. NC16-13

The NW 1/4 of the NE 1/4 of Section 30, Township 79 North, Range 22 West of the 5<sup>th</sup> P.M., EXCEPT that part beginning at a point on the North line of the NW 1/4 of the NE 1/4 of Section 30, Township 79 North, Range 22 West of the 5<sup>th</sup> P.M., in Polk County, Iowa, said point being 968.85 feet East of the Northwest Corner of the NE 1/4 of Section 30; thence N 90°00'E 355 feet to the Northeast corner of the NW 1/4 of the NE 1/4 of Section 30; thence S0°06'E 207 feet along the East line of the NW 1/4 of the NE 1/4 of Section 30; S89°28'W 357 feet; thence N0°14½'W 229 feet to the point of beginning.

And,

A part of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section 30, Township 79 North, Range 22 West of the 5<sup>th</sup> P.M., Polk County, Iowa and described as follows: Commencing at the Northeast corner of said Section 30; thence South 89°47'35" West along the North line of said Northeast 1/4 of Section 30, a distance of 1,323.85 feet to the Point of Beginning; thence South 0°19'05" East, 50.00 feet; thence South 89°47'35" West, 355.34 feet; thence North 0°03'01" East, 50.00 feet to a point on said North line; thence North 89°47'35" East along said North line, 355.02 feet to the Point of Beginning and containing 0.41 acres (17,759 S.F.) and subject to roadway easement being the North 33.00 feet thereof said easement contains 0.27 acres (11,719 S.F.).

And,

Beginning at a point on the North line of the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 79 North, Range 22 West of the 5<sup>th</sup> P.M., Polk County, Iowa, said point being 968.85 feet East of the Northwest corner of the Northeast 1/4 of Section 30; thence N 90°00'E 355.00 feet to the Northeast corner of the Northwest 1/4 of the Northeast 1/4 of Section 30; thence S0°06'E 207.00 feet along the East line of the Northwest 1/4 of the Northeast 1/4 of Section 30; thence S89°28'W 357.00 feet; thence N0°14 ½'W 229.00 feet to the point of beginning and containing 1.78 acres more or less and being subject to established road right-of-way being the North 33 feet thereof and containing 0.27 acres more or less (The North line of the NE 1/4 of Section 30 is assumed to bear N90°00'E for the purpose of this description.) EXCEPT that portion deeded to the City of Altoona for right-of-way by Warranty Deed dated October 5, 2009, and filed of record November 6, 2009, in Book 13267 at Page 702 in the records of the Polk County Recorder's Office.

And,

The SE 1/4 of the NE 1/4, all in Section 30, Township 79 North, Range 22 West of the 5<sup>th</sup> P.M., Polk County, Iowa, subject to public highways.

And,

The North 30 Acres of the NE 1/4 of the SE 1/4 in Section 30, Township 79 North, Range 22 West of the 5<sup>th</sup> P.M., Polk County, Iowa, subject to public highways.

And,

A part of the NW 1/4 of the SE 1/4 and the SW 1/4 of the NE 1/4 of Section 30, Township 79 North, Range 22 West of the 5<sup>th</sup> P.M., Polk County, Iowa, more particularly described as follows: Beginning at the SW corner of the NW

The territory extends to the center line of all  
secondary roads adjacent to the above described properties.

Appendix A  
Legal Description of Territory Proposed to be Annexed to the  
City of Altoona, Iowa  
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1/4 of the SE 1/4 of Section 30, Township 79 North, Range 22 West of the 5<sup>th</sup> P.M., Polk County, Iowa, thence N 00° (degrees) 15' (minutes) 27" (seconds) W along the West line of the NW 1/4 of the SE 1/4 for 64.93 feet to the north right of way of NE 27<sup>th</sup> Avenue; thence continuing N 00°15'27" W along said West line for 1,254.93 feet to the center of said Section 30; thence N 00°15'27" W along the West line of the SW 1/4 of the NE 1/4 of said Section 30 for 1,318.29 feet to the NW corner of the SW 1/4 of the NE 1/4 of said section 30; thence N 89°53'34" E along the north line of the SW 1/4 of the NE 1/4 of said section 30 for 758.07 feet; thence S 00°15'27" E for 2,000.00 feet; thence S 89°56'40" W for 54.46 feet; thence S 00°15'27" E for 576.66 feet to the North right of way of NE 27<sup>th</sup> Avenue; thence continuing S 00°15'27" E for 62.18 feet to the south line of the NW 1/4 of the SE 1/4 of said Section 30; thence S 89°56'40" W along said south line for 703.61 feet to the Point of Beginning. This parcel contains 45.12 acres less 1.03 roadway acres and is subject to easements of record.

And,

A part of the NW 1/4 of the SE 1/4 and the SW 1/4 of the NE 1/4 of Section 30, Township 79 North, Range 22 West of the 5<sup>th</sup> P.M., Polk County, Iowa, more particularly described as follows: Commencing at the SW corner of the NW 1/4 of the SE 1/4 of Section 30, Township 79 North, Range 22 West of the 5<sup>th</sup> P.M., Polk County, Iowa, thence N 89°56'40" E along the South line of said NW 1/4 of the SE 1/4 for 703.61 feet to the Point of Beginning; thence continuing N 89°56'40" E along said South line for 620.17 feet to the SE corner of the NW 1/4 of the SE 1/4 of said Section 30; thence N 00°12'22" W along the East line of said NW 1/4 of the SE 1/4 for 59.75 feet to the North right of way of NE 27<sup>th</sup> Avenue; thence continuing N 00°12'22" W along said East line for 1259.71 feet to the SE corner of the SW 1/4 of the NE 1/4 of said Section 30; thence N 00°16'47" W along the East line of the SW 1/4 of the NE 1/4 of said Section 30 for 1319.88 feet to the NE corner of the SW 1/4 of the NE 1/4 of said Section 30; thence S 89°53'34" W along the North line of SW 1/4 of the NE 1/4 of said Section 30 for 566.38 feet to the NE corner of Parcel D as recorded in Book 12119, Page 534; thence S 00°15'27" E along the East line of said Parcel D for 2000 feet; thence S 89°56'40" W along the South line of said Parcel D for 54.46 feet; thence S 00°15'27" E along the East line of Parcel D for 576.66 feet to the North right of way line of NE 27<sup>th</sup> Avenue; thence continuing S 00°15'27" E along said East line for 62.18 feet to the Point of Beginning. This parcel contains 35.12 acres less 0.87 roadway acres and is subject to easements of record.

And,

Lot Five (5) Herrera Place, an Official Plat, in Polk County, Iowa.

And,

Lot One (1) in Burget Acres Plat 1, an Official Plat, in Polk County, Iowa.

And,

Lot Two (2) in Burget Acres Plat 1, an Official Plat, in Polk County, Iowa.

And,

The West 291 feet of the South 10 acres of the NE 1/4 of the SE 1/4, less 0.33 acres of road in Section 30, Township 79 North, Range 22 West of the 5<sup>th</sup> P.M., Polk County, Iowa.

And,

Lot one (1) Herrera Place, an Official Plat, in Polk County, Iowa.

The territory extends to the center line of all  
secondary roads adjacent to the above described properties.

Appendix A  
Legal Description of Territory Proposed to be Annexed to the  
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And,

Lot Two (2) Herrera Place, an Official Plat, in Polk County, Iowa.

And,

Lot Three (3) Herrera Place, an Official Plat, in Polk County, Iowa.

And,

Lot Four (4) Herrera Place, an Official Plat, in Polk County, Iowa.

And,

Entire annexation includes all abutting road right-of-way to the centerline of roadways of NE 80<sup>th</sup> Street, NE 27<sup>th</sup> Avenue, and NE 38<sup>th</sup> Avenue.

The territory extends to the center line of all  
secondary roads adjacent to the above described properties.

0 0.5 1 2 Miles



City of Altoona

City of Des Moines

NE 38th Avenue

Annexation territory  
209.98 acres

NE 27th Avenue

NE 60th Street

Urban Service Boundary between  
Altoona and Pleasant Hill

City of Pleasant Hill