



BOARD MEETING

July 9, 2014 - 5:30 p.m.

Polk County Administration Bldg.
111 Court Avenue, Room 120
Des Moines, IA 50309

AGENDA

1) Opening Items

- a) Roll Call
- b) Action on the Minutes of the Previous Meeting(s)

2) Consent Agenda Items

Note: These are routine items and will be enacted by one roll call vote without separate discussion unless a Board Member, PCCB employee or member of the public requests an item be removed to be considered separately. Please notify a PCCB Member to have an item removed.

- a) **Action on Bill List:** approve the PCCB June 2014 bill list.
- b) **28E Agreement, Iowa Dept. of Corrections:** approve the 28E agreement with the Iowa Department of Corrections and authorize the Director to sign the agreement.
- c) **Jester Park Conservation Center, Public Hearing:** authorizes staff to publish notice of a public hearing to be held at the PCCB's August 2014 meeting to consider the plans, specs, and estimated costs for the Jester Park Conservation Center project.
- d) **Chichaqua Bottoms Greenbelt, Hay Harvest:** authorizes the Director to notify the successful bidder for the harvest of standing prairie hay from Chichaqua Bottoms Greenbelt that they may proceed upon receipt of insurance documentation and that the Board further directs staff to bring the results of the bidding to the PCCB's August 2014 meeting for official Board action.

3) Jester Park Equestrian Center – Executive Summary

- 4) Chichaqua Valley Trail Connector
- 5) Vision Iowa Funding Support Letter
- 6) Jester Park Conservation Center Project and Fundraising Update
- 7) Jester Park Conservation Center, Timeline and Invitation to Bid
- 8) Jester Park Conservation Center, Water and Electric Utility Service
- 9) Employees, Recent Hires
- 10) Closed session, Land Acquisition

PUBLIC COMMENTS

FINANCIAL REPORTS

DISCUSSION & REMARKS

ADJOURNMENT

The information identified on this agenda may be obtained in accessible formats by qualified persons with a disability. To receive information or to request an accommodation to participate in a meeting, hearing, service, program or activity conducted by this office, contact the Polk County Conservation Board Office, 11407 NW Jester Park Drive, Granger, 515-323-5300.

1) Opening Items

a) Roll Call

b) Action on the Minutes of the Previous Meeting(s)

The Polk County Conservation Board met in regular session on June 11, 2014. Minutes for the meeting are attached.

2) Consent Agenda Items

a) Action on the Bill List

June 2014 expenditures have been e-mailed to the Board for review.

STAFF RECOMMENDATION: That the Board approve the PCCB June 2014 bill list.

b) 28E Agreement, Iowa Dept. of Corrections

Polk County Conservation has been working successfully with the Iowa Department of Corrections to secure additional help through the "Trustworthy Inmate Program". This program has been in place since 2007 and has helped PCC complete a number of tasks ranging from cabin construction to invasive species removal. To continue the program PCC needs to update their agreement with the Iowa Department of Corrections.

Polk County Conservation will provide transportation from the Newton Release Center to each work site and pay each inmate a stipend of \$5.00 per day. This is an increase from \$4.00 per day but will be covered by the operations budget. We anticipate based upon past use the inmate cost will be approximately \$10,000 per year.

PCC needs to sign a 28E agreement that allows for the funding transfers to occur between our organizations and record the 28E with the Secretary of State's Office. Dan Flaherty has been provided a copy of the 28E agreement and has approved its terms (copy attached).

STAFF RECOMMENDATION: That the Board approve the 28E agreement with the Iowa Department of Corrections and authorize the Director to sign the agreement.

c) Jester Park Conservation Center, Public Hearing

Staff requests permission to publish notice of a public hearing to be held at the PCCB's August 2014 meeting where our Board will review the plans, specs, and estimated costs for the Jester Park Conservation Center. Award of the bid will be considered by the Board at the September 2014 meeting.

STAFF RECOMMENDATION: That the Board authorizes staff to publish notice of a public hearing to be held at the PCCB's August 2014 meeting to consider the plans, specs, and estimated costs for the Jester Park Conservation Center project.

d) Chichaqua Bottoms Greenbelt, Hay Harvest

Each year staff determines areas of Chichaqua Bottoms Greenbelt (CBG) that would benefit from the use of hay harvesting as a management tool. Management of the CBG requires some form of controlled disturbance to manage weeds and woody plant growth. Fire and the harvest of hay are the two most common land management techniques deployed.

This year staff has determined that three areas totaling 215 acres would benefit from the harvest of hay. Harvest is delayed until after the first of August each year to limit the impacts of the harvest on wildlife, primarily ground nesting birds.

The quality of warm season grasses deteriorates rapidly after the middle to the end of July. Delays beyond the first of August, reduces the usability of the hay as forage. It is important to many of the bidders that they be able to harvest the hay as soon as we will allow the harvest to commence.

The bids are due July 31 and staff would like permission for the Director to notify the successful bidder that they may begin the harvest on or immediately after August 1.

The Board does not meet until the August 13. Delaying award until then may limit the usefulness of the harvested forage and the response to our invitation to bid.

STAFF RECOMMENDATION: That the Board authorizes the Director to notify the successful bidder for the harvest of standing prairie hay from Chichaqua Bottoms Greenbelt that they may proceed upon receipt of insurance documentation and that the Board further directs staff to bring the results of the bidding to the PCCB's August 2014 meeting for official Board action.

3) Jester Park Equestrian Center – Executive Summary

Information to be presented at the meeting.

4) Chichaqua Valley Trail Connector

An Iowa Dept. of Transportation (IDOT) bid opening for this 7.2 mile trail construction project was held on Tues. June 17, 2014. Snyder and Associates were hired by PCC to provide engineering services for the project. This segment of trail travels from NE 29th St. in Norwoodville to the west side of the City of Bondurant. Bondurant is in the process of constructing the final connection on the east side of Bondurant to our CVT. The engineers estimate on this project was \$1,637,028.25.

Three companies bid on our project and the results are as follows.

Absolute Concrete Construction, Inc. -----	\$2,043,917.50
Jasper Construction Services, Inc. -----	\$1,941,284.20
Howrey Construction, Inc. -----	\$1,935,769.26

Staff recommends accepting Howrey Construction's bid of \$1,935,769.26 plus a 5% contingency, \$96,788.46 for a total project cost of \$2,032,557.72.

Staff would like to negotiate with both the contractor and Snyder & Associates to reduce the overall project cost. Two possibilities may be clearing and grubbing at approx. \$111,000 and Construction Engineering at approx. \$85,000.

STAFF RECOMMENDATION: That the Board accept the bid of \$1,935,769.26 from Howrey Construction, and a 5% contingency of \$96,788.46 for a project total not to exceed the amount of \$2,032,557.72; authorize the Chair to sign associated documents; and authorize the PCC Director to negotiate the clearing and grubbing line item with the contractor as well as Construction Administration with the Engineering Consultant and PC Engineering. Funding for this project is as follows: State Rec Trail Funds, \$47,548, Fed. STP Funds, \$750,000, Balance out of PCWLL Funds, \$1,235,009.72

5) Vision Iowa Funding Support Letter

Background: PCCB has been actively pursuing a \$1.17 million Vision Iowa Community Attraction and Tourism grant for the Jester Park Conservation Center. The Vision Iowa Board's goal is to be the last major source of funding for a planned project. As we have been working to close the funding gap with corporate and individual donations as well as grants, Vision Iowa continues to challenge us to close the gap further. The funding gap as of our last report to the Vision Iowa Board was approximately \$750,000. They suggested that an outside individual or group, or the County, could provide a letter pledging to cover the remaining funding gap should future fund raising fall short. Providing the Vision Iowa Board with this pledge would support their Board taking the next steps in deciding to approve the grant request.

With the efforts involving seeking outside funding sources for the Conservation Center and the future opportunities to raise more funds, it is very unlikely that the PCCB would be required to cover this shortfall. Should that need arise, the funding shortfall could be funded over two fiscal year cycles and could be funded from a combination of reserve and REAP funds.

STAFF RECOMMENDATION: That the Board ratifies the previous polling of the Board on May 14 approving the Board chairperson to sign the letter pledging to cover the \$750,000 funding shortfall should future fundraising fall short.

6) Jester Park Conservation Center Project and Fundraising Update

It has been busy and exciting time putting the complete details together for the Conservation Center final plans, specs, and architects estimate. RDG staff has been meeting with many of our staff to discuss and determine all of the Center's needs from footings to carpet to shingles and everything in between. Landscaping, site utilities, construction materials, and partnership opportunities are just a few of the many weekly discussion topics that take place.

Independent units have been giving thought to their unique needs and how best to design and plan this facility to address those needs. The Environmental Education Unit has been meeting regularly to address internal and external educational displays, messaging, programming, and facility operations. They have contracted assistance from Chris Tully from Minnesota. Chris has worked with several Minnesota nature centers on their interpretive designs and displays.

At this time, we are probably 75-80% complete with the overall planning and design process for this \$7 million facility. We should be 100% complete by early August.

Fundraising for the Conservation Center has proven to be a successful and encouraging endeavor over the course of the past several months. Thanks to the Vision Iowa Community Attraction and Tourism (CAT) granting process, staff has gained financial support from local corporations, foundations, and numerous groups and individuals. We have also gained more exposure and community support for this exciting regional facility.

We were notified on June 11 that our Vision IA grant application for \$1.17 million had been scored and recommended for sub-committee funding negotiations. This sub-committee meeting will take place on July 8, followed by the full review committee meeting on July 9 where we expect to receive the CAT funding award. An update will be given at the July PCC Board meeting.

In addition to Vision IA, we have or will be applying to various other foundations and granting organizations for different aspects of the Center. Recently, we were awarded \$100,000 from the Community Foundation of Greater Des Moines. We have pending grants in to Wellmark and LAWCON totaling \$225,000. We are currently preparing REAP, Meredith Foundation, and BRAVO grants for roughly \$200,000.

Lastly, we are continuing to meet weekly with local groups and corporations that would consider facility sponsorships. Companies that are currently considering a sponsorship are Pioneer/DuPont, Hy-Vee, Wells Fargo, Hubbell Realty, Bankers Trust, EMC Insurance. We are pursuing leads with about ten additional companies as well. We are proud to report that Principal, Scheels, Casey's, Blank Children's Hospital, The Graham Group, and Phoenix Renewable Resources have already purchased sponsorships.

A combination of secured sponsorships and grant awards prior to the end of 2014 is expected to close and exceed the \$700,000 funding gap that the PCC Board agreed to pledge as part of the Vision IA grant. That would mean that PCC has raised nearly \$3 million for the Jester Park Conservation Center. This \$3 million will be combined with the \$4 million earmark from the Polk County Water and Land Legacy bond referendum for a total project cost of approximately \$7 million.

7) Jester Park Conservation Center, Timeline and Invitation to Bid

With the visibility, complexity, and over-all cost of this project PCC staff is planning to provide more pre bid information to the Board for discussion and approval on this project.

Timeline:

Here are some of the critical dates moving forward:

- Wed. July 9 - Board meeting approve holding Public Hearing on plans, specs, architects cost estimate at the August meeting.
NOTE: This is 1 month prior to the actual award of contract to allow more time for input if needed.
- Mon. July 28 - during this week we will be able to review the plans, specs etc... prior to the Public Hearing set for the August meeting and would invite Board members to set a time to come to the Adm. Office at Jester Park to go over the plans. The appropriate staff can be available if needed or we could come to you if more convenient to go over the plans. At this time we will have the most up to date architects cost estimate.
- Fri. August 8 - Invitation to Bid will run in the Des Moines Register that Monday August 11 the plans and specs will be available to bid at the typical sites i.e. Beeline and Blue, Planning Rooms, PCC Adm. Office, On-Line Plan Rooms.
- Mon. August 25 - 1:00 pm Pre-Bid Meeting at PCC Adm. Office.
- Mon. September 8 - 1:00 pm Bid-Opening at PCC Adm. Office.
- Wed. September 10 - Award bid at regularly scheduled PCC Board meeting.

- Mon. September 22 - Issue Notice to Proceed with construction.

NOTE: The Board is also invited to attend any of the final Design and Planning meetings at RDG on the following dates and times.

- Tues. July 8 - 10:30 am – 2:00 Interior Design and Lighting
- Fri. July 11 - 8:00 am – 12:00 Docs, Architecture, Mechanical, Elec. and Lighting
- Fri. July 18 - 8:00 am - Landscaping
- Mon. July 21 - 9:30 am – 12:00 Docs, Architecture, Interior, Mechanical, Elec. and Lighting
- Fri. July 25 - 8:00 am – 12:00 98% complete on, Docs, Architecture, Interior, Mechanical, Elec. and Lighting

- Wayne Johnson, Const./Maint. Manager

STAFF RECOMMENDATION: That the Board approves for the Jester Park Conservation Center project the proposed timeline; authorize staff to submit an Invitation to Bid to the Des Moines Register for publication; and authorize staff to proceed with all Conservation Center planning.

8) Jester Park Conservation Center, Water and Electric Utility Service

Staff has met with Xenia Rural Water and Mid-American Energy to have these two utilities brought to the Conservation Center building site. Xenia will provide an 8" water main to the site which will provide domestic water, a fire hydrant and water for the building fire sprinkler system.

Mid-American Energy will provide the service lines and transformer for a 3-phase, 800 Amp building electric service.

PCC will be providing two separate Public Utility Easements. One coming from the west for water and phone service, the other from the east for electric, fiber optic, and a forced sewer main.

The other utilities will be scheduled later for installation probably spring, the water and electric need to be in place soon to begin construction.

Xenia requires to do their own install as they will own and maintain the line to the site. Mid-American is a combination of electrical contractor to provide 2-4" conduits and a concrete transformer pad and Mid-American pulls service lines, hooks to their service point and provides transformer. Also they will own and maintain the service line and transformer.

ESTIMATED COST:

Xenia Rural Water-----	\$50,000
Mid-American Energy-----	\$45,000

- Wayne Johnson, Const./Maint. Manager

STAFF RECOMMENDATION: That the Board directs staff to work with Xenia Rural Water and Mid-American Energy to have water and electric utilities brought to the Jester Conservation Center building site for a total estimated cost of \$95,000. Funding for this project will come from our PCWLL Bond fund.

9) Employees, Recent Hires

The following individuals have been hired for employment with PCCB:

Start Date	Employee	Position	Rate of Pay
6/5/14	Jim Mahony	Cons. Lbrer. I	\$10.41/Hr.
6/9/14	Lindsey Broadhead	Cons. Lbrer. I	\$10.41/Hr.
6/2/2014	Travis Maak	Cons. Lbrer. I	\$10.41/Hr.
6/28/2014	Leann Teal	Cons. Lbrer. I	\$10.41/Hr.
5/31/2014	Frances Ringgenberg	Clerk (EC)	\$10.08/Hr.
6/17/2014	Laura Nellis	Stable Lbrer	\$9.25/Hr.
5/31/2014	Mindy Loats	Stable Lbrer	\$9.25/Hr.
6/21/2014	Van Brocklin, Camden	Stable Lbrer	\$9.25/Hr.
6/22/2014	Anna Kurns	Stable Lbrer	\$9.25/Hr.
6/22/2014	Daggs, Carol	Stable Lbrer	\$9.25/Hr.
6/23/2014	William (Bill) Damman	Stable Lbrer	\$9.25/Hr.
6/24/2014	Jordan Johnson	Stable Lbrer	\$9.25/Hr.
6/28/2014	Cara Donovan	Stable Lbrer	\$9.25/Hr.

Information only.

10) Closed Session, Land Acquisition

Polk County Conservation Board
Jester Park, Shelter #5
11407 NW Jester Park Dr.
Granger, IA

PROCEEDINGS OF THE POLK COUNTY CONSERVATION BOARD

The Polk County Conservation Board met in regular session on Wednesday June 11, 2014. A tour of Jester Park began at 5:00 p.m. with the business segment of the meeting called to order at 6:10 p.m.

#1 – Tour of Jester Park

Tour began at 5:00 p.m. of the Jester Park area.

#2a - Roll Call

Members Present: Johnson, Cataldo, Kurovski, Smith
Members Absent: Levis

#2b – Action on the Minutes of the Previous Meeting(s)

MOTION: Moved by Johnson to approve the May 14, 2014 meeting minutes as written.

VOTE YEA: Johnson, Smith, Cataldo
VOTE ABSTAIN: Kurovski

#2c – Employee Recognition

Dennis Parker, Director, was recognized for his 5 years of service with PCCB.

Shelly Carmony-Davis, hired for the Equestrian Program Specialist position, and Nick Gordon, hired for the Natural Resources Technician position, were introduced to the Board.

#3 – Consent Agenda

MOTION: Moved by Kurovski to approve the following consent agenda items:

- a) May 2014 bill list;
- b) 2013-2014 Urban Deer Bow-Hunt Annual Report;
- c) staff publishing notice of a public hearing at the PCCB's July Board meeting on granting easements to Mid-American Energy and Xenia Rural Water for installing utilities to the Jester Park Conservation Center (public hearing was not held);
- d) staff submitting a grant application to The Wellmark Foundation MATCH Grant Program for \$75,000 and match dollars of \$75,000 for the Jester Park Conservation Center with match dollars coming from public and private donations and sponsorships;
- e) quote of \$7,880 from Pro-Line Bldg. Co. for the Jester Park Equestrian Center multi-use shed and authorize the Chair to sign the Agreement with Pro-Line; and further approves an over-all project cost not to exceed \$16,000 to be paid from the REAP fund;
- f) replacement of the restrooms on the Jester Park Golf Course at a cost of \$72,378.08 to CXT for the restrooms, set, and delivery of which \$31,500.38 of this expense will be reimbursed to the PCCB by Green Golf Partners for the two Gunnison unisex vault toilets/set/delivery; further approves the Chair signing the purchase agreements for the restrooms; and further approves an expenditure of \$6,250 for site prep, hook up, sidewalks, and equipment rental of which \$1,750 of this expense will be reimbursed to the PCCB by Green Golf Partners, for an overall project cost not to exceed \$78,628,08 with the project funded from the PCCB's Reserve Fund;
- g) staff applying for a State Recreational Trail grant to acquire the remaining section of the UP Industrial Lead between Ankeny and Des Moines and further resolves that the PCCB agrees to maintain the trail for a period of 20 years following construction.

VOTE YEA: Kurovski, Cataldo, Smith, Johnson

#4 – Vision Iowa Funding Support Letter

This item was continued to the July Board meeting.

#5 – Jester Park Conservation Center Update

Director Parker updated the Board on the funding efforts for the Conservation Center.

Board discussion held on oversight of the project and project costs.

#6 – Easter Lake Lodge Consultant

MOTION: Moved by Kurovski to approve RDG Planning and Design consulting contract for the conceptual planning and design of the proposed Easter Lake Lodge and approve authorizing the Director to sign the contract.

VOTE YEA: Kurovski, Cataldo, Johnson, Smith

#7 – Great Western Trail Relocation

MOTION: Moved by Kurovski to approve postponing action on this item indefinitely.

VOTE YEA: Cataldo, Smith, Johnson, Kurovski

#8 – Parks Superintendent

Director Parker provided further explanation on the changing of the Park Advocacy Manager position to Parks Superintendent.

Information only.

#9 – JC White Property, Agreement with Iowa Dept. of Natural Resources

MOTION: Moved by Smith to approve entering into an Agreement with the Iowa Department of Natural Resources indicating the Iowa Department of Natural Resources agrees to pay to PCCB 33% or \$100,000, whichever is less, for purchase of the former JC White property from the Iowa Natural Heritage Foundation and authorizes the Chair to sign the Agreement subject to approval of the Agreement by the Iowa Department of Natural Resources.

VOTE YEA: Smith, Johnson, Cataldo, Kurovski

#10 – JC White Property Acquisition

MOTION: Moved by Kurovski to authorize staff to purchase the former JC White property from the Iowa Natural Heritage Foundation at a cost to the PCCB not to exceed \$200,000, subject to the Iowa Department of Natural Resources approval of the Agreement to fund 33% or up to \$100,000 of the purchase cost.

VOTE YEA: Johnson, Kurovski, Cataldo, Smith

#11 – Easter Lake Restoration, Agreement with Iowa Dept. of Natural Resources

MOTION: Moved by Johnson to approve entering into a contract with the Iowa Department of Natural Resources to provide funding assistance up to \$462,600 or 60%, whichever is the lesser amount, for Easter Lake Restoration engineering services and authorizes the Chair to sign contract subject to approval of the contract by the Iowa Department of Natural Resources.

VOTE YEA: Cataldo, Kurovski, Smith, Johnson

#12 – Easter Lake Restoration, Contract for Engineering Services

MOTION: Moved by Smith to authorize the Chair to sign the contract with Snyder and Associates for engineering services for the Easter Lake Water Quality Management Plan at a cost of \$734,800 subject to approval by the Iowa Department of Natural Resources committing up to \$462,600 toward the cost for engineering services.

VOTE YEA: Johnson, Smith, Kurovski, Cataldo

#13 – Employees, Recent Hires

Information only.

PUBLIC COMMENTS

None

FINANCIAL REPORTS

DISCUSSION & REMARKS

Director Parker reported on the following:

*Jester Park cabin usage

*IACCB Fall Conference

Adjournment

Meeting adjourned at 7:03 p.m.

Prepared by: Cindy Lentz

Approved:

**AGREEMENT BETWEEN
THE IOWA DEPARTMENT OF CORRECTIONS AND POLK COUNTY
CONSERVATION,
AS PROVIDED BY CHAPTER 28E, CODE OF IOWA (2013)**

On this 1st day of July, 2014, this Agreement is made and entered into by and between the Iowa Department of Corrections (Corrections), and Polk County Conservation (Agency), as a cooperative effort to provide work through public service for offenders.

Corrections and the Agency agree as follows:

SECTION 1. PARTIES

- 1.1** The Iowa Department of Corrections is established by Chapter 904 of the Code of Iowa. It is a public agency, and the director has the authority to enter into this Agreement under section 904.703 of the Code.
- 1.2** Polk County Conservation is established by Chapter 307 of the Code of Iowa. It is a public agency that has authority to enter into this Agreement.

SECTION 2. PURPOSE The purpose of this Agreement is to provide work through public service opportunities for offenders.

- 2.1** This Agreement is part of a *trustworthy* offender work program in which offenders of state correctional institutions work at work centers outside the state correctional institutions or work in construction or maintenance at public or charitable facilities or for other agencies of state, county or local government.
- 2.2** This Agreement is part of an offender work program allowing for educational or vocational training outside of the state correctional institutions.
- 2.3** Polk County Conservation shall identify public service work opportunities appropriate for offenders. Polk County Conservation shall routinely, and as timely as possible, advise Corrections of the availability of these opportunities, including the nature of the work, the number of offenders

that can be used, the hours of work, the approximate total number of hours the task or project will require, the name of Polk County Conservation supervisor of the work, and any special conditions or requirements.

- 2.4** Corrections shall provide individuals under its supervision to perform work for Polk County Conservation. Corrections does not guarantee or warrant the availability of offenders to perform the work, or their individual skills, abilities or fitness for the tasks or projects assigned.
- 2.5** Work performed by individuals provided by Corrections shall be duties specifically agreed to by the parties.

SECTION 3. GENERAL CONDITIONS

- 3.1 Duration and Termination.** This agreement shall remain in force for one (1) year, beginning on the date this agreement is executed by both parties, or until terminated by either Corrections or Polk County Conservation. There will be an additional five (5), one-year renewal options. Following thirty (30) days written notice, either party may terminate the Agreement. If funds sufficient to allow either party to meet its obligations under this Agreement are not appropriated, allocated or authorized, or either party's legal authority is withdrawn or duties substantially modified relating to this Agreement, this Agreement shall terminate thirty (30) days after giving written notice of such lack of funding or change in law.
- 3.2 Coordination.** Corrections and Polk County Conservation shall maintain necessary communications to coordinate labor needs, provide ongoing updates of how individual offenders are performing, evaluate overall effectiveness of the program, and any problems associated with the implementation of this Agreement. If any of the primary staff responsible for the implementation of the agreement change, written notice of the change shall be provided within 30 days.

Primary staff personnel responsible for Corrections and Polk County Conservation and their telephone numbers are:

<u>Contact staff - _____:</u>	<u>Contact staff – Corrections:</u>
Polk County Conservation	Sergeant Ron Fresh
Dennis Parker	IDOC – Correctional Release Center
Rich Leopold	307 South 60 th Avenue West
11407 NW Jester Pk Rd	Newton, IA 50208
Grainger, IA 50109	641.791.7552 x 338
515-249-5410	
515-323-5322	

3.3 Workers not displaced. An offender shall not work in a public service project if the work of that offender would replace a person employed by Polk County Conservation, which employee is performing the work of the public service project at the time the offender is being considered for work in the project.

3.4 Background checks.

- A. Polk County Conservation shall not hire anyone who may have contact with offenders who has:
1. Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution;
 2. Been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
 3. Been civilly or administratively adjudicated of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or

coercion, or if the victim did not consent or was unable to consent or refuse. **(PREA 115.17(a)(1-3))**

B. Polk County Conservation shall consider any incidents of sexual harassment in determining whether to hire anyone who may have contact with offenders. **(PREA 115.17(b))**

C. Polk County Conservation shall perform a criminal background records check before hiring any person who may have contact with offenders. Background checks on all current employees who have contact with offenders shall be conducted every five years or Polk County Conservation shall have in place a system for otherwise capturing such information. **(PREA 115.17(d)(e))**

3.5 Service attributes. Public service opportunities shall have as a primary purpose the development of attitudes, skills, and habit patterns which are conducive to offender rehabilitation.

3.6 Annual review. Corrections and Polk County Conservation shall annually review the feasibility, effectiveness, and impact of the public service agreements.

3.7 Tort liability. Offenders performing public services pursuant to this Agreement are employees of the State of Iowa for purposes of the Iowa Tort Claims Act, Iowa Code chapter 669.

3.8 Workers' compensation. An offender suffering an injury arising out of and in the course of performing the offender's public service under this Agreement is considered an "offender" under Iowa Code section 85.59 and "workers' compensation" benefits shall be determined and paid in accordance with that provision.

3.9 Insurance. If the Agency is not an agency or department of the State of Iowa or a political subdivision of the State of Iowa, the Agency shall maintain in effect, at its expense, insurance covering its work, and shall submit to Corrections certificates of insurance for general liability, workers' compensation, automobile liability, property damage or other insurance

coverage applicable to the public service work or project. These coverages shall be in amounts of not less than two-million dollars (\$2,000,000) aggregate and each occurrence, for each applicable coverage. For construction or maintenance projects at public or charitable facilities the State of Iowa and the Iowa Department of Corrections shall be additional named insureds under the applicable policies, which shall be shown on the certificates of insurance filed with Corrections.

3.10 No offender rights under Agreement. Offenders are not parties to this Agreement, nor third-party beneficiaries of this Agreement. Nothing in this Agreement is intended to create or support any right, interest, claim, or cause of action, either in tort or contract, which can be asserted by an offender or anyone on behalf of or through an offender.

3.11 No separate legal entity. This Agreement does not establish a separate legal entity to conduct this cooperative undertaking. The administration of this Agreement shall be the joint responsibility of the parties as further defined by its terms. Any real or personal property used in this cooperative undertaking shall be acquired, held and disposed of by the party which originally obtains or purchases the property.

3.12 Amendments. This Agreement may be amended in writing from time to time by the mutual consent of the parties.

SECTION 4. OFFENDER SELECTION/TRAINING/EQUIPMENT/WORK CONDITIONS

4.1 Corrections shall identify offenders for assignments to public service with Polk County Conservation and shall classify the offenders for assignments.

4.2 Corrections shall provide an orientation to the offenders concerning participation in the public service program.

4.3 Polk County Conservation may decline or terminate the assignment of an offender to a public service task or project at any time.

4.4 Polk County Conservation shall provide and document safety training necessary to recognize and avoid unsafe conditions and safely and

properly perform a particular task or service. Documentation shall be detailed and specific to each task or service the offender will be performing and shall be provided to DOC upon request.

- 4.5** Polk County Conservation shall train all their employees who have contact with offenders on their responsibilities under Corrections' policies regarding prevention, detection, and response to sexual violence. The level and type of training provided shall be based on the services provided and level of contact with offenders. All employees who have contact with offenders shall be notified of Corrections' zero-tolerance policy regarding sexual violence and how to report such incidents. Polk County Conservation shall maintain documentation confirming that all employees understand the training they have received. **(PREA 115.32(a)(b)(c))**
- 4.6** Polk County Conservation shall provide all tools, equipment, clothing, materials, supplies or other items, including personal protective equipment, safety equipment or clothing, necessary for the task or service to be performed.
- 4.7** Polk County Conservation shall comply with all local, state, and federal laws and regulations concerning the public service project, including OSHA health and safety standards. Polk County Conservation shall be responsible for all permits, fees, inspections or other regulatory approvals necessary for the project.
- 4.8** If an injury, accident or other incident occurs while an offender is under the supervision of Polk County Conservation, Polk County Conservation shall notify the DOC immediately. The DOC and Polk County Conservation shall complete and submit any and all reports or notices that may be required.

Polk County Conservation shall provide a First Report of Injury to the DOC on the day the injury occurs. Polk County Conservation shall include

offender injuries on their OSHA 300 log when those injuries meet recordable criteria.

SECTION 5. OFFENDER SUPERVISION AND SECURITY

- 5.1** Polk County Conservation shall provide direct supervision for all offenders assigned to Polk County Conservation for public service under this Agreement. The level of supervision to be provided, including the identity of the supervisor(s) and the ratio of supervisors to offenders, shall be discussed and agreed to by Corrections prior to offenders beginning the task or project. Corrections may reject the participation of a Polk County Conservation supervisor in the public service program.
- 5.2** Polk County Conservation shall prevent any offender access to secured areas, security equipment, weapons, keys, personnel records, client records, or any other materials that could be considered contraband or confidential.
- 5.3** Polk County Conservation shall not allow any offender to operate a motor vehicle or access to any keys to operate a motor vehicle unless there is prior written approval from Corrections.
- 5.4** Corrections shall provide orientation for Polk County Conservation staff who will supervise or have contact with offenders.
- 5.5** Polk County Conservation shall report to Corrections any offender whose performance is not satisfactory, is in violation of any work rules, or should otherwise be removed from the public service program.
- 5.6** In addition to any and all applicable work rules of the Polk County Conservation, Polk County Conservation shall enforce any work rules supplied in advance by Corrections. These work rules, which may apply to Polk County Conservation employees as well as offenders (*i.e.*, Polk County Conservation *employees cannot provide gifts or money to offenders*; Polk County Conservation *employees cannot fraternize with*

offenders) should not disrupt Polk County Conservation's ability to conduct its operations or accomplish the task or project.

- 5.7** Representatives of Corrections shall have access to the work site for security purposes, and for monitoring and assessing the public service program, the offenders assigned, or fulfilling any obligation under this Agreement.
- 5.8** Polk County Conservation shall maintain records concerning the hours worked by the offender, and shall make those records available to Corrections. Polk County Conservation shall cooperate with Corrections in completing any offender reviews to monitor the behavior and progress of the offender.
- 5.9** Corrections shall manage and be responsible for the removal and reclassification or reassignment of offenders who fail to meet the expectations of the public service program.

SECTION 6. OFFENDER ALLOWANCES/HOUSING/MEALS/TRANSPORTATION

- 6.1** Polk County Conservation shall pay Corrections for offender service provided under this Agreement at the following rates:
 - A. \$6.00 per day when DOC transports and provides meals to offenders.
 - B. \$5 per day when DOC provides meals and Polk County Conservation transports the offenders.
 - C. \$4 per day when Polk County Conservation provides meals and transports the offenders.
 - D. Offender hours worked exceeding 8 hrs/day will be reimbursed at the rate of \$.50 per hour.
 - E. Wages of supervising Corrections staff will be reimbursed at \$38.88 per hour. Polk County Conservation shall remit this payment to Corrections on a monthly basis.

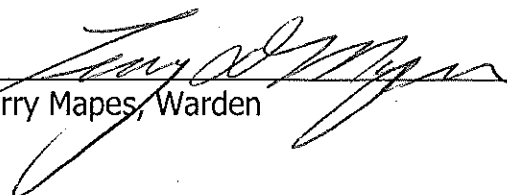
F. Corrections-provided transportation will be reimbursed at a rate of \$0.4325 per mile per day.

- 6.2 As necessary, Corrections will provide offender meals, but Polk County Conservation shall provide storage facilities and space for all meals and breaks.
- 6.3 Housing and maintenance for the offender shall be provided at the Newton Correctional Facility and the cost of the housing and maintenance shall be paid by Corrections.
- 6.4 Polk County Conservation shall provide transportation of the offender(s) to and from the work site.
- 6.5 Polk County Conservation shall provide any transportation necessary for the completion of a particular task or project. Further, Polk County Conservation shall be responsible for any emergency transportation, including ambulance or other medical transportation, occasioned by the offender's work for Polk County Conservation.

SECTION 7. FILING

7.1 This Agreement shall be filed by Corrections with the Iowa Secretary of State.

Iowa Department of Corrections



Terry Mapes, Warden

6-16-14

Date

Polk County Conservation

Dennis Parker, Director

Date

2013- 2014 Revenue Budget

- as of 06/30/14 (100% of budget year expired)

UNIT #	UNIT	Revenue Budget	Total Revenues Received	Balance Due	% Received
General - Fund 1					
0212	Infrastructure	\$ -	\$ -	\$ -	0.0%
0213	Equipment	\$ 7,700	\$ 7,697	\$ 3	100.0%
6006	Environmental Ed	\$ 50,000	\$ 55,907	\$ (5,907)	111.8%
6009	Natural Resources	\$ 126,300	\$ 109,102	\$ 17,198	86.4%
6101	Administration	\$ 224,400	\$ 271,202	\$ (46,802)	120.9%
6103	Community Outreach	\$ -	\$ -	\$ -	0.0%
6104	Conservation Grants	\$ 286,300	\$ 285,259	\$ 1,041	99.6%
6110	Parks Advocacy Unit	\$ 466,000	\$ 407,245	\$ 58,755	87.4%
6119	Construction/Maint.	\$ -	\$ 512	\$ (512)	0.0%
6124	Equestrian Center	\$ 311,000	\$ 278,747	\$ 32,253	89.6%
Sub-Total - General Fund 1		\$ 1,471,700	\$ 1,415,670	\$ 56,030	96.2%
REAP - Fund 26					
0211	Resource Enhancement	\$ 103,200	\$ 161,873	\$ (58,673)	156.9%
Reserve - Fund 50					
0210-0214	Special Projects	\$ -	\$ 116,264	\$ (116,264)	100.0%
Bond - Fund 51					
0210	Water & Land Dev & Trails	\$ 2,550,000	\$ 2,162,647	\$ 387,353	0.0%
Grand Total - Conservation		\$ 4,124,900	\$ 3,856,454	\$ 268,446	93.5%

2013- 2014 Expense Budget

- as of 06/30/14 (100% of budget year expired)

UNIT #	UNIT	Expense Budget	Total Expended	Balance Remaining	% Expended
General - Fund 1					
0212	Infrastructure	\$ -	\$ -	\$ -	0.0%
0213	Equipment	\$ 162,200	\$ 162,200	\$ -	100.0%
6006	Environmental Ed	\$ 385,029	\$ 384,140	\$ 889	99.8%
6009	Natural Resources	\$ 740,177	\$ 708,342	\$ 31,835	95.7%
6101	Administration	\$ 964,823	\$ 970,774	\$ (5,951)	100.6%
6103	Community Outreach	\$ 217,881	\$ 216,991	\$ 890	99.6%
6104	Conservation Grants	\$ 9,300	\$ 9,036	\$ 264	97.2%
6110	Parks Advocacy Unit	\$ 479,633	\$ 470,452	\$ 9,181	98.1%
6119	Construction/Maint.	\$ 1,093,186	\$ 1,116,349	\$ (23,163)	102.1%
6124	Equestrian Center	\$ 462,563	\$ 487,899	\$ (25,336)	105.5%
Sub-Total - General Fund 1		\$ 4,514,792	\$ 4,526,182	\$ (11,390)	100.3%
General Supplemental - Fund 2					
All Units	Benefits (PERS/FICA/Ins, Etc.)	\$ 975,038	\$ 958,811	\$ 16,227	98.3%
Risk Management - Fund 3					
6100	Insurance,Med., Work. Comp.	\$ 115,500	\$ 116,120	\$ (620)	100.5%
REAP - Fund 26					
0211	Resource Enhancement	\$ 147,225	\$ 147,469	\$ (244)	100.2%
Reserve - Fund 50					
0210-0214	Trails, Special Projects	\$ 499,200	\$ 25,951	\$ 473,249	5.2%
Bond - Fund 51					
0210	Water & Land Dev & Trails	\$ 11,754,000	\$ 10,912,565	\$ 841,435	92.8%
Grand Total - Conservation		\$ 18,005,755	\$ 16,687,098	\$ 1,318,657	92.7%

PCWLL EXPENDITURES AS OF :

June 29, 2014

SUB- LEDGER	PROJECT	ANTICIPATED COSTS		CONSTRUCTION COSTS		ENGINEERING COSTS		ACTUAL CONSTRUCTION EXPENDITURES		ACTUAL ENGINEERING EXPENDITURES		ACTUAL MISCELLANEOUS EXPENDITURES		GRANT REVENUES AND DONATIONS		ACTUAL COSTS TO DATE		ACTUAL BALANCE REMAINING	
		CY2013 & 2014	2014	CONTRACTED	ACTUAL	CONTRACTED	ACTUAL	CONTRACTED	ACTUAL	CONTRACTED	ACTUAL	CONTRACTED	ACTUAL	CONTRACTED	ACTUAL	CONTRACTED	ACTUAL	CONTRACTED	ACTUAL
C05-R003	GAY LEA WILSON TRAIL CONNECTION (DSM-ANKENY)	\$ 50,600	\$ 787,580	\$ 254,644	\$ 754,580	\$ 77,032	\$ -	\$ (782,213)	\$ 49,400	\$ 1,200	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 49,400	\$ 1,200	\$ -	\$ -
C06-6134	CBG SHAW ACQUISITION	\$ 430,915	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (258,860)	\$ 430,915	\$ -	\$ 689,775	\$ -	\$ -	\$ -	\$ -	\$ 430,915	\$ -	\$ -	\$ -
C08-6142	JESTER PARK CABINS	\$ 687,894	\$ -	\$ -	\$ 680,031	\$ -	\$ -	\$ -	\$ 680,031	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 680,031	\$ -	\$ 7,863	\$ -
C11-6205	CVT CONNECTOR-BROADWAY TO GLW	\$ 36,818	\$ -	\$ 252,751	\$ -	\$ 98,618	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 98,618	\$ -	\$ (61,800)	\$ -
C12-6208	FDM OUTDOOR CLASSROOM	\$ 11,201	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11,201	\$ -
C12-6213	CBG WELL REPLACEMENT	\$ 73,859	\$ 71,746	\$ -	\$ 71,746	\$ 150	\$ -	\$ -	\$ -	\$ 1,963	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 73,859	\$ 0	\$ -	\$ -
C12-6214	CBG OBSERVATION DECK	\$ 83,844	\$ -	\$ 8,300	\$ 72,644	\$ 11,200	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 83,844	\$ 0	\$ -	\$ -
C12-6218	JP EQUIPMENT MAINTENANCE BLDG RELOCATION	\$ 450,000	\$ -	\$ -	\$ 256,355	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 256,355	\$ 193,645	\$ -	\$ -
C12-6219	EC IMPROVEMENTS	\$ 10,671	\$ -	\$ -	\$ 9,553	\$ 1,118	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,671	\$ 0	\$ -	\$ -
C12-6220	4-MILE CREEK BANK STABILIZATION	\$ 340,725	\$ -	\$ 22,500	\$ -	\$ 20,309	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,309	\$ 320,416	\$ -	\$ -
C12-6221	JP CONSERVATION CENTER	\$ 2,404,200	\$ -	\$ 729,922	\$ -	\$ 427,584	\$ -	\$ (136,020)	\$ 294,550	\$ 2,109,650	\$ 2,986	\$ -	\$ -	\$ -	\$ -	\$ 294,550	\$ 2,109,650	\$ -	\$ -
C12-6222	CBG MASTER PLAN	\$ 106,000	\$ -	\$ 98,368	\$ -	\$ 84,711	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 84,711	\$ 21,289	\$ -	\$ -
C12-6223	ACKELSON TRAIL PHASE I (fkn EL Trail Phase I)	\$ 1,100,532	\$ 903,781	\$ 175,496	\$ 903,781	\$ 175,496	\$ -	\$ -	\$ -	\$ 1,255	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,080,533	\$ 20,000	\$ -	\$ -
C12-6224	ACKELSON TRAIL PHASE II (fka EL Trail Phase II)	\$ 141,013	\$ -	\$ 208,333	\$ 7,857	\$ 128,838	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 136,695	\$ 4,318	\$ -	\$ -
C12-6225	ACKELSON TRAIL PHASE III (fka EL Trail Phase III)	\$ -	\$ -	\$ 159,534	\$ -	\$ 4,600	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,600	\$ (4,600)	\$ -	\$ -
C12-6226	FDM POND IMPROVEMENTS & SEDIMENT BASIN	\$ 854,903	\$ 707,456	\$ 132,209	\$ 703,969	\$ 136,036	\$ -	\$ (200,000)	\$ 661,918	\$ 192,985	\$ 21,913	\$ -	\$ -	\$ -	\$ -	\$ 661,918	\$ 192,985	\$ -	\$ -
C12-6227	FDM PARK IMPR-SHELTER/TRAILS/PENINSULA	\$ 81,179	\$ -	\$ 57,600	\$ -	\$ 56,662	\$ -	\$ -	\$ -	\$ 252	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 56,914	\$ 24,265	\$ -	\$ -
C12-6228	JP PARK IMPROVEMENTS-CAMP AREA #2 ELECTRIC	\$ 410,000	\$ 339,428	\$ 29,200	\$ 336,945	\$ 28,800	\$ -	\$ -	\$ -	\$ 15,516	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 381,261	\$ 28,739	\$ -	\$ -
C12-6229	HTT CONNECTOR TO GLW (fka Neal Smith)	\$ 9,800	\$ -	\$ 9,800	\$ -	\$ 9,800	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,800	\$ -	\$ -	\$ -
C12-6230	TM CAMP CREEK STABILIZATION	\$ 1,097,465	\$ 876,665	\$ 194,600	\$ 722,056	\$ 192,785	\$ -	\$ -	\$ -	\$ 113	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 914,954	\$ 182,511	\$ -	\$ -
C12-6231	TM PARK IMPROVEMENTS INCLUDING SHOWER HOUSE	\$ 119,000	\$ -	\$ 53,200	\$ -	\$ 53,123	\$ -	\$ -	\$ -	\$ 226	\$ -	\$ -	\$ -	\$ (1,205)	\$ -	\$ 52,144	\$ 66,856	\$ -	\$ -
C12-6232	YB PARK IMPROVEMENTS	\$ 87,000	\$ -	\$ 46,650	\$ -	\$ 40,404	\$ -	\$ -	\$ -	\$ 113	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40,518	\$ 46,482	\$ -	\$ -
C12-6233	TRAIL IMPROVEMENTS ALL AREAS	\$ 100,000	\$ -	\$ 12,000	\$ 11,225	\$ 12,000	\$ -	\$ -	\$ -	\$ 3	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 23,228	\$ 76,772	\$ -	\$ -
C12-6234	JP ENTRANCE RELOCATION	\$ 586,000	\$ 279,839	\$ 73,100	\$ 279,839	\$ 69,743	\$ -	\$ -	\$ -	\$ 3,186	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 352,768	\$ 233,232	\$ -	\$ -
C12-6235	CBG WOOSLEY PROPERTY-NO SALE APPRAISAL ONLY	\$ 1,200	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,200	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,200	\$ -	\$ -	\$ -
C12-6236	CBG MENDENHALL ACQUISITION	\$ 676,267	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 676,267	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 676,267	\$ 0	\$ -	\$ -
C12-6237	CXT VAULT TOILETS	\$ 75,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 64,133	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 64,133	\$ 10,867	\$ -	\$ -
C12-6238	CBG WETLANDS DESIGN	\$ 104,476	\$ -	\$ 86,476	\$ -	\$ 67,121	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 67,121	\$ 37,355	\$ -	\$ -
C12-6239	YB DAM REPAIRS	\$ 797,000	\$ 733,986	\$ 112,525	\$ 280,342	\$ 107,977	\$ -	\$ -	\$ -	\$ 9,511	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 397,830	\$ 399,170	\$ -	\$ -
C12-6240	BEAVER CREEK LAND ACQUISITION	\$ 93,469	\$ -	\$ -	\$ -	\$ 457	\$ -	\$ -	\$ -	\$ 93,012	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 93,469	\$ 0	\$ -	\$ -
C12-6242	ROAD & PARKING LOT RESURFACING ALL AREAS	\$ 200,000	\$ -	\$ -	\$ 195,951	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 195,951	\$ 4,049	\$ -	\$ -
C12-6243	CAMP CREEK-MILLER/RIST LAND ACQUISITION	\$ 342,197	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 342,197	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 342,197	\$ -	\$ -	\$ -
C12-6244	CBG AIRPORT 16 ACQUISITION	\$ 75,588	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 75,588	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 75,588	\$ -	\$ -	\$ -

