



BOARD MEETING

November 4, 2015

5:30 p.m.

Polk County Administration Bldg., Room 120
111 Court Ave., Des Moines

AGENDA

- 1) Roll Call
- 2) Public Comments
- 3) Financial Reports
- 4) Chichaqua Bottoms Greenbelt Master Plan
- 5) Action on the Minutes of the Previous Meeting(s)

CONSENT AGENDA

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

- 6) Action on Bill List
- 7) **Chichaqua Bottoms Greenbelt, Supplemental Agreement #2 - Stanley Consultants:** Approving supplementary contract between PCCB and Stanley Consultants, Inc. for bidding and construction services for wetlands at the former Shaw Farm and at the former Airport property at Chichaqua Bottoms Greenbelt

ACTION ITEMS

- 8) **Encroachment Policy:** Approving Polk County Conservation Encroachment Policy
- 9) **Public Hearing & Award of Bid: Easter Lake Restoration - Contract 1A, Spillway and Fish Rearing Pond Improvements:** approving plans, specifications, form of contract documents, engineer estimate and designating lowest responsible bidder for Easter Lake Restoration Contract 1a, Spillway and Fish Rearing Pond Improvements
- 10) **Public Hearing & Award of Bid: Easter Lake Restoration - Contract 1B, Sediment Basins, Grade Control & Drainageway Improvements:** approving plans, specifications, form of contract documents, engineer estimate and designating lowest responsible bidder for Easter Lake Restoration Contract 1b, Sedimentation Basins, Grade Control & Drainageway Improvements
- 11) **Evergreen Avenue Bridge:** Approving recommendation to the Board of Supervisors that the County grant a permanent easement to the City of Des Moines for the use of the top of Easter Lake dam as a roadway and that they further recommend the transfer of ownership of a section of that road right-of-way to the City

BOARD DISCUSSION

- 12) Director's Report
- 13) Board Chair and Member's Remarks

ADJOURNMENT

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	Date	November 4, 2015
	Agenda Item No. 4 RECEIVE & FILE Roll Call No. 15-1104 Submitted by: Douglas C. Romig Deputy Director	

AGENDA HEADING:

Receiving and Filing Chichaqua Bottoms Greenbelt master plan.

SYNOPSIS:

Receiving and filing the proposed master plan for Chichaqua Bottoms Greenbelt as designed by RDG Planning & Design and HR Green to be voted upon at the Board's December 9, 2015 meeting.

FISCAL IMPACT: N/A

Amount:

Funding Source:

ADDITIONAL INFORMATION:

On March 13, 2013, the Polk County Conservation Board entered into an agreement with HR Green as the lead agency to develop a master plan addressing the ecological, hydrologic and cultural resources of Chichaqua Bottoms Greenbelt with RDG Planning & Design as a sub-consultant on the project. The initial design contract was for \$74,700 and was brought back to the Board for an amendment on April 10, 2013 reducing the scope of work with HR Green and assigning said work to Dr. Summerville and Drake University for a reduced price of \$67,700.

A series of public meetings were held throughout this planning process with strategy sessions on May 3, 2013 (Kick-off meeting); August 7, 2013 (Recreation & Education); October 2, 2013 (Ecology & Hydrology); November 19, 2013 (Vision & Goal setting) and September 15, 2015 (Input on draft Master Plan). Additionally, the planning team held focus groups and hosted public workshops on October 23, 2013 and September 8, 2015.

On April 8, 2015, the Board approved a contract with RDG Planning & Design to finalize the Chichaqua Bottoms Greenbelt master plan for an amount not to exceed \$35,000. RDG was supported through the Master Plan Steering Committee consisting of representation from Polk County Conservation, Iowa Department of Natural Resources, U.S. Fish & Wildlife Services, USDA Natural Resources Conservation Service, Iowa Natural Heritage Foundation, Drake University, Pheasants Forever, Sierra Club, Audubon Society, State Historical Preservation Office and neighboring landowners.

The Chichaqua Bottoms Greenbelt master plan shall help guide investments for Chichaqua's future but it must not be confused with an ecological/management plan. The development of a management plan is the top recommendation of this document as ecological restoration has been and will continue to be the driving force at Chichaqua far into the future. The proposed master plan identifies facilities and activities at Chichaqua that should prove compatible to its ecological restoration mission. This master plan is intended to work in coordination with an ecology management plan for the Chichaqua Bottoms Greenbelt.

Work started on the master plan in June of 2013 Polk County Conservation Board, staff and other significant stakeholders. The master plan documents recommends the following initiatives:

- I. Ecology/Management Plan as the top priority;
- II. Ongoing land protection through buffering and in-fill acquisitions;

- III. Interpretive/educational plan;
- IV. Way-finding signage

Several significant improvements noted in the plan include:

- Establishing Chichaqua Station, a primary education center which will accommodate education, ongoing scientific research and serve as a welcome portal to Chichaqua;
- Dispersed educational hubs located through the park supporting education and research;
- Trail connectivity to provide alternative access to the park;
- Improved and expanded trails (back-country, water, nature, etc.);
- Improved traffic routing and consolidation of habitat areas within the boundaries of the park;
- Additional lodging, camping opportunities;
- Moving structures, development opportunities outside the flood plain;
- Strong interpretive signage

Currently staff is negotiating an agreement with Dr. Keith Summerville, Drake University to coordinate the development of a land use management plan for Chichaqua Bottoms Greenbelt. As noted in the master plan, this was identified as the highest priority for Chichaqua.

PREVIOUS BOARD ACTION(S): .

Date: March 13, 2013

Roll Call Number: N/A

Action: Approved design services contract with HR Green. **(4 Yeas and 0 Nays, 1 Absent)**

Date: April 10, 2013

Roll Call Number: N/A

Action: Approved reduction in contract with HR Green and enter into ecological research agreement with Dr. Summerville and Drake University. **(5 Yeas and 0 Nays)**

Date: April 8, 2015

Roll Call Number: 15-0406

Action: Approved contract with RDG Planning & Design develop Chichaqua Bottoms Greenbelt master plan. **(5 Yeas and 0 Nays)**

RECOMMENDATION:

For more information on this and other agenda items, please Polk County Conservation Office at 515-323-5300 or visit the office (11407 NW Jester Drive, Granger, Iowa). Polk County Conservation Board agendas are available to the public at the Polk County Conservation Office on Monday afternoon preceding Wednesday's Board meeting. Citizens can also view the Board agenda on Agency's website at pccb_info@polkcountyiowa.gov or request to receive meeting notices and agendas by email by calling the office or sending their request via email to cynthia.lentz@polkcountyiowa.gov

PROCEEDINGS OF THE POLK COUNTY CONSERVATION BOARD

The Polk County Conservation Board met in regular session on Wednesday, October 14, 2015. The meeting was called to order at 5:34 p.m.

#15-1001 Roll Call

Members Present: Northway, Cataldo, Smith, Johnson (Iowa Code 21, section 5) participated via phone
Members Absent: Levis

#15-1002 Public Comments None.

#15-1003 Financial Reports No comments

#15-1004 Encroachment Policy Policy received and filed by the Board for formal action to be taken at the November 4, 2015 meeting.

#15-1005 **MOVED BY** Cataldo to approve the September 9, 2015 meeting minutes as written. **Vote Yea:** Northway, Johnson, Cataldo, **Abstain:** Smith

CONSENT AGENDA

#15-1006 **MOVED BY** Cataldo to approve the PCCB September 2015 bill list **Vote Yea:** Cataldo, Smith, Johnson, Northway

ACTION ITEMS

Public Hearing on the Jester Park Septic System project. No one spoke for or against.
Public Hearing closed.

#15-1007 **MOVED BY** Northway to approve the plans, specifications, form of contract documents, engineer estimate (\$135,000) and designating lowest responsible bidder for installation of a new Peat septic system at Jester Park with Hartland Bobcat Services, LLC for the amount not to exceed \$114,447.00 **Vote yea:** Johnson, Smith, Northway, Cataldo

- #15-1008 **MOVED BY** Cataldo to award the Jester Park Lodge Guest Service Management contract effective January 1, 2017 for a five year term with one five-year renewal option to Food with Flair and authorizing the Board Chair to sign the contract upon Legal review and approval as to form.
Vote Yea: Smith, Northway, Cataldo, Johnson
- #15-1009 **MOVED BY** Smith to approve staff purchasing the materials and performing the work to complete the construction of an enclosed stairway addition to each of the 4 cabins at Jester Park for a project cost not to exceed \$66,750.
Vote yea: Northway, Johnson, Cataldo, Smith
- #15-1010 **MOVED BY** Northway to approve Director and/or his designee negotiating offer to buy 41.5 acres of land from the Metro Waste Authority
Vote yea: Cataldo, Smith, Johnson, Northway
- #15-1011 **MOVED BY** Cataldo to approve funding the Natural Resources and Outdoor Recreation Trust Fund and authorizing the Polk County Conservation Board Chair to sign said Resolution on behalf of the Board.
Vote yea: Johnson, Smith, Northway, Cataldo
- #15-1012 **MOVED BY** Smith to approve Cooperative Agreement by and between the Iowa Department of Natural Resources and Polk County Conservation Board in the amount of \$4,982,196 to support the Easter Lake Park lake restoration improvements and authorize the Board Chair to sign said Agreement on behalf of the Board.
Vote yea: Smith, Northway, Cataldo, Johnson

BOARD DISCUSSION

#13 Director's Report

- Easter Lake Restoration Project and funding
- Water monitoring program
- Director's Report being sent tomorrow along with year-long report
- Great Outdoors Foundation – Jester Park Nature Center

#14 Board Chair and Member's Remarks

- Thanked everyone for letting her run remotely
- Leopold on vacation 10/16 - 11/2. Contact Deputy Director Romig in his absence

15 - Adjournment

Adjourned at 6:20 p.m.

	Date	November 4, 2015
	Agenda Item No. 7 CONSENT Roll Call No. 15-1107 Submitted by: Douglas C. Romig Deputy Director	

AGENDA HEADING:

Approving supplementary contract between PCCB and Stanley Consultants, Inc. for bidding and construction services for wetlands at the former Shaw Farm and at the former Airport property at Chichaqua Bottoms Greenbelt.

SYNOPSIS:

Approval of the supplementary contract for \$11,200 to cover the services required to complete wetland projects in 2015/2016 on two parcels within the Chichaqua Bottoms Greenbelt.

FISCAL IMPACT:

Amount: \$11,200

Funding Source: Polk County Water & Land Legacy bond

ADDITIONAL INFORMATION:

Stanley Consultants, Inc. was awarded a contract by Board action on April 10, 2013 to do the design work for wetland projects on Shaw, Airport, Freeland, and Mendenhall properties. The first supplemental agreement in the amount of \$4,950 was executed by the Director as the dollar amount did not exceed the Board's policy limit of \$10,000. The initial contract included design and cost estimation for the Shaw and Airport parcels. This contract is to hire the bidding and construction services required to complete both projects at an estimated cost of \$11,200. The Shaw parcel will be constructed in the spring of 2016 and the Airport parcel is scheduled for the fall of 2016 or spring/summer of 2017.

PREVIOUS BOARD ACTION(S):

Date: April 10, 2013

Roll Call Number: N/A

Action: Approved wetland study and design services **(5 Yeas and 0 Nays)**

RECOMMENDATION:

Approving supplementary contract proposal with Stanley Consultants, Inc. and authorizing the Board Chair to sign same.

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SUPPLEMENTAL AGREEMENT NO. 2

This Supplemental Agreement, made and entered into by and between STANLEY CONSULTANTS, INC. (Consultant) and POLK COUNTY CONSERVATION BOARD (Client) amends their agreement of August 10, 2013, for Consultant to provide services to the Client for the Chichaqua Bottom Greenbelt Wetland Design Project, as follows:

Scope of Services

Consultant shall perform services to complete Task 4 – Bidding Services and Task 5 – Construction Services for the Shaw and Airport Mitigation Site as described in Exhibit 1 Scope of Services of the original Agreement dated August 10, 2013, and detailed below.

Task 4: Bidding Services

- 4.1 Limited bidding services have been requested by Client that could include, but not limited to:
 - 4.1.1 Assemble construction documents to include Client “Front End” specifications
 - 4.1.2 Furnish fifteen (15) copies of Contract Documents for bidding purposes
 - 4.1.3 Distribute bidding documents to prospective bidders
 - 4.1.4 Attend pre-bid meeting
 - 4.1.5 Answer bidder’s questions
 - 4.1.6 Evaluate bids and recommend award of construction contract
 - 4.1.7 Attend pre-construction meeting

Task 5: Construction Services

- 5.1 Limited construction administration and oversight services have been requested by Client that could include, but not limited to:
 - 5.1.1 Shop drawing review
 - 5.1.2 Visits to site and observation of construction:
 - 5.1.2.1 Field Tile Location – One Visit (*Shaw Site only*)
 - 5.1.2.2 Berm Installation (Keyway) – Two Visits (*Shaw Site only*)
 - 5.1.2.3 Berm Installation (Spillway) – Two Visits (*Shaw Site only*)
 - 5.1.2.4 Culvert Installation – One Visit (Airport Site only)
 - 5.1.3 Pay Application review
 - 5.1.4 Substantial completion
 - 5.1.5 Final Inspection and develop punch list
 - 5.1.6 Assist with project closeout activities

The Scope of Services and Fee is based on the assumption that Project work will be done under two separate construction contracts, by two contractors, one for the Shaw site and one for the Airport site.

Time of Beginning and Completion

Time of Beginning: November 4, 2015

Time of Completion: December 31, 2016

Fees and Payments

Client shall compensate Consultant for Consultant's services on an Hourly Basis for Direct Labor and Reimbursable Expenses a Not-to-Exceed amount of Eleven Thousand Two-Hundred dollars (\$11,200).

Task 4 – Bidding Services	\$ 6,350
Task 5 – Construction Services	<u>\$ 4,850</u>
Total	\$11,200

Except as specifically amended by this Supplemental Agreement, all the terms and conditions of the original Agreement dated August 10, 2013 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Supplemental Agreement to be executed on the date below indicated.

STANLEY CONSULTANTS, INC.

POLK COUNTY CONSERVATION BOARD

By: *Daniel R Fullerton*
Daniel R. Fullerton, P.E.
Project Principal

By: _____

Date: 10/21/2015

Date: _____

Attest:

Attest:

By: *Sabrina J. Krichel*
Sabrina J. Krichel

By: _____



Date

November 4, 2015

Agenda Item No. 8 ACTION
Roll Call No. 15-1108
Submitted by: Douglas C. Romig
Deputy Director

AGENDA HEADING:

Approving Polk County Conservation Encroachment Policy.

SYNOPSIS:

Approving staff recommended Encroachment Policy to become effective December 1, 2015.

FISCAL IMPACT: N/A

Amount:

Funding Source:

ADDITIONAL INFORMATION:

At the October 14, 2015 Polk County Conservation Board meeting, the Board received and filed a draft encroachment policy. During the Board discussion a couple of points for clarification purposes were address and the policy was amended to reflect comments received by Board Members.

Polk County Conservation mailed the draft policy to all adjacent parkland property owners, approximately 2,000 households, to inform them of this policy and the Board's intention to vote on this policy at their November 4, 2015 Board meeting. Staff has received two emails (attached) and three phone calls as of October 27, 2015 regarding the proposed policy. The phone calls received were supportive of the policy as the property owners just wanted clarification as to the process if an encroachment were to occur and/or to inform us that they were not encroaching on park property.

Due to the recent acquisition of lands by Polk County Conservation, there has been an increase identification of encroachment upon acquired lands. Items range from mowing, trimming and pesticide applications to physical structures within the acquired property. The Boundary Line Policy adopted by the Board at their March 11, 2009 meeting has been revamped and is being submitted for approval.

PREVIOUS BOARD ACTION(S):

Date: March 11, 2009

Roll Call Number: N/A

Action: Approved Boundary Line Policy (**5 Yeas and 0 Nays**)

Date: October 14, 2015

Roll Call Number: 15-1004

Action: Received and Filed Encroachment Policy

RECOMMENDATION:

Approving Polk County Conservation Encroachment Policy with an effective date of December 1, 2015.

For more information on this and other agenda items, please Polk County Conservation Office at 515-323-5300 or visit the office (11407 NW Jester Drive, Granger, Iowa). Polk County Conservation Board agendas are available to the public at the Polk County Conservation Office on Monday afternoon preceding Wednesday's Board meeting. Citizens can also view the Board agenda on Agency's website at pccb_info@polkcountyiowa.gov or request to receive meeting notices and agendas by email by calling the office or sending their request via email to cynthia.lentz@polkcountyiowa.gov

Polk County Conservation Property Encroachment Policy

Purpose and Intent

The Polk County Conservation Board (PCCB) manages land in the public trust. Protection of these lands, in the best interest of the public, includes but is not limited to: protection of the natural environment; animal habitat (food and shelter) and public access/enjoyment. Areas where public and private land intersect requires that public lands be unencumbered by private or commercial uses that have a negative impact on the environment and/or interfere with or limit public access, use and/or enjoyment of the land. The purpose and intent of this policy is to protect and preserve all real property owned and managed by PCCB from unauthorized land use, development or degradation; and removal of any encroachments upon publically owned or managed property. Restoration of PCCB property shall be to the satisfaction of the PCCB. Consideration regarding encroachments shall address; land, water and habitat protection; public access, enjoyment, safety and public health concerns; and protection of the general health and welfare of the users of PCCB managed lands.

Policy

It is the policy of Polk County Conservation Board that any encroachment on, to, under, over, or modification of County owned, managed, maintained or leased park or open space property without prior authorization will be deemed trespassing regardless of when the property was initially encroached upon. The PCCB prohibits the unauthorized placement of natural or manmade materials on or within PCCB managed property and the unauthorized construction or placement of any structures or other "improvements" on or within PCCB property and the unauthorized alteration of PCCB property in anyway (hereafter referred to as "Encroachment"). PCC may immediately remove encroachments that pose safety, maintenance, and/or access issues. Examples of encroachment include, but are not limited to, the following:

- Placing of grass clippings, tree clippings, stumps, yard waste, animal waste, or other similar natural materials on or within PCCB property;
- Placing trash or other refuse on or within PCCB property;
- Erecting buildings, structures, fences, walls, or bridges, on or within PCCB property;
- Planting of any vegetation, including trees, shrubs, flowers, or vegetables on or within PCCB property;
- Placing or erecting any type of play equipment or playing field, on or within PCCB property;
- Landscaping on or within PCCB property;
- Irrigating or placing any irrigation device on or within PCCB property;
- Application of pesticide or herbicide on or within PCCB property;
- Placing pipes or trenches that provide drainage into PCCB property from downspouts, sump pumps, or detention ponds on or within PCCB property;
- Mowing of grass, tree trimming, or cutting of vegetation on or within PCCB property;
- Any nuisance affecting PCCB property or trespass upon PCCB property.

The property owner that has encroached upon PCCB property shall be notified in writing and directed to remove any and all encroachments to the land not previously approved by the County within 90 days. The property owner may submit a written request for an extension that the PCC Director is authorized to approve. Failure of the property owner to remove the encroachment within 90 days or after a granted extension shall result in PCC removing the encroachment and restoring the property to its original condition. In this situation, the property owner shall be assessed the actual costs for removal and restoration of the encroached upon area. The determination of costs shall include salary and benefits of all employees performing work on the encroached upon areas; equipment usage fees; disposal fees and a five-percent administrative fee.

In the event that the property boundary is disputed, a boundary survey may be requested by the encroaching party and performed by a licensed and qualified surveyor. Cost for surveys shall be paid by the encroaching land owner if it is determined that there is an encroachment upon PCC property without authorization. The County shall reimburse the property owner for any boundary survey where it is determined that no encroachment has occurred.

Exceptions:

In order to maintain property lines, private property owners may mow a 48" path along the property line boundary. Other exceptions to the policy may be granted by the Polk County Conservation Director and reported to the Board at their first available meeting only when encroachments are deemed to be in the overall Agency's best interest. Every request for accommodation shall be evaluated individually and on its own merit, and may be denied for any reason deemed appropriate by the Director.

If PCCB has encroached upon private property (tree roots) the property owner may contact PCCB to have the situation evaluated by PCCB with any action taken at the cost of the property owner. If tree branches encroach onto private property, the owner may trim the tree up to the property line at their expense.

This policy does not apply to authorized uses approved by the PCCB pursuant to license, easement or permit.

Procedure:

Notification:

Upon discovery that an unauthorized encroachment has occurred, staff shall review the encroachment and recommend appropriate action to PCC Administration. If it is determined by PCC that an encroachment requires corrective action, the property owner will be notified, and every effort will be made to resolve the situation on an informal basis. If informal action does not resolve the issue, the property owner shall be notified in writing and directed to remove the unauthorized encroachment within 90 days. The property owner may submit a written request for an extension that the PCC Director is authorized to approve. Failure of the property owner to remove the encroachment within 90 days or after a granted extension shall result in PCC removing the

encroachment and restoring the property to its original condition. In this situation, the property owner shall be assessed the actual costs for removal and restoration of the encroached upon area.

Costs to Resolve Unauthorized Encroachments:

Costs to resolve or correct unauthorized encroachments shall be charged to the violator. If the violator fails to meet their financial obligation, County staff may pursue any legal options for recovery of all costs for such efforts. Such costs shall include, but are not limited to, boundary surveys, construction permit fees, engineering or architectural fees, demolition, removal and restoration, legal fees, and accrued interest if payment is not received within 30 days of invoicing.

Appeals:

Individuals may appeal encroachment decisions to the Polk County Conservation Board for consideration. Written requests for an accommodation must be received within 30 days of receipt of the written notice of unauthorized encroachment.

Referenced Code Sections

461A.35 Prohibited Destructive Acts.

It shall be unlawful for any person to use, enjoy the privileges of, destroy, injure or deface plant life, or to construct or operate for private or commercial purposes any structure, or to remove any plant life, trees buildings, sand gravel, ice, earth, stone, wood or other natural material, or to operate vehicles, within the boundaries of any state park, preserve, or stream or any other lands or waters under the jurisdiction of the commission for any purpose whatsoever, except upon the terms, conditions, limitations and restrictions as set forth by the commission.

350.10 Statutes Applicable.

Sections 461A.35 through 461A.57 apply to all lands and waters under control of a county conservation board, in the same manner as if the lands and waters were state parks, lands or waters. As used in sections 461A.35 through 461A.57, "*natural resource commission*" includes county conservation board, and "*director*" includes a county conservation board or its director, with respect to lands or waters under control of a county conservation board. However, sections 461A.35 through 461A.57 may be modified or superseded by rules adopted as provided in section 350.5.

Approved:

	Date	November 4, 2015
	Agenda Item No. 9 ACTION Roll Call No. 15-1109 Submitted by: Douglas C. Romig Deputy Director	

AGENDA HEADING:

Public Hearing approving plans, specifications, form of contract documents, engineer estimate and designating lowest responsible bidder for Easter Lake Restoration Contract 1a, spillway and fish rearing pond.

SYNOPSIS:

Approval of contract with C.L. Carroll Company, Inc. for Easter Lake restoration contract 1a; spillway, gate valve control, and fish rearing pond improvements. Engineer estimate: \$502,619.00.

FISCAL IMPACT:

Amount: \$462,820.00

Funding Source: Polk County Water & Land Legacy bond (30%) and Iowa Department of Natural Resources (70%).

ADDITIONAL INFORMATION:

On September 9, 2015, by Roll Call No. 15-0908, the Polk County Conservation Board authorized the Director or his designee to issue competitive bids for Easter Lake, lake and watershed improvements for an estimated cost of \$19,070,000 and in an amount not to exceed \$3.2 million in Agency funds towards these efforts. On October 14, 2015, by Roll Call No. 15-1012, the Board entered into a cooperative funding agreement with the Iowa Department of Natural Resources (IDNR) to aid in financing contracts 1a, 1b and contract 2 in the amount of \$4,982,196.

The cost sharing between Polk County Conservation and IDNR is 30% to 70% respectively. Sealed bids were issued per the Polk County Conservation Procurement Policy and sent to 20 companies with 4 bids received. The lowest complaint bidder was C.L. Carroll & Company, Inc. at a bid price of \$462,820, below the Engineer's estimate. Specific work elements of this contract include: fish rearing pond improvements; lake drain control structure improvements; and shoreline armoring.

PREVIOUS BOARD ACTION(S):

Date: October 14, 2015

Roll Call Number: 15-1012

Action: Approved Cooperative Agreement with Iowa Department of Natural Resources to support Easter Lake Park lake restoration improvements . **(4 Yeas and 0 Nays, 1 Absent)**

Date: September 9, 2015

Roll Call Number: 15-0908

Action: Authorized Polk County Conservation Director or his designee to issue competitive bids for Easter Lake, lake and watershed improvements for an estimated cost of \$19,070,00 and in an amount not to exceed \$3.2 million of Agency funds. **(4 Yeas and 0 Nays, 1 Absent)**

RECOMMENDATION:

Approving plans, specifications, form of contract documents, engineer estimate and designating lowest responsible bidder as C.L. Carroll Company, Inc. in an amount of \$462,820 plus a 10% contingency for Easter Lake Restoration Contract 1a, spillway and fish rearing pond and authorizing the Board Chair to sign said agreement upon approval by Legal as to form.

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	Date	November 4, 2015
	Agenda Item No. 10 ACTION Roll Call No. 15-1110 Submitted by: Douglas C. Romig Deputy Director	

AGENDA HEADING:

Public Hearing approving plans, specifications, form of contract documents, engineer estimate and designating lowest responsible bidder for Easter Lake Restoration Contract 1b, Sedimentation Basins, Grade Control & Drainageway Improvements.

SYNOPSIS:

Approval of contract with Jasper Construction Services, Inc. for Easter Lake restoration contract 1b; sediment basin clearing, grubbing, excavation and stabilization. Engineer estimate: \$399,325.00.

FISCAL IMPACT:

Amount: \$495,775.00

Funding Source: Polk County Water & Land Legacy bond (30%) and Iowa Department of Natural Resources (70%).

ADDITIONAL INFORMATION:

On September 9, 2015, by Roll Call No. 15-0908, the Polk County Conservation Board authorized the Director or his designee to issue competitive bids for Easter Lake, lake and watershed improvements for an estimated cost of \$19,070,000 and in an amount not to exceed \$3.2 million in Agency funds towards these efforts. On October 14, 2015, by Roll Call No. 15-1012, the Board entered into a cooperative funding agreement with the Iowa Department of Natural Resources (IDNR) to aid in financing contracts 1a, 1b and contract 2 in the amount of \$4,982,196.

The cost sharing between Polk County Conservation and IDNR is 30% to 70% respectively. Sealed bids were issued per the Polk County Conservation Procurement Policy and sent to 19 companies with 2 bids received. The lowest complaint bidder was Jasper Construction Services, Inc. at a bid price of \$495,775, above the Engineer's estimate. Specific work elements of this contract include sediment basin clearing, grubbing, excavation and stabilization.

Contracts 1a and 1b were split in an effort to obtain more competitive pricing as the work elements provided for a natural separation within the two contracts. Of the 20 companies recruited to bid, only one company bid on both contracts. While this particular bid came in approximately 20% over the Engineers estimate, the combined bid totals for contracts 1a and 1b are within 6% of the Engineers estimates.

While this particular project came in over the Engineers estimate, Polk County Conservation and the IDNR are recommending award of contract 1b with the same cost sharing percentage (30% PCC and 70% IDNR), approximately \$28,935 to Polk County Conservation and \$67,515 to the IDNR respectively. Due to the higher than estimated costs, Polk County Conservation and the IDNR will have to identify cost savings within contracts 2 and 3 in order to meet the approved expense allocations by the Board and Cooperative Agreement with the IDNR. Both contracts (1a and 1b) need to be completed prior to the award and issuance of contract #2, dredging which shall be published for Notice to Bid on Friday, October 23, 2015. Additionally, the project team does not believe that re-bidding this work would generate more favorable bid responses.

PREVIOUS BOARD ACTION(S): .

Date: October 14, 2015

Roll Call Number: 15-1012

Action: Approved Cooperative Agreement with Iowa Department of Natural Resources to support Easter Lake Park lake restoration improvements . **(4 Yeas and 0 Nays, 1 Absent)**

Date: September 9, 2015

Roll Call Number: 15-0908

Action: Authorized Polk County Conservation Director or his designee to issue competitive bids for Easter Lake, lake and watershed improvements for an estimated cost of \$19,070,00 and in an amount not to exceed \$3.2 million of Agency funds. **(4 Yeas and 0 Nays, 1 Absent)**

RECOMMENDATION:

Approving plans, specifications, form of contract documents, engineer estimate and designating lowest responsible bidder as Jasper Construction Services, Inc. in an amount of \$495,775 plus a 10% contingency for Easter Lake Restoration Contract 1b, sediment basin clearing, grubbing, excavation and stabilization and authorizing the Board Chair to sign said agreement upon approval by Legal as to form and receiving appropriate permits.

For more information on this and other agenda items, please Polk County Conservation Office at 515-323-5300 or visit the office (11407 NW Jester Drive, Granger, Iowa). Polk County Conservation Board agendas are available to the public at the Polk County Conservation Office on Monday afternoon preceding Wednesday's Board meeting. Citizens can also view the Board agenda on Agency's website at pccb_info@polkcountyiowa.gov or request to receive meeting notices and agendas by email by calling the office or sending their request via email to cynthia.lentz@polkcountyiowa.gov

	Date	November 4, 2015
	Agenda Item No. 11 ACTION Roll Call No. 15-1111 Submitted by: Douglas C. Romig Deputy Director	

AGENDA HEADING:

Approving recommendation to the Board of Supervisors that the County grant a permanent easement to the City of Des Moines for the use of the top of Easter Lake dam as a roadway and that they further recommend the transfer of ownership of a section of that road right-of-way to the City (the portion outside of the park and not associated with the dam).

SYNOPSIS:

Recommendation to the Board of Supervisors that they grant a permanent easement to the City of Des Moines for the Evergreen Ave right-of-way over the Easter Lake dam and that they transfer excess land not on the dam but within the roadway to the City.

FISCAL IMPACT: N/A

Amount:

Funding Source:

ADDITIONAL INFORMATION:

In the 1960's when the dam and Evergreen Avenue were constructed the appropriate easements were never completed between Polk County and the City of Des Moines. The understanding is that because the dam was an integral part of the park, the easement and land were never transferred. This omission was identified when work began on the redesign and construction of the new bridge along Evergreen Avenue. The new easement between Polk County and the City of Des Moines is written to protect the operation and maintenance of the dam while allowing the efficient and safe operation of the city street.

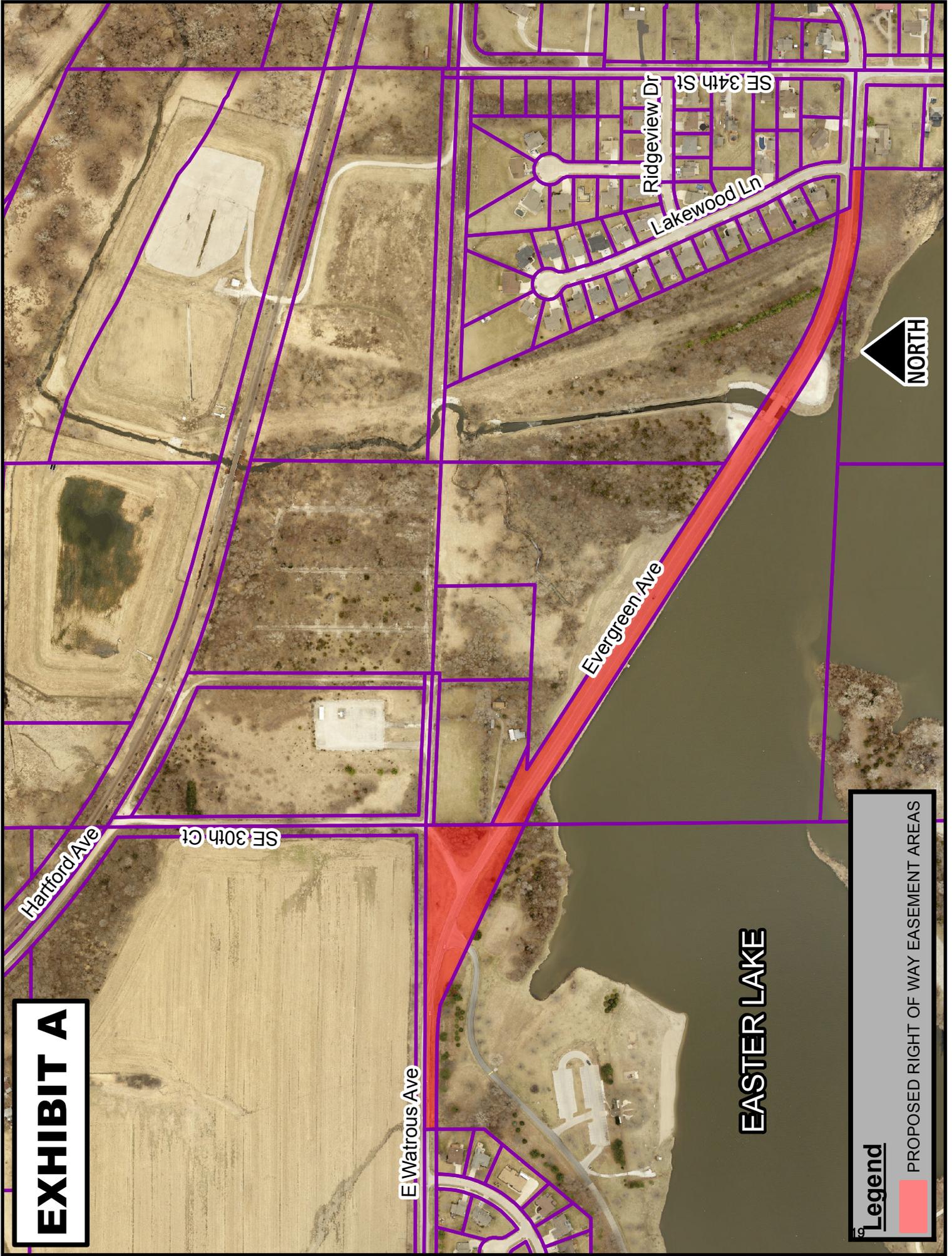
PREVIOUS BOARD ACTION(S): None

RECOMMENDATION:

Approving recommendation to the Polk County Board of Supervisors that they grant an easement to the City of Des Moines for the Evergreen Avenue roadway and bridge and further direct staff to work with the County Managers office to place the request for an easement and land transfer before the Board of Supervisors with the PCCB recommendation to grant the easement and transfer the land as detailed in the attachment.

For more information on this and other agenda items, please Polk County Conservation Office at 515-323-5300 or visit the office (11407 NW Jester Drive, Granger, Iowa). Polk County Conservation Board agendas are available to the public at the Polk County Conservation Office on Monday afternoon preceding Wednesday's Board meeting. Citizens can also view the Board agenda on Agency's website at pccb_info@polkcountyiowa.gov or request to receive meeting notices and agendas by email by calling the office or sending their request via email to cynthia.lentz@polkcountyiowa.gov

EXHIBIT A

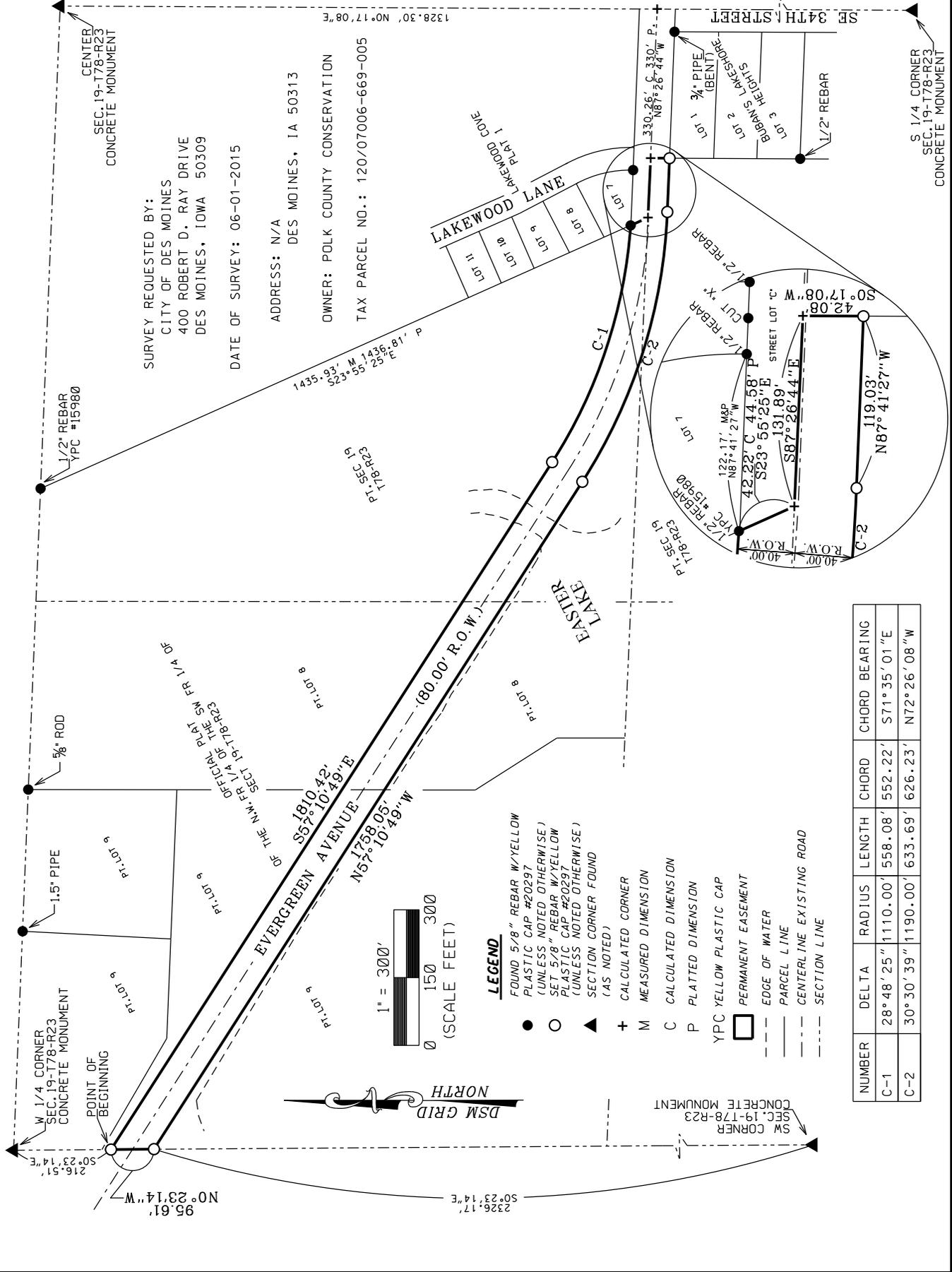


Legend

PROPOSED RIGHT OF WAY EASEMENT AREAS

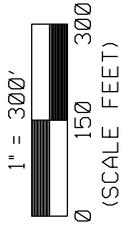
ACQUISITION PLAT

OF PERMANENT EASEMENT BEING CONVEYED TO THE CITY OF DES MOINES



NUMBER	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C-1	28° 48' 25"	1110.00'	558.08'	552.22'	S71° 35' 01" E
C-2	30° 30' 39"	1190.00'	633.69'	626.23'	N72° 26' 08" W

- LEGEND**
- FOUND 5/8" REBAR W/YELLOW PLASTIC CAP #20297 (UNLESS NOTED OTHERWISE)
 - SET 5/8" REBAR W/YELLOW PLASTIC CAP #20297 (UNLESS NOTED OTHERWISE)
 - ▲ SECTION CORNER FOUND (AS NOTED)
 - + CALCULATED CORNER
 - M MEASURED DIMENSION
 - C CALCULATED DIMENSION
 - P PLATTED DIMENSION
 - YPC YELLOW PLASTIC CAP
 - PERMANENT EASEMENT
 - EDGE OF WATER
 - PARCEL LINE
 - CENTERLINE EXISTING ROAD
 - SECTION LINE



DEPARTMENT OF ENGINEERING
CITY OF DES MOINES, IOWA
(515) 283-4931

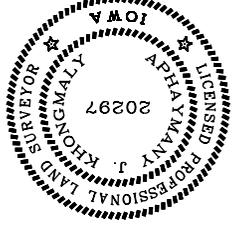
EXHIBIT
ACT. I.O. 12-2014-003 PE-1

SHEET 1 OF 2

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

APHA YMANY J. KHONGMALY
(signature)
(date)

LICENSE NO. 20297
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2018
PAGES OR SHEETS COVERED BY THIS SEAL: 1 AND 2



PREPARED BY AND RETURN TO APHA YMANY J. KHONGMALY, CITY OF DES MOINES - 400 ROBERT D. RAY DRIVE, DES MOINES, IOWA 50309 - 515-283-4050

PREPARED BY AND RETURN TO APHAYMANY J. KHONGMALY, CITY OF DES MOINES - 400 ROBERT D. RAY DRIVE, DES MOINES, IOWA 50309 - 515-283-4050

ACQUISITION PLAT

OF PERMANENT EASEMENT

BEING CONVEYED TO THE CITY OF DES MOINES

DESCRIPTION:

A PART OF LOTS 8 AND 9 OF THE OFFICIAL PLAT OF THE NORTHWEST FRACTIONAL 1/4 OF THE SOUTHWEST FRACTIONAL 1/4 OF SECTION 19, TOWNSHIP 78, RANGE 23 OF THE 5TH P.M., AN OFFICIAL PLAT; AND A PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M. ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 19; THENCE SOUTH 0° (DEGREES) 23' (MINUTES) 14" (SECONDS) EAST ALONG THE WEST LINE OF SAID SECTION 19, A DISTANCE OF 216.51 FEET TO A POINT 40.00 FEET NORTH OF AND TANGENT TO EXISTING EVERGREEN AVENUE CENTERLINE AND BEING THE POINT OF BEGINNING; THENCE SOUTH 57° 10' 49" EAST ALONG A LINE 40.00 FEET NORTH OF AND PARALLEL TO SAID CENTERLINE, 1810.42 FEET; THENCE SOUTHEASTERLY ALONG A CURVE 40.00 FEET NORTH OF AND PARALLEL TO SAID CENTERLINE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 1110.00 FEET, WHOSE ARC LENGTH IS 558.08 FEET, WHOSE CHORD BEARS SOUTH 71° 35' 01" EAST, 552.22 FEET TO THE NORTHWEST CORNER OF STREET LOT "C", LAKEWOOD COVE PLAT 1, AN OFFICIAL PLAT; THENCE SOUTH 23° 55' 25" EAST ALONG THE WEST LINE OF SAID STREET LOT "C", 42.22 FEET TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4; THENCE SOUTH 87° 26' 44" EAST ALONG SAID SOUTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 131.89 FEET TO THE NORTHWEST CORNER OF BUBAN'S LAKESHORE HEIGHTS, AN OFFICIAL PLAT; THENCE SOUTH 0° 17' 08" WEST ALONG THE WEST LINE OF SAID BUBAN'S LAKESHORE HEIGHTS, 42.08 FEET TO A POINT 40.00 FEET SOUTH OF AND TANGENT TO EXISTING EVERGREEN AVENUE CENTERLINE; THENCE NORTH 87° 41' 27" WEST ALONG A LINE 40.00 FEET SOUTH OF AND PARALLEL TO SAID CENTERLINE, 119.03 FEET; THENCE NORTHWESTERLY ALONG A CURVE 40.00 FEET SOUTH OF AND PARALLEL TO SAID CENTERLINE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 1190.00 FEET, WHOSE ARC LENGTH IS 633.69 FEET, WHOSE CHORD BEARS NORTH 72° 26' 08" WEST, 626.23 FEET; THENCE NORTH 57° 10' 49" WEST ALONG A LINE 40.00 FEET SOUTH OF AND PARALLEL TO SAID CENTERLINE, 1758.05 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 19; THENCE NORTH 0° 23' 14" WEST ALONG SAID WEST LINE OF SAID SECTION 19, A DISTANCE OF 95.61 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.50 ACRES (195848 SQ. FT.)

	DEPARTMENT OF ENGINEERING CITY OF DES MOINES, IOWA (515) 283-4931
	EVERGREEN AVENUE BRIDGE REHAB ACT. I.D. 12-2014-003 EXHIBIT <u>PE-1</u>
	SHEET <u>2</u> OF <u>21</u> <u>2</u>
Rev/By	

ACQUISITION PLAT

OF PROPERTY BEING CONVEYED TO THE CITY OF DES MOINES

NUMBER	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C-1	32°25'08"	1110.00'	628.05'	619.71'	N73°23'22"W

AREA SUMMARY
 GROSS AREA = 107969 S.F. (2.48 ACRES)
 EXISTING EASEMENT = 20292 S.F. (0.47 ACRES)
 NET AREA = 87677 S.F. (2.01 ACRES)

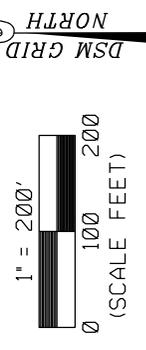
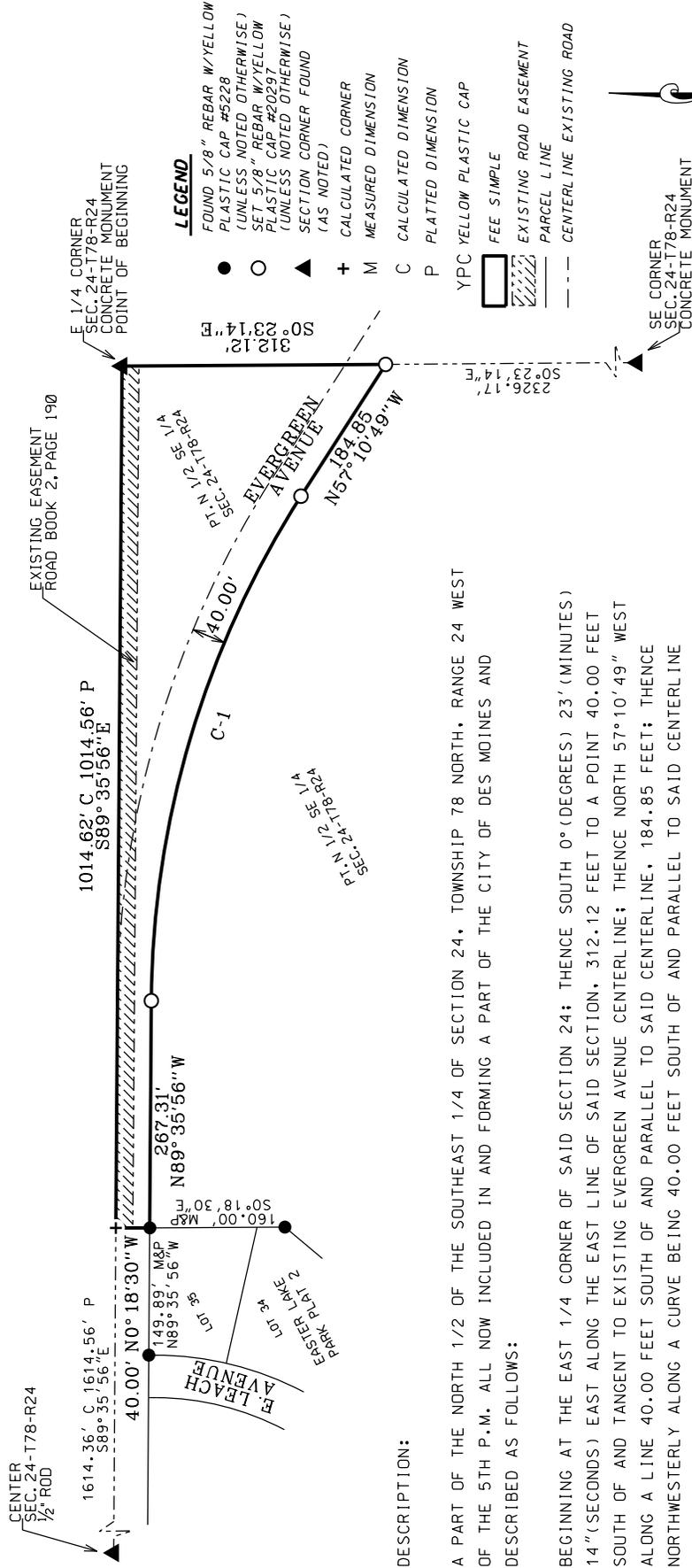
SURVEY REQUESTED BY:
 CITY OF DES MOINES
 400 ROBERT D. RAY DRIVE
 DES MOINES, IOWA 50309

DATE OF SURVEY: 06-01-2015

ADDRESS: N/A
 DES MOINES, IA 50313

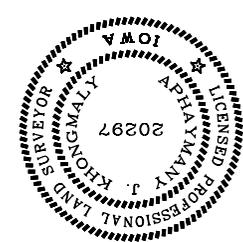
OWNER: POLK COUNTY CONSERVATION

TAX PARCEL NO.: 120/07171-254-000



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

APHA YMAN Y J. KHONGMAL Y
 LICENSE NO. 20297
 2018
 1 OF 1



DEPARTMENT OF ENGINEERING
 CITY OF DES MOINES, IOWA
 (515) 283-4931

EVERGREEN AVENUE BRIDGE REHAB
 ACT. I.D. 12-2014-003 PT-2
 EXHIBIT

SHEET 1 OF 1

PREPARED BY AND RETURN TO APHA YMAN Y J. KHONGMAL Y, CITY OF DES MOINES - 400 ROBERT D. RAY DRIVE, DES MOINES, IOWA 50309 - 515-283-4050

QUIT CLAIM DEED

For the consideration of one dollar and other valuable consideration, Polk County, Iowa does hereby quit claim to the City of Des Moines, Iowa all its right, title, interest, estate, claim and demand in the following described real estate, located in Polk County, Iowa:

DESCRIPTION:

A PART OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE SOUTH 0°(DEGREES) 23'(MINUTES) 14"(SECONDS) EAST ALONG THE EAST LINE OF SAID SECTION, 312.12 FEET TO A POINT 40.00 FEET SOUTH OF AND TANGENT TO EXISTING EVERGREEN AVENUE CENTERLINE; THENCE NORTH 57°10'49" WEST ALONG A LINE 40.00 FEET SOUTH OF AND PARALLEL TO SAID CENTERLINE, 184.85 FEET; THENCE NORTHWESTERLY ALONG A CURVE BEING 40.00 FEET SOUTH OF AND PARALLEL TO SAID CENTERLINE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 1110.00 FEET, WHOSE ARC LENGTH IS 628.05 FEET, WHOSE CHORD BEARS NORTH 73°23'22" WEST, 619.71 FEET; THENCE NORTH 89°35'56" WEST CONTINUING ALONG A LINE BEING 40.00 FEET SOUTH OF AND PARALLEL TO SAID CENTERLINE, 267.31 FEET TO THE NORTHEAST CORNER OF LOT 35, EASTER LAKE PARK PLAT 2, AN OFFICIAL PLAT; THENCE NORTH 0°18'30" WEST, 40.00 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST 1/4; THENCE SOUTH 89°35'56" EAST ALONG SAID NORTH LINE, 1014.62 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.48 ACRES (107969 SQ. FT.)

Property subject to all easements of record for public utilities, roads and highways.

Words and phrases herein including acknowledgment hereof, shall be construed as in the singular or plural number and as masculine or feminine gender, according to the context.

Signed this _____ day of _____, 2015.

Polk County Board of Supervisors

By: _____
Angela Connolly, Chair

CERTIFICATE

STATE OF IOWA)
) SS:
COUNTY OF POLK)

I, the Secretary of the Polk County Board of Supervisors in the County of Polk, State of Iowa, certify that attached is a true and complete copy of the portion of the corporate records of this County showing proceedings of the Board, and the same is a true and complete copy of the action taken by this Board.

WITNESS my hand hereto affixed this ____ day of ____, 2015.

Secretary
Polk County Board of Supervisors

Subscribed and sworn to before me, a notary public in and for the state of Iowa, this ____ day of ____, 2015

Notary Public
Commission Expires: _____

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