



BOARD MEETING

February 13, 2013 - 5:30 p.m.

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

AGENDA

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)

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 January 2013 bill list.
- b) **PCCB Bylaws:** adopting the PCCB Bylaws as amended.
- c) **Equipment Purchase: Sprayer:** authorize purchase of a 200 Gallon Skid-Mounted Sprayer from Minnesota Wanner Company at a cost of \$14,969.
- d) **Equipment Purchase: Mower:** approve purchase of a Ferris IS3100 72" mower from Turfwerks – Johnston at a cost not to exceed \$11,225.
- e) **Equipment Purchase: Utility Vehicle:** approve purchasing a John Deere XUV 825i Gator from the Van Wall Group for a price not to exceed \$13,784.27.
- f) **Chichaqua Bottoms Greenbelt, Well Enhancement Project:** approve directing staff to publish notice of hearing pursuant to Iowa Code 331.305, that a Public Hearing will be held on March 13, 2013, 5:30 p.m., at the PCCB's meeting on the plans, specifications, cost estimate and form of contract for the Chichaqua Bottoms Greenbelt well enhancement project.
- g) **Jester Park Golf Course, Concession Fees:** acknowledges receipt of and approves the proposed food and beverage cost increases at the Jester Park Golf Course as identified.

- 3) Public Hearing: Great Western Trail, Temporary Construction Easement
- 4) Consultant Approval
- 5) Land Acquisition: Property Near Beaver Creek Greenbelt

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BOARD MEETING

- 6) PCCB Purchasing Policy
- 7) Land Acquisition, Chichaqua Bottoms Greenbelt – Shaw Property From INHF
- 8) PCCB Position Modifications
- 9) Donation Reimbursement
- 10) Employee Introductions

PUBLIC COMMENTS

FINANCIAL REPORTS

DISCUSSION & REMARKS

ADJOURNMENT

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 January 9, 2013. Minutes for the meeting are attached.

2) Consent Agenda Items

a) Action on the Bill List

January 2013 expenditures have been e-mailed to the Board for review.

STAFF RECOMMENDATION: That the Board approve the PCCB January 2013 bill list.

b) PCCB Bylaws

PCCB governance documents provide that the Bylaws must be reviewed each year at the first regular Board meeting in January. Approval may be proposed at any regular meeting, but must again be considered at the next following regular Board meeting before adoption.

At the Board's January meeting a copy of the Bylaws with modifications was presented and the Board approved the Bylaws as amended. Copy of the Bylaws with the approved modifications attached.

STAFF RECOMMENDATION: That the Board approve adopting the PCCB Bylaws as amended.

c) Equipment Purchase: Sprayer

The 2012-2013 budget allocated money for the purchase of a new sprayer to replace a 1982 FMC sprayer. This unit is used primarily for maintaining bike trails and controlling invasive species but also functions as a supplemental fire fighting rig. Staff has researched numerous spray rigs and decided that similar unit will provide the essential functions that are required for both our spraying/firefighting operations.

Since this is a specialty item that can only be supplied by authorized John Bean dealers we have solicited bids from two Midwest suppliers and a large wholesale supplier of sprayers. The bids are compiled and are shown in the table below.

Vendor	John Bean Sprayer	Met Specifications
Minnesota Wanner Company	\$14,969.00	Yes
Sprayer Depot	\$15,433.00	Yes
WW Grainger	\$9,177.76	No

-Mark Dungan, Natural Resources Manager

STAFF RECOMMENDATION: That the Board authorize purchase of a 200 Gallon Skid-Mounted Sprayer from Minnesota Wanner Company at a cost of \$14,969.

d) Equipment Purchase: Mower

The FY 2012-13 capital outlay budget includes \$18,000 to purchase a mower, replacing a 2001 Toro 328D Groundsmaster 4WD.

Staff researched the purchase of a mower from the current State of Iowa DOT Grounds Care Equipment Contract 4425-5 and found the Ferris IS3100 to meet our needs and specifications. We demoed this mower at Easter Lake to confirm its ability to replace the Toro 328D Groundsmaster 4WD.

(1) 2013 Ferris IS3100 72" mower	\$10,975
Possible Contingency	<u>250</u>
Total	\$11,225

(Vendor: Turfwerks - Johnston)

Delivery date for the Ferris IS3100 shall be made before May 1.

-George Lentz, Eqpt. Maint. Supt.

STAFF RECOMMENDATION: That the Board approve purchase of a Ferris IS3100 72" mower from Turfwerks – Johnston at a cost not to exceed \$11,225.

e) Equipment Purchase: Utility Vehicle

The FY 2012-13 capital outlay budget includes \$14,500 to purchase a utility vehicle, replacing a 1994 Kawasaki Mule 2510.

Staff researched the purchase of a utility vehicle from the current State of Iowa DOT Grounds Care Equipment contract 4425-5 and found the John Deere XUV 825i Gator to meet our needs and specifications.

(1) 2013 John Deere XUV 825i Gator	\$13,484.27
Possible Contingency	<u>300.00</u>
TOTAL	\$13,784.27

(Vendor: Van Wall Group)

-George Lentz, Eqpt. Maint. Supt.

STAFF RECOMMENDATION: That the Board approve purchasing a John Deere XUV 825i Gator from the Van Wall Group for a price not to exceed \$13,784.27.

f) Chichaqua Bottoms Greenbelt, Well Enhancement Project

Staff is requesting permission to advertise for a public hearing to be held at our regularly scheduled March Board meeting on the plans, specifications, cost estimate and form of contract for the Chichaqua Bottoms Greenbelt well enhancement project.

The Board may be asked to award the bid for the project following the public hearing.

-Mark Dungan, Natural Resources Manager

STAFF RECOMMENDATION: That the Board approve directing staff to publish notice of hearing pursuant to Iowa Code 331.305, that a Public Hearing will be held on March 13, 2013, 5:30 p.m., at the PCCB's meeting on the plans, specifications, cost estimate and form of contract for the Chichaqua Bottoms Greenbelt well enhancement project.

g) Jester Park Golf Course, Concession Fees

Section 5.5 of the Management Agreement between Polk County Conservation Board and Green Golf Partners requires that the Board be notified of proposed rate changes of golf course activities. The Management Agreement requires that the proposed rate changes not exceed general pricing guidelines established as part of the Management Agreement negotiations with the Board. There is no requirement to approve the proposed rates, but only to review the rates to determine that they are within previously established general pricing guidelines.

Green Golf Partners plans to increase the following Food and Beverage items for 2013. Green Golf Partners has reviewed their current pricing and would like to change the following items:

- **Regular Can Beer:** \$2.75 to \$3.00 (Has not been raised since GGP has been here)
- **Premium Can Beer:** \$3.25 to \$3.50
- **Bag of Chips:** \$1.00 to \$1.25
- **Hot Dog/Cheddar Brat/Italian Sausage:** \$2.75 to \$3.50 (We will be offering a larger hot dog that is a ¼ lb all beef dog) has not been raised since GGP has been here.
- **Regular Pitcher of Beer:** \$8.00 to \$9.00
- **Premium Pitcher of Beer:** \$10 to \$11
- **Bottle Pop and Gatorade:** \$2.00 to \$2.50 (has not been raised since GGP has been here)
- **Bottle Water:** \$1.75 to \$2.00 (has not been raised since GGP has been here)

Most of the items listed above have had significant cost increases over the past 5 years. We have also done a company-wide market analysis to see where other facilities are at with Food and Beverage costs and found that a majority of them have had these items under priced. We also feel that our pricing structure increase is fairly priced to other facilities within our area.

STAFF RECOMMENDATION: That the Board acknowledges receipt of and approves of the proposed food and beverage cost increases at the Jester Park Golf Course as identified.

3) Public Hearing: Great Western Trail, Temporary Construction Easement

A public hearing will be held on granting a temporary construction easement on our Great Western Trail to the City of Des Moines. The City of Des Moines is rebuilding the bridge over our Great Western Trail at Army Post Road. To accomplish the construction they will need a temporary construction easement to tie our trail to a new tunnel and to connect us to a new access road.

Easement and plat map attached.

STAFF RECOMMENDATION: That the Board approve the City of Des Moines' request for temporary construction easement to reconstruct the bridge where the Great Western Trail crosses under Army Post Road, property described as:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER SECTION 25, AND THE NORTHWEST QUARTER OF SECTION 36, ALL IN TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE OF THE FIFTH PRINCIPAL MERIDIAN, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 25, THENCE NORTH 00° 18' 08" WEST, 12.51 FEET ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 25 TO THE NORTH RIGHT-OF-WAY LINE OF VACATED CHICAGO, ST. PAUL AND KANSAS CITY RAILWAY COMPANY; THENCE NORTH 67° 31' 00" EAST, 593.50 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF VACATED CHICAGO, ST. PAUL AND KANSAS CITY RAILWAY COMPANY; THENCE SOUTH 22° 29' 00" EAST, 100.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF VACATED CHICAGO, ST. PAUL AND KANSAS CITY RAILWAY COMPANY; THENCE SOUTH 67° 31' 00" WEST, 634.64 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF VACATED CHICAGO, ST. PAUL AND KANSAS CITY RAILWAY COMPANY TO THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 36; THENCE NORTH 00° 06' 01" WEST, 95.62 FEET ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 36 TO THE POINT OF BEGINNING, CONTAINING 61,404 SQUARE FEET OR 1.41 ACRES MORE OR LESS.

and to request to the Polk County Board of Supervisors the conveyance of temporary construction easement to the City of Des Moines.

4) Consultant Approval

At the Dec. 12, 2012 meeting the Board approved eight (8) consulting firms to provide needed architectural and engineering services as it relates to the Bond project list developed by PCCB staff. Staff has begun the process of assigning specific firms for projects based on the RFQ information received (see attachment).

In that process staff will meet with the selected firm and present project details, including:

1. Project goal and or objective
2. Proposed project timeline
3. Scope of work and other documentation PCC has available for the project

The firm can then take that information and generate a project cost/contract to then proceed with their services. Typically the contract cost will range from 8% to 15% of total project estimated cost. The % range would vary depending on the amount of services needed for the overall project. PCC can provide some services in house, if needed, based on work load, etc. Costs would be reimbursed through PCWLL bond funding.

STAFF RECOMMENDATION: That the Board authorizes the Director to negotiate the contract terms with the selected architectural and engineering firms as identified and allow the Director to sign contracts.

5) **Land Acquisition: Property Near Beaver Creek Greenbelt**

The Board is asked to ratify a previous action (obtained by phone polling) by the Board instructing staff to pursue the purchase of a 25 ½ acre parcel of land near our Beaver Creek Greenbelt. The property was to sell at auction on the 25th of January.

Staff attended the auction accompanied by an employee of the Iowa Natural Heritage Foundation and was prepared to purchase the property within the spending limits approved by the Board.

The bidding quickly escalated far beyond the amount authorized by the Board. When the bidding stopped the successful bidder had bid \$7,200 per acre for the property, 3 times the anticipated cost for such wet floodplain property.

It has since been communicated to staff that the individual believed he was buying all 25 ½ acres for \$7,200 not a cumulative \$184,000. The second high bidder was the City of Grimes who had wished to acquire the property as a wellhead site for their water supply and had also anticipated a much lower price.

Staff has been in contact with the City of Grimes and is exploring the possibility of working with the City to secure the land for use as a water source while pursuing a parallel goal of preserving it as a conservation area.

It is suspected that the individual who was high bidder will attempt to withdraw their bid and the holding company will sell the land to another prospective owner.

STAFF RECOMMENDATION: That the Board ratify their decision directing staff to pursue acquisition of the property along Beaver Creek and further instruct staff to continue efforts to acquire the property either independently or in concert with the City of Grimes.

6) PCCB Purchasing Policy

Candy Morgan, County Attorney's Office, was not able to have the PCCB's proposed modifications to the policy reviewed in time for the Policy to be included in the packet.

A copy of the policy with modifications will be presented at the meeting for your approval.

7) Land Acquisition: Chichaqua Bottoms Greenbelt – Shaw Property From INHF

Polk County Conservation Board (PCCB) first began the process of acquisition of the former Shaw property in NW Polk County adjacent to Chichaqua in the mid-2000s. The initial cost of the property was beyond our resources at that time (\$1,162,223.73) and we asked the Iowa Natural Heritage Foundation (INHF) to assist us by purchasing the land while we sought additional funding. We were successful with a REAP grant application and were awarded \$258,860 in 2009.

During the time the property was held by the INHF they have incurred expenses ranging from taxes to interest costs. The PCCB has made several payments including the application of the \$300,000 gift from the Ferris Estate. Cropland rental income has also been applied toward the purchase.

I have asked for a current accounting from the INHF. They do not have "closing statement" accuracy with the figure they supplied but according to their books the current amount owed to the INHF is \$683,000.

After subtracting the REAP grant monies from the balance owed, we will require the amount of \$424,140 from available bonding revenue. There is potential for an additional reduction in cost if we can confirm the \$28,000 in REAPS license fees. That sum was offered several years ago and I have not been able to get a firm commitment that the offer is still valid, so I have not subtracted that sum from the total monies needed. I believe it is still likely that the license plate money will be available but it is prudent to exclude it from the amount authorized to be spent.

The INHF has been an invaluable partner in this process. Without their assistance this property would have been sold and a valuable addition to Chichaqua lost for public use.

- Loren Lown, Natural Resources Specialist

STAFF RECOMMENDATION: That the Board direct staff to expend Water and Land Legacy Bond revenues up to the amount of \$450,000 to purchase the former Shaw Farm from the Iowa Natural Heritage Foundation.

8) PCCB Position Modifications

The County's HR Department has been working with PCCB on reviewing our operations and our request to restructure to maximize flexibility/efficiency in meeting operational demands and achievement of goals that have grown from the passing of the Polk County Water and Land Legacy Bond.

On February 5, 2013 the Board of Supervisors passed a Resolution approving the following position modifications:

- Create one Deputy Director –Conservation position: Management Grade 25, Range \$72,586-\$95,682
- Create one Construction/Maintenance Supervisor position: Management Grade 19, Range \$54,766-\$72,028
- Upgrade one Construction/Maintenance Manager position: Management Grade 20, Range \$57,396-\$75,489 to Management Grade 21, Range \$60,145-\$79,144.

Estimated costs for the restructuring is \$45,323 for the remainder of FY 2012-13 and \$183,337 for FY 2013-14. The PCCB will be using existing funds to cover the FY 2012-13 cost, and PCCB funds that will be available in the FY 2013-14 budget for that cost. The Board of Supervisors approved the FY 2014-15 additional costs being incorporated into our operating budget.

Bruce Bernard's services have been retained to assist with the recruitment of the Deputy Director and Construction/Maintenance Supervisor. Bernard assisted with the hiring of the PCCB Director. It is our hope to have individuals selected for the positions by May 1. Staff may poll the Board for approval in advance of the May 2013 meeting to avoid delays in moving the hiring process forward.

STAFF RECOMMENDATION: That the Board direct staff to begin recruitment for the Deputy Director and Construction/Maintenance Supervisor positions and approve the estimated costs of \$45,323 for FY 2012-13 and \$183,337 for FY 2013-14, resulting from the organizational restructuring, being funded from PCCB funds.

9) Donation Reimbursement

Doug Sheeley, Natural Resources Supervisor stationed at Chichaqua Bottoms Greenbelt (CBG), initiated a fund raising campaign to help defray the costs of installing a new well at the controlled marsh. This fund drive was never well published for a number of reasons.

First, there was a very limited controlled waterfowl program at CBG due to drought. Waterfowl hunters were our primary target group and we had planned to roll the fundraiser out on blind sign up day which was cancelled, as was the whole 2012 controlled hunting program.

Second, when it was apparent the PCWLL had a chance of passage and we began a serious dialogue on potential projects at CBG, the well project was included as a fully funded project.

As a result of these events, the fundraising project was very lightly publicized - only a few of our most dedicated hunters were aware of it and Howard Messerer, to his credit, responded as soon as he knew about it.

Mr. Messerer chose to request a refund of his donation, as it was evident that his contribution was neither symbolically or materially as significant as it would have been

in absence of the referendum money. Mr. Messerer, although a resident of Marshall County, has been a long-time and extremely loyal supporter of CBG.

-Mark Dungan, Natural Resources Manager

STAFF RECOMMENDATION: That the Board approve refunding Howard Messerer his donation towards installation of a new well at the controlled marsh at Chichaqua Bottoms Greenbelt in the amount of \$500.00.

10) Employee Introductions

Polk County Conservation Board
Jester Park
Jester Lodge
11407 NW Jester Park Drive
Granger, Iowa

PROCEEDINGS OF THE POLK COUNTY CONSERVATION BOARD

The Polk County Conservation Board met in regular session on Wednesday, January 9, 2013. The meeting was called to order at 5:30 p.m.

#1a – Roll Call

Board Present: Levis, Smith, Cataldo
Board Absent: Kurovski,

#1b – Action on the Minutes of the Previous Meeting(s)

IT WAS MOVED BY LEVIS THAT THE POLK COUNTY CONSERVATION BOARD SHALL APPROVE THE DECEMBER 12, 2012 MEETING MINUTES AS WRITTEN. VOTE YEA: SMITH, LEVIS, CATALDO

#2 – Consent Agenda

IT WAS MOVED BY CATALDO THAT THE POLK COUNTY CONSERVATION BOARD APPROVE THE FOLLOWING CONSENT AGENDA ITEMS:
A) PCCB DECEMBER 2012 LIST OF EXPENDITURES;
B) ADOPTING POLK COUNTY’S TUITION POLICY AND COMPUTER USAGE POLICY AS MODIFIED AND MAKING THE MODIFIED POLICIES A PART OF THE PCCB’S EMPLOYEE MANUAL;
C) DIRECTING STAFF TO PUBLISH NOTICE OF HOLDING A PUBLIC HEARING PURSUANT TO IOWA CODE 331.305, THAT A PUBLIC HEARING WILL BE HELD ON FEBRUARY 13, 2013 AT THE PCCB’S MEETING FOR THE PURPOSES OF CONVEYING A TEMPORARY CONSTRUCTION EASEMENT TO THE CITY OF DES MOINES ON THE GREAT WESTERN TRAIL ON ARMY POST ROAD.
VOTE YEA: CATALDO, SMITH, LEVIS

#3 – PCCB Bylaws

IT WAS MOVED BY LEVIS THAT THE POLK COUNTY CONSERVATION BOARD APPROVE THE PCCB BYLAWS AS AMENDED. VOTE YEA: LEVIS, CATALDO, SMITH

#4 – PCCB Purchasing Policy

Board Members were provided with a copy of the PCCB Purchasing Policy with proposed modifications identified. Approval of the modified Policy will be brought to the Board for consideration at their February monthly meeting.

#5 – Public Hearing

Chair Smith opened the public hearing.

Director Parker gave opening presentation on the 3-year implementation plan.

Tom Ballard, 11689 NW Beaver Drive, Granger, appeared before the Board to express need for life cycle cost analysis for projects identified on 3-year implementation plan.

The following appeared before the Board in opposition of projects related to Jester Park identified on the Three-Year Polk County Water and Land Legacy project implementation plan:

Deb Ferjak, 12057 NW 131 Court, Madrid
Steve Allison 12163 NW 128th, Madrid
Kristen Boyles, 11514 NW 114th Ave, Granger
Linda Appelgate, 2835 46th, Des Moines
Tracy Mack-Boyles, 12061 NW 128th St., Madrid
Jane Baker, 12065 NW 131st Court, Madrid
Dale Ward, 1263 NW 131 Court, Madrid
Lettie Bushnell, 12851 NW 120th Ave., Madrid
Julianna Renard, 12668 NW 128th St., Madrid
Pat Kamp, 12085 NW 128th, Madrid
Gary Peggs, 12189 NW 128th, Madrid

Bob Start, 11360 NW 103rd Court, Granger, appeared before the Board to express agreement on the need for life cycle cost analysis and to request that the lighting at the Equestrian Center be further reviewed before doing improvements, possibly not have the lights on all night.

Penny Thomsen, 131 Birch Blvd., Pleasant Hill, appeared before the Board to request that Yellow Banks dam project not be provisional and requested additional projects for the Yellow Banks Park area in the earlier years of the planning process be considered.

Rick Hale, 12668 NW 128th St., Madrid appeared before the Board to express his disappointment that some Board Members not looking at people as they are speaking.

Sue Tew, 1118 Broad St., Des Moines, appeared before the Board to express that PCCB staff do care about the park and have hard decisions to make but will try to make best choices to reach kids.

Chair Smith closed the public hearing.

IT WAS MOVED BY LEVIS THAT THE POLK COUNTY CONSERVATION BOARD APPROVE THE PROPOSED THREE YEAR POLK COUNTY WATER AND LAND LEGACY PROJECT IMPLEMENTATION PLAN TO BE USED AS A GUIDE IN DEVELOPING BUDGETS, PLANNING AND DESIGNS OF INDIVIDUAL PROJECTS AND AS A COMMUNICATION TOOL FOR THE PUBLIC WITH THE UNDERSTANDING THAT THE PLAN CAN BE UPDATED IN THE FUTURE AS WARRANTED.

VOTE YEA: LEVIS, SMITH, CATALDO

#6 – Jester Park Master Plan Overview – Public Meeting

The public meeting portion of the meeting started at 7:30 p.m.

Pat Boddy, RDG Planning & Design, explained the open house format to be used for the public meeting to take questions and get questions answered and to gather comments.

Mike Bell, RDG Planning & Design, did a brief review of the Jester Park Master Plan before moving into the open house segment.

PUBLIC COMMENTS
FINANCIAL REPORTS
DISCUSSION & REMARKS

ADJOURNNMENT

The meeting was adjourned at 8:54 p.m.

Prepared by: Cindy Lentz

BYLAWS
AS AMENDED, ~~MARCH 14, 2012~~
GOVERNING THE ADMINISTRATION, THE DEVELOPMENT,
THE OPERATION AND MANAGEMENT OF THE
POLK COUNTY CONSERVATION BOARD
AND ITS FACILITIES

TO WHOM IT MAY CONCERN:

WHEREAS, the Bylaws as originally adopted on the 8th day of January, 1958, and as amended at the beginning of each year thereafter by the Polk County Conservation Board for the administration, the development, and the operation and management of its areas, its facilities, and its employees, needs to be corrected and again updated, and

WHEREAS, to expand, to clarify, and to make more effective certain portions of the Bylaws, amendments were proposed and considered and adopted as amended at the regular meeting of the Board on ~~March 14, 2012~~.

NOW THEREFORE, We, the undersigned members of the Conservation Board, as duly appointed by the Polk County Board of Supervisors, and as authorized by Chapter 350, Code of Iowa, do so decree as follows:

ARTICLE I. That all the covenants and provisions of former Bylaws as amended and adopted by the Polk County Conservation Board prior to this date are here and now annulled, canceled, revoked, and of no consequence for effect in the administration, development or operation and management of its areas, its facilities, nor its employees.

ARTICLE II. That Chapter 350, Code of Iowa, is recognized as, and declared to be, the governing authority; and that the purpose, and the power and duties, as defined and set forth in said Chapter shall control the functions of the Conservation Board, its employees, and/or its facilities.

ARTICLE III. That there shall be selected preceding the first regular meeting of each calendar year, from its members, by its members, a chairperson, a vice-chairperson and a secretary, who shall serve as officers of the Board for the calendar year and/or until their successors are selected and qualify. In the event that the chairperson is absent, the vice-chair shall serve as the pro-tem chairperson. In the event that both the chairperson and vice-chairperson are absent, the secretary shall serve as the pro-tem chairperson and, if necessary, a temporary secretary shall be appointed. The pro-tem chair shall be authorized to conduct the meeting and to sign any documents requiring signatures when said documents were the result of any action by the Board at the particular meeting.

ARTICLE IV. That this Board shall generally meet on the second Wednesday of each month at such time and place as may be designated by the chairperson, and said meeting shall be known as the regular meeting of the Board. That Board Members shall be expected to make all reasonable

efforts to attend all regularly scheduled meetings; absences in excess of 1/3 of the regularly scheduled meetings in a six-month period will subject the Board Member's appointment to review by the Board. Special meetings may be called by the chairperson, or a majority of the members, when necessary for specific purposes requiring Board action. A closed session may be held by affirmative vote of two-thirds of the members present in accordance with Chapter 21A, Code of Iowa.

ARTICLE V. That an executive officer shall be employed and shall be known as the Director. S/He shall be responsible to serve at the pleasure of the Conservation Board and the Board shall evaluate his/her performance annually by the month of December.

ARTICLE VI. That the principal duties of the Director shall include:

- a. The preparation of the agenda for each regular monthly meeting and to assist the chairperson in the functions of the meeting as required.
- b. To annually outline and recommend to the Board a budget that includes a program of administration, development, maintenance and operation, for each budgetary year, including an estimated cost, which shall be presented to the Conservation Board prior to submission to the Board of Supervisors. To present and explain amendments and modifications to the annual budget that may occur during the year to the Board prior to submission to the budget staff of the Board of Supervisors.
- c. The budget, or periodic budget amendments, as approved by the Conservation Board, shall be presented and explained by the director to the Board of Supervisors at each annual budget hearing or at periodic budget amendment hearings.
- d. S/He shall keep well informed on the current trends, functions, procedures, and philosophies in outdoor recreation and environmental education; on the design of park facilities and development; and in the preservation and rehabilitation of conservation areas; and shall periodically report to the Conservation Board the results of his/her research and investigation in these fields.
- e. S/He is authorized to deposit in his/her name as the director for the Polk County Conservation Board, at a local bank as selected and approved by the Conservation Board, miscellaneous monies collected from the operations of all revenue-producing facilities; and to draw from said deposit, over his/her signature as the director, or his/her duly appointed representatives of the Conservation Board, funds payable to the Polk County Treasurer for allocation to the General Fund of the County for the benefit of Polk County Conservation Board.
- f. S/He shall review and approve all expenditures and is authorized to requisition warrants from the County Auditors Office for the payment of duly acknowledged claims. S/He shall submit to the Board monthly financial statements on the status of the conservation budget.
- g. As required by statute, s/he shall prepare an annual report covering each fiscal year as

terminated and include, therein, his/her recommendations for future expansion and development.

- h. S/He will develop and maintain long range strategic plans as approved by the Conservation Board to provide guidance in the planning and implementation of programs and projects.

ARTICLE VII. That the director, with the approval of the Conservation Board, is authorized to employ and fix the compensation of such assistants and employees as may be necessary for proper and efficient administration, for development of, and for the maintenance and operation for such property and facilities as may be acquired by the Conservation Board, and/or responsibilities assumed within the framework of statutory authority. The Director is authorized to employ seasonal/ intermittent employees as set forth in the Conservation Board's budget.

ARTICLE VIII. That the compensation for the director, his/her assistants and employees, shall be determined by the Conservation Board and shall be comparable and commensurate with the annual salaries, or hourly wages as established by the Board of Supervisors for similar duties and responsibilities as other county officers and employees, when such salaries and rates are not in conflict with statutory limitations. Vacations, sick leaves, holidays and other employee benefits shall be in conformity with the regulation as established for other Polk County officers and employees.

ARTICLE IX. That the director, and any employees as s/he may designate, may be appointed peace officers as authorized by Section 350, and within the purview of Section 80B of the Code of Iowa.

ARTICLE X. That any single expenditure, or contract to expend for the purchase of equipment or material supplies, or to enter into rental agreements of construction contracts, shall conform to the following procedures:

- a. For the purchase of minor items and to provide for "change", a petty cash fund and change funds may be established not to exceed \$50 when authorized by the Director. Claims for reimbursement to the petty cash fund shall be submitted to the County Auditor as required and based on receipted amounts of each expenditure.
- b. Items of expenditure of \$5,000 or more shall, when possible and reasonable, be selected from at least three (3) quotations from qualified vendors and approved by the Director. **No prior approval is required by the PCCB; however, PCCB ratifies monthly list of expenditures at each monthly regular meeting**
- c. Items of expenditures up to \$10,000 shall require only approval of the Director. **No prior approval is required by the PCCB; however, PCCB ratifies monthly list of expenditures at each monthly regular meeting.** In emergency situations (defined as immediate public health and welfare) the Director may spend up to \$20,000 as necessary to meet the needs of the emergency within 48 hours and inform the Conservation Board of any emergency spending as soon as possible.

- d. Items of expenditures above \$10,000 shall be selected from at least three (3) quotations from qualified firms or supplies when applicable and the approval of at least three (3) Board Members before purchase. Members may be polled for approval. All quotations received shall be retained in the files for at least three (3) years.
- e. Contracts or purchases for public improvements as defined by Sections 26.2(3), 73A.1(3) and 573.1(4)(2011) shall conform to the requirements of said Chapters 26, 573 and 73A.
- f. The Director, or his/her duly appointed representative is authorized and empowered to act for the Board in receiving, opening, and recording bids. A public hearing, as set forth in Chapter 26 and 73A, Code of Iowa, must be held at a regular or special meeting of the Board for action on said bids.
- g. The acquisition of land (including easements) is excluded from the above requirements, but Land Purchase Options must be considered by the Conservation Board at a regular or special meeting and approved by at least three (3) Board Members for acceptance. Procedures for land acquisition shall conform to statutory requirements.
- h. The Director is authorized to apply for grants that fit within the mission of the Board. Final acceptance of grants awarded to Polk County Conservation will receive approval of the Board.
- i. The Director is authorized to negotiate mutual and cooperative agreements with final approval of agreements receiving approval of the Board.

ARTICLE XI. That these Bylaws shall be reviewed by the Conservation Board each year at the first regular Board meeting in January. Approval or amendment may be proposed at any regular meeting but must be again considered at the next following regular meeting before adoption. Amendments shall require approval of at least three (3) Board Members.

MOTION BY _____, that these Bylaws as amended, be adopted this ~~March 14, 2012~~ by the Polk County Conservation Board.

Chair

Vice-Chair

Secretary

TEMPORARY EASEMENT FOR CONSTRUCTION AND CONSTRUCTION-RELATED ACTIVITIES

Polk County (hereinafter referred to as the “Grantor”), in consideration of **One and No/100 Dollars (\$1.00)** to be paid by the City of Des Moines, Iowa, upon final approval and acceptance of this Easement by the City, does/do hereby convey unto the City of Des Moines, Iowa, a municipal corporation, (hereinafter referred to as the “City”), a Temporary Easement for Construction under, over, through and across the following described property.

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER SECTION 25, AND THE NORTHWEST QUARTER OF SECTION 36, ALL IN TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE OF THE FIFTH PRINCIPAL MERIDIAN, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 25, THENCE NORTH 00° 18' 08" WEST, 12.51 FEET ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 25 TO THE NORTH RIGHT-OF-WAY LINE OF VACATED CHICAGO, ST. PAUL AND KANSAS CITY RAILWAY COMPANY; THENCE NORTH 67° 31' 00" EAST, 593.50 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF VACATED CHICAGO, ST. PAUL AND KANSAS CITY RAILWAY COMPANY; THENCE SOUTH 22° 29' 00" EAST, 100.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF VACATED CHICAGO, ST. PAUL AND KANSAS CITY RAILWAY COMPANY; THENCE SOUTH 67° 31' 00" WEST, 634.64 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF VACATED CHICAGO, ST. PAUL AND KANSAS CITY RAILWAY COMPANY TO THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 36; THENCE NORTH 00° 06' 01" WEST, 95.62 FEET ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 36 TO THE POINT OF BEGINNING, CONTAINING 61,404 SQUARE FEET OR 1.41 ACRES MORE OR LESS.

Which property is also described and depicted on the plat attached hereto as Exhibit "A"

(hereinafter referred to as the “Easement Area”) Said Easement allows the City, its agents, contractors and employees, and other permitted parties including but not limited to electric, cable and telecommunications utilities and their respective agents, contractors and employees, a right of entry in, upon and onto the above described Easement Area for the **Army Post Bridge / Great Western Trail** Project, which purpose includes any and all reconstruction-related activities, and includes but is not limited to the following: (1) grading and excavation; (2) hauling, transporting and storage of materials and equipment; (3) trimming and/or removal of trees and landscaping within or encroaching upon the Easement Area; (4) utility work including but not limited to relocation, placement and removal of various utility facilities such as electric poles and wires, water lines, sewer lines and natural gas facilities that are within or encroaching upon the Easement Area; and (5) laying, constructing, maintaining, operating, repairing and removing underground conduit, wires, cables, poles, guys, guy stubs, anchors and other necessary

equipment incident thereto (including but not limited to transformers, switchgears, capacitors and other associated surface mounted equipment)..

It is understood that, upon completion of this project, the City shall restore the Easement Area to its original condition as reasonably possible, including but not limited to restoration of lawns by sodding or seeding, replacement of concrete or asphalt driveways removed for grading or access purposes, and replacement of fences or other structures that may be removed or damaged by the City and/or permitted parties during the course of construction, except that the following items shall not be restored by the City or permitted parties but are instead compensated for the consideration paid for in this Easement by the City as set forth above. (List items below or state "none").

NONE

It is further understood that the consideration set forth in this Easement shall constitute full and adequate compensation for damages to the above listed items.

It is further understood that the foregoing Easement and release shall be null and void and of no effect whatsoever unless accepted by the City of Des Moines and shall be subject to the following terms and conditions to which the City, upon acceptance of this instrument by the City, shall be deemed and to have stipulated and agreed:

1. **DURATION.** It is understood and agreed that this Easement allowing entry in, upon and onto the Easement Area described shall be in effect beginning on the date that the Grantor signs this document until completion of construction of this improvement above described and the City's performance of its obligation hereunder. This Easement shall be binding on Grantor and on Grantor's successors and assigns during construction of this improvement.
2. **GRANTOR'S REPRESENTATION AS TO TENANTS.**

The Grantor states and warrants that there are no tenants on the property where the Property Interests are located, except as listed below:

Furthermore, Grantor shall convey the Property free and clear of leasehold interests and leasehold claims and shall indemnify City against any such claims as a result of this project, unless the claim is due to City's gross negligence.

3. **REMOVAL OF EQUIPMENT.** It is further understood and agreed that the City and/or permitted parties will remove all of said materials and equipment from the above described premises within 10 days after the above described project has been completed.
4. **SPECIAL PROVISIONS.** NONE

Signed this _____ day of _____, 20____.

Tom Hockensmith, Chairperson

DONATION (OPTIONAL)

It is the understanding of the Grantor that, although the City will provide compensation for the granting of this easement, it is the Grantor’s wish to **donate** this temporary easement and **not** receive said compensation, and Grantor waives any and all rights to compensation.

Tom Hockensmith, Chairperson

State of Iowa)

)ss

County of Polk)

On this _____ day of _____, 2013, before me, a Notary Public in and for said State, personally appeared **Tom Hockensmith** to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the **Polk County**, respectively, of the County of **Polk**, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its Board of Supervisors, as contained in the Resolution adopted by the Board of Supervisors, under Roll Call No. _____ of the Board of Supervisors on the _____ day of _____, 20____, and _____ acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Notary Signature

Notary Public in the state of _____

Executed on behalf of the City of Des Moines by authority of the City Council as defined in Ordinance No. 14,094.

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, do hereby certify that the within and foregoing Easement was duly approved and accepted by the City Council of said City of Des Moines by Resolution and Roll Call No. _____, passed on the _____ day of _____, 20____, and this certificate is made pursuant to authority contained in said Resolution.

Richard A. Clark
City Manager of the City of Des Moines

Diane Rauh
City Clerk of the City of Des Moines, Iowa

OR

Approved As To Form:

Glenna K. Frank, Assistant City Attorney

TEMPORARY EASEMENT

TEMPORARY CONSTRUCTION EASEMENT BEING CONVEYED TO THE CITY OF DES MOINES
ARMY POST ROAD BRIDGE OVER GREAT WESTERN TRAIL

TAX PARCEL NUMBERS:

120/07525-303-000
120/07536-203-000

PARCEL 9
CITY ACTIVITY ID: 12-2011-001

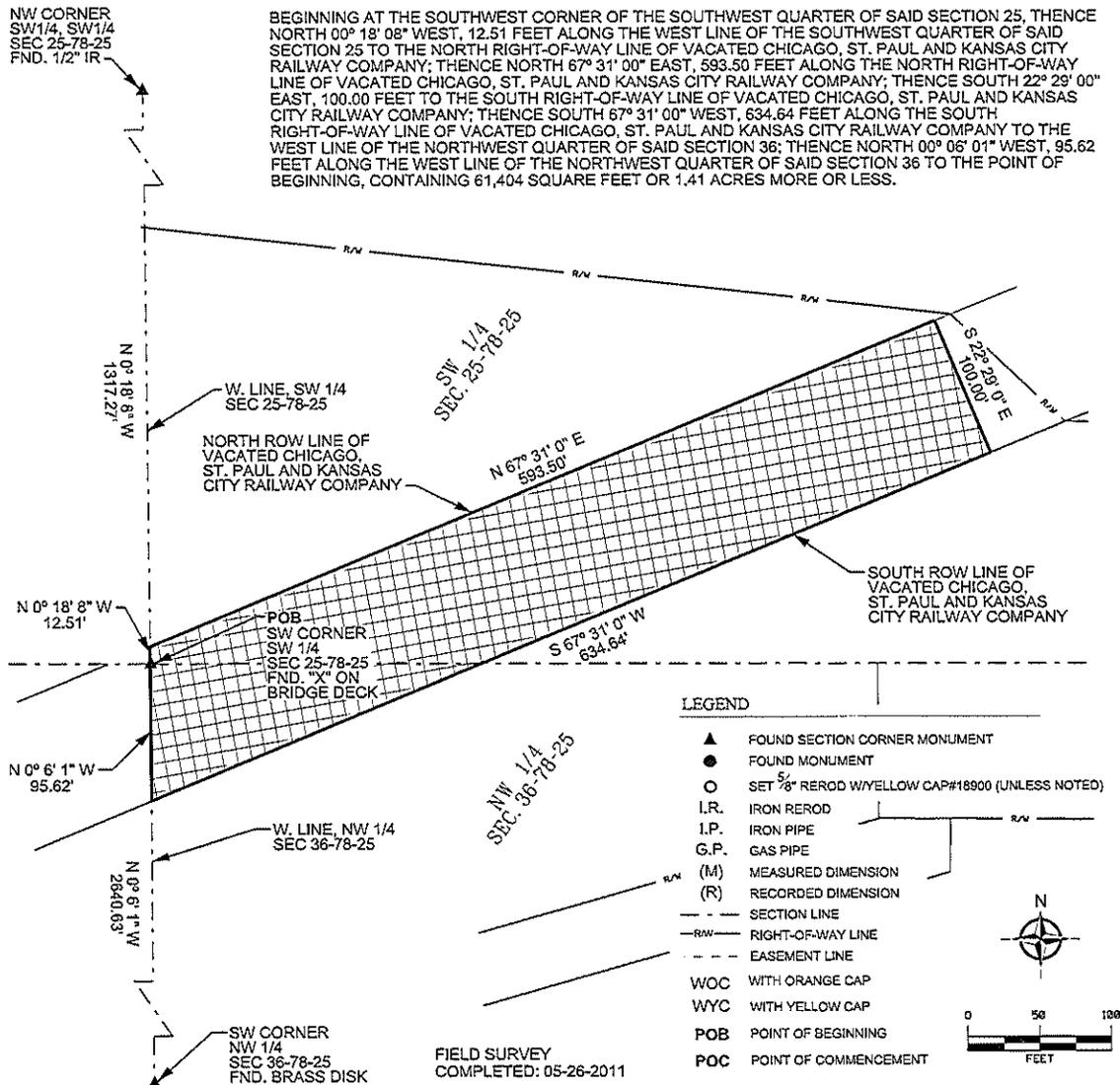
PROPERTY OWNER:

POLK COUNTY CONSERVATION BOARD
11407 NW JESTER PARK DR
GRANGER, IA 50109
BOOK 6826, PAGE 853

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER SECTION 25, AND THE NORTHWEST QUARTER OF SECTION 36, ALL IN TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE OF THE FIFTH PRINCIPAL MERIDIAN, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SURVEY FOR:
THE CITY OF DES MOINES
400 ROBERT D. RAY DRIVE
DES MOINES, IA 50309
PHONE: (515) 283-4023
FAX: (515) 237-1814

FOTH PROJECT NO. 10D007-01 DATE: 1/14/2013



Foth Infrastructure & Environment, LLC
8191 Birchwood Court, Suite L
Johnston, IA 50131-2931
Phone: 515-254-1393 Fax: 515-254-1642

EXHIBIT
TE-9

SHEET
1 OF 1

2013 Consulting Contracts

Project Name	Consultant(s)
Thomas Mitchell Park - Camp Creek Improvement	HR Green Inc
Fort Des Moines Park - Pond Improvement	Stanley Consulting Inc
Four Mile Creek Greenbelt Bank Stabilization	Snyder's and Associates
Gay Lea Wilson Trail Connection (DSM to Ankeny)	Snyder's and Associates
Fort Des Moines Park Outdoor Classroom	Shive -Hattery Inc
Jester Park Entrance Relocation	RDG Planning and Design/Shive Hattery Inc
Jester Park Conservation Center Site Preparation	RDG Planning and Design/Shive Hattery Inc
Yellow Banks Dam Repair and Site Improvements	Stanley Consulting Inc/Shive Hattery Inc
Thomas Mitchell Park Sewer Lagoon Replacement	Polk County Conservation/Jim Carroll
Chichaqua Bottoms Greenbelt Master Plan	HR/RDG
Jester Park Campground #2 Electric Upgrade	Shive -Hattery Inc
Chichaqua Valley Trail Phase 1	Snyder's and Associates
Easter Lake Trail Phase 1 (incl Phase 2 A&E)	Snyder's and Associates
Easter Lake Lodge Facility	RDG Planning and Design
Thomas Mitchell Campground Expansion	Shive -Hattery Inc
Ft Des Moines Park Improvements	Shive Hattery Inc/RDG Planning and Design
Ft Des Moines Park Access Road, Parking and Fishing Pier	Shive Hattery Inc/RDG Planning and Design
Chichaqua Valley Trail Bridge Inspections and Plans	Snyder's and Associates
Chichaqua Bottoms Greenbelt Wetland Restoration & Surveys	Stanley Consulting Inc
Misc Inspections & Surveys	To Be Determined

2012- 2013 Revenue Budget

- as of 01/31/13 (58.33% of budget year expired)

UNIT #	UNIT	Revenue Budget	Total Revenues Received	Balance Due	%
General - Fund 1					
0213	Equipment	\$ 3,000	\$ 11,040	\$ (8,040)	368.0%
6006	Environmental Ed	\$ 55,800	\$ 41,339	\$ 14,461	74.1%
6009	Natural Resources	\$ 109,922	\$ 45,984	\$ 63,939	41.8%
6101	Administration	\$ 99,820	\$ 68,077	\$ 31,743	68.2%
6103	Community Outreach	\$ -	\$ -	\$ -	0.0%
6104	Conservation Grants	\$ 500,993	\$ 195,305	\$ 305,688	39.0%
6110	Parks Advocacy Unit	\$ 383,100	\$ 184,918	\$ 198,182	48.3%
6119	Construction/Maint.	\$ 5,000	\$ 155	\$ 4,845	3.1%
6124	Equestrian Center	\$ 325,500	\$ 158,777	\$ 166,723	48.8%
Sub-Total - General Fund 1		\$ 1,483,135	\$ 705,594	\$ 777,541	47.6%
REAP - Fund 26					
0211	Resource Enhancement	\$ 103,000	\$ 102,776	\$ 224	99.8%
Reserve - Fund 50					
0210-0214	Trails, Special Projects	\$ 2,129,300	\$ 241,800	\$ 1,887,500	11.4%
Grand Total - Conservation		\$ 3,715,435	\$ 1,050,170	\$ 2,665,265	28.3%

2012- 2013 Expense Budget

- as of 01/31/13 (58.33% of budget year expired)

UNIT #	UNIT	Expense Budget	Total Expended	Balance Remaining	% Expended
General - Fund 1					
0213	Equipment	\$ 97,800	\$ 94,157	\$ 3,643	96.3%
6006	Environmental Ed	\$ 360,707	\$ 211,648	\$ 149,059	58.7%
6009	Natural Resources	\$ 688,628	\$ 393,938	\$ 294,690	57.2%
6101	Administration	\$ 758,867	\$ 457,610	\$ 301,257	60.3%
6103	Community Outreach	\$ 198,621	\$ 112,322	\$ 86,299	56.6%
6104	Conservation Grants	\$ 768,285	\$ 425,816	\$ 342,469	55.4%
6110	Parks Advocacy Unit	\$ 453,343	\$ 264,586	\$ 188,757	58.4%
6119	Construction/Maint.	\$ 958,813	\$ 597,758	\$ 361,055	62.3%
6124	Equestrian Center	\$ 382,149	\$ 249,232	\$ 132,917	65.2%
Sub-Total - General Fund 1		\$ 4,667,213	\$ 2,807,068	\$ 1,860,145	60.1%
General Supplemental - Fund 2					
All Units	Benefits (IPERS/FICA/Ins, Etc.)	\$ 938,826	\$ 537,096	\$ 401,730	57.2%
Risk Management - Fund 3					
6100	Insurance, Med., Work. Comp.	\$ 96,300	\$ 102,917	\$ (6,617)	106.9%
REAP - Fund 26					
0211	Resource Enhancement	\$ 102,167	\$ 104,092	\$ (1,925)	101.9%
Reserve - Fund 50					
0210-0214	Trails, Special Projects	\$ 2,763,200	\$ 398,537	\$ 2,364,663	14.4%
Grand Total - Conservation		\$ 8,567,706	\$ 3,949,710	\$ 4,617,996	46.1%