

POLK COUNTY BOARD OF SUPERVISORS AGENDA

POLK COUNTY ADMINISTRATIVE OFFICE BUILDING

111 COURT AVENUE - ROOM 120

APRIL 2, 2013 9:30 A.M.

1. Roll Call.
2. Action on the Minutes of the Previous Meeting(s).
3. Special Claims as submitted by the County Auditor, if any.
4. Action on the Bill List as submitted by the County Auditor.

PUBLIC HEARING

EXCHANGE OF PROPERTY

- *5. Resolution approving Real Estate Purchase, Sale and Exchange Agreement with Wellmark, Inc. for property at 222 Fifth Avenue and the Polk County Convention Complex.

PUBLIC HEARING

ZONING MAP AMENDMENT

6. Resolution approving Polk County 2030 Comprehensive Plan Map Amendment from Agricultural Classification to the Estate Classification for property at 14429 & 14525 NE White Oak Drive, Elkhart.

ORDINANCE

(FIRST READING)

7. Ordinance approving Zoning Map Amendment from Agricultural District to Estate Residential District for property at 14429 & 14525 NE White Oak Drive, Elkhart.

8.

PUBLIC COMMENTS

RESOLUTIONS

9. Resolution approving agreement with Iowa Department of Education for the Child and Adult Care Food Program.

10. Resolution authorizing the Auditor's Office to publish Notice of Public Hearing for April 16, 2013 on Disposal of County Interest in Real Estate (1236-15th Street).
11. Resolution authorizing the Auditor's Office to publish notice of destruction of noxious weeds and other offensive growth.
12. Resolution denying request for erroneous weed assessment (1442 E. Fleming).
- *13. Resolution fixing amount to be assessed for Health Nuisance abatements.
- *14. Resolution approving agreement with RDG Planning and Design (facilitation of strategic dialog of community partners around affordable, health food).
- *15. Resolution approving 28E agreement with Marshall County E911 Board for radio frequency sharing.
- *16. Resolution approving agreement with iWebVisit for jail video visitation.
- *17. Resolution approving contract with Taser, International for video recording equipment at the jail.
18. Resolution abating property taxes for property at 1600 Mondamin Avenue (New Birth Missionary Baptist Church).
19. Resolution committing funds toward the demolition of the Riverfront YMCA.
20. Resolution approving Community Development Grant to the Principal Charity Classic (d/b/a Community Foundation of Greater Des Moines).

COMMUNICATIONS

21. Notice that the Board of Supervisors will convene as a Canvassing Board on April 9, 2013 to canvass votes cast in Saydel Special School Election held April 2, 2013.
22. Notice of hearing on proposed annexation of territory into the City of Pleasant Hill.
23. Letter from the City of Des Moines waiving its right to purchase the Polk County Convention Complex property.

BUDGET ACTIONS

24. Memorandum of Budget Actions.

APPOINTMENTS

25. Memorandum of Appointments.

ADJOURNMENT

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

RESOLUTION

Moved by _____, Seconded by _____
that the following Resolution be adopted:

WHEREAS, the Iowa County of Polk (Polk County) is the owner of real property, building improvements and attendant property rights for the Polk County Convention Complex, 501 Grand Avenue, Des Moines, Iowa, legally described as:

Lots 6, 7, 8 and 9, Alhambra No. 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

AND

the vacated East/West alley right-of-way lying South of and adjoining Lot 6, and all of Lots A and C, Alhambra No. 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Vacated in part by Ordinance No. 4860 passed June 27, 1946)

That part of the North/South alley between Grand Avenue and Keosauqua Way and between 6th Avenue and 5th Avenue described as follows: Beginning at the Southeast corner of Lot 1, Alhambra No. 2; thence North 16 degrees 18 minutes 43 seconds West 182.00 feet along East line of said Lot 1; thence North 73 degrees 43 minutes 11 seconds East 16.00 feet; thence South 16 degrees 18 minutes 43 seconds East 181.98 feet; thence South 73 degrees 38 minutes 42 seconds West 16.00 feet to point of beginning, as surveyed and monumented in the field by Michael M. Klapp, Iowa Land Surveyor 4821, February 15, 1983; all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Vacated by Ordinance No. 10,305 passed April 25, 1983).

That part of Keosauqua Way and 5th Avenue as follows: Beginning at the Southeast corner of Lot 9, Alhambra No. 2; thence North 10 degrees 03 minutes 56 seconds West 479.60 feet along the West right-of-way line of 5th Avenue to the Northeast corner of Lot 6, Alhambra No. 2; thence North 90 degrees 00 minutes 00 seconds West 159.23 feet along the South right-of-way line of Keosauqua Way; thence North 6 degrees 47 minutes 47 seconds West 18.80 feet; thence North 83 degrees 44 minutes 19 seconds East 161.05 feet; thence South 10 degrees 03 minutes 56 seconds East 514.96 feet; thence South 73 degrees 38 minutes 42 seconds West 5.03 feet to point of beginning; all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Vacated by Ordinance No. 10,305 passed April 25, 1983).

The Air Rights above elevation 54.00 feet City Datum and above the following described portions of Grand Avenue and 5th Avenue: (1) Beginning at the Southeast corner of Lot 1, Alhambra No. 2; thence North 73 degrees 38 minutes 42 seconds East 150.00 feet along the North right-of-way line of Grand Avenue and the Easterly projection of said right-of-way line; thence South 16 degrees 21 minutes 18 seconds East 16.00 feet; thence South 73 degrees 38 minutes 42 seconds West 150.00 feet; thence North 16 degrees 21 minutes 18 seconds West 16.00 feet to point of beginning; and (2) Starting at the Southeast corner of Lot 9, Alhambra No. 2; thence North 73 degrees 38 minutes 42 seconds East along the Easterly projection of the North right-of-way line of Grand Avenue 5.03 feet to point of beginning; thence North 10 degrees 03 minutes 56 seconds West 286.91 feet along a line parallel with and 5.00 feet normally distant from the West line of 5th Avenue; thence South 16 degrees 24 minutes 21 seconds East 290.69 feet; thence South 73 degrees 35 minutes 39 seconds West 32.30 feet; thence North 10 degrees 03 minutes 56 seconds West 5.57 feet to point of beginning; all now included in and forming a part of the City of Des Moines, Polk County, Iowa. (Vacated by Ordinance No. 10,305 passed April 25, 1983.)

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WHEREAS, Wellmark, Inc. is the owner of real property, building improvements and attendant property rights for the Wellmark Building, 222 Fifth Avenue, Des Moines, Iowa, legally described as follows:

Lots 5 through 8, the vacated east/west alley lying south of and adjacent to Lot 7, and all of the vacated north/south alley, all in Block 14, in the Original Town of Fort Des Moines, now included in and forming a part of the City of Des Moines, Polk County, Iowa

AND

All interest of Wellmark in the private skywalk bridge over Fifth Avenue midway between Walnut and Mulberry Streets connecting to the Fifth Avenue Parking Garage (the "Wellmark Property");

WHEREAS, it is the desire of Polk County to enter into an agreement with Wellmark, Inc. whereby Polk County conveys the real property, building improvements and attendant property rights for the Polk County Convention Complex plus Five Hundred Thousand Dollars (\$500,000.00) in exchange for the real property, building improvements and attendant property rights for the Wellmark Building, 222 Fifth Avenue, Des Moines, Iowa; and

WHEREAS, the terms and conditions of such are contained in one certain Real Estate Purchase, Sale and Exchange Agreement ("Agreement"); and

WHEREAS, pursuant to Iowa Code Section 331.361(2), a public hearing on the proposal and Agreement has been held.

NOW, THEREFORE, BE IT RESOLVED that the Iowa County of Polk does approve the Real Estate Purchase, Sale and Exchange Agreement with Wellmark, Inc. whereby Polk County conveys the real property, building improvements and attendant property rights for the Polk County Convention Complex plus Five Hundred Thousand Dollars (\$500,000.00) in exchange for the real property, building improvements and attendant property rights for the Wellmark Building, 222 Fifth Avenue, Des Moines, Iowa; and

BE IT FURTHER RESOLVED that the Chairperson, County Administrator and County Attorney be authorized to attend to all details and execute all documents to accomplish this purchase, sale and exchange.

Chairperson

Submitted by:



Michael B. O'Meara

Assistant Polk County Attorney

RESOLUTION

Moved by _____, Seconded by _____ that the following resolution be adopted:

WHEREAS, the Polk County Board of Supervisors adopted the Polk County 2030 Comprehensive Plan on May 9, 2006; and

WHEREAS, a Polk County 2030 Polk Comprehensive Plan Map Amendment was initiated by Wade and Holly Twedt (titleholders) 54246 320th St. Huxley, IA, requesting an Agricultural Classification to the Estate Classification for the subject property located at 14429 & 14525 NE White Oak Drive, Elkhart Township; and

WHEREAS, the Polk County Zoning Commission met on February 25, 2013 and voted three (3) for, one (1) against with three (3) absent to recommend approval of the Polk County 2030 Polk Comprehensive Plan Map Amendment from the Agricultural Classification to the Estate Classification.

NOW, THEREFORE, BE IT RESOLVED that an amendment to the Polk County 2030 Comprehensive Plan Map (Attachment A) to reclassify the following described property from the Agricultural Classification to the Estate Classification be approved.

The legal description of the subject property and rezoning area is as follows:

Lot four (4) in Charlton Subdivision, an official plat, in Polk County, Iowa; and that part of lot five (5) in Charlton Subdivision, an official plat in Polk County, Iowa, described as follows: commencing at the southwest corner of section sixteen (16), township eight-one (81) north, range twenty-three (23) west of the 5th P.M. thence north, along the west line of said section sixteen (16), 1,314.4 feet to the point of beginning; thence continuing north, along said west line 386.2 feet; thence S 88°16.25' E, 401.0 feet; thence S 0° 37.75' W 374.7 feet; thence N 89° 55' W, 396.7 feet to the point of beginning. And Parcel A, as established in the plat of survey recorded in Polk County, Iowa, on June 14, 2012, in book 14310, on page 233, being part of lot 5, Charlton Subdivision of Polk County, Iowa.

POLK COUNTY BOARD OF SUPERVISORS:

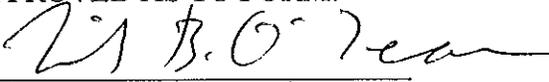
Chairperson

RECOMMENDED FOR ACTION:



Robert Rice, Director
Polk County Public Works

APPROVED AS TO FORM:



Assistant County Attorney

Fiscal Impact: None

#6

POLK COUNTY BOARD OF SUPERVISORS

Tuesday Agenda Memorandum

Item Type & Title: Resolution No. 34-13 Polk County 2030 Comprehensive Plan Map amendment from the Agricultural Classification to the Estate Classification for the subject property located at 14429 & 14525 NE White Oak Drive, Elkhart Township.

Agenda Date: April 2, 2013

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

Previous Action taken by the Board: None

Board/Commission Actions: The Zoning Commission at their February 25, 2013 meeting voted three (3) for, one (1) against with three (3) absent to recommend approval of the 2030 Comprehensive Plan Map amendment from the Agricultural Classification to the Estate Classification.

Action Requested (Recommended): Approval

Comply with Policy: The requested amendment complies with the 2030 Comprehensive Plan.

Background: The petitioners Wade and Holly Twedt, 54246 320th St. Huxley, IA are requesting a Polk County 2030 Comprehensive Plan Map amendment from the Agricultural Classification to the Estate Classification and a Zoning Map amendment from the AG-Agricultural District to the ER-Estate Residential District for the subject property located at 14429 & 14525 NE White Oak Drive in Elkhart Township. The subject property is located in White Oak, a historical area in north Polk County. The area contains dense woods, creeks, drainage, varying terrain, a church, winery and housing dating back to the late 1800's. There are 10 other residences with lot frontage along the road from NE 142nd Avenue to NE 150th Avenue. The subject property contains 2 parcels (23.7 & 7.08 acres), it is adjacent to the ER-Estate Residential District and it and the lots to the north are a part of the Charlton Subdivision, platted in 1974. Much of the 23.7 acre parcel contains pasture land and the east half of the 7.08 acre parcel where the residence is being built contained row crops. The petitioner proposes four lots ranging in size from 4.5 to 16 acres. This is less lots and less density than what the ER District permits. The petitioner intends for their residence to be located on a 16 acre parcel that would also include the existing pond.

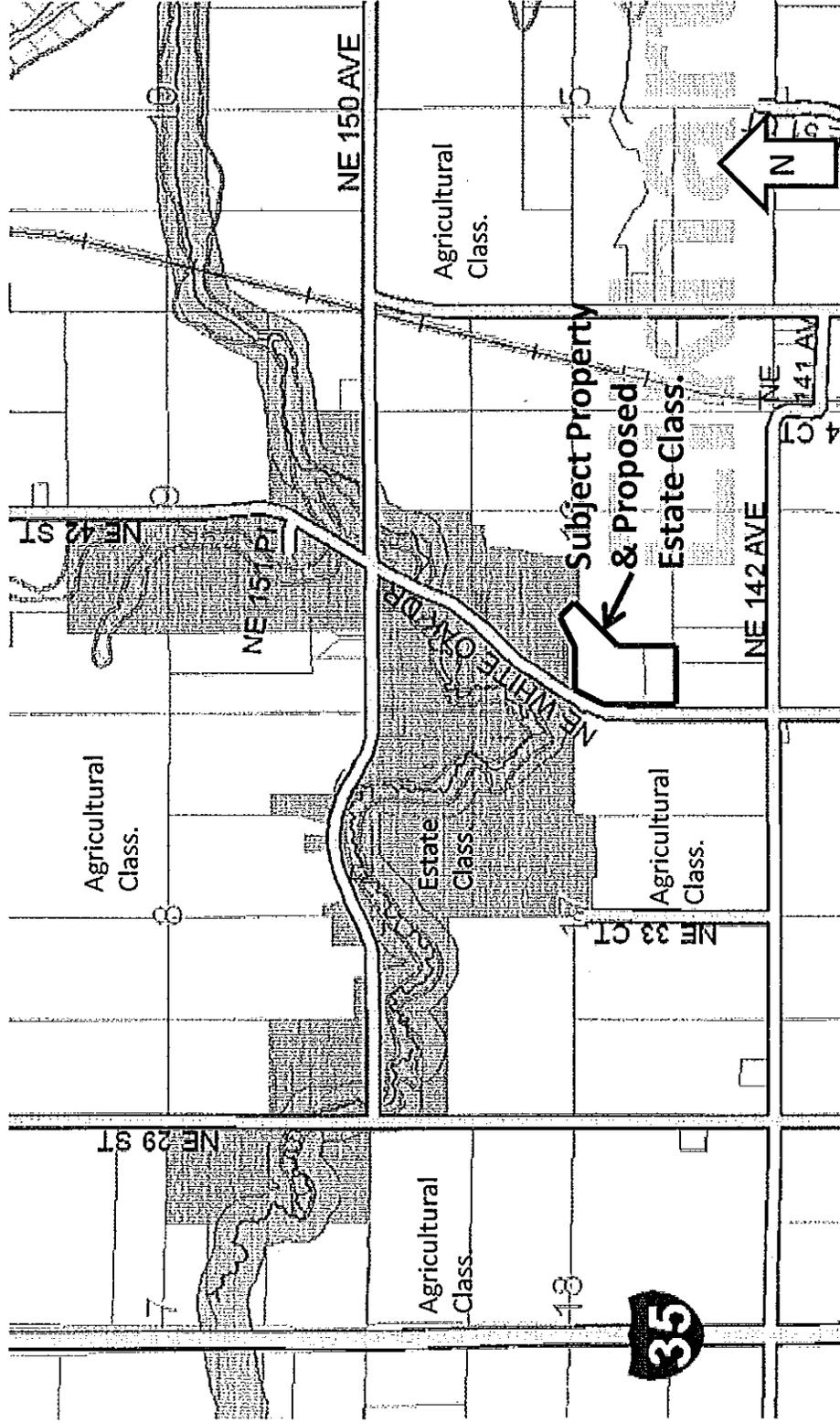
Action Impact: The petitioner plans to subdivide the property to create four lots for single family residences on mostly marginal agricultural land at less of a density than what the ER-District permits.

Fiscal Note: None.

Fiscal Year	Budgeted? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code
12/13	N	N	N	N		

Polk County 2030 Comprehensive Plan Map Amendment

Attachment A



Legal Description:

Lot four (4) in Charlton Subdivision, an official plat, in Polk County, Iowa; and that part of lot five (5) in Charlton Subdivision, an official plat in Polk County, Iowa, described as follows: commencing at the southwest corner of section sixteen (16), township eight-one (81) north, range twenty-three (23) west of the 5th P.M. thence north, along the west line of said section sixteen (16), 1,314.4 feet to the point of beginning; thence continuing north, along said west line 386.2 feet; thence S 88°16.25' E, 401.0 feet; thence S 0° 37.75' W 374.7 feet; thence N 89° 55' W, 396.7 feet to the point of beginning. And Parcel A, as established in the plat of survey recorded in Polk County, Iowa, on June 14, 2012, in book 14310, on page 233, being part of lot 5, Charlton Subdivision of Polk County, Iowa.

ORDINANCE NO.

WHEREAS, on August 28, 2007, the Polk County Board of Supervisors adopted the Zoning Ordinance and map for the unincorporated territory of Polk County, Iowa; and

WHEREAS, the petitioners, Wade and Holly Twedt (titleholders) 54246 320th St. Huxley, IA are requesting a Zoning Map amendment from the AG-Agricultural District to the ER-Estate Residential District for the subject property located at 14429 & 14525 NE White Oak Drive, containing approximately 30.78 total acres and located in Elkhart Township; and

WHEREAS, a Zoning Map Amendment was reviewed and heard by the Polk County Zoning Commission on Monday, February 25, 2013, at 7:00 P.M., at the meeting room of the Polk County Public Works Department, Planning Division, 5885 N.E. 14th Street, Des Moines, Iowa, due and timely notice published as provided by law; and

WHEREAS, the Polk County Zoning Commission, after hearing the evidence both in favor and opposed to the Zoning Map Amendment voted three (3) for, one (1) against with three (3) absent to recommend approval of the Zoning Map amendment from the AG-Agricultural District to the ER-Estate Residential District; and

WHEREAS, the Zoning Map amendment was heard by the Polk County Board of Supervisors on April 2, 2013 at 9:30 A.M., in Room 120 of the Polk County Administrative Office Building, 111 Court Avenue, Des Moines, Iowa, due and timely notice published as provided by law.

NOW, THEREFORE, BE IT ORDAINED that the Zoning Map amendment (Attachment A) from the AG-Agricultural District to the ER-Estate Residential District for the following described property:

Lot four (4) in Charlton Subdivision, an official plat, in Polk County, Iowa; and that part of lot five (5) in Charlton Subdivision, an official plat in Polk County, Iowa, described as follows: commencing at the southwest corner of section sixteen (16), township eight-one (81) north, range twenty-three (23) west of the 5th P.M. thence north, along the west line of said section sixteen (16), 1,314.4 feet to the point of beginning; thence continuing north, along said west line 386.2 feet; thence S 88°16.25' E, 401.0 feet: thence S 0° 37.75' W 374.7 feet; thence N 89° 55' W, 396.7 feet to the point of beginning. And Parcel A, as established in the plat of survey recorded in Polk County, Iowa, on June 14, 2012, in book 14310, on page 233, being part of lot 5, Charlton Subdivision of Polk County, Iowa.

BE APPROVED.

POLK COUNTY BOARD OF SUPERVISORS:

Tom Hockensmith, Chairperson

#7

POLK COUNTY BOARD OF SUPERVISORS

Tuesday Agenda Memorandum

Item Type & Title: Ordinance No. 1st reading on Zoning Map Amendment from the AG-Agricultural District to the ER-Estate Residential District for the subject property located at 14429 & 14525 NE White Oak Dr., Elkhart Township.

Agenda Date: April 2, 2013

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

Previous Action taken by the Board: None

Board/Commission Actions: The Zoning Commission at their February 25, 2013 meeting voted three (3) for, one (1) against with three (3) absent to recommend approval of the Zoning Map Amendment from the AG-Agricultural District to the ER-Estate Residential District.

Action Requested (Recommended): Approval

Comply with Policy: The requested Rezoning Petition complies with the Zoning Ordinance.

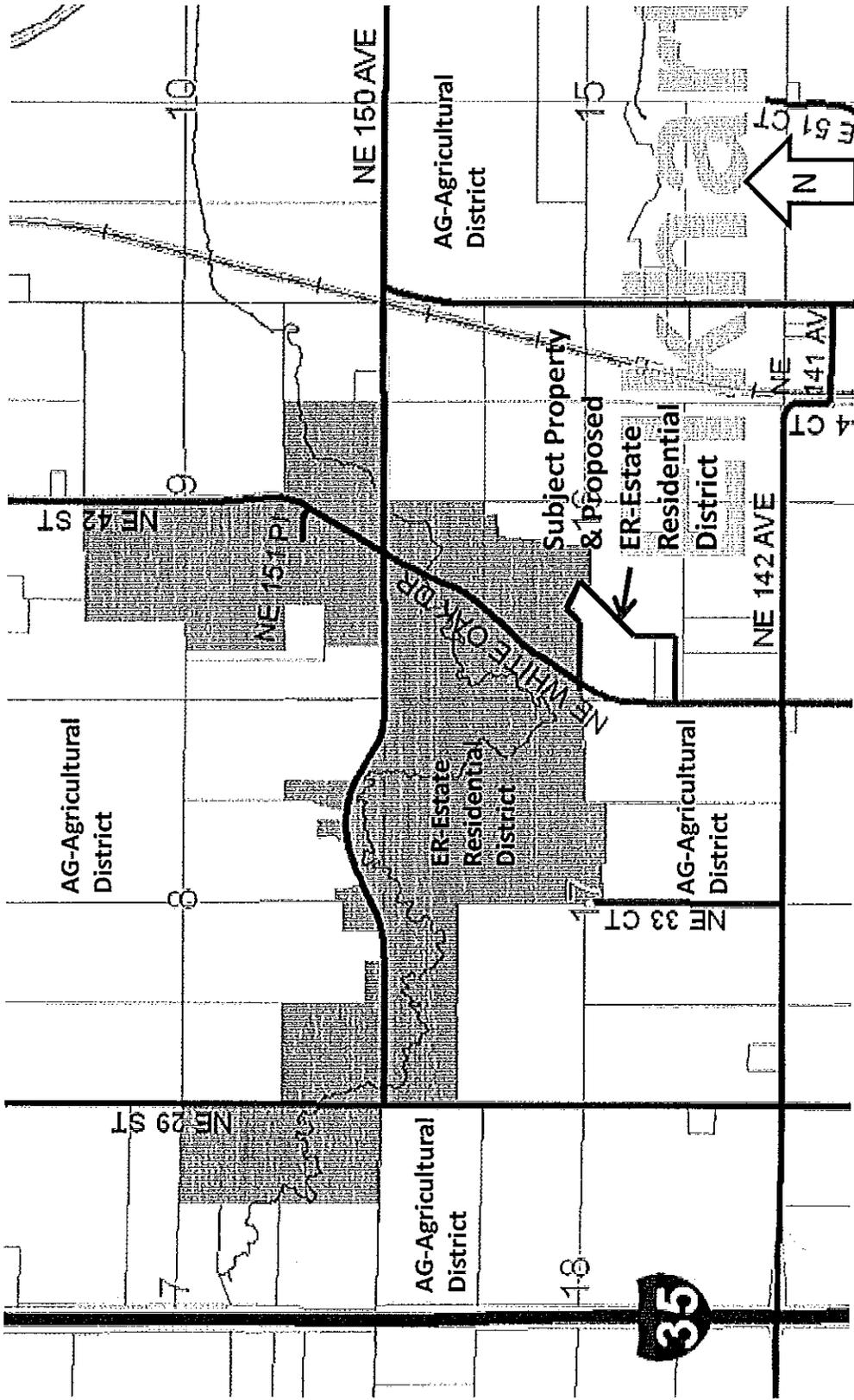
Background: The petitioners Wade and Holly Twedt, 54246 320th St. Huxley, IA are requesting a Polk County 2030 Comprehensive Plan Map amendment from the Agricultural Classification to the Estate Classification and a Zoning Map amendment from the AG-Agricultural District to the ER-Estate Residential District for the subject property located at 14429 & 14525 NE White Oak Drive in Elkhart Township. The subject property is located in White Oak, a historical area in north Polk County. The area contains dense woods, creeks, drainage, varying terrain, a church, winery and housing dating back to the late 1800's. There are 10 other residences with lot frontage along the road from NE 142nd Avenue to NE 150th Avenue. The subject property contains 2 parcels (23.7 & 7.08 acres), it is adjacent to the ER-Estate Residential District and it and the lots to the north are a part of the Charlton Subdivision, platted in 1974. Much of the 23.7 acre parcel contains pasture land and the east half of the 7.08 acre parcel where the residence is being built contained row crops. The petitioner proposes four lots ranging in size from 4.5 to 16 acres. This is less lots and less density than what the ER District permits. The petitioner intends for their residence to be located on a 16 acre parcel that would also include the existing pond.

Action Impact: The petitioner plans to subdivide the property to create four lots for single family residences on mostly marginal agricultural land at less of a density than what the ER-District permits.

Fiscal Note: None.

Fiscal Year	Budgeted? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code
12/13	N	N	N	N		

Polk County Zoning Map Amendment Attachment A



Legal Description:

Lot four (4) in Charlton Subdivision, an official plat, in Polk County, Iowa; and that part of lot five (5) in Charlton Subdivision, an official plat in Polk County, Iowa, described as follows: commencing at the southwest corner of section sixteen (16), township eight-one (81) north, range twenty-three (23) west of the 5th P.M. thence north, along the west line of said section sixteen (16), 1,314.4 feet to the point of beginning; thence continuing north, along said west line 386.2 feet; thence S 88° 16.25' E, 401.0 feet; thence S 0° 37.75' W 374.7 feet; thence N 89° 55' W, 396.7 feet to the point of beginning. And Parcel A, as established in the plat of survey recorded in Polk County, Iowa, on June 14, 2012, in book 14310, on page 233, being part of lot 5, Charlton Subdivision of Polk County, Iowa.

RESOLUTION

Moved by _____, Seconded by _____

THAT THE FOLLOWING RESOLUTION BE ADOPTED:

WHEREAS, Polk County has sponsored the Child and Adult Care Food Program since March of 1978; and

WHEREAS, the program is funded through the Iowa Department of Education; and

WHEREAS, the program will provide approximately \$1,900,000 of funding to be reimbursed to child care providers for serving nutritious meals and snacks to children receiving child care in their homes; and

WHEREAS, Polk County will be reimbursed for the administrative expenses of approximately \$325,000 for managing the program; and

WHEREAS, the Iowa Department of Education's Agreement requires the submission of a Management Plan for each Federal Fiscal Year; and

WHEREAS, the Department of Community, Family and Youth Services has prepared a Management Plan for Federal Fiscal Year 2012/13.

NOW, THEREFORE, BE IT RESOLVED, that the Polk County Board of Supervisors approves the attached Management Plan with the Iowa Department of Education and directs the County Auditor to take the necessary steps to effectuate said Agreement.

POLK COUNTY BOARD OF SUPERVISORS

SUBMITTED BY:

Tom Hockensmith, Chairperson

Brian Boyer
Brian Boyer, Director
Community, Family and Youth Services

APPROVED AS TO FORM:

Candy Morgan
Candy Morgan, Assistant County Attorney
Civil Division

#9

POLK COUNTY BOARD OF SUPERVISORS
Tuesday Agenda Memorandum

Item Type & Title: Agreement between the Iowa Department of Education and Polk County for the Child and Adult Care Food Program.

Agenda Date: April 2, 2013

Contact Individual: Betty Devine
 Community, Family and Youth Services
 286-3202

Previous Action taken by the Board: A similar plan was approved by the Board on 10/11/11.

Board/Commission Actions:

Action Requested (Recommended): Approval is recommended.

Comply with Policy: Yes

Background: Polk County is the area sponsor for the Child and Adult Care Food Program (CACFP) under the direction of the State of Iowa Department of Education. CACFP provides partial reimbursement to in-home day care providers for quality, nutritionally based meals and snacks served to the children in their care. The County has an Agreement with the State of Iowa Department of Education that requires a yearly submission of a Management Plan. This plan has been drafted based on the current approved County budget and requires the signature of the Board Chairperson for final submission to the State of Iowa.

Action Impact: Approval of this Management Plan will allow the County to receive reimbursement for administrative costs of approximately \$325,000 for managing the program and approximately \$1,650,000 to be reimbursed to the in-home day care providers during Federal Fiscal Year 12/13.

Fiscal Note:

Fiscal Year	Budgeted? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code
12/13	Y	\$1,975,000	\$1,650,000	Y	10233311.77440	10233311.52470

Additional Fiscal Note Information (optional):

The term of this agreement is October 1, 2012 – September 30, 2013. See attached “Child & Adult Care Food Program Costs” worksheet for revenue and expense detail for the most recent three fiscal years. Over those three years Polk County has received annual average net revenues of approximately \$18,800.

Child & Adult Care Food Program Program Costs

Description	FY 09/10	FY 10/11	FY 11/12
Dept of Agriculture	\$ (1,785,053.85)	\$ (1,889,967.82)	\$ (2,089,802.06)
Program Revenue		\$ (1,500.00)	
Misc Revenue		\$ (50.00)	\$ (440.30)
Personal Services	\$ 211,944.35	\$ 222,433.03	220,050.03
Supplies	\$ 5,107.40	\$ 3,704.12	\$ 2,532.44
Food Services	\$ 1,511,919.80	\$ 1,615,411.57	1,808,466.47
Other Svcs & Chgs	\$ 33,286.71	\$ 38,353.70	37,437.59
TOTAL	\$ (22,795.59)	\$ (11,615.40)	\$ (21,755.83)

2002-3576

RESOLUTION

Moved by _____, Seconded by _____ that the following resolution be adopted:

WHEREAS, it is proposed to dispose of Polk County's interest in real estate at the address of a vacant property at 1236 15th Street, Des Moines, Iowa and legally described as:

-LOTS 43 & 44 BERTHA PARK

To Greater Des Moines Habitat for Humanity for a total of \$5,600.00; and

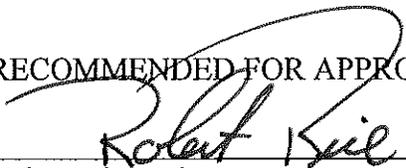
WHEREAS, Iowa Code section 331.361(2) requires a public hearing on a proposal to dispose of an interest in real estate.

NOW, THEREFORE, BE IT RESOLVED that a public hearing on this proposed disposal of the County's interest in real estate will be held on the date of April 16, 2013, at 9:30 a.m. in Room 120 of the Polk County Administration Building, 111 Court Avenue, Des Moines, Iowa. The Auditor is directed to publish notice of the public hearing.

POLK COUNTY BOARD OF SUPERVISORS:

Chairperson

RECOMMENDED FOR APPROVAL:



Robert Rice, Director
Polk County Public Works

Fiscal Note: \$ 5,600.00 to Real Estate Fund

#10

POLK COUNTY BOARD OF SUPERVISORS

Tuesday Agenda Memorandum

Item Type & Title: Resolution No. 33-13 to authorize the Auditor's Office to publish notice for a public hearing on disposal of interest in County owned Real Estate File #2002-3576, (District 080 Parcel 00476-000-000) to Greater Des Moines Habitat for Humanity.

Agenda Date: April 2, 2013

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

Previous Action taken by the Board: None

Board/Commission Actions: None

Action Requested (Recommended): Set Public Hearing

Comply with Policy: Yes, proposal.

Background: Polk County received a proposal from Greater Des Moines Habitat for Humanity for \$5,600.00 to purchase this parcel. The County received this parcel by tax deed in July of 2006. Property size is 50' x 140'. Parcel is buildable.

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

Fiscal Note: None

Fiscal Year	Budgeted? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code
12/13			\$5,600.00			

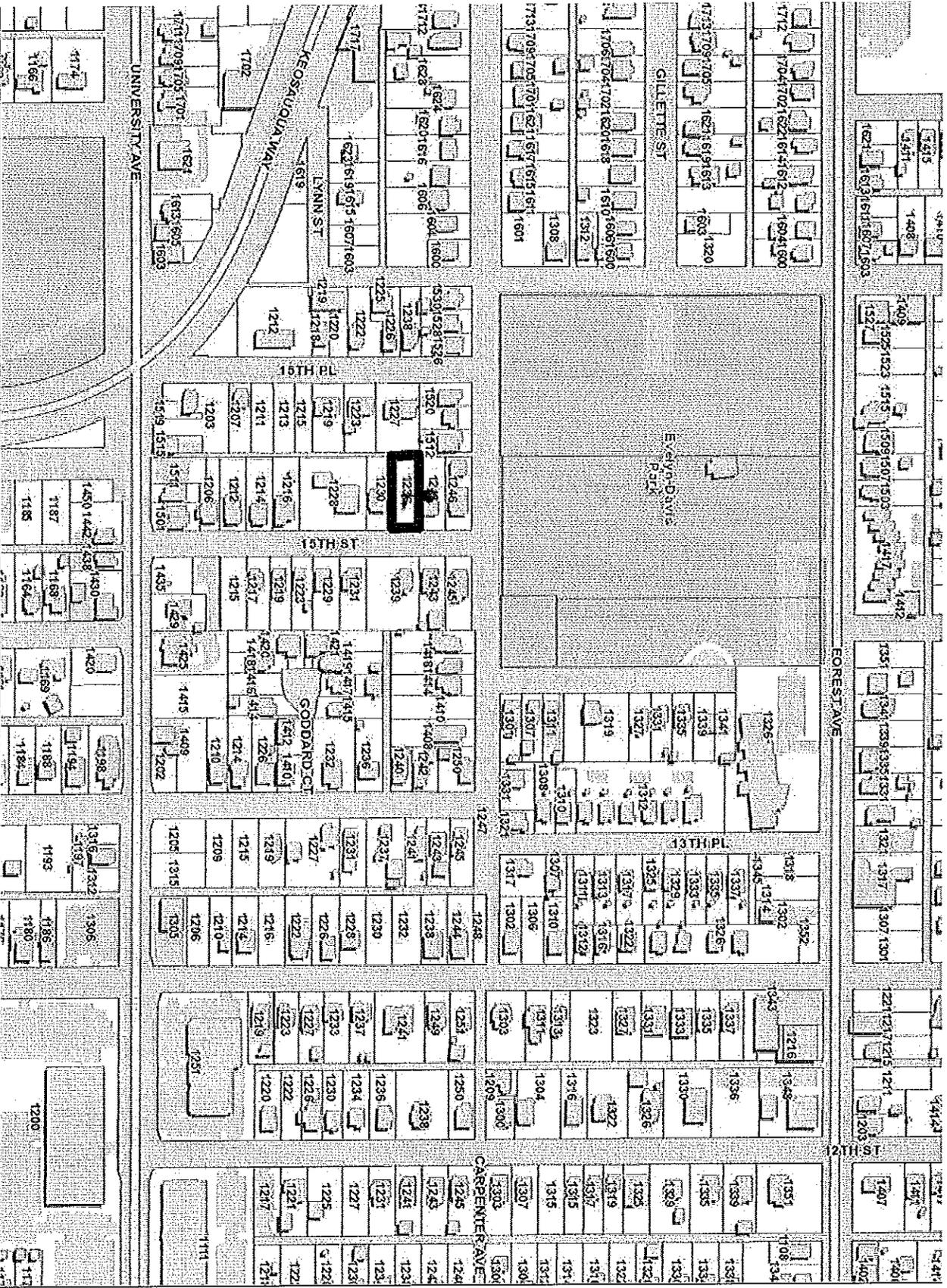
Additional Fiscal Note Information (optional):

NOTICE OF PUBLIC HEARING

The Polk County Board of Supervisors will hold a Public Hearing on the 16th of April, 2013 at 9:30 a.m. in Room 120 of the Polk County Administration Building, 111 Court Avenue, Des Moines, Iowa, to consider a proposal to convey real estate with the local address of a vacant property at 1236 15th Street, Des Moines, Iowa and described as:

- LOTS 43 & 44 BERTHA PARK

To Greater Des Moines Habitat for Humanity for a total of \$5,600.00. For additional information, contact Polk County Public Works, Real Estate Division at (515)286-3705.



RESOLUTION

Moved by _____, Seconded by _____ that the following resolution be adopted:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POLK COUNTY, IOWA, that pursuant to the provisions of Chapter 317 and 331.384, of the *Code of Iowa*, it is hereby ordered:

1. That each owner and each person in possession or control of any lands in Polk County, shall cut, burn or otherwise destroy all noxious weeds thereon, as defined in Chapter 317 of the Iowa Code, at such times in each year and in such manner shall prevent said weeds from blooming or coming to maturity, and shall keep said lands free from such growth or any other weeds, as shall render the streets or highway adjoining said lands unsafe for public travel, noxious weeds shall be cut or otherwise destroyed on or before the following date, and as often thereafter as is necessary to prevent seed production.

ALL NOXIOUS WEEDS by April 30, 2013

2. That each owner and each person in the possession or control of any lands in Polk County infested with any noxious weeds including quack grass, perennial peppergrass, Russian Knapweed, shall adopt a program of weed destruction, described by the Weed Commissioner, which in five days from receipt of notice may be expected to destroy and will immediately keep under control such infestations of said noxious weeds.
3. That each owner and each person in possession or control of any lands in Polk County, shall cut, burn or otherwise destroy all weeds, grass, vines, brush, and dead, damaged or unsightly bushes, trees, or other offensive growth which constitutes health, safety, or fire hazard as provided in section 331.384, *Code of Iowa*. Growth of weeds, vines, or grass higher than 12 inches above the ground is a health, safety, or fire hazard.
4. That if the owners or persons in possession or control of any land in Polk County fail to comply with the foregoing orders, the Weed Commissioner shall cause this to be done and the expense of said work, including costs of serving notice and other costs, if any, to be assessed against the real estate.
5. That the County Auditor be and is hereby directed to cause notice of the making and entering of the foregoing order by one publication in each of the official newspapers of the County.

POLK COUNTY BOARD OF SUPERVISORS:

Chairperson

RECOMMENDED FOR APPROVAL:

Robert Rice
Robert Rice, Director
Polk County Public Works

Bret VandeLune
Bret VandeLune, Weed Commissioner
Polk County Public Works

APPROVED AS TO FORM:

L. B. O'Leary
Assistant Polk County Attorney

FISCAL NOTE: None

11

POLK COUNTY BOARD OF SUPERVISORS

Tuesday Agenda Memorandum

Item Type & Title: Resolution No. WC-6-13 ordering destruction of noxious weeds and other offensive growth and Auditor to publish notice.

Agenda Date: April 2, 2013

Contact Individual: Bret VandeLune, Weed Commissioner, Polk County Public Works, 286-2290

Previous Action taken by the Board: Annual Resolution, Res. No. WC5-12, dated April 3, 2012

Board/Commission Actions: N/A

Action Requested (Recommended): To publish notice of noxious weed destruction

Comply with Policy: Yes

Background: Per Chapter 317 and 331.384, *Code of Iowa*, the Polk County Board of Supervisors shall publish notice of noxious weed destruction.

Action Impact: The resolution authorizes the Polk County Auditor to publish notice of noxious weed destruction and orders the Weed Commissioner to destroy said weeds if not done by the property owner.

Fiscal Note: None

Fiscal Year	Budgeted? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code
12/13	N	N/A	N/A	N		
13/14	N	N/A	N/A	N		

Additional Fiscal Note Information (optional):

RESOLUTION

Moved by _____, Seconded by _____ that the following resolution be adopted:

WHEREAS, the individual listed on the attached petition is requesting assessment for weed cutting be canceled for the following property: Address: 1442 E. Fleming, District No. 110 Parcel 03895-000-000

WHEREAS, the request has been reviewed and investigated by the Polk County Weed Commissioner's office; and

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

WHEREAS, the Board of Supervisors assessed the cost of weed destruction against the property at the completion of the season in accordance with the Code of Iowa § 317.21; and

WHEREAS, the Polk County Weed Commissioner sent a Notice of Impending Assessment to the property owner of record on July 2nd, 2012; and

WHEREAS, based on this investigation and documentation, the assessment was found to be valid; and

WHEREAS, The Polk County Weed Commission recommends denial of the request for Erroneous Assessment.

NOW, THEREFORE, BE IT RESOLVED that that the request for an Erroneous Assessment submitted on behalf of Wine Karma LLC, for weed destruction assessed for the tax year 2012, is denied.

POLK COUNTY BOARD OF SUPERVISORS:

Chairperson

RECOMMENDED FOR APPROVAL:



Robert Rice, Director
Polk County Public Works

FISCAL NOTE: None

#12

POLK COUNTY BOARD OF SUPERVISORS

Tuesday Agenda Memorandum

Item Type & Title: Resolution No. WC-7-13 Request for Erroneous Assessment of Special Weed Assessment

Agenda Date: April 2, 2013

Contact Individual: Bret VandeLune, Weed Commissioner, Polk County Public Works, 286-3005

Previous Action taken by the Board: Certified Weed Assessment on December 18, 2012

Board/Commission Actions: N/A

Action Requested (Recommended): Deny request for Erroneous Assessment of special Weed Assessment

Comply with Policy: Yes

Background: Each year the County assesses property owners for destruction of noxious weeds pursuant to Chapter 317 and 331.384 of the *Code of Iowa*. Pursuant to Chapter 427.8, Code of Iowa, the property owner can petition the Board of Supervisors for cancellation of the assessment. The Polk County Weed Commissioner's Office makes a recommendation after investigating and reviewing the request. The Board of Supervisors then may grant or deny the request. The Weed Commission investigated this request and found the assessment to be a valid assessment.

Action Impact: Approval of the resolution denies the petitioners request to have the Special Weed assessment cancelled.

Fiscal Note: None

Fiscal Year	Budgeted? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code
12/13						

Additional Fiscal Note Information (optional):

RESOLUTION

Moved by _____, Seconded by _____ that the following resolution be adopted:

WHEREAS, by the Polk County Health Nuisance Regulation adopted June 22, 2004, the Polk County Board of Supervisors acting in its capacity as the Polk County Board of Health directed that health nuisances as defined in the regulation may be abated through the administrative hearing process; and

WHEREAS, Iowa Code §331.384 authorizes the County to assess the County's costs of abatement of a nuisance against the property for collection in the same manner as a property tax; and

WHEREAS, following notice to the respective property owners and subsequent failure of the property owner to abate the nuisance as directed, the County has expended public funds to abate the nuisance condition of respective properties listed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby fixes the amount to be assessed in accordance with the attached Nuisance Abatement Assessment Schedule and orders the list of delinquent properties; containing the amount to be assessed, the parcel number, the parcel description, the parcel address, and the name and mailing address of the owner; be delivered to and placed on file with the County Auditor for public inspection.

POLK COUNTY BOARD OF SUPERVISORS:

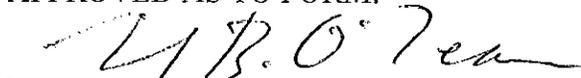
Chairperson

RECOMMENDED FOR APPROVAL:



Robert Rice, Director
Polk County Public Works

APPROVED AS TO FORM:



Assistant Polk County Attorney

Fiscal Note: \$1,236.71 to be collected
from assessments

#13

POLK COUNTY BOARD OF SUPERVISORS

Tuesday Agenda Memorandum

Item Type & Title: Resolution No. 35-13 fixes the amount to be assessed for Health Nuisance abatements.

Agenda Date: April 2, 2013

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

Previous Action taken by the Board: None

Board/Commission Actions: None

Action Requested (Recommended): Approve resolution fixing amount to be assessed

Comply with Policy: Yes

Background: On June 22nd 2004 the Polk County Board of Supervisors, acting as the Polk County Board of Health, adopted the Polk County Health Nuisance Regulation. Each year Polk County issues abatement orders to property owners who violate this Board of Health Regulation. Polk County Public Works abates those health nuisances which the property owner fails to abate themselves. In accordance with Iowa Code §384.59 the County engineer must submit a schedule of costs to be assessed against properties where the County abated a Health Nuisance violation. The Polk County Board of Supervisors fixes the amount to be assessed in accordance with the attached Nuisance Abatement Assessment Schedule and orders the list of delinquent properties; containing the amount to be assessed, the parcel number, the parcel description, the parcel address, and the name and mailing address of the owner; be delivered to and placed on file with the County Auditor for public inspection.

Action Impact: Approval of this Resolution begins the assessment process.

Fiscal Note: \$1,236.71 to be collected from assessments

Fiscal Year	Budgeted? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code
13/14	Y	N/A	\$1,236.71	N		

Additional Fiscal Note Information (optional):

RESOLUTION

Moved by _____ Seconded by _____

That the following Resolution be adopted:

WHEREAS, "Ensuring access to affordable, healthy food for everyone" was identified as a community health priority through the Healthy Polk planning process; and

WHEREAS, creation of targeted initiatives is necessary to realize this goal; and

WHEREAS, a need has been identified to facilitate a strategic dialog among community partners with unique knowledge of food and community initiatives to help select initiatives to advance Priority #10 of the Healthy Polk 2020 Plan, and increase access to affordable, healthy food; and

WHEREAS, RDG IA, Inc., d/b/a RDG Planning and Design has the knowledge and expertise to design and facilitate this process. The total contract amount shall not exceed \$1,500 for work performed between April 1, 2013 and June 30, 2013.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors /Board of Health approves this agreement with RDG IA, Inc., d/b/a RDG Planning and Design and authorizes the Chairperson to sign the Agreement.



Rick Kozik
Public Health Director

By _____
Chair
Polk County Board of Supervisors

Approved as to Form

By 
Assistant County Attorney

#14

POLK COUNTY BOARD OF SUPERVISORS

Tuesday Agenda Memorandum

Item Type & Title: Approval of Agreement with RDG, IA, Inc., d/b/a RDG Planning and Design for Facilitation of a strategic dialog of community partners around affordable, healthy food.

Agenda Date: April 2, 2013

Contact Individual: Chris Frantsvog, 286-3430

Previous Action taken by the Board:

Board/Commission Actions:

Action Requested (Recommended): Approval

Comply with Policy:

Background: Through a community planning process facilitated by the Health Department (Healthy Polk) Polk County residents identified 10 community health priorities. "Ensuring access to affordable, healthy food for everyone" is one of those priorities.

A goal has been set to engage a panel of community partners to identify a small number of highly focused community initiatives that have the potential to really make an impact on the access to affordable, healthy food. The dialog would begin with the results of previous Healthy Polk conversations and targeted projects identified by food stakeholders.

Action Impact: This contract will allow the consultant to facilitate a strategic dialog among community partners with unique knowledge of food and community change, in conjunction with Priority #10 of the Healthy Polk 2020 Plan, to help select initiatives that would increase access to affordable, healthy food.

Fiscal Note:

Fiscal Year	Budget-ed? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment ? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code
12/13	Y	\$1,500		N	10223015.77440.01	

RESOLUTION

MOVED By _____ **SECONDED** By _____ that the following Resolution be adopted.

WHEREAS, the Polk County Sheriff's Office is upgrading its radio communications system with RACOM Inc., and

WHEREAS, Marshall County E911 Board is also a customer of RACOM Inc., and

WHEREAS, Both Polk County and the Marshall County E911 Board hold authorizations for radio frequencies that will be transmitted from a tower site near Collins, Iowa, and

WHEREAS, RACOM Inc. is in the process of filing reauthorization requests with the FCC concerning the type of transmitter equipment being used at the tower site near Collins, Iowa, and

WHEREAS, The equipment upgrade and frequency sharing agreement will benefit public safety in both Polk County and Marshall County, and

WHEREAS, The Polk County Sheriff requests the approval of the Radio Frequency Sharing Agreement, and

NOW, THEREFORE BE IT RESOLVED that the Polk County Board of Supervisors approves the Radio Frequency Sharing Agreement and the Chairperson is authorized to sign said agreement, and

Approved this _____ day of _____, 2013.

POLK COUNTY BOARD OF SUPERVISORS

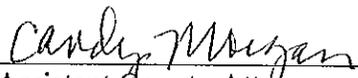
Chairperson

SUBMITTED BY:



Director Frank Marasco, Polk County Sheriff's Office

APPROVED AS TO FORM:



Assistant County Attorney

#15

POLK COUNTY BOARD OF SUPERVISORS

Tuesday Agenda Memorandum

Item Type & Title: Resolution approving a 28E Agreement with the Marshall County E911 Board

Agenda Date: April 2, 2013

Contact Individual: Frank Marasco, Director of Planning & Development
515-286-3943, frank.marasco@polkcountyiowa.gov

Action Requested (Recommended): Resolution authorizes the Chairperson to sign the 28E Agreement

Background:

The Sheriff's Office is in the process of upgrading its radio communication system with RACOM Inc., moving from three tower sites to seven tower sites. One of the tower sites is located near Collins, Iowa. Polk County will have radio frequencies transmitting from that location, on the RACOM network. The Marshall County E911 Board also has frequencies transmitting from the same location. RACOM Inc. has filed FCC reauthorization requests due to a change in the type of transmitter equipment being used at the tower site. Sharing the frequencies will be a benefit to public safety in both Polk and Marshall County.

No separate legal or administrative entity is created by the agreement. Either party may cancel the agreement with 180 days notice.

Action Impact: RACOM Inc. will be able to program the shared frequencies into the radios being used by public safety agencies on the RACOM network.

Fiscal Note: There is no additional cost or fees associated with this agreement.

Fiscal Year	Budget- ed? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code

Additional Fiscal Note Information (optional):

RESOLUTION

MOVED By _____ **SECONDED** By _____ that the following Resolution be adopted.

WHEREAS, Polk County has had video visitation at the Polk County Jail since the jail opened in November 2008, and

WHEREAS, the Polk County Sheriff's Office (PCSO) seeks to continue using video visitation and expand visitation services to include web-based offsite visitation, and

WHEREAS, iWebVisit allows for this expansion of services by providing equipment, support, and service, and

WHEREAS, The Polk County Sheriff's Office recommends approval of the agreement with iWebVisit for a period five years from the commencement date of the agreement, and

NOW, THEREFORE BE IT RESOLVED that the Polk County Board of Supervisors approves the agreement with iWebVisit, and authorizes the Chair of the Board of Supervisors to sign said document.

Approved this _____ day of _____, 2013.

POLK COUNTY BOARD OF SUPERVISORS

Chairperson

SUBMITTED BY:

Frank Marasco PD
Director Frank Marasco, Polk County Sheriff's Office

APPROVED AS TO FORM:

Cindy Morgan
Assistant County Attorney

#16

POLK COUNTY BOARD OF SUPERVISORS

Tuesday Agenda Memorandum

Item Type & Title: Polk County Jail iWebVisit Video Visitation

Agenda Date: April 2, 2013

Contact Individual: Director Frank Marasco, 515-286-3943 or
frank.marasco@polkcountyiowa.gov

Action Requested (Recommended): Approve the agreement with iWebVisit for a period of five years from commencement of agreement.

Background: The Polk County Sheriff's Office has utilized video visitation at its jail facility since it began operation in November 2008. The current maintenance agreement expires June 30, 2013. In five years, new technology has allowed for an expansion of video visitation to allow off-site visitation from outside the facility via the internet. The Sheriff's Office believes that this will allow for a greater convenience to the public by offering an additional option for visiting inmates incarcerated at the Polk County Jail. On-site visits will remain free of charge while a fee of \$11.00 will be charged for a standard thirty minute visit via the internet. iWebVisit shall supply all equipment and support for the system. Polk County will earn a commission for off-site visits once the specified amount in the agreement is paid to iWebVisit through fees. Polk County reserves the right to reopen this agreement to evaluate revenue sharing percentage after three (3) years, or once the total recoverable amount has been satisfied.

Action Impact: Approving the contract will expand current video visitation to include the capability to offer off-site video visits via the internet to friends and family of those incarcerated at the Polk County Jail. The contract period is to be five years from the commencement date of the agreement.

Fiscal Note: There is no fiscal impact of this agreement for FY12/13 or FY13/14.

Fiscal Year	Budget- ed? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code
12/13	Y			y	n/a	n/a
13/14	Y				n/a	n/a

Additional Fiscal Note Information (optional):

RESOLUTION

MOVED By _____ **SECONDED** By _____ that the following Resolution be adopted.

WHEREAS, Polk County has had a contract with Taser International since August 18, 2011 and

WHEREAS, the current contract expired August, 18, 2012, and

WHEREAS, the Polk County Sheriff's Office (PCSO) seeks to continue the services provided by Taser International, and

WHEREAS, The Polk County Sheriff's Office recommends continuation of the contract for a period ending August 18, 2016, and

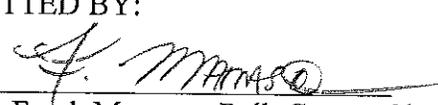
NOW, THEREFORE BE IT RESOLVED that the Polk County Board of Supervisors approves the continuation of the contract with Taser International, and authorizes the Chair of the Board of Supervisors to sign said document.

Approved this _____ day of _____, 2013.

POLK COUNTY BOARD OF SUPERVISORS

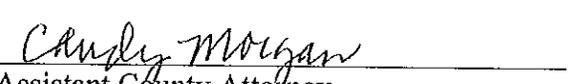
Chairperson

SUBMITTED BY:



Director Frank Marasco, Polk County Sheriff's Office

APPROVED AS TO FORM:



Assistant County Attorney

#17

POLK COUNTY BOARD OF SUPERVISORS

Tuesday Agenda Memorandum

Item Type & Title: Polk County Jail Evidence.com Video Usage and Storage

Agenda Date: April 2, 2013

Contact Individual: Director Frank Marasco, 515-286-3943 or
frank.marasco@polkcountyiowa.gov

Action Requested (Recommended): Approve the contract continuation with Taser International and extending the period to end August 18, 2016.

Background: The Polk County Sheriff's Office has incorporated Taser International technology to deploy personal video recording equipment at the jail. This video equipment is worn by members of the Jail's Utility Response Team and is vital in video and audio documentation of critical incidents and events at the jail. As part of the service provided by Taser International, the County is granted licenses for usage and storage of video and audio data on Evidence.com as well as maintenance on equipment.

Action Impact: Approving the contract continuation will extend the contract period to August 18, 2016 with payment due by the County annually. Taser International will provide licenses to the Sheriff's Office for usage of Evidence.com and maintenance of equipment.

Fiscal Note: There is no fiscal impact of this agreement as item is previously budgeted.

Fiscal Year	Budget-ed? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code
12/13	Y			y	n/a	n/a
13/14	Y				n/a	n/a

Additional Fiscal Note Information (optional):

RESOLUTION

MOVED by _____ **SECONDED** by _____

that the following resolution be adopted:

WHEREAS, New Birth Missionary Baptist Church is the contract buyer of property located at 1600 Mondamin Avenue in Des Moines, Iowa, which is identified in the County System as District 080, Parcel 04981-000-000; and,

WHEREAS, New Birth Missionary Baptist Church acquired the property on contract on September 30, 2011 however the contract was not recorded until April 19, 2012; and,

WHEREAS, applications for tax exemption are to be filed by February 1 for the exemption to be effective for the current year; and,

WHEREAS, the New Birth Missionary Baptist Church has filed an application and will be granted tax exemption for the 2013 tax year; and,

WHEREAS, the New Birth Missionary Baptist Church is requesting abatement of the taxes for the 2011 and 2012 tax years; and,

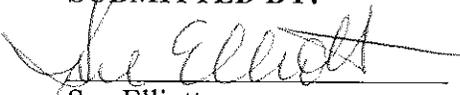
WHEREAS, it is the desire of the Polk County Board of Supervisors to abate the taxes for the 2011 and 2012 tax years.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors authorizes the abatement of the 2011 taxes payable September 2012 and March 2013, and the 2012 taxes payable September 2013 and March 2014 for the New Missionary Baptist Church parcel identified in the County System as District 080, Parcel 04981-000-000. The Treasurer, Auditor and Assessor are directed to correct their records accordingly.

POLK COUNTY BOARD OF SUPERVISORS

Tom Hockensmith, Chair

SUBMITTED BY:



Sue Elliott
Project Manager

Fiscal Note:

Abatement of the 2011 taxes totaling \$7,258 and \$435 late interest on first installment.

18

POLK COUNTY BOARD OF SUPERVISORS

Tuesday Agenda Memorandum

Item Type & Title: Resolution abating the property taxes for property located at 1600 Mondamin Avenue.

Agenda Date: April 2, 2013

Contact Individual: Sue Elliott, Project Manager
Board of Supervisors
286-3128

Previous Action taken by the Board: N/A

Board/Commission Actions: N/A

Action Requested (Recommended): Abatement of the property taxes for 2011 and 2012 tax years.

Comply with Policy: Yes

Background: New Birth Missionary Baptist Church is the contract buyer of property located at 1600 Mondamin Avenue in Des Moines, Iowa, which is identified in the County System as District 080, Parcel 04981-000-000. New Birth Missionary Baptist Church acquired the property on contract on September 30, 2011 however the contract was not recorded until April 19, 2012. Applications for tax exemption are to be filed by February 1 for the exemption to be effective for the current year. The New Birth Missionary Baptist Church has filed an application and will be granted tax exemption for the 2013 tax year. The New Birth Missionary Baptist Church is requesting abatement of the taxes for the 2011 and 2012 tax years. It is the desire of the Polk County Board of Supervisors to abate the taxes for the 2011 and 2012 tax years.

Action Impact: Abates the taxes for the 2011 and 2012 tax years.

Fiscal Note:

Fiscal Year	Budget- ed? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code
12/13			-\$7,258 plus \$435 late fees for 2011 and taxes for 2012			
13/14						

Additional Fiscal Note Information (optional):

RESOLUTION

MOVED by _____ SECONDED by _____

that the following resolution be adopted:

WHEREAS, Polk County is party to one of several agreements by and with Wellmark, Inc. (Wellmark), the Young Men's Christian Association of Greater Des Moines (the YMCA) and Des Moines Redevelopment Company (DMRC) whereby multiple Downtown Des Moines properties and improvements, including the Polk County Convention Complex, the 5th Avenue Wellmark Building and the Riverfront YMCA Buildings are being sold, purchased or exchanged; and,

WHEREAS, the combined impact of these conveyances and subsequent development will greatly enhance the public welfare and benefit for the citizens of Des Moines and Polk County; and,

WHEREAS, it is the desire of the Polk County Board of Supervisors to take action so as to incent these activities.

NOW, THEREFORE, BE IT RESOLVED that Polk County does agree to contribute an amount not to exceed one million dollars toward demolition of the Riverfront YMCA buildings. This contribution shall be made upon the YMCA vacating the current facility and relocating to the new location at the present site of the Polk County Convention Complex and upon submission of a bona fide contract for demolition.

BE IT FURTHER RESOLVED that Polk County's agreement to so contribute is conditioned upon the YMCA agreeing that upon the YMCA's conveyance of the current YMCA Riverfront property to a third party, the YMCA shall reimburse Polk County for its demolition contribution an amount not to exceed one million dollars equal to the purchase price less four million five hundred thousand dollars, less an amount not to exceed two hundred fifty thousand dollars contributed by the YMCA to demolition costs, less the reasonable and ordinary sale costs (the Excess Net Sales Proceeds).

BE IT FURTHER RESOLVED that in the event the YMCA sells the current YMCA Riverfront properties to DMRC and DMRC subsequently sells to a third party, Polk County's agreement to contribute is conditioned upon DMRC payment to Polk County the Excess Net Sales Proceeds, as presented and calculated above, plus a cumulative annual five percent interest factor.

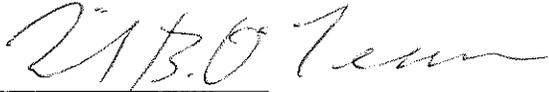
19

BE IT FURTHER RESOLVED The above notwithstanding, and irrespective of any Excess Net Sales Proceeds, in the event the land is developed by any entity for use as a hotel facility, prior to the earlier to occur of: (i) the development and construction of a convention hotel adjacent to or serving the Iowa Events Center or (ii) ten (10) years after the payment by Polk County pursuant to this Resolution, then the party conveying the land for such hotel development, whether it be the YMCA or DMRC, agrees to reimburse Polk County the entirety of the amount contributed by Polk County for the cost of demolition of the Riverfront YMCA buildings.

POLK COUNTY BOARD OF SUPERVISORS

Tom Hockensmith, Chair

SUBMITTED BY:



Michael B. O'Meara
Polk County Attorney

Fiscal Note: \$1,000,000 from gaming revenues.

POLK COUNTY BOARD OF SUPERVISORS

Tuesday Agenda Memorandum

Item Type & Title: Resolution committing funds toward the demolition of the Riverfront YMCA.

Agenda Date: April 2, 2013

Contact Individual: Michael B. O'Meara, Assistant County Attorney
286-3341

Previous Action taken by the Board: 11/20/12

Board/Commission Actions: N/A

Action Requested (Recommended): Commits one million dollars in gaming revenues towards the demolition of the Riverfront YMCA property.

Comply with Policy: Yes

Background: Polk County is party to one of several agreements by and with Wellmark, Inc. (Wellmark), the Young Men's Christian Association of Greater Des Moines (the YMCA) and Des Moines Redevelopment Company (DMRC) whereby multiple Downtown Des Moines properties and improvements, including the Polk County Convention Complex, the 5th Avenue Wellmark Building and the Riverfront YMCA Buildings are being sold, purchased or exchanged. The combined impact of these conveyances and subsequent development will greatly enhance the public welfare and benefit for the citizens of Des Moines and Polk County. It is the desire of the Polk County Board of Supervisors to take action so as to incent these activities. Polk County agrees to contribute an amount not to exceed one million dollars toward demolition of the Riverfront YMCA buildings. This contribution shall be made upon the YMCA vacating the current facility and relocating to the new location at the present site of the Polk County Convention Complex and upon submission of a bona fide contract for demolition and to the terms and conditions outlined in the attached resolution.

Action Impact: Commits one million dollars in gaming revenues towards the demolition of the Riverfront YMCA property.

Fiscal Note:

Fiscal Year	Budget- ed? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code
12/13						
13/14	N	\$1,000,000		N		50106320.79400

Additional Fiscal Note Information (optional):

RESOLUTION

MOVED by _____ **SECONDED** by _____

that the following Resolution be adopted:

WHEREAS, Community Foundation of Greater Des Moines d/b/a Principal Charity Classic is seeking Community Development funding, and;

WHEREAS, the Principal Charity Classic is a family-friendly golf event that contributes to the economic vitality and quality of life in central Iowa, and;

WHEREAS, the tournament raises money for the following local nonprofit organizations supporting children in arts, culture, health and human services: Blank Children’s Hospital, BRAVO Greater Des Moines, Community Foundation of Greater Des Moines, United Way of Central Iowa and Variety – The Children’s Charity of Iowa, and;

WHEREAS, Polk County has been asked to provide support for the 2013 Principal Charity Classic to be held May 28 through June 2, 2013, and;

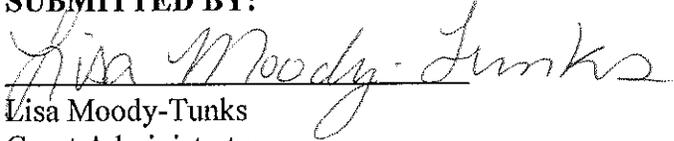
WHEREAS, it is the desire of the Polk County Board of Supervisors to show support within our community by becoming a sponsor of the 2013 Principal Charity Classic event.

NOW, THEREFORE BE IT RESOLVED that the Polk County Board of Supervisors hereby approves a grant in the amount of \$75,000.00 to the Community Foundation of Greater Des Moines d/b/a Principal Charity Classic to support local nonprofit children’s organizations and authorizes the Chair to sign the attached agreement.

POLK COUNTY BOARD OF SUPERVISORS

Chair

SUBMITTED BY:



Lisa Moody-Tunks
Grant Administrator

APPROVED AS TO FORM:



Michael O'Meara
Assistant Polk County Attorney

FY 12/13

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

#20

POLK COUNTY BOARD OF SUPERVISORS

Tuesday Agenda Memorandum

Item Type & Title: Resolution approving a Community Development Grant to the Community Foundation of Greater Des Moines d/b/a Principal Charity Classic.

Agenda Date: April 2, 2013

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

Previous Action taken by the Board: April 17, 2012-Community Development Grant Award \$50,000.00.

Board/Commission Actions: NA

Action Requested (Recommended): Provide a \$75,000.00 grant to the Community Foundation of Greater Des Moines d/b/a Principal Charity Classic for the 2013 Principal Charity Classic May 28 through June 2, 2013.

Comply with Policy: Yes

Background: The Principal Charity Classic is a family-friendly golf event that contributes to the economic vitality and quality of life in central Iowa. The tournament raises money for the following local nonprofit organizations supporting children: Blank Children’s Hospital, BRAVO Greater Des Moines, Community Foundation of Greater Des Moines, United Way of Central Iowa and Variety – The Children’s Charity of Iowa.

Action Impact: The passage of this resolution will award a grant of \$75,000.00 to the Community Foundation of Greater Des Moines d/b/a Principal Charity Classic and authorizes the chair to sign the attached agreement.

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

Fiscal Year	Budget- ed? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code
12/13		\$75,000.00				40109032.79410

Additional Fiscal Note Information (optional):



COUNTY OF POLK
OFFICE OF POLK COUNTY AUDITOR
DES MOINES, IOWA 50309

JAMIE FITZGERALD
COUNTY AUDITOR
COMMISSIONER OF ELECTIONS

ADMINISTRATION BUILDING
111 COURT AVE.
286-3080

To: Polk County Board of Supervisors

From: John Chiodo, Elections Manager 

Date: March 28, 2013

Subject: Canvass

The Polk County Board of Supervisors will need to convene as a Canvassing Board on Tuesday, April 9, 2013 at 9:45 AM. The location will be the Supervisor's Board Room located on the first floor of the Polk County Building at 111 Court Avenue.

This will be the canvass of the votes cast for the Special School Election held on April 2, 2013 for the Saydel Community School District.

#21

**NOTICE OF HEARING ON PROPOSED ANNEXATION
OF TERRITORY INTO THE
CITY OF PLEASANT HILL, IOWA**

NOTICE:

A public hearing will be held at 6:30 P.M. central daylight standard time at the City Council chambers at City Hall, 5160 Maple Drive, Pleasant Hill, Iowa.

The City Council of the City of Pleasant Hill, Iowa adopted the following resolution on March 12, 2013

RESOLUTION #031213-09

BE IT RESOLVED by the City Council for the City of Pleasant Hill, Iowa, that,
WHEREAS, the City of Pleasant Hill, Iowa has received two (2) voluntary petitions for annexation from the owners of land for annexation of territory into the City of Pleasant Hill, Iowa; and,
WHEREAS, written notices to

- A. The Board of Supervisors of Polk County
- B. Township Trustees of Clay Township

Were sent setting a date, location and time for consultation as required by Iowa Code 368.7.

WHEREAS, pursuant to said notice the consultation meeting occurred on February 20, 2013 at City Hall in the City of Pleasant Hill, Iowa at 3:00 p.m.; and,

WHEREAS, Iowa Code Section 368.7 requires a copy of application be mailed by certified mail to the non-consenting owners and each affected public utility at least fourteen (14) business days prior to any action taken by the City Council on the applications and this has been complied with; and,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Pleasant Hill, Iowa that:

- A. The City Clerk shall cause to be mailed by certified mail to each affected public utility at least fourteen (14) business days prior to April 9, 2013 the application containing the legal description and a map of the territory to be considered for annexation and its relationship to the City of Pleasant Hill, Iowa.
- B. The City Clerk shall cause to be mailed by certified mail to each non-consenting owner at least fourteen (14) business days prior to April 9, 2013 the application containing the legal description and a map of the territory to be considered for annexation and its relationship to the City of Pleasant Hill, Iowa
- C. The City Council of the City of Pleasant Hill, Iowa, pursuant to Chapter 368.7(d) will hold a

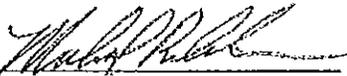
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public hearing on the application for annexation on April 9, 2013 at 6:30 p.m. at City Hall in the City of Pleasant Hill, Iowa located at 5160 Maple Drive, Suite A, Pleasant Hill, Iowa.

- D. The City Clerk shall provide written notice at least fourteen (14) business days prior to the Hearing of April 9, 2013 as set out above by regular mail to the Chairperson of the Board of Supervisors of Polk County, each Public Utility, which serves the territory proposed to be annexed and each owner of property that adjoins the territory to be annexed unless the adjoining property is in a City and in addition thereto, the City of Altoona, Polk County, Iowa.
- E. The City Clerk shall publish Notice of the applications in an official County Newspaper. The written and published Notice shall include the time and place of the public hearing and a legal description of the territory to be annexed.
- F. The City Council of the City of Pleasant Hill shall approve or deny the applications after hearing on April 9, 2013.

Passed by the City Council of the City of Pleasant Hill, Iowa this 12th day of March, 2013.

CITY OF PLEASANT HILL, IOWA

By 

ATTEST:

By 
Susan Mahannah, City Clerk

The Owners of and the legal description of the territory proposed to be annexed into the City of Pleasant Hill, Iowa is hereby set out to wit:

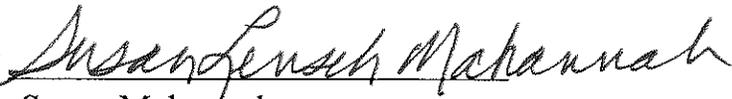
1. Reveiz Farms, Inc: Outlot X of Hilltop Place, Plat number 2, an official plat now included in and forming a part of the unincorporated territory of Polk County, Iowa, filed in Book 9015 on Page 787 in the Office of the Polk County Recorder for Polk County, Iowa.
2. Thomas Wayne Brown and Tamara Jo Brown: A parcel of land located in the E ½ of the SW Eri. ¼ of Section 31, Township 79 North, Range 22 West of the 5th P.M., Polk County, Iowa, described as follows: Commencing at the S ¼ corner of said Section 31, thence S90°00'00"W 899.9 feet along the South line of said Section, thence N00°01'00"W 64.6 feet to the North right-of-way line of Primary Road No. 163 as it presently exists, said point also being the Point of Beginning; thence continuing N00°01'00"W, 250.0 feet, thence N89°59'00"E, 239.9 feet, thence S00°01'00"E, 250.0 feet to said North right-of-way line of Primary Road No. 163; thence S89°59'00"W, 239.9 feet to the Point of Beginning. Said parcel contains 1.38 acres. It is also known as Parcel "E" on Corrected Plat of Survey map filed in Book 8858 on Page 590,

Together with a perpetual nonexclusive easement for ingress and egress to and from the above-described real estate over, through and across the following 9-foot strip of land located in the E ½ SW Fr. ¼ of Section 31, Township 79 North, Range 22 West of the 5th P.M., with the centerline of said easement described as follows:

Commencing at the S ¼ corner of said Section, thence S90°00'00"W 459.3 feet along the South line of said Section, thence N00°00'00"W 64.7 feet to the North right-of-way line of Primary Road No. 163 as it presently exists said point being the Point of Beginning; thence N54°59'W, 7.0 feet to the P.C. of a 55 foot radius curve to the left having a central angle of 32°45' thence along said curve 33.14 feet chord for said curve being N71°22'W, 31.0 feet; thence N87°44'W, 51.7 feet; thence N75°34'W, 58.75 feet; thence N16°11'W, 33.5 feet thence N28°35'W, 34.9 feet; thence N19°57'W, 47.2 feet to the end of the centerline of said 9 foot easement, said point lying on the East line of Parcel E. The entire 9 foot easement which provides access extends from the said East line of Parcel E to the said North right of way line or to a public street, if and when a public street is established.

3. Donald Green and Judith Green: Commencing at the Southeast Corner of the Southwest ¼ of Section 31, Township 79 North, Range 22 West of the 5th P.M., running thence West 150 feet, thence North 580.8 feet, thence East 150 feet, thence South 580.8 feet to the place of beginning, Polk County, Iowa
4. Sharon Payne and Craig Payne, Trustees of the Craig B. Payne Revocable Trust; Sharon Payne and Craig Payne, Trustees of the Sharon Payne Revocable Trust; Wayne Bailey: The West Half of the Southeast ¼ of Section 31, Township 79 North, Range 22 West of the 5th P.M., in Polk County, Iowa, together with a lane for access to the South from said land

This Notice is given and published pursuant to 368.2(d) of the Code of Iowa.

By 
Susan Mahannah
City Clerk
City of Pleasant Hill, Iowa

April 1, 2013



David Jones
County Administrator
Polk County Board of Supervisors
Polk County Administration Building
111 Court Avenue, Room 300
Des Moines, IA 50309-2214

Re: Pending Sale of the Plex Facility

Dear David,

I recently received a letter from you inquiring of the City of Des Moines' interest in acquiring the Plex property pursuant to an agreement between the City of Des Moines and Polk County executed in 1996. It is my understanding that Polk County is considering a three way agreement that will result in the conveyance of the Plex to the YMCA. The YMCA would then re-purpose the building as a new YMCA in downtown. Also, it is my understanding that Wellmark is conveying the vacant lot directly west of the Plex to the YMCA, and Polk County would acquire building previously known as the J.C. Penny building from Wellmark for \$500,000, to be used as a Court House annex for Polk County.

The City designed, financed, and constructed the Plex, and for many years it served as the primary convention facility for downtown Des Moines. The conveyance of the Plex (along with Vets Auditorium) was part of an overall plan to shift the responsibility for these facilities to Polk County so that the cost of operation and improvement could be spread more equitably among all county taxpayers, not just those within the City of Des Moines. This decision ultimately resulted in an outstanding investment by Polk County in the Iowa Event Center, which now accommodates convention center functions. The Iowa Event Center has been one of the major investments that has helped us join together to create one of the best downtowns in America.

I know the Mayor and Council are proud of the outstanding improvements that occurred as a result of the City's decision to convey these facilities to Polk County over 16 years ago, and they are supportive of the proposed land sales which will now lead to a new YMCA and an expanded Court House facility.

We are proud of the partnership between the City of Des Moines and Polk County that has resulted in these wonderful improvements in our downtown. In light of your positive stewardship of these properties in the past, and your plans for the future, the City has no interest in re-acquiring the Plex.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Clark". The signature is fluid and cursive.

Richard A. Clark
City Manager

cc: Mayor and City Council Members
City Attorney