

**POLK COUNTY BOARD OF SUPERVISORS AGENDA
POLK COUNTY ADMINISTRATIVE OFFICE BUILDING
111 COURT AVENUE – ROOM 120
OCTOBER 4, 2022 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.

5. **PUBLIC COMMENTS**

PETITIONS

- *6. Petitions to suspend taxes and special assessments for the following:
- | | |
|---------------------|----------------------------|
| B. Cliff | 3939 Cambridge |
| L. Miller | 245 E. 15 th St |
| C. Tiernan-Williams | 318 E. Edison |
| R. Wells | 2770 NE Norwood Ln |

RESOLUTIONS

- *7. Resolution amending Schedule of Administrative Penalties for Chapter 19 Polk County Code of Ordinances, Regulation of Industrial Wastewater, Commercial Wastewater and Hauled Waste.
- *8. Resolution approving agreement with Ducks Unlimited for a Saturated Buffer Project.
- *9. Resolution approving construction easements for the NE Broadway Avenue Improvement Project.
- *10. Resolution approving first amended agreement with Iowa Department of Health and Human Services for Commodity and Supplemental Food Program.
- *11. Resolution approving Memorandum of Understanding for Expert Partner status with the Cities for Financial Empowerment Fund.
- *12. Resolution approving agreement with Des Moines Public Schools for the use of the Southside Senior Center as a temporary emergency shelter.
13. Resolution creating position in the General Services Department.
- *14. Resolution authorizing settlement of a civil litigation claim (Sahr).
- *15. Resolution approving Community Development Grant for the Ankeny Service Center (Neveln Center).

COMMUNICATIONS

- *16. Manure Management Plan (MMP) from Brad Moeckly, Elkhart, Iowa.
- *17. Notice of Appraisal of Damages and Time for Appeal in the Matter of the Condemnation of Certain Rights in Property for the Merle Hay Road and Johnston Drive Improvements Project, Parcel 35 & 36 (5265 & 5267 Merle Hay Rd, New TKG-StorageMart Partners Portfolio LLC).
- *18. Notice of Appraisal of Damages and Time for Appeal in the Matter of the Condemnation of Certain Rights in Property for the Broadway Avenue Improvement Project (4575 E. 38th St).
- *19. City of Altoona voluntary annexation, including non-consenting owners, within urbanized area of Bondurant, Ankeny and Des Moines.
- *20. City of Pleasant Hill voluntary annexation, including non-consenting owners, within urbanized area of Altoona and Des Moines.
- *21. City of Elkhart voluntary annexation within the urbanized area of Ankeny.

BUDGET ACTIONS

- 22. Memorandum of Budget Actions.

APPOINTMENTS

- 23. Memorandum of Appointments.

ADJOURNMENT

**Asterisk denotes attachments to items are on file in the Auditor's Office, 111 Court Avenue,
Des Moines, 515-286-3080 Monday through Friday, 8:00 a.m. – 5:00 p.m.*

For the full text of Resolutions, visit our website at: <https://www.polkcountyowa.gov/auditor/administration/>

Live stream the Board of Supervisors meeting at:

<https://www.youtube.com/watch?v=kAfFhKC32ug&list=PLIxG-mEK-FAVaJH-pZfzOGsrKFQR3MGNu&index=5>

RESOLUTION

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

WHEREAS, Polk County Code of Ordinances Chapter 19, Regulation of Industrial Wastewater, Commercial Wastewater and Hauled Waste includes reference to a Schedule of Administrative Penalties; and

WHEREAS, the Schedule of Administrative Penalties, referenced in Chapter 19, Section 118-488 for Regulation of Fat, Oil and Grease Discharge by Food Service Establishments pursuant to Section 118-479 and Sections 118-481 through 118-486 and Section 118-512 Regulation of Hauled Waste pursuant to Sections 118-502 through 118-510 is proposed to be amended; and

WHEREAS, The Wastewater Reclamation Authority (WRA) adopted a resolution on May 17, 2022 approving an amendment to the schedule of administrative penalties; and

WHEREAS, an amendment to said Schedule of Administrative Penalties in relation to said County Code Sections is attached as Exhibit A.

NOW, THEREFORE BE IT RESOLVED Polk County, Iowa approves the amended Schedule of Administrative Penalties, in form attached hereto and incorporated by this reference herein, revising specified penalties for Industrial Pretreatment Ordinance Violation Relating to Regulation of Hauled Waste pursuant to Sections 118-502 through 118-510 of the County Code of Ordinances, and revising specified penalties for Industrial Pretreatment Ordinance Violations Relating to Regulation of Fat, Oil and Grease Discharge by Food Service Establishments pursuant to Section 118-479 and Sections 118-481 through 118-486 of the County Code of Ordinances, is hereby approved and adopted; and

BE IT FURTHER RESOLVED that said Schedule of Administrative Penalties, as amended by this Resolution, shall be maintained on file in the office of the Polk County Auditor's Office and the Public Works Department for public reference, and that the amendment to the fees therein established shall become effective upon and as of October 4, 2022.

Approved this _____ day of _____, 2022.

POLK COUNTY, IOWA

Angela Connolly, Chair
Polk County Board of Supervisors

RECOMMENDED FOR APPROVAL:



Robert Rice, Director
Polk County Public Works Department

APPROVED AS TO FORM:

JOHN P. SARCONI
POLK COUNTY ATTORNEY



Assistant County Attorney

#7

POLK COUNTY BOARD OF SUPERVISORS

Tuesday Agenda Memorandum

Item Type & Title: Resolution No. 198-22 amending schedule of Administrative Penalties for Polk County Code of Ordinances Chapter 19, Regulation of Industrial Wastewater, Commercial Wastewater and Hauled Waste.

Agenda Date: October 4, 2022

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

Background: Polk County Code of Ordinances Chapter 19, Regulation of Industrial Wastewater, Commercial Wastewater and Hauled Waste includes reference to a Schedule of Administrative Penalties. The Wastewater Reclamation Authority (WRA) Board approved Ordinance amendments and changes to the schedule of administrative penalties and requested member governments make changes to their Ordinances and Schedule of Administrative Penalties. The approval allows for consistency if enforcement of administrative penalties is needed within the WRA.

Action Impact: Approves amendments to the Schedule of Administrative Penalties for violations of Industrial Pretreatment Ordinance Regulating Hauled Waste and Regulating Fat, Oil and Grease discharge by Food Service Establishments in Chapter 19, of the Polk County code of ordinances.

Action Requested: Approval

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
22/23	N	N/A	N/A	N		

Additional Fiscal Note Information (optional):

RESOLUTION

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

WHEREAS, Polk County is leading the Saturated Buffer project to treat agricultural tile runoff and improve water quality; and

WHEREAS, Polk County Public Works and Ducks Unlimited have partnered to fund projects that improve water quality and habitat; and

WHEREAS, Ducks Unlimited has received a grant award from Prairie Meadows to implement water quality projects; and

WHEREAS, Ducks Unlimited is providing \$60,000 as a reimbursement to Polk County for the installation of Saturated Buffers in Central Iowa.

NOW, THEREFORE BE IT RESOLVED Polk County, Iowa approves the terms of the attached agreement and authorizes the Chair of the Polk County Board of Supervisors to execute the agreement on behalf of Polk County; and


BE IT FURTHER RESOLVED that the Public Works Department return a copy of the signed agreement to Ducks Unlimited and administer the agreement on behalf of Polk County.

Approved this _____ day of _____, 2022

POLK COUNTY, IOWA

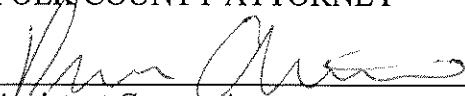
Angela Connolly, Chair
Polk County Board of Supervisors

RECOMMENDED FOR APPROVAL:



Robert Rice, Director
Polk County Public Works Department

APPROVED AS TO FORM:

JOHN P. SARCONE
POLK COUNTY ATTORNEY


Assistant County Attorney

FISCAL NOTE: Funding will be tracked and managed through the Public Works Economic Development Fund

#8

POLK COUNTY BOARD OF SUPERVISORS

Tuesday Agenda Memorandum

Item Type & Title: Resolution No. 197-22 to approve an Agreement with Ducks Unlimited for a Saturated Buffer Project.

Agenda Date: October 4, 2022

Contact Individual: John Swanson, Water Resources Planner, Polk County Public Works Department, 875-5880

Previous Action taken by the Board: None

Board/Commission Actions: None

Action Requested (Recommended): Approve the terms of agreement and authorize the Chair to execute the agreement on behalf of Polk County, direct the Public Works Department to return a copy of the signed agreement to Ducks Unlimited.

Comply with Policy: Yes

Background: Polk County is leading the implementation of saturated buffers to improve water quality in Central Iowa. Ducks Unlimited is providing \$60,000 towards the 2022 County installations.

Action Impact: Action approves this Agreement between the County and Ducks Unlimited to provide funding to the County for saturated buffer construction.

Fiscal Note: Funding will be tracked and managed through the Public Works Economic Development Fund

Fiscal Year	Budgeted? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code
22/23	N		\$60,000	N		

Additional Fiscal Note Information (optional):

RESOLUTION

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

WHEREAS, on September 15, 2020, Polk County was informed that the NE Broadway Avenue Improvements Project was selected by the US Secretary of Transportation for award of \$25 million BUILD grant; and

WHEREAS, the NE Broadway Avenue Improvements Project from Hwy 415 to NE Hubbell Avenue is included in the current Public Works 5-year Capital Improvement Program; and

WHEREAS, Resolution No. 138-20, dated November 3, 2020, authorized the Public Works Department to negotiate for and acquire easement(s), real property, and Right(s) of Entry needed to construct the project and maintain and operate public infrastructure after construction; and

WHEREAS, to facilitate the construction of the NE Broadway Avenue Improvements Project, the Public Works Department has negotiated the easements and temporary easements as listed on Attachment A to this resolution.

NOW, THEREFORE BE IT RESOLVED Polk County, Iowa approves the terms of the right-of-way agreements, easements, and temporary easements for the NE Broadway Avenue Improvement Project, adopts the agreements, and authorizes the Chair of the Polk County Board of Supervisors to execute the easement documents on behalf of Polk County, Iowa; and

BE IT FURTHER RESOLVED that the Public Works Department is authorized to execute the terms of said easements and agreements, administer the easement and agreement terms on behalf of Polk County, Iowa, and record all necessary documents.

Approved this _____ day of _____, 2022.

POLK COUNTY, IOWA

Angela Connolly, Chair
Polk County Board of Supervisors

RECOMMENDED FOR APPROVAL:



Robert Rice, Director
Polk County Public Works Department

APPROVED AS TO FORM:

JOHN P. SARCONI
POLK COUNTY ATTORNEY



Assistant County Attorney

Fiscal Note: Cost of \$110,126.50 for the easements to be drawn from the Polk County Farm-To-Market Fund.

#9

POLK COUNTY BOARD OF SUPERVISORS

Tuesday Agenda Memorandum

Item Type & Title: Resolution No. 196-22 to approve easements for construction of the NE Broadway Avenue Improvements Project.

Agenda Date: October 4, 2022

Contact Individual: Aaron Putnam, P.E., County Engineer, Polk County Public Works Department, 515-286-3705

Previous Action taken by the Board: N/A

Board/Commission Actions: N/A

Action Requested (Recommended): Approves the terms of the right-of-way agreements, easements, and temporary easements for the NE Broadway Avenue Improvement Project, adopts the agreements, and authorizes the Chair of the Polk County Board of Supervisors to execute the easement documents on behalf of Polk County, Iowa.

Comply with Policy: Yes

Background: On September 15, 2020, Polk County was informed that the NE Broadway Avenue Improvements Project was selected by the US Secretary of Transportation for award of \$25 million BUILD grant. The NE Broadway Avenue Improvements Project from Hwy 415 to NE Hubbell Avenue is included in the current Public Works 5-year Capital Improvement Program. Resolution No. 138-20, dated November 3, 2020, authorized the Public Works Department to negotiate for and acquire easement(s), real property, and Right(s) of Entry needed to construct the project and maintain and operate public infrastructure after construction. To facilitate the construction of the NE Broadway Avenue Improvements Project, the Public Works Department has negotiated the easements and temporary easements as listed on Attachment A to this resolution.

Action Impact: Resolution approves the terms of the easements and allows the development of the NE Broadway Avenue Improvements project to proceed.

Fiscal Note: Cost of \$110,126.50 for the easements to be drawn from the Polk County Farm-To-Market Fund.

Fiscal Year	Budgeted? (Y/N)	Anticipated Expense	Anticipated Revenue	Ongoing Commitment? (Y/N)	If Amendment is Required,	
					Expense Account Code	Revenue Account Code
22/23	NA	NA	NA			
23/24						

Additional Fiscal Note Information (optional):

RESOLUTION

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

WHEREAS, the Polk County, Iowa Department of Community, Family and Youth Services, through its Commodity and Supplemental Foods program, distributes commodity food items to low-income seniors in Polk County and five surrounding counties; and,

WHEREAS, Polk County serves up to an average of 3,338 seniors in Polk, Dallas, Jasper, Warren, Story and Boone Counties with nutritional and varied commodity foods; and,

WHEREAS, this First Amended Agreement allows Polk County to be reimbursed from the Iowa Department of Health and Human Services through funding provided by the USDA for administration and operational costs up to an estimated \$246,000 per federal fiscal year; and,

WHEREAS, additional revenue of approximately \$40,000 from surrounding counties participating in the program is expected; and,

WHEREAS, The Iowa Department of Health and Human Services has presented a First Amended Agreement for the first of three amendments extending the program for the period of October 1, 2022 through September 30, 2023; and,

NOW, THEREFORE BE IT RESOLVED Polk County, Iowa approves the terms of the attached First Amended Agreement with the Iowa Department of Health and Human Services for the Commodity and Supplemental Foods Program, and authorizes the Chair of the Polk County Board of Supervisors to sign said First Amended Agreement on behalf of Polk County, Iowa.

Approved this ____ day of _____, 2022.

POLK COUNTY, IOWA

Angela Connolly, Chair
Polk County Board of Supervisors

RECOMMENDED FOR APPROVAL:



Eric Kool, Director
Community, Family and Youth Services

#10

APPROVED AS TO FORM:

JOHN P. SARCONI
POLK COUNTY ATTORNEY

By: 
Assistant County Attorney

FISCAL NOTE: FY22/23 – Revenue \$246,000

POLK COUNTY BOARD OF SUPERVISORS

Tuesday Agenda Memorandum

Item Type & Title: Resolution approving First Amended Agreement with the Iowa Department of Health and Human Services for the Commodity and Supplemental Food Program.

Agenda Date: October 4, 2022

Contact Individual: Doug Stodgel, Program Administrator, CFYS
(515) 286-3407

Previous Action taken by the Board: The original Agreement was approved by the Board on October 1, 2019.

Board/Commission Actions: None

Comply with Policy: Yes

Background: The Polk County, Iowa Community, Family, and Youth Services Department administers the Commodity and Supplemental Food Program in Polk, Dallas, Jasper, Warren, Story and Boone Counties. The program provides a monthly allotment of commodities to low income seniors including protein, vegetables, cheese, milk products, rice, cereal, fruits and fruit juices. Commodities are available for pickup at the store at River Place, delivered to homes or made available at various drop locations for clients in other counties. The Iowa Department of Health and Human Services (IDHHS) through the United States Department of Agriculture (USDA) will provide up to \$246,000 in funding this federal fiscal year based on an estimated number of seniors served of 3,338, with an additional \$40,000 of revenue from food distributed to Boone, Dallas, Jasper, Story and Warren counties.

Action Impact: Approval of this First Amended Agreement will allow the Polk County Community, Family & Youth Services Department to continue providing commodities and supplemental food to low-income seniors. This is the first of three one-year extensions. The term of this Amended Agreement is October 1, 2022 through September 30, 2023.

Fiscal Note:

FED Fiscal Year	New Budget Item? (Y/N)	# of New Position(s) Required	Anticipated Expense	Anticipated Revenue	Budget Amendment Required? (Y/N)	If Amendment is Required,	
						Expense Account Code	Revenue Account Code
22/23	N		1,028,533	286,000	N	10233113	10233113.52740

Additional Fiscal Note Information (optional):

RESOLUTION

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

WHEREAS, the Polk County, Iowa has been providing individual financial counseling to Polk County residents through the Polk County Financial Empowerment Center (FEC), at no cost to participants, since March of 2020; and

WHEREAS, hundreds of FEC participants have benefited from financial counseling by way of higher credit scores, reduced number of delinquent credit accounts, elimination of more than \$2,000,000.00 of non-mortgage debt, and saving more than \$700,000.00 for emergencies and asset building; and

WHEREAS, the Polk County FEC started with financial and technical support of the Cities for Financial Empowerment Fund (CFE Fund), by way of a Financial Empowerment Center model replication grant; and

WHEREAS, the initial replication grant period has concluded and the CFE Fund has offered the Polk County FEC Expert Partner status, which provides for continued partnership and ongoing CFE Fund support through technical assistance, learning community activities, and utilization of the CFE Fund database for outcome tracking; and

WHEREAS, as an Expert Partner, Polk County shall continue to provide high quality services and shall adhere to the CFE Fund model; and

WHEREAS, Polk County, Iowa and the CFE Fund desire to enter into a Memorandum of Understanding for the Polk County FEC to receive the support and Expert Partner status of the CFE Fund; and

WHEREAS, there is no cost to obtaining Expert Partner status with the CFE Fund.

NOW, THEREFORE BE IT RESOLVED Polk County, Iowa approves the terms of the attached Memorandum of Understanding with the CFE Fund for Expert Partner status and continued support for the Polk County Financial Empowerment Center, and authorizes the Chair of the Polk County Board of Supervisors to sign said Memorandum of Understanding on behalf of Polk County, Iowa.

Approved this _____ day of _____, 2022.

POLK COUNTY, IOWA

Angela Connolly
Chair, Polk County Board of Supervisors

11

RECOMMENDED FOR APPROVAL:



By: _____
Eric Kool, Director
Polk County Community, Family, and Youth Services Department

APPROVED AS TO FORM:

JOHN P. SARCONI
POLK COUNTY ATTORNEY



By: _____
Assistant County Attorney

FISCAL NOTE: None

POLK COUNTY BOARD OF SUPERVISORS

Tuesday Agenda Memorandum

Item Type & Title: Resolution approving Memorandum of Understanding for Expert Partner status with the Cities for Financial Empowerment Fund.

Agenda Date: October 4, 2022

Contact Individual: Eric Kool, Director
Community, Family and Youth Services
515-323-5261

Previous Action taken by the Board: None

Board/Commission Actions: N/A

Comply with Policy: No procurement process is required

Background: In March of 2020 Polk County, Iowa began providing financial counseling to Polk County residents. This counseling has been offered at no cost to participants, as part of the County’s commitment to economic well-being and mobility. The service began in partnership, and with replication grant funding, from the Cities for Financial Empowerment Fund (CFE Fund). As that replication grant period ends, the CFE Fund is offering the Polk County Financial Empowerment Center “Expert Partner” status, which continues our relationship and includes technical assistance and database support from CFE for Polk County in exchange for continuing to provide high quality service and adhering to the nationwide CFE Fund FEC model.

Action Impact: Approval of this MOU will allow the Polk County Financial Empowerment Center to continue operations and provide high-quality services to Polk County residents.

Fiscal Note: There is no cost associated with this continued partnership.

Fiscal Year	New Budget Item? (Y/N)	# of New Position(s) Required	Anticipated Expense	Anticipated Revenue	Budget Amendment Required? (Y/N)	If Amendment is Required,	
						Expense Account Code	Revenue Account Code
22/23	N	0	0	0	N		
23/24							
24/25							

RESOLUTION

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

WHEREAS, the Polk County, Iowa Department of Community, Family and Youth Services, desires to enter into an agreement with Des Moines Public Schools (DMPS) for the temporary use of a County facility for emergency sheltering, and;

WHEREAS, this agreement will allow DMPS to use the South Side Senior Center as a temporary shelter during an emergency or other condition or event that requires the evacuation of students, staff and visitors from a DMPS facility, and;

WHEREAS, DMPS shall reimburse Polk County for costs and expenses while utilizing the South Side Senior Center, and;

WHEREAS, the term of this Agreement is January 1, 2022 through December 31, 2025.

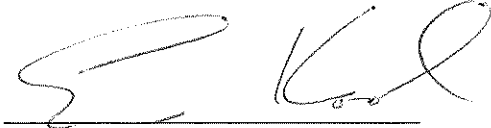
NOW, THEREFORE BE IT RESOLVED Polk County, Iowa approves the terms of the attached Agreement, with Des Moines Public Schools for the use of the South Side Senior Center for temporary emergency sheltering, and authorizes the Chair of the Polk County Board of Supervisors to sign said Agreement on behalf of Polk County, Iowa.

Approved this ____ day of _____, 2022.

POLK COUNTY, IOWA

Angela Connolly
Chair, Polk County Board of Supervisors

RECOMMENDED FOR APPROVAL:

By: 
Eric Kool, Director
Community, Family and Youth Services

#12

APPROVED AS TO FORM:

JOHN P. SARCONI
POLK COUNTY ATTORNEY

By: 
Assistant County Attorney

FISCAL NOTE:

POLK COUNTY BOARD OF SUPERVISORS

Tuesday Agenda Memorandum

Item Type & Title: Resolution approving agreement between Polk County, Iowa and Des Moines Public Schools for the use of the South Side Senior Center as a temporary emergency shelter.

Agenda Date: October 4, 2022

Contact Individual: Joyce Webb, Program Administrator
Community, Family and Youth Services
(515) 286-2113

Previous Action taken by the Board: None

Board/Commission Actions:

Comply with Policy: Yes

Background: Des Moines Public Schools (DMPS) is in need of a location to be used as a shelter during an emergency or other condition or event requiring evacuation of students, staff and visitors from a DMPS facility. The South Side Senior Center has been determined suitable for this use. The Senior Center will be used as a temporary location for students and staff while they await the arrival of families picking students up. DMPS will notify Polk County orally or in writing of their request to use the facility. Use shall be granted if it does not negatively impact the South Side Senior Center's operations. DMPS will reimburse Polk County for costs and expenses while utilizing the Center.

Action Impact: Approval of this Agreement will permit the use of Polk County's South Side Senior Center as an Emergency Shelter for Des Moines Public Schools.

Fiscal Note:

Fiscal Year	New Budget Item? (Y/N)	# of New Position(s) Required	Anticipated Expense	Anticipated Revenue	Budget Amendment Required? (Y/N)	If Amendment is Required,	
						Expense Account Code	Revenue Account Code

Additional Fiscal Note Information (optional):

RESOLUTION

MOVED BY _____, SECONDED BY _____,

That the following Resolution be adopted:

WHEREAS, the Director of General Services has requested a side-by-side Stationary Engineer Technician position due to an extended unpaid leave of absence of an employee, and

WHEREAS, the Director of General Services indicates the side-by-side position is needed, and

WHEREAS, the side-by-side position will continue until the employee returns to work or terminates employment, and

WHEREAS, the Director of General Services is requesting the following:

- Create one (1) side-by-side Stationary Engineer position, AFSCME grade 19, range \$64,076-\$83,973, until such time as the employee returns from leave or terminates.

NOW, THEREFORE, BE IT RESOLVED that the Polk County, Iowa hereby approves the above position modifications and directs the County Auditor and the Director of Human Resources to take the necessary steps to implement this resolution.

Approved this _____ day of _____ 2022

POLK COUNTY, IOWA

Angela Connolly
Chair, Polk County Board of Supervisors

RECOMMENDED FOR APPROVAL:

Jeff Edgar

Jeffrey Edgar, Director
Polk County Human Resources

APPROVED AS TO FORM:

John P. Sarcone
Polk County Attorney

By: *Ralph M...*
Assistant County Attorney

FISCAL NOTE: There are no costs associated with this action.

#13

POLK COUNTY BOARD OF SUPERVISORS

Tuesday Agenda Memorandum

Item Type & Title: Position Modification within the General Services Department

Agenda Date: October 4, 2022

Contact Individual: Jeffrey Edgar, Director of Human Resources

Previous Action taken by the Board: N/A

Action Requested (Recommended): Create one (1) side-by-side Stationary Engineer position, AFSCME grade 19, range \$64,076-\$83,973.

Comply with Policy: Yes

Background: The incumbent of one Stationary Engineer position (#1344) in the General Services Department is currently on an extended unpaid leave of absence. The Director of General Services is requesting the side-by-side position. The position will continue until the employee returns to work or terminates employment.

Action Impact: Authorizes the County Auditor and Director of Human Resources to take the necessary steps to implement this resolution.

Fiscal Note: There are no costs associated with the creation of this side-by-side position.

Fiscal Year	New Budget Item? (Y/N)	# of New Position(s) Required	Anticipated Expense	Anticipated Revenue	Budget Amendment Required? (Y/N)	If Amendment is Required,	
						Expense Account Code	Revenue Account Code
22/23	Y	1			N		

Additional Fiscal Note Information (optional): N/A

RESOLUTION

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

WHEREAS, Jacob Sahr was arrested during the protests and riots in downtown Des Moines on May 31, 2020; and

WHEREAS, Mr. Sahr has pending civil rights claims for constitutional rights violations and resulting injures alleged to have been sustained on May 31, 2020; and

WHEREAS, both parties desire to settle all potential outstanding issues between them on the terms and conditions stated in an agreement to be filed with the County Auditor; and

WHEREAS, Polk County Risk Management is recommending a settlement of \$25,000; and

WHEREAS, it is in the best interest of the public that the claims be resolved without the expense and risk of continued litigation; and

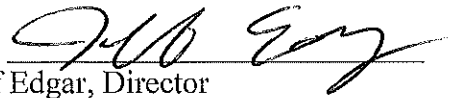
NOW THEREFORE BE IT RESOLVED Polk County, Iowa, approves the settlement of Jacob Sahr's claim in the attached Agreement and authorizes the Chairperson of the Polk County Board of Supervisors to sign said agreement on behalf of Polk County, Iowa.

Approved this ____ day of _____, 2022.

POLK COUNTY, IOWA

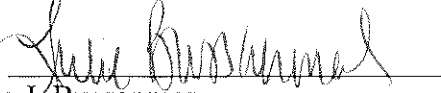
Polk County Board of Supervisors
Chairperson

RECOMMENDED FOR APPROVAL:

By: 
Jeff Edgar, Director
Polk County Human Resources

APPROVED AS TO FORM:

JOHN P. SARCONE
POLK COUNTY ATTORNEY

By: 
Julie J. Bussanmas
Assistant County Attorney

14

POLK COUNTY BOARD OF SUPERVISORS

Tuesday Agenda Memorandum

Item Type & Title: Resolution authorizing settlement of civil litigation claim.

Agenda Date: October 4, 2022

Contact Individual: Julie Bussanmas
Assistant County Attorney
286-3314

Previous Action taken by the Board: N/A

Board/Commission Actions: N/A

Comply with Policy: Yes

Background: Jacob Sahr was arrested during the protests and riots that occurred downtown on May 31, 2020. Mr. Sahr filed a civil lawsuit against Polk County and various other law enforcement agencies claiming a violation of his civil rights and for physical injuries resulting from the arrest. It is in the best interests of Polk County to settle these matters to reduce the risk of a jury verdict and the award of attorney fees at the trial of this matter. Polk County will pay \$25,000.00 for the settlement of his claim.

Action Impact:

Fiscal Note:

Fiscal Year	New Budget Item? (Y/N)	# of New Position(s) Required	Anticipated Expense	Anticipated Revenue	Budget Amendment Required? (Y/N)	If Amendment is Required,	
						Expense Account Code	Revenue Account Code
22/23			\$25,000.00				
23/24							
24/25							

Additional Fiscal Note Information (optional):

RESOLUTION

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

WHEREAS, Neveln Center, Inc. d/b/a Ankeny Service Center is a 501(c)(3) non-profit that exists to address the needs of the underserved in the Ankeny and northern Polk County, Iowa community by meeting immediate basic human service needs, as well as, providing resources for a path to success; and,

WHEREAS, Neveln Center, Inc. d/b/a Ankeny Service Center has applied for a Polk County Community Development Grant to assist with transition needs to a new facility referred to as "The Center."

WHEREAS, The Center will be a central location with multiple non-profit tenants that will streamline support services for basic human needs that will include: two food pantries, housing assistance, and utility assistance.

WHEREAS, Neveln Center Inc. d/b/a Ankeny Service Center and IMPACT Community Action Partnership are the anchor tenants at The Center; and,

WHEREAS, Polk County, Iowa desires to enter into an Agreement with the Neveln Center Inc. d/b/a Ankeny Service Center to award grant funds to assist with elevating the quality of services that The Center can provide to the residents of the City of Ankeny and northern Polk County, Iowa; and,

WHEREAS, the grant award will serve the public purpose by providing a central location that can better serve the growing numbers of residents struggling with food insecurity, financial instability, employment, and housing issues; and,

WHEREAS, pursuant to the Agreement for a Community Development Grant Award, the grant funds shall only be used for the equipment, furnishings, and technology updates to better serve the public that are in need of support services; and,

WHEREAS, the grant funds shall be sourced only from available gaming revenue funds and not from tax revenues; and,

NOW, THEREFORE BE IT RESOLVED Polk County, Iowa approves the terms of the attached Agreement and the award of a Community Development Grant in the amount of \$100,000.00 to the Neveln Center Inc. d/b/a Ankeny Service Center for the costs related to the equipment, furnishings, and technology updates for the new facility and authorizes the Chair of the Polk County Board of Supervisors to sign said Agreement on behalf of Polk County, Iowa.

Approved this _____ day of _____, 2022.

#15

POLK COUNTY, IOWA

Angela Connolly
Chair, Polk County Board of Supervisors

RECOMMENDED FOR APPROVAL:

By: 
Lisa Moody-Tunks
Grant Administrator, Board of Supervisors Office

APPROVED AS TO FORM:

JOHN P. SARCONI
POLK COUNTY ATTORNEY

By: 
Assistant County Attorney

FISCAL NOTE: Community Development Grant Fund \$100,000.00 FY22/23

POLK COUNTY BOARD OF SUPERVISORS

Tuesday Agenda Memorandum

Item Type & Title: Resolution approving a Community Development Grant for the Neveln Center, Inc. d/b/a Ankeny Service Center, a 501(c)(3) non-profit organization. The grant funding shall be directed towards equipment, furnishings and technology updates for their new facility.

Agenda Date: October 4, 2022

Contact Individual: Lisa Moody-Tunks, Grant Administrator
Polk County Board of Supervisors
515-286-2272

Previous Action taken by the Board: Prior Community Betterment Grant award-July 29, 2014 for \$5,000.00.

Board/Commission Actions: N/A

Comply with Policy: Yes

Background: The Neveln Center, Inc. d/b/a Ankeny Service Center has applied for grant funding to assist with the transition to a new facility referred to as “The Center” located at 641 S. Ankeny Blvd., Suite H, Ankeny, Polk County, Iowa. The Center will have multiple non-profit tenants that will streamline support services for basic human service needs that will include: two food pantries, housing assistance, and utility assistance. The Neveln Center, Inc. d/b/a Ankeny Service Center and IMPACT Community Action Partnership will be the anchor tenants to serve the residents living in and around the City of Ankeny and northern Polk County, Iowa.

The project focuses on equipment, furnishings, and technology updates for The Center. The project will serve the public purpose by providing a central location that can better serve the growing numbers of residents struggling with food insecurity, financial instability, employment, and housing issues.

Action Impact: The adoption of this resolution will award \$100,000.00 of gaming revenue to the Neveln Center, Inc. d/b/a Ankeny Service Center, and authorizes the Chair to sign attached agreement.

Fiscal Note: Community Development Grant Awards shall be paid exclusively with gaming revenue.

Fiscal Year	New Budget Item? (Y/N)	# of New Position(s) Required	Anticipated Expense	Anticipated Revenue	Budget Amendment Required? (Y/N)	If Amendment is Required,	
						Expense Account Code	Revenue Account Code
22/23	Y		\$100,000.00		N	4010932.79410	

Additional Fiscal Note Information (optional):



MMP Short Form for Annual Updates

CASHIER'S USE ONLY
 0473-542-473B-0431
 Facility Name
 Facility ID #

Iowa law requires annual updated MMPs and fees to be submitted on or before the 1st of the month due. If the update is not submitted by the due date, DNR issues a Notice of Violation. If a complete update and fees are not submitted by the end of the month it is due, the late submittal is referred to DNR legal services for enforcement action, including a \$3,000 penalty. For facilities with IDALS 200A certification, include a copy of the certification and compliance fees with this form to meet annual update requirements.

Instructions:

1. Fill in name, ID number, location, and owner/contact information. Check applicable box(es) below. Sign (facility owner) and date the form.
2. Make copies of this form for yourself, each county and the DNR field office. Submit copy to each county and have each county sign the form.
3. Submit a signed (by each county and facility owner) form to the appropriate DNR Field Office.

Facility Name: Brad Moeckly - Home Place Facility ID #: 66169

Facility Address: 3073 NE 126th Ave. Elkhart IA 50073
(Address) (City) (State) (Zip)

Owner's Name: Brad Moeckly Phone Number: 515-979-5807

Mailing Address: 3073 NE 126th Ave. Elkhart IA 50073
(Address) (City) (State) (Zip)

Email Address (optional): _____

Contact Name: Brian Ritland Phone Number: 641-648-7300

Mailing Address: 620 Country Club Rd. Iowa Falls IA 50126
(Address) (City) (State) (Zip)

Email Address (optional): britland@pinnacleiowa.com

Prior to making changes in manure management practices, update the on-site copy to show actual changes. Please select changes below and include all changes in your current, on-site MMP.

I have made no changes to my MMP.

I have added acres; changed crop rotation or optimum yields; changed application method; used manure analysis.

I am electing to be a small animal feeding operation (SAFO) or facility capacity has changed (Contact your local DNR Field Office).

I have made other changes to my MMP. Describe: _____

Signature of Facility Owner: Brad Moeckly Date: 9/20/22

VERIFICATION OF COUNTY RECEIPT: I have received a complete copy of the annual MMP update.

County: Polk Signature: Jamie Fitzgerald Date: 9/23/2022

County: _____ Signature: _____ Date: _____

County: _____ Signature: _____ Date: _____

For DNR to approve the update, submit on this form, check at least one box above, have each county and the facility owner sign and date, and pay the correct fees.

Calculate the Animal Unit Capacity (AUC): multiply the maximum number of each species confined at one time by the appropriate factor indicated below, then add all animal units together and multiply by \$0.15:

ANIMAL SPECIES	(Max Capacity)	X (FACTOR)	AUC
Slaughter or feeder cattle		1.0	
Immature dairy cattle		1.0	
Mature dairy cattle		1.4	
Swine over 55 lbs.	1700	0.4	680
Swine 15 lbs. to 55 lbs.; Sheep; Goats	2600	0.1	260
Horses		2.0	
Turkeys 7 lbs. or more		0.018	
Turkeys less than 7 lbs.		0.0085	
Broiler or layer chickens 3 lbs. or more		0.01	
Broiler or layer chickens less than 3 lbs.		0.0025	
Fish		0.001	

	Fee/AU	Compliance Fee Due
Total AUC <u>940</u>	X \$0.15	\$ <u>141.00</u>

160

IN THE SHERIFF'S OFFICE OF POLK COUNTY, IOWA

IN THE MATTER OF THE
CONDEMNATION OF CERTAIN RIGHTS
IN PROPERTY FOR THE

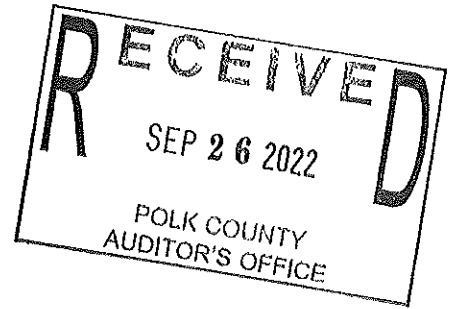
MERLE HAY ROAD AND JOHNSTON
DRIVE IMPROVEMENTS PROJECT
PARCELS 35 & 36

5265 and 5267 MERLE HAY ROAD,
JOHNSTON,

NEW TKG-STORAGEMART PARTNERS
PORTFOLIO, LLC,

BY THE CITY OF JOHNSTON, IOWA,

APPLICANT.



**NOTICE OF APPRAISMENT OF
DAMAGES AND TIME FOR
APPEAL**

TO:

Titleholders:

New TKG-StorageMart Partners Portfolio, LLC
c/o Corporation Service Company
505 5th Avenue, Suite 729
Des Moines, IA 50309

Lienholders, Encumbrancers and Leaseholders:

Wells Fargo Bank, NA
c/o Corporation Service Company
505 5th Avenue, Suite 729
Des Moines, IA 50309
(Mortgage lienholder)

Wilmington Trust, National Association, as Trustee
1100 North Market Street
Rodney Square North
Wilmington, DE 19801
(Mortgage lienholder)

#17

MidAmerican Energy Company
c/o C T Corporation System
400 E. Court Ave.
Des Moines, IA 50309
(Overhead electric line easement)

Taxing Authority:

Polk County, Iowa, c/o Polk County Auditor, Polk County Administration Building, 111 Court Avenue, Room 230, Des Moines, IA 50309

LEGAL DESCRIPTION:

A fee simple interest in:

A PARCEL OF LAND LOCATED IN NORTH HALF OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 18, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF JOHNSTON, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 18, THENCE SOUTH 00° 14' 17" WEST, 743.59 FEET ALONG THE WEST LINE OF SAID SECTION 18; THENCE NORTH 89° 00' 52" EAST, 50.01 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF MERLE HAY ROAD, ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89° 00' 52" EAST, 6.50 FEET ALONG THE SOUTH LINE OF THE PLAT OF SURVEY OF THE NORTH HALF OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 18, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN, AN OFFICIAL PLAT, AS RECORDED IN BOOK 13521, PAGE 478 OF THE POLK COUNTY RECORDER'S OFFICE; THENCE SOUTH 00° 14' 17" WEST, 168.34 FEET; THENCE SOUTH 88° 55' 51" WEST, 6.50 FEET TO SAID EAST RIGHT-OF-WAY LINE; THENCE NORTH 00° 14' 17" EAST, 168.35 FEET ALONG SAID EAST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING;

And

A temporary construction easement interest in:

A PARCEL OF LAND LOCATED IN NORTH HALF OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 18, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF JOHNSTON, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 18, THENCE SOUTH 00° 14' 17" WEST, 743.59 FEET ALONG THE WEST LINE OF SAID SECTION 18; THENCE

NORTH 89° 00' 52" EAST, 50.01 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF MERLE HAY ROAD; THENCE CONTINUING NORTH 89° 00' 52" EAST, 6.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89° 00' 52" EAST, 3.50 FEET; THENCE SOUTH 00° 14' 17" WEST, 122.92 FEET; THENCE NORTH 88° 56' 29" EAST, 10.00 FEET; THENCE SOUTH 00° 14' 17" WEST, 45.41 FEET; THENCE SOUTH 88° 55' 51" WEST, 13.50 FEET; THENCE NORTH 00° 14' 17" EAST, 168.34 FEET TO THE POINT OF BEGINNING

(the "necessary property interests"); and

The property at which the necessary property interests are situated is 5265 Merle Hay Road (tax parcel 79241810001), and 5267 Merle Hay Road (tax parcel 79241810005), Johnston, Iowa.

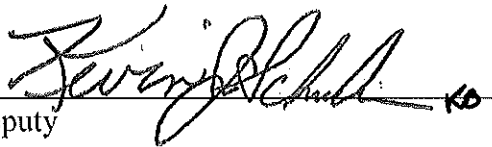
Said Commission assessed said damages as follows:

<u>Fee Simple</u>	\$ <u>8,200⁰⁰</u>
<u>Temporary Easement</u>	\$ <u>800⁰⁰</u>
_____	\$ _____
_____	\$ _____
TOTAL AWARD	\$ <u>9,000⁰⁰</u>

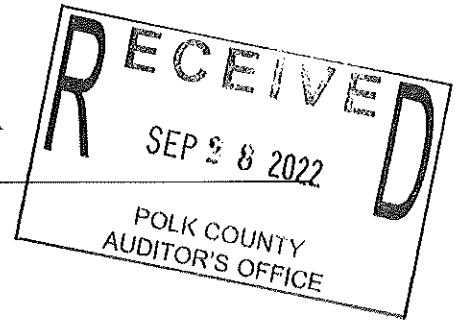
YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the duly appointed and qualified commissioners assessed and appraised the damages sustained by reason of the condemnation as set out above, and that pursuant to Section 6B.18 of the Code of Iowa, any interested party may, within thirty days from the date of mailing the notice of the appraisal of damages, appeal to the district court by filing notice of appeal with the district court of the county in which the real estate is located and by giving written notice to the sheriff that the appeal has been taken.

Dated this 23rd day of September, 2022.

SHERIFF OF POLK COUNTY, IOWA

By: 
Deputy

BEFORE THE SHERIFF OF POLK COUNTY, IOWA



IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND FOR THE POLK COUNTY BROADWAY AVENUE IMPROVEMENT PROJECT,

4575 E. 38TH STREET, DES MOINES

CRAIG E. YOUNG AND ANNA M. YOUNG,

BY

POLK COUNTY, IOWA,

Applicant.

NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL

TO:

TITLEHOLDER:

CRAIG E. YOUNG
ANNA M. YOUNG
4575 E. 38TH ST
DES MOINES IOWA 50317

LIENHOLDERS, ENCUMBRANCERS, LEASEHOLDERS, AND INTERESTED PARTIES:

TRADITION MORTGAGE, LLC (MORTGAGE BOOK 17622, PAGES 346-356)
16995 BRANDTJEN FARM DR, STE 300
LAKEVILLE MN 55044

TAXING AUTHORITY:

POLK COUNTY, IOWA
C/O POLK COUNTY AUDITOR
POLK COUNTY ADMIN BLDG.
111 COURT AVE. ROOM 230
DES MOINES IOWA 50309

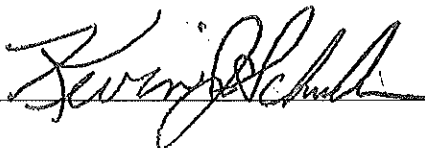
PROPERTY ADDRESS:

4575 E. 38TH ST, DES MOINES IOWA

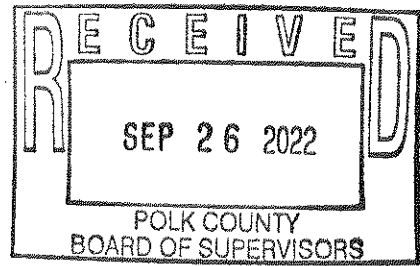
TOTAL AWARD: \$ 10,000⁰⁰

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the duly appointed and qualified commissioners assessed and appraised the damages sustained by reason of the condemnation as set out above, and that pursuant to Section 6B.18 of the Code of Iowa, you may within thirty (30) days from the date of mailing this Notice, appeal to the District Court as by law provided.

Dated this 26th day of September, 2022.

 Sheriff of Polk County, Iowa

18



CITY DEVELOPMENT BOARD
STATE OF IOWA

IN THE MATTER OF THE CITY OF)	
ALTOONA VOLUNTARY ANNEXATION)	CASE NUMBER: NC22-37 / ALTOONA
INCLUDING NON-CONSENTING OWNERS)	
WITHIN THE URBANIZED AREA OF THE)	NOTICE OF PUBLIC HEARING
CITIES OF BONDURANT, ANKENY AND)	
DES MOINES)	

TO: Cities of Altoona, Bondurant, Ankeny and Des Moines, Polk County Board of Supervisors, Polk County Attorney, Des Moines Area Metropolitan Planning Organization, Iowa Attorney General, Iowa Department of Transportation, Public Utilities and Interested Persons

You and each of you are hereby notified that the City Development Board will, pursuant to Iowa Code Section 368.7, hold a public hearing on the above captioned matter. The public hearing is scheduled at 1:30 p.m. on October 17, 2022, at the Iowa Economic Development Authority, 1963 Bell Avenue, Suite 200, Helmick Conference Room, Des Moines, Iowa.

This proposal contains some territory without the consent of the owner. Such proposals require approval of 4/5's of the City Development Board after a public hearing. You are invited to attend this hearing to present evidence for or against the proposed annexation.

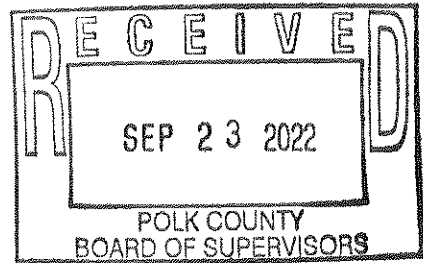
To participate in the public hearing via Teams Webinar, go to <https://akaiowa.us/cdbAltoona>. You will be required to register before receiving the link to join the public hearing.

If you have any questions or wish further clarification, please contact me at (515) 348-6196.

CITY DEVELOPMENT BOARD

Matt Rasmussen, Administrator
City Development Board

19



CITY DEVELOPMENT BOARD
STATE OF IOWA

IN THE MATTER OF THE CITY OF
PLEASANT HILL VOLUNTARY ANNEXATION
INCLUDING NON-CONSENTING OWNERS
WITHIN THE URBANIZED AREA OF THE
CITIES OF ALTOONA AND DES MOINES

CASE NUMBER: NC22-34 / PLEASANT HILL
NOTICE OF PUBLIC HEARING

TO: Cities of Pleasant Hill, Altoona and Des Moines, Polk County Board of Supervisors,
Polk County Attorney, Des Moines Area Metropolitan Planning Organization, Iowa State
Attorney General, Iowa Department of Transportation, affected public utilities and
parties of interest

You and each of you are hereby notified that the City Development Board will, pursuant
to Iowa Code Section 368.7, hold a public hearing on the above captioned matter. The public
hearing is scheduled at 11:30 a.m. on October 17, 2022, at the Iowa Economic Development
Authority, 1963 Bell Avenue, Suite 200, Helmick Conference Room, Des Moines, Iowa.

This proposal contains some territory without the consent of the owner. Such proposals
require approval of 4/5's of the City Development Board after a public hearing. You are invited
to attend this hearing to present evidence for or against the proposed annexation.

To participate in the public hearing via Teams Webinar, go to
<https://akaiowa.us/cdbPleasantHill>. You will be required to register before receiving the link to
join the public hearing.

If you have any questions or wish further clarification, please contact me at
(515) 348-6196.

CITY DEVELOPMENT BOARD

Matt Rasmussen, Administrator
City Development Board

CITY DEVELOPMENT BOARD
STATE OF IOWA

IN THE MATTER OF THE CITY OF ELKHART
VOLUNTARY ANNEXATION WITHIN THE
URBANIZED AREA OF THE CITY OF ANKENY

) NO. UA22-41 / ELKHART
)
) NOTICE OF MEETING TO CONSIDER
) VOLUNTARY ANNEXATION WITHIN AN
) URBANIZED AREA
)

TO: Cities of Elkhart and Ankeny, Polk County Board of Supervisors, Polk County Attorney, Mid-Iowa Planning Alliance, Iowa State Attorney General, Iowa Department of Transportation, affected public utilities and parties of interest

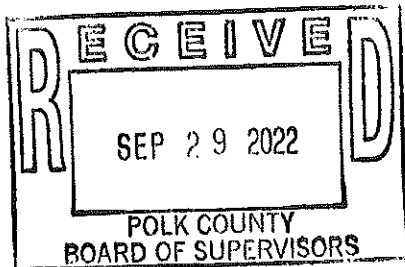
You and each of you are hereby notified that the City Development Board will, pursuant to Iowa Code Section 368.7, consider the above captioned matter at its regular meeting at 1:00 p.m. on October 12, 2022 at the Iowa Economic Development Authority, 1963 Bell Avenue, Suite 200, Helmick Conference Room, Des Moines. A copy of a map and legal description of the annexation territory is enclosed.

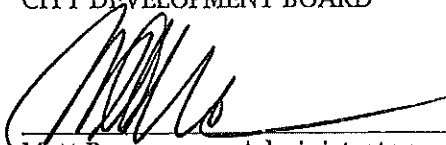
At said meeting, the City Development Board, in its deliberations on approval or disapproval of said annexation, may take note of public documents or other evidence and shall give any interested party opportunity to present evidence or comment orally or in writing all in accord with Section 263-7.7, I.A.C. The City Development Board invites oral or written comments relative to the petition on or before the meeting date as noted above.

To participate in this meeting via Teams Webinar, go to <https://akaiaowa.us/cdb>. You will be required to register before receiving the link to join the meeting.

Should you have questions regarding this notice, please contact the City Development Board at 515/348-6196.

CITY DEVELOPMENT BOARD




Matt Rasmussen, Administrator
City Development Board