

Des Moines, Iowa, November 28, 2000
Tuesday, 9:30 a.m.

PROCEEDINGS OF THE POLK COUNTY BOARD OF SUPERVISORS

The Polk County Board of Supervisors met in regular session on Tuesday, November 28, 2000 at 9:30 a.m.

MEMBERS PRESENT: Jack Bishop, George M. Mills, Gene Phillips, Thomas E. Baker,
Angela Connolly.

Moved by Bishop, Seconded by Mills to dispense with the reading of the November 21, 2000 minutes and they stand approved as printed. The October 24, 25, November 1 & 8, 2000 discussion meeting minutes were also approved.

VOTE YEA: Bishop, Mills, Phillips, Baker, Connolly.

The Bills as certified by the County Auditor were allowed or disallowed on each according to the certified list.

VOTE YEA: Bishop, Mills, Phillips, Baker, Connolly.

PUBLIC HEARING: DISPOSAL OF COUNTY INTEREST IN REAL ESTATE

Proof of Publication is on file with the Clerk of the Board. No one appeared for or against the proposal. Public Hearing closed.

RESOLUTION: Resolution approving Quit Claim Deed to Steven L. Harlan (West side of 81st Street, 202.5F North of University Avenue).

VOTE YEA: Bishop, Mills, Phillips, Baker, Connolly.

PUBLIC HEARING: DISPOSAL OF COUNTY INTEREST IN REAL ESTATE

Proof of Publication is on file with the Clerk of the Board. No one appeared for or against the proposal. Public Hearing closed.

RESOLUTION: Resolution approving Quit Claim Deed to Minnie L. Mallard (1260 E. 17th Court).

VOTE YEA: Bishop, Mills, Phillips, Baker, Connolly.

PUBLIC HEARING: DISPOSAL OF COUNTY INTEREST IN REAL ESTATE

Proof of Publication is on file with the Clerk of the Board. No one appeared for or against the proposal. Public Hearing closed.

RESOLUTION: Resolution approving Quit Claim Deed to Shawn J. Hay (1797 Williams Street).

VOTE YEA: Bishop, Mills, Phillips, Baker, Connolly.

PUBLIC HEARING: DISPOSAL OF COUNTY INTEREST IN REAL ESTATE

Proof of Publication is on file with the Clerk of the Board. No one appeared for or against the proposal. Public Hearing closed.

RESOLUTION: Resolution approving Quit Claim Deed to Kathleen L. Davis and Gwendolyn K. Garber (North side of Easton, 367.56F East of E. 29th Street).

VOTE YEA: Bishop, Mills, Phillips, Baker, Connolly.

PUBLIC HEARING: DISPOSAL OF COUNTY INTEREST IN REAL ESTATE

Proof of Publication is on file with the Clerk of the Board. No one appeared for or against the proposal. Public Hearing closed.

RESOLUTION: Resolution approving Quit Claim Deed to Michael X. Cooney and Tomi J. Cooney (124F West of CL 38th Place, 125F North of Hillcrest - landlocked).

VOTE YEA: Bishop, Mills, Phillips, Baker, Connolly.

APPOINTMENTS: Moved by Bishop, Seconded by Mills that the following Resolution be adopted:
BE IT FURTHER RESOLVED THAT the individuals named on this Memorandum be approved for personnel action:

Nancy R. Squire, Ident. Tech., Sheriff, \$35,893 beginning December 16, 2000.

VOTE YEA: Bishop, Mills, Phillips, Baker, Connolly.

PETITIONS: Petitions to suspend taxes and special assessments for the following:

Jorene E. Borghi	243 Astor Street
William L. Gilliam	1355 Pennsylvania Avenue
Mary Haynes	4825 N.E. 30 th Street
David P. Heins	3019 Jefferson
Marie E. Jones	4629 Euclid
Hugh B. McCullough	817 E. 28 th Street
Greggory A. Page	238 Hackley Avenue
Claire V. Romine	1522 Douglas Avenue
Lathalia Sanders	913 E. 17 th Street

VOTE YEA: Bishop, Mills, Phillips, Baker, Connolly.

Petitions to suspend taxes and special assessments on a multi-year basis for the following:

Emma Faye Hall	3012 Vilura Pkwy.
Glenn D. McFadden Jr.	2915 Logan

VOTE YEA: Bishop, Mills, Phillips, Baker, Connolly.

Petitions approving tax sale redemption and suspension of taxes and special assessments and authorizing the Chairperson to sign the Application and Affidavit for Redemption of Parcel for the following:

John E. Spears	1438 Enos Avenue
Dorothy B. Sullivan	617 Boyd Street

VOTE YEA: Bishop, Mills, Phillips, Baker, Connolly.

RECEIVED & FILED: FY 99/00 Audit Report for Broadlawns Medical Center.

REFERRED TO COM.& FAM.SVCS: Communication regarding the naming of the new Carpenter Senior Center.

**REFERRED TO
CO.ATTY. &
PLANNING &
DEVELOPMENT:**

Notice of Public Hearing from the City of Ankeny on an application for voluntary annexation of property owned by Michael and Vivian Kinkade.

**PUBLIC
COMMENTS:**

Bob Mickle, 1711 Woodland Avenue, appeared in support of Item #26 on the Agenda, petition to name the new Carpenter Senior Center after Supervisor Baker.

Lacey Spriggs, 2024 47TH Street, appeared in opposition to Item #24 on the Agenda (Racing Association appointment).

RESOLUTIONS:

Resolution approving the Family Enrichment Center FY 2001 \$16,000 agreement with the Southeast Polk School District for van driver services.

VOTE YEA: Bishop, Mills, Phillips, Baker, Connolly.

Resolution approving Des Moines Metro Transit Authority agreement amendment requiring tax expenditures of \$325,173 in General Basic funds and \$427,820 in MH/MR/DD services funds for FY 00/01 transportation services from November 1, 2000 through June 30, 2003.

MOTION:

Moved by Phillips, Seconded by Mills to defer.

VOTE YEA: Bishop, Mills, Phillips, Baker, Connolly.

Resolution approving the increase of hours for part time site coordinators and authorizing two part time site coordinators that are currently sponsored by other agencies to become County employees beginning January 2001.

VOTE YEA: Bishop, Mills, Phillips, Baker, Connolly.

Resolution approving MH/MR/DD service approvals and authorizing expenditures from the MH/MR/DD Services Fund.

VOTE YEA: Bishop, Mills, Phillips, Baker, Connolly.

Resolution approving MH/MR/DD rate changes and authorizing expenditures from the MH/MR/DD Services Fund.

VOTE YEA: Bishop, Mills, Phillips, Baker, Connolly.

Resolution approving 28E agreement with City of Mitchellville for maintenance.

VOTE YEA: Bishop, Mills, Phillips, Baker, Connolly.

Resolution approving agreement with Iowa Department of Transportation formalizing funding and project development responsibilities for each entity for bridge replacement on N.E. 112th Street, ½ mile north of N.E. 94th Avenue.

VOTE YEA: Bishop, Mills, Phillips, Baker, Connolly.

Resolution approving 28E agreement with Iowa Department of Natural Resources.

VOTE YEA: Bishop, Mills, Phillips, Baker, Connolly.

Resolution to amend the Polk County Code of Ordinances - Board of Health appendix.

VOTE YEA: Bishop, Mills, Phillips, Baker, Connolly.

Resolution setting December 12, 2000 at 5:00 p.m. as date for public hearing regarding the use of Local Law Enforcement Block Grant Funds for video equipment project.

VOTE YEA: Bishop, Mills, Phillips, Baker, Connolly.

Resolution appointing representative to the Racing Association of Central Iowa.

MOTION:

Moved by Baker to defer on the appointment.
MOTION DIED FOR LACK OF A SECOND.

VOTE ON RESOLUTION:

VOTE YEA: Bishop, Mills, Phillips, Connolly.

VOTE NAY: Baker.

LET THE RECORD SHOW Mr. Mills left before the Falvey Hearing.

HEARING:

On application by John Falvey and Falvey Farms Inc. to construct drainage improvements.

Michael O'Meara, Assistant County Attorney, stated that the Board had received a statutory request in August on behalf of John Falvey and Falvey Farms, Inc. seeking relief pursuant to Iowa Code Chapter 468. Unsuccessful attempts were made to resolve the issues in meetings between the property owners and representatives from the County Engineer's Office and the County Attorney's Office. The Board will hear arguments today in a judicial capacity. Mervin Vaughn, Court Reporter was present.

LET THE RECORD SHOW the following appeared before the Board:

Michael O'Malley, 317 6th Avenue, Attorney representing John Falvey and Falvey Farms, Inc.

Don Etler, 1915 Call Park Drive, Algona, civil engineer.

Dan Stockdale, Attorney, 412 Washington Avenue, Iowa Falls, Iowa, representing Higginbottom, Inc., and Fred Higginbottom, Richard Higginbottom and Miriam Welch.

Fred Higginbottom, 13664 N.E. 76th Street.

MOTION:

Moved by Bishop, Seconded by Phillips to recess the Falvey hearing for the sale of the General Obligation Capital Loan Notes.

VOTE YEA: Bishop, Phillips, Baker, Connolly. ABSENT: Mills.

RECONVENED SESSION

The Polk County Board of Supervisors continued in reconvened session at 11:30 a.m. on Tuesday, November 28, 2000.

MEMBERS PRESENT: Jack Bishop, Gene Phillips, Thomas E. Baker, Angela Connolly.

MEMBERS ABSENT: George M. Mills.

David Dirks, Evensen-Dodge, appeared before the Board regarding the report of bids and bid recommendation.

RESOLUTIONS: Resolution directing the sale of \$4,200,000 General Obligation Capital Loan Notes (Broadlawns).

VOTE YEA: Bishop, Phillips, Baker, Connolly.
ABSENT: Mills.

Resolution approving and authorizing a loan agreement and providing for the issuance of General Obligation Capital Loan Notes in the amount of \$4,200,000 and levying a tax for the payment thereof.

VOTE YEA: Bishop, Phillips, Baker, Connolly.
ABSENT: Mills.

The Board returned to Regular Session to continue the Falvey Hearing:

MEMBERS PRESENT: Jack Bishop, Gene Phillips, Thomas E. Baker, Angela Connolly.

MEMBERS ABSENT: George M. Mills.

Larry Land, Assistant County Engineer, appeared on behalf of Polk County.

Closing remarks were given by Mr. O'Malley and Mr. Stockdale. Harry Kimberley, property owner, 15273 N.E. 96th Street, Maxwell, also appeared.

The following exhibits were presented during the hearing:

Mr. O'Malley - 1. (Section Map), 2., 3., 4. (Photos), 5., (Falvey Drainage Relief Request), 16. (County Engineer's drawing).

Mr. Stockdale - 6. (Claim for Damages), 7. through 14. (Pictures from Mr. Higginbottom), 17. (Drawing No. 1).

Larry Land - 15. (Aerial Photo).

Chairperson Connolly closed the Hearing and directed that the petitioner would have a written decision from the Board within ten days.

Board of Supervisors Meeting
November 28, 2000
Page 6.

Moved by Phillips, Seconded by Baker to adjourn until December 5, 2000.

VOTE YEA: Bishop, Phillips, Baker, Connolly. ABSENT: Mills.

MICHAEL A. MAURO
POLK COUNTY AUDITOR

ANGELA CONNOLLY
CHAIRPERSON BOARD OF SUPERVISORS

No qualified individuals with a disability will be excluded on the basis of a disability from participation in meetings, hearings, programs, activities or services conducted by Polk County. To request information in an alternative format or request an accommodation to participate in a meeting, hearing, program, activity or service, contact the office conducting the meeting or offering the program, activity or service.