

Des Moines, Iowa, January 27, 2004  
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, January 27, 2004 at 9:30 a.m.

MEMBERS PRESENT: E.J. Giovannetti, Tom Hockensmith, Robert Brownell, Angela Connolly, John Mauro.

Moved by Brownell, Seconded by Connolly to dispense with the reading of the January 20, 2004 minutes and they stand approved as printed.

VOTE YEA: Giovannetti, Hockensmith, Brownell, Connolly, Mauro.

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

VOTE YEA: Giovannetti, Hockensmith, Brownell, Connolly, Mauro.

**PUBLIC HEARING: ZONING MAP AMENDMENT**

Proof of Publication is on file with the Clerk of the Board. Elizabeth Duncan, 1755 SE 108<sup>th</sup> Street, Runnells appeared requesting approval of the rezoning.

**REC'D & FILED:** Handout of additional information relating to the rezoning of property.

Ray Ryerkerk, 11070 SE Runnells Drive and Lyle Gulling, 11496 SE 6<sup>th</sup> Avenue also appeared in support of the rezoning.

Public Hearing closed.

**RESOLUTION:** Resolution approving the Comprehensive Land Use Plan Map Amendment from the Countryside Classification to the Suburban Estate Classification as requested by Elizabeth Duncan.

VOTE NAY: Giovannetti, Hockensmith, Brownell, Connolly, Mauro.

**RESOLUTION FAILED.**

**ORDINANCE:** Ordinance approving the Zoning Map Amendment from the Countryside Classification to the Suburban Estate Classification as requested by Elizabeth Duncan.

(FIRST READING)

Due to the resolution failing, the ordinance is declared moot.

**PUBLIC HEARING: CONVEYANCE OF VACATED ROAD RIGHT-OF-WAY (DELAWARE TOWNSHIP)**

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

**RESOLUTION:** Resolution approving conveyance and approving Warranty Deed for vacated road right-of-way in Delaware Township.

VOTE YEA: Giovannetti, Hockensmith, Brownell, Connolly, Mauro.

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

Ralph C. McBee, Mgr of Investigations, Co Atty, \$59,156.45 beg Jan. 24, 2004

VOTE YEA: Giovannetti, Hockensmith, Brownell, Connolly, Mauro.

- PERMITS:** Renewal application for Class “C” Beer Permit and Sunday Sales for Casey’s, 7015 NE 14<sup>th</sup> Street.
- VOTE YEA: Giovannetti, Hockensmith, Brownell, Connolly.  
PASS: Mauro.
- New application for Class “C” Liquor License and Sunday Sales for Eddy’s, 1360 NE 54<sup>th</sup> Avenue.
- VOTE YEA: Giovannetti, Hockensmith, Brownell, Connolly.  
PASS: Mauro.
- REC’D & FILED:** Farm to Market Road Fund Quarterly Statement, October 1 to December 31, 2003
- REFERRED TO PLANNING, PUBLIC WKS & CO ATTORNEY:** Notice of meeting to consider City of Grimes Voluntary Annexation within the urbanized area of the City of Johnston.
- Notice of consultation meeting from the City of Des Moines regarding proposed Voluntary annexation of the balance of the historic Fort Des Moines area.
- PUBLIC COMMENTS:** Wanda Sears, 838 – 29<sup>th</sup> Street, appeared regarding Resolutions #14 (Childhood Lead Poisoning Prevention Program) and #17 (Prairie Meadows capital improvements).
- RESOLUTIONS:** Resolution approving MH/MR/DD service approvals and authorizing expenditures from the MH/MR/DD Services Fund.
- VOTE YEA: Giovannetti, Hockensmith, Brownell, Connolly, Mauro.
- Resolution approving Memorandum of Understanding with the Iowa Department of Public Health to conduct a study of the impact of influenza prevention in child care centers in Polk County.
- VOTE YEA: Giovannetti, Hockensmith, Brownell, Connolly, Mauro.
- Resolution approving contract with the Iowa Department of Public Health to provide assistance with upgrading the local preparedness and bioterrorism response system.
- VOTE YEA: Giovannetti, Hockensmith, Brownell, Connolly, Mauro.
- Resolution approving renewal application with the Iowa Department of Public Health for the Childhood Lead Poisoning Prevention Program.
- VOTE YEA: Giovannetti, Hockensmith, Brownell, Connolly, Mauro.
- Resolution abating erroneously assessed taxes on church property located at 801 Scott Avenue.
- VOTE YEA: Giovannetti, Hockensmith, Brownell, Connolly, Mauro.
- Resolution abating taxes on property owned by Olivet Baptist Church.
- VOTE YEA: Giovannetti, Hockensmith, Brownell, Connolly, Mauro.

Resolution approving request to expend up to \$1,850,000 for capital improvements at Prairie Meadows Racetrack and Casino.

VOTE YEA: Giovannetti, Hockensmith, Brownell, Connolly, Mauro.

**OFFICIAL  
PUBLICATION  
CONTEST:**

Michael O'Meara, County Attorney's Office, read a statement regarding the contest that exists as four publications have requested to be considered as the official newspapers for the Board of Supervisors for calendar year 2004. Iowa Code Section 349. They are as follows:

The Des Moines Register, in zoned editions circulated in the following zip code areas located in northern and southern Polk County-50309,50310, 50311, 50312 and 50314

The Altoona Herald-Mitchellville Index

Des Moines Business Record

The Western Express/Press Citizen

LET THE RECORD SHOW the following appeared before the Board regarding the contest:

Henry Phillips, 1691 NW 109<sup>th</sup> Street, Clive, publisher of the Press Citizen Papers

Amy Duncan, publisher of the Altoona Herald-Mitchellville Index

William Hunnicutt, 7904 Briarwood Lane, Attorney for the Altoona Herald-Mitchellville Index

**MOTION:**

Moved by Brownell, Seconded by Giovannetti to approve the Des Moines Register, Des Moines Business Record and The Western Express/Press Citizen as the official publications for the Board of Supervisors for calendar year 2004.

VOTE YEA: Giovannetti, Brownell, Mauro.

VOTE NAY: Hockensmith, Connolly.

LET THE RECORD SHOW Mary Kluender, court reporter, 206 Sixth Avenue, was present for the official publication contest.

Moved by Connolly, Seconded by Brownell to adjourn until February 3, 2004 at 9:30 a.m.

VOTE YEA: Giovannetti, Hockensmith, Brownell, Connolly, Mauro.

**MICHAEL A. MAURO**  
**POLK COUNTY AUDITOR**

**JOHN F. MAURO**  
**CHAIRPERSON BOARD OF SUPERVISORS**

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