



BOARD MEETING

January 10, 2024
Polk County Administration Building
111 Court Ave, Des Moines, IA 50309
RM 120 5:30 PM – PCC Board Meeting

AGENDA

- 1) **Roll Call**
- 2) **Public Comments**
- 3) **Financial Reports**
- 4) **Policy & Procedure Discussion Topic**
- 5) **Action on the Minutes of the Previous Meeting(s)**

CONSENT AGENDA

Note: These are routine items and will be enacted by one roll call vote without separate discussion unless a Board Member or member of the public requests an item be removed to be considered separately. Please notify a PCCB Member to have an item removed.

- 6) **Approving** bill list. (pg 3-4)
- 7) **Approving** revisions and additions to the Employee Administrative Manual of the Polk County Conservation Board that was approved at the December 13, 2023 Conservation Board Meeting. All changes in this manual will be effective January 1st, 2024. (pg 11-12)
- 8) **Approving** the Polk County Conservation Public Art Committee's recommendations for the 2024 Rotating Sculpture Program at Jester Park and Easter Lake Park. (pg 13-21)
- 9) **Ratifying** Polk County Conservation (PCC) Board's electronic vote on December 15, 2023, Approving the purchase and installation of two new playgrounds at Easter Lake Park, featuring ADA accessible features for a total cost not to exceed \$527,702 to Play-Pro Recreation. (pg 22-27)
- 10) **Approving** updates to the Polk County Conservation Board Bylaws and placing on the February Board Meeting Agenda for adoption. Adoption requires two affirmative votes (January & February meetings). (pg 28-33)
- 11) **Awarding** lowest contractor bid for Timber Stand Improvement at Jester Park to Xtreme Tree Inc. in a contracted amount of \$36,320.00 with a 10% contingency. (pg 34-35)

ACTION ITEMS

- 12) **Approving** Fee for Service agreement with the Conservation Corps of Minnesota and Iowa (CCMI) in the amount of \$170,400 for the 2024 dedicated Polk County Conservation Crew. (pg 36-43)
- 13) **Authorizing** Polk County Conservation (PCC) staff to continue negotiation with Sandy Creek Partners (SCP) with regard to transferring permitting, restoration, and operation of stream mitigation sites (Trails End Phase 2 and Ziel) based on original PCC proposal and SCP counter proposal with the understanding that any proposed final agreement will require approval at a future Board meeting. (pg 44-47)

BOARD DISCUSSION

Director Remarks

Board Chair & Members Remarks-**Nomination of 2024 PCC Board Officers**

CLOSED SESSION

14) Going into closed session pursuant to Iowa Code Section 21.5(j) to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property. (pg 48)

ADJOURNMENT

Upcoming Events

- January 10 – Polk County Conservation Board Meeting at County Administration Building, 111 Court Ave., 5:30 pm.
- January 15 – Martin Luther King Jr. Day: Polk County Conservation offices closed. Jester Park Nature Center open Noon – 4 pm.
- January 18 – District 1 meeting for Iowa's County Conservation System at Sleepy Hollow, 8:30 am – 4 pm
- February 7 – Citizen Advisory Committee Meeting at Jester Park Nature Center, 5:30 – 7:30 pm
- February 14 -- Polk County Conservation Board Meeting at County Administration Building, 111 Court Ave., 5:30 pm.

For more information on agenda items or to receive an accommodation to participate in a meeting, hearing, service, program or activity conducted by this office, please contact Polk County Conservation Office at 515-323-5300 or visit the office (12130 NW 128th St, Granger, Iowa). The information identified on this agenda may be obtained in accessible formats by qualified persons with a disability. PCCB meeting agendas are available to the public at the Polk County Conservation Office on Monday afternoon preceding Wednesday's Board meeting. Citizens can also view the Board agenda on Agency's website at www.leadingyououtdoors.org or request to receive meeting notices and agendas by email by calling the office or sending their request via email to pccb_info@polkcountyiowa.gov

2023-24 Revenue Budget
- as of 12/31/23 (50.0% of budget year expired)

	UNIT	Revenue Budget	Total Revenues Received	Balance Due	% Received
General - Fund 1					
0212	Conservation Infrastructure	\$ 20,000	\$ 20,000	\$ -	0.0%
0213	Equipment	\$ 5,000	\$ 53,281	\$ (48,281)	1065.6%
6006	Environmental Ed	\$ 127,000	\$ 36,976	\$ 90,024	29.1%
6009	Natural Resources	\$ 114,000	\$ 100,251	\$ 13,749	87.9%
6101	Administration	\$ 33,500	\$ 11,711	\$ 21,789	35.0%
6103	Community Outreach	\$ -	\$ -	\$ -	0.0%
6104	Conservation Grants	\$ 4,100	\$ 4,100	\$ 0	100.0%
6110	Parks Advocacy Unit	\$ 740,000	\$ 317,510	\$ 422,490	42.9%
6118	Fleet Services	\$ 15,000	\$ 5,309	\$ 9,691	35.4%
6119	Construction/Maint.	\$ -	\$ 1,570	\$ (1,570)	0.0%
6124	Equestrian Center	\$ 215,000	\$ 92,216	\$ 122,784	42.9%
Sub-Total - General Fund 1		\$ 1,273,600	\$ 642,924	\$ 630,676	50.5%
Conservation Special Projects- Fund 6					
6125	JP Lodge	\$ 97,000	\$ 31,382	\$ 65,618	32.4%
6127	Miscellaneous	\$ 7,500	\$ 5,370	\$ 2,130	71.6%
6128	Cabins	\$ 140,000	\$ 70,805	\$ 69,195	50.6%
6129	Lauridsen Skatepark	\$ 35,000	\$ 1,400	\$ 33,600	4.0%
Sub-Total - General Fund 6		\$ 279,500	\$ 108,957	\$ 170,543	39.0%
REAP - Fund 26					
0211	Resource Enhancement	\$ 111,000	\$ 134,146	\$ (23,146)	120.9%
Reserve - Fund 50					
6126	Mitigation Banking	\$ 1,000,000	\$ 180,600	\$ 819,400	18.1%
Bond - Fund 51					
0210/0215	Water & Land Dev & Trails	\$ 6,725,340	\$ 1,003,327	\$ 5,722,013	14.9%
Conservation Enterprises - Fund 286					
6121	Golf Course	\$ 350,800	\$ 147,489	\$ 203,311	42.0%
6126	Sleepy Hollow	\$ 404,200	\$ 41,318	\$ 362,882	10.2%
Sub-Total - Enterprises Fund 286		\$ 755,000	\$ 188,807	\$ 566,193	25.0%
Grand Total - Conservation		\$ 10,144,440	\$ 2,258,760	\$ 7,885,680	22.3%

2023 - 2024 Expense Budget
- as of 12/31/23 (50.0% of budget year expired)

UNIT #	UNIT	Expense Budget	Total Expended	Balance Remaining	% Expended
General - Fund 1					
0212	Conservation Infrastructure	\$ 43,627	\$ 30,000	\$ 13,627	68.8%
0213	Equipment	\$ 384,743	\$ 369,973	\$ 14,770	96.2%
6006	Environmental Ed	\$ 756,620	\$ 372,789	\$ 383,831	49.3%
6009	Natural Resources	\$ 1,489,125	\$ 802,322	\$ 686,803	53.9%
6101	Administration	\$ 1,242,812	\$ 591,450	\$ 651,362	47.6%
6103	Community Outreach	\$ 248,245	\$ 112,010	\$ 136,235	45.1%
6104	Conservation Grants-FEMA	\$ -	\$ -	\$ -	0.0%
6110	Parks Advocacy Unit	\$ 1,802,340	\$ 925,082	\$ 877,258	51.3%
6118	Fleet Services	\$ 737,583	\$ 390,983	\$ 346,600	53.0%
6119	Construction/Maint.	\$ 875,571	\$ 376,677	\$ 498,894	43.0%
6124	Equestrian Center	\$ 832,725	\$ 452,634	\$ 380,091	54.4%
Sub-Total - General Fund 1		\$ 8,413,391	\$ 4,423,918	\$ 3,989,473	52.6%
General Supplemental - Fund 2					
All Units	Benefits (IPERS/FICA/Ins, Etc.)	\$ 1,849,251	\$ 918,151	\$ 931,100	49.6%
Risk Management - Fund 3					
6100	Insurance, Med., Work. Comp.	\$ 50,000	\$ 57,715	\$ (7,715)	115.4%
REAP - Fund 26					
0211	Resource Enhancement	\$ 132,000	\$ 3,378	\$ 128,623	2.6%
Mitigation Banking - Fund 31					
6003	Mitigation Banking	\$ 500,000	\$ 65,357	\$ 434,643	13.1%
Bond - Fund 51					
0210/0215	Water & Land Dev & Trails	\$ 22,105,629	\$ 13,779,037	\$ 8,326,592	62.3%
Conservation Enterprises - Fund 286					
6121	Golf Course	\$ 399,500	\$ 37,407	\$ 362,093	9.4%
6126	Sleepy Hollow	\$ 2,366,346	\$ 453,458	\$ 1,912,888	19.2%
Sub-Total - Enterprises Fund 286		\$ 2,765,846	\$ 490,865	\$ 2,274,981	17.7%
Grand Total - Conservation		\$ 36,507,207	\$ 19,906,188	\$ 16,601,019	54.5%

2021 Bond PCWLL EXPENDITURES AS OF :

December 31, 2023

SUB- LEDGER	PROJECT	BALANCE 2012 BOND	May 2022 BOND ISSUANCE	ACTUAL CONSTRUCTION EXPENDITURES	ACTUAL ENGINEERING EXPENDITURES	ACTUAL MISCELLANEOUS EXPENDITURES	GRANT REVENUES AND DONATIONS	ACTUAL COSTS TO DATE	ACTUAL BALANCE REMAINING
C05-R003	GAY LEA WILSON TRAIL CONNECTION (DSM-ANKENY)						\$ (6,500)	\$ (6,500)	6,500
C12-6221	JP NATURE CENTER	(\$68,793)	\$ 68,793					\$ -	-
C12-6222	CBG MASTER PLAN	\$ -	\$ -					\$ -	-
C12-6228	JP PARK IMPROVEMENTS	\$ -	\$ 787,000	\$ 450,012	\$ 3,923	\$ 505,057		\$ 958,991	(171,991)
C12-6231	TM PARK IMPROVEMENTS& SHOWER HOUSE					\$ 9,650		\$ 9,650	(9,650)
C12-6233	TRAIL IMPROVEMENTS ALL AREAS		\$ 250,000		\$ 66,913	\$ 72,256		\$ 139,169	110,831
C12-6242	ROAD & PARKING LOT RESURFACING ALL AREAS	\$13,666	\$ 300,000	\$ 42,652	\$ 24,905	\$ 43,209		\$ 110,767	202,899
C12-9999	MISC MINOR IMPR, EQUIP & INTEREST	\$31,595	\$ -			\$ 1,032		\$ 1,032	30,563
C12-6250	YB PRIEST PROPERTY ACQUISITION					\$ 15,169		\$ 15,169	(15,169)
C13-6256	PCWLL PUBLIC AWARENESS		\$ 4,930			\$ 4,930		\$ 4,930	-
C13-6258	NATURAL AREA RESTORATIONS	\$185,859	\$ 1,000,000		\$ 22,747	\$ 1,163,400	\$ (50,950)	\$ 1,135,198	50,661
C14-6275	GWT		\$ 500,000					\$ -	500,000
C15-6277	WATER QUALITY	(\$857,705)	\$ 1,000,000	\$ 456,953	\$ 65,504	\$ 414,109	\$ (1,159,371)	\$ (222,805)	365,100
C17-6291	4-MILE BANE PROPERTY		\$ 27,762			\$ 27,762		\$ 27,762	(0)
C17-6297	CBG-DYKSTRA PROPERTY		\$ 3,404		\$ 3,404		\$ (200,000)	\$ (196,596)	200,000
C17-6299	CBG-K KIMBERLY PROPERTY	(\$1,255,237)	\$ 985,850			\$ 3,492	\$ (422,879)	\$ (419,387)	150,000
C18-6302	WETLAND BANKING				\$ 7,600	\$ 2,000		\$ 9,600	(9,600)
C18-6312	MISCELLANEOUS LAND	(\$5,400)	\$ 17,785		\$ 4,785	\$ 10,600	\$ -	\$ 15,385	(3,000)
C19-6324	4-MILE GREENWAY RESTORATION	(\$6,652)	\$ 17,652			\$ 11,000		\$ 11,000	-
C19-6327	EL - NORTH SHORE IMPROVEMENTS	\$99,779	\$ 500,000	\$ 2,078,078	\$ 606,577	\$ 286,393	\$ (113,175)	\$ 2,857,873	(2,258,094)
C19-6334	CBG LANE PROPERTY	\$28,258				\$ 19,548		\$ 19,548	8,710
C20-6343	4-MILE/SLEEPY HOLLOW	(\$2,919)	\$ 4,602,500	\$ 1,112,509	\$ 148,446	\$ 3,687,613		\$ 4,948,568	(348,987)
C20-6346	JESTER PARK CAMPGROUND IMPROVEMENTS		\$ 550,000		\$ 5,914	\$ 64,869		\$ 70,783	479,217
C20-6348	ARTIFACTS		\$ 54,710			\$ 54,710		\$ 54,710	(0)
C20-6349	COPPER CREEK		\$ 150,000		\$ 88,100	\$ 28,809	\$ (2,000)	\$ 114,909	35,091
C20-6352	HTT TO POLK CITY		\$ 424,000		\$ 2,252			\$ 2,252	421,748
C20-6353	SPECK PROPERTY		\$ 1,612			\$ 20,388		\$ 20,388	(18,776)
C21-6354	TRAILS END MITIGATION BANKING	(\$400,205)	\$ 4,000,000	\$ 7,932,237	\$ 211,842	\$ 4,190		\$ 8,148,269	(4,548,474)
C22-6355	SUSTAINABILITY	(\$5,995)	\$ 320,000			\$ 122,652		\$ 122,652	191,353
C22-6356	4-MILE/MEEK		\$ 232,884			\$ 232,684		\$ 232,684	200
C22-6357	4-MILE/LOCKARD		\$ 2,260		\$ 380	\$ 1,880		\$ 2,260	-
C23-6358	CBG - BAILEY PROPERTY		\$ 435,529			\$ 465,329	\$ (91,442)	\$ 373,887	61,642
C23-6359	SKATEPARK PARKING LOT		\$ 250,000		\$ 171,246			\$ 171,246	78,754
C23-6360	SEPTICS		\$ 300,000		\$ 3,785	\$ 75,009	\$ -	\$ 78,794	221,206
C23-6361	ALLEMAN/ZIEL		\$ 371,268		\$ 2,930	\$ 375,297		\$ 378,227	(6,959)
C23-6362	CAMP DODGE/HARDING		\$ 10,464			\$ 1,300,464	\$ (1,290,000)	\$ 10,464	-
C23-6363	YE-DEATON (MILDRED)		\$ 297,559			\$ 299,013		\$ 299,013	(1,454)
C23-6364	BRENTON SLOUGH		\$ -			\$ 231		\$ 231	(231)
C24-6365	BRANDING		\$ 175,000			\$ 66,520		\$ 66,520	108,480
C24-6366	ICON WATER TRAILS		\$ 1,500,000			\$ 1,249,386		\$ 1,249,386	250,614
C24-6367	WATER TRAILS - CONSERVATION		\$ 700,000		\$ 5,188			\$ 5,188	694,812
C24-6368	JPEC - MOLD REMEDIATION		\$ 8,779	\$ -		\$ 13,343		\$ 13,343	(4,564)
C24-6369	CMO SHOP		\$ 180,000			\$ 5,091		\$ 5,091	174,909
C24-6370	JPNC TERRACE		\$ 500,000		\$ 37,400	\$ 31		\$ 37,431	462,569
C24-6372	DEIA INITIATIVE		\$ 25,000			\$ 7,500		\$ 7,500	17,500
C24-6373	PUBLIC ART		\$ 40,000			\$ 10,536		\$ 10,536	29,464
C24-6374	TRAILS END MITIGATION BANKING II		\$ -		\$ 19,141	\$ 14,304		\$ 33,445	(33,445)
C22-9999	MINOR BOND IMPROVEMENTS		\$ 500,000			\$ 759,910	\$ (2,000)	\$ 757,910	(257,910)
	JPEC ROOF REPLACEMENT		\$ 180,000					\$ -	180,000
	FUEL TANK REPLACEMENT		\$ 74,000					\$ -	74,000
	YB OAK VIEW POND PIERS		\$ 25,000					\$ -	25,000
	SOFT TRAIL UPGRADES		\$ 100,000					\$ -	100,000
C22-9998	INTEREST INCOME		\$ -				\$ (1,101,110)	\$ (1,101,110)	1,101,110
	BROADWAY TO NEAL SMITH TRAIL		\$ -					\$ -	-
	TM PLAYGROUND RENOVATIONS		\$ 400,000					\$ -	400,000
	TECHNOLOGY		\$ 10,000					\$ -	10,000
	RETENTION FEE (5%)		\$ 366,126					\$ -	366,126
	TAXABLE PORTION OF BOND		\$ 3,000,000					\$ -	3,000,000
LAND ACQ	LAND ACQUISITIONS		\$ 379,873					\$ -	379,873
		(\$2,307,005)	\$ 25,692,995	\$ 12,072,442	\$ 1,502,980	\$ 11,449,372	\$ (4,426,823)	\$ 20,597,971	\$ 2,788,019

December 13, 2023
Polk County Administration Building
111 Court Ave, Des Moines, IA 50309
5:30 PM – PCC Board Meeting

PROCEEDINGS OF THE POLK COUNTY CONSERVATION BOARD

The Polk County Conservation Board met in person for regular session Wednesday, December 13, 2023. The meeting was called to order at 5:43 p.m.

- #23-1201 **Roll Call**
Members Present: **Lewis, Altringer, Mollenhauer, Crane**
Members Absent: **Cataldo**
- #23-1202 **Public Comments**
- #23-1203 **Jester Park Golf Course Annual Financial Presentation- Jeff Chiodo**
- #23-1204 **Financial Reports**
- #23-1205 **MOVED BY Lewis to approve the November 8, 2023 meeting minutes.**
SECONDED BY Mollenhauer
Vote Yea: **Lewis, Altringer, Mollenhauer, Crane**
Members Absent: **Cataldo**

CONSENT AGENDA

- #23-1206 **Approving** bill list.
- #23-1207 **Approving** proposed suggested donation for raptor education programs. All fees will become effective on January 1, 2024.
- #23-1208 **Approving** proposed Sleepy Hollow State Fair user fee rates for Board action at the December 13, 2023 meeting. All fees will become effective on January 1, 2024.
- #23-1209 **Approving** proposed user fee rates for Board action at the December 13, 2023 meeting. All fees will become effective on January 1, 2024.
- #23-1210 **Awarding** lowest contractor bid for Hazard Tree Removals in Polk County Conservation parks to Arbor Masters in a contract amount of \$55,306.25, plus a 10% contingency.
- #23-1211 **Awarding** lowest contractor bid for tree Timber Stand Improvement at Easter Lake Park and Fourmile Creek Greenway to Xtreme Tree in a contracted amount of \$73,338.00 with a 10% contingency.
- #23-1212 **Approving** application to the United States Forest Service Community Forest and Open Space Conservation Program for Brenton Slough.

- #23-1213 **Approving** the execution and delivery of the Destination Iowa grant agreement that was awarded in June of 2022 for the Easter Lake North Shore project.
- #23-1214 **Approving** Transportation Alternatives Program (TAP) grant application and intent to provide 20% matching funding for 2027 TAP funding for the Polk City to High Trestle Trail connection.
- #23-1215 **Approving** revisions and additions to the Employee Administrative Manual of the Polk County Conservation Board that was approved at the July 12, 2023 Conservation Board Meeting. All changes in this manual will be effective January 1st, 2024.

LET THE RECORD SHOW it was moved by Crane to approve the consent agenda.

SECONDED BY Mollenhauer

Vote Yea: **Lewis, Altringer, Mollenhauer, Crane**

Members Absent: **Cataldo**

ACTION ITEMS

- #23-1216 **Approving** expenditure of Polk County Water & Land Legacy bond funds for Chichaqua Bottoms Greenbelt public improvements.

LET THE RECORD SHOW it was moved by Mollenhauer to approve Action Item 23-1216.

SECONDED BY Crane

Vote Yea: **Lewis, Altringer, Mollenhauer, Crane**

Members Absent: **Cataldo**

- #23-1217 **Approving** the Purchase Agreement with Bob Berggren to purchase 1.80 acres of property near Polk City, Iowa, for an amount of \$72,000.00 plus closing costs.

LET THE RECORD SHOW it was moved by Lewis to approve Action Item 23-1217.

SECONDED BY Crane

Vote Yea: **Lewis, Altringer, Mollenhauer, Crane**

Members Absent: **Cataldo**

- #23-1218 **Approving** the Purchase Agreement with Ron Kamps to purchase 5.43 acres of property near Polk City, Iowa, for an amount of \$217,200.00 plus closing costs.

LET THE RECORD SHOW it was moved by Lewis to approve Action Item 23-1218.

SECONDED BY Crane

Vote Yea: **Lewis, Altringer, Mollenhauer, Crane**

Members Absent: **Cataldo**

- #23-1219 **Approving** the Purchase Agreement with Steve Kamps to purchase 5.10 acres of property near Polk City, Iowa, for an amount of \$214,000.00 plus closing costs.

LET THE RECORD SHOW it was moved by Lewis to approve Action Item 23-1219.

SECONDED BY Crane

Vote Yea: **Lewis, Altringer, Mollenhauer, Crane**

Members Absent: **Cataldo**

#23-1220 **Approving** Change Orders 1through 4 in an amount of \$1,320,168.71 for the Trails End Wetland Mitigation Bank Phase – 1 project.

LET THE RECORD SHOW it was moved by Crane to approve Action Item 23-1220.

SECONDED BY Mollenhauer

Vote Yea: **Lewis, Altringer, Mollenhauer, Crane**

Members Absent: **Cataldo**

(Happened before director's remarks)

Board Chair & Members Remarks-***Nomination of 2024 PCC Board Officers***

Board Chair: **Jill Altringer (Nominated by Crane)**

Vice Chair:

Secretary:

Mollenhauer and Lewis both volunteered for Vice Chair position

Votes for Mollenhauer: Mollenhauer, Altringer

Votes for Lewis: Lewis, Crane

Voting stalled due to tie vote—moved voting to January Board Meeting for remaining positions (Vice Chair and Secretary) until all five members are present to vote.

LET THE RECORD SHOW it was moved by Crane to approve the appointment of 2024 Polk County Conservation Board Chair by acclamation.

Vote Yea: **Lewis, Mollenhauer, Altringer, Crane**

Members Absent: **Cataldo**

Other Board Chair & Members Remarks:

Lewis: where are we in the Lockard land dedication? Ribbon cuttings? Anything? Board wants to see progress.

Rich: Complication came in where we not only wanted to honor the Lockard property but wanted to make it an event for people nearby to also participate.

Kami: Last we spoke, wanted to do something onsite as it was most impactful so discussed at one year mark (March/April) and have a big celebratory thing. Wanted to approach Lockards for their blessing. Could be in conjunction with board meeting or separate event.

Lewis: interested in bringing in advisory committee mtg as well. Want to also see the board of supervisors invited.

Mollenhauer: the sooner we know the date the better.

Rich: We will work with the Lockards to establish a date by next month.

Lewis: Chiodo family has done a great job. Do you think we would be better off having part of SH being run by someone else?

Rich: Major concessions (restaurant) will be run by someone else, along with the Renaissance Faire and Halloween events. Everything else is slated to be run by us.

Greg: 4 Mile Mountain Bike Park contracts—have we done bid lettings yet? The Mountain Bike Park is a big deal for the East Side.

Adam: We have not done the bid lettings yet—we received a state recreation grant from the DOT so we have to go through their review. We have to submit our plans to them and they are backed up. We can currently bid out the soft trails part prior to their review because they don't really deal with those, but everything else has to be put on hold until the review is finished. We are also working through City of Des Moines comments. However, our goal is to award the bid in February, so it will still be a quick turnaround.

Lewis: Who is going to admin/facilitate the 4 Mile Mountain Bike Park reservations/sales/etc.?

Rich: Will likely be Zoey or Katie.

Greg: I attended the Iowa Nature Summit put on by Drake University/Neal Hamilton-- great conference—gave thanks to staff for attending and being present. “Lots of scary stuff happening” that was discussed at this conference. However, highlight of the event was during the outdoor recreation presentations, Rich got 20 minutes to present and was really interesting and did a good job. Greg would like to see a unifying factor/something to bring together all the various groups that were in attendance at this conference for next year.

BOARD DISCUSSION

Director Remarks –

Paula Feltner will be our new board member who starts next month (will officially be appointed in January). Background in teaching, is an attorney, director of caucuses, graduated from Drake Law with honors.

PCCB is having a Manager “Staff Retreat” and two other meetings in January with staff, therefore Rich wanted to propose a time in February for all board members to meet for the day to dust off goals and level set in 2024 based on what is discussed with staff in the first three meetings. Jill needs a Friday—Mollenhauer is completely open. Feb 16th would work for Ryan. Altringer prefers Feb 23rd—could possibly due 2/16 but she has to check. Board to circle back with Rich to confirm final date.

Referring to the handout from Rich regarding the phases of budget conversation. Natalie, Kami, and Rich recently met with the Board of Supervisors for preliminary FY '24/'25 budget discussions. Rich expects to not be granted everything we have on this initial request; however, negotiations and finalizations will take place 1/9/24 at 10am with the Board of Supervisors and Public Works.

- Two Rivers:
 - “Board/staff” public meeting with the Board of Supervisors on 1/3/24 - estimated meeting time of 10:30 AM in the Polk County Admin Building (Ryan would like to attend) to discuss more in-depth the Two Rivers Park and Sleepy Hollow business plan update, including discussing budgeting, funding, etc.
 - The Two Rivers Park is a formalization between the City of Des Moines and Mid-American Energy, and then within the budget \$300k cumulative is coming to us, numbers may shift a little, but total will be \$300k. The budget for Two Rivers will operate like the budget for Lauridsen Skatepark, where there will be a separate account comprised of \$150k from the City of Des Moines and \$150K from Polk County to keep the park running. Approximately 2/3rds of the funding will go to staffing and 1/3 to supplies.

- Sleepy Hollow operations and staffing are still in negotiations. Snowflex soft open is still slated in the spring, with a hard open slated for possibly Memorial Day? We are currently in Phase 2 which includes the Feasibility Study for a funding campaign. Late winter 2026/early 2027 is when we hope to have *all* of Sleepy Hollow's amenities completed (new lodge, ski hill, etc.).
- Fund1 increase—this bucket is to cover budget shortfalls as we are not given an increase for things like growth of staff (training), increased costs of fuel, building costs, etc.—this just helps us catch-up on line items of that nature where inflation or costs increase out of our control.
- Green category: capital improvements. If these are not granted, we look at bond money and grants instead to take care of these needs (EC safety improvements, drainage issues, Rayco mower, telehandler, 3 different bridges that need repair, etc.)
- Budget /decision package as a whole is going to be much more restrictive for the next couple of years due to current budget cuts/holds being put in place.

Bond: We are currently at the end of the first Bond letting and ready to start talking about the next letting. \$12M will be the amount of the next ask slated for May/June 2024. PCC is already in preliminary talks with Deb Anderson. Usually there is a bond letting every two years. Will discuss in more detail at the strategic retreat with the board in February.

ELNS—Devon Boes with the Great Outdoors Foundation has been doing fantastic job with Easter Lake. Devon and PCC leadership meet frequently with Prose Consulting to work on a business plan. Business plan goal is to make ELNS self-sustaining, and while it is currently still in draft-form, optimism is running high. Grand opening is still slated for May.

Also regarding Easter Lake...The Business Record has an annual award for Cultural Story of the Year, and we won for Athene North Shore! Devon Boes and Jessica Lown went to the award ceremony tonight (12/13/23) to accept on behalf of the Polk County Conservation Board.

PCCB to meet with a team to strategize regarding the annual NRPA (National Recreation and Park Association). City of Des Moines won a few years back. We applied this year and scored really well, but we were not a finalist. Rich believes we have a really good shot to win this year; we are in category 1, which is the largest category, but we are in a really good position to win. Rich also talked with judges at this year's conference to bend their ear and learn more about what criteria they look for.

Finally, a team is still working on CMO shop design. It is currently looking like the footprint might fit better over the existing CMO area. Once we have a better idea, we will bring the designs and final plans to the board.

CLOSED SESSION
PROCEEDINGS OF THE POLK COUNTY CONSERVATION BOARD

The Polk County Conservation Board met in closed session Wednesday, December 13, 2023 at **7:36 PM**.

MOTION:

#23-1221 **MOVED BY Crane** to go into closed session pursuant to Iowa Code Section 21.5(j) to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property.
SECONDED BY Mollenhauer.

VOTE YEA: **(Unanimous) Lewis, Mollenhauer, Crane**
Members Absent: **Cataldo, Altringer (had to leave at 7:02pm)**

MEMBERS PRESENT: **Lewis, Mollenhauer, Crane, Clark, Leopold, Rankin, Cook, Schorzmnn, McFarlane**

MOTION: Moved by **Crane**, Seconded by **Mollenhauer** to go back into open session.

VOTE YEA: **(Unanimous) Lewis, Mollenhauer, Crane**
Members Absent: **Cataldo, Altringer**

The Board returned to open session.
There was no action taken during closed session.

MOTION: Moved by **Crane** to adjourn. Seconded by **Mollenhauer**.

VOTE YEA: **(Unanimous) Lewis, Mollenhauer, Crane**
Members Absent: **Cataldo, Altringer**

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD AND WITH NO OBJECTIONS, THIS MEETING IS ADJOURNED.
Meeting adjourned at **8:02 PM**.

**Date**

January 10, 2024

Item No.**CONSENT****Roll Call No.****24-0107****Submitted by: Kami Rankin****Deputy Director****AGENDA HEADING:**

Approving revisions and additions to the Employee Administrative Manual of the Polk County Conservation Board that was approved at the December 13, 2023 Conservation Board Meeting. All changes in this manual will be effective January 1st, 2024.

ADDITIONAL INFORMATION:

The Administrative Manual is designed to provide Board approval for policies that provide direction to the workforce on how to manage various aspects of our day-to-day operations. Also contained in the manual are procedures and forms, which management reviews and amends to ensure clarity of the Board approved policies.

Staff are constantly working to ensure the policies within the PCC Administrative Manual are clear, concise, and thorough. Occasionally, policy evaluation and analysis reveal opportunities for re-alignment with Polk County policy, or the need for better clarification to increase employee understanding. The intention is to review this manual every 3 to 5 years in a comprehensive manner, however, if policies by Polk County are amended or further clarification is needed to support employee understanding, those individual items will continue to be brought forward as they occur. Staff is submitting these additions and revisions for the Board's approval to be effective January 1st, 2024.

FISCAL IMPACT: NoneAmount:Funding Source:**PREVIOUS BOARD ACTION(S):**

Various individual policy approvals over the years.

RECOMMENDATION:

Approving revisions and additions to the Employee Administrative Manual of the Polk County Conservation Board that was approved at the December 13, 2023, Conservation Board Meeting. All changes in this manual will be effective January 1st, 2024.

SUMMARY OF PCC EMPLOYEE ADMIN MANUAL REVISIONS

Minor revisions and additions were made to the PCC Employee Administrative Manual. All changes in this manual will be effective January 1st, 2024.

1. Added Minimum Shift Pay verbiage to Compensation, Timekeeping, & Attendance policy. Pg 13

For identified essential duties that are time sensitive, an employee ***scheduled to report to work*** less than two hours to complete these essential duties shall be paid a minimum of two hours for that shift. If the hours occur on an eligible holiday (FT = Polk Co recognized holiday, PPT/Seas/On-Call = publicly recognized holiday) the employee is eligible to receive a minimum of two hours at the employee's holiday compensation rate. If the employee works more than two hours, established PCC compensation rules apply. Since these are ***scheduled*** shifts, managers need to send an email authorization to the following (for each occurrence requiring the minimum of two hours of pay):

- Pay Clerk email: conservation.payroll@polkcountyiowa.gov
- Employee email

Minimum Shift Pay is not to be confused with Call Time, as Call Time only applies to *unscheduled* hours.

Essential Duties include, but are not limited to:

- Live animal chores
- Payroll
- Maintenance Duties

FT non-exempt employees required to answer phone calls specific to their job duties but outside regular working hours must refer to the Call Time policy on pg 17 of this manual for compensation guidance.

2. Replaced old Procurement Policy with new Procurement Policy that was approved at September 13, 2023 PCC Board Meeting.

	Date	January 10, 2024
	Item No. Roll Call No. Submitted by:	CONSENT 24-0108 Kami Rankin Deputy Director

AGENDA HEADING:

Approving the Polk County Conservation Public Art Committee's recommendations for the 2024 Rotating Sculpture Program at Jester Park and Easter Lake Park.

INFORMATION:

On October 30, 2023, the Polk County Conservation (PCC) Public Art Committee sent out a Call for Artists to submit an application for pre-existing artwork to participate in the Jester Park Nature Center Prairie Sculpture Trail and Mark C. Ackelson Trail (Easter Lake Park) annual rotating art exhibit. Fifteen applications were received from five artists. The committee was asked to rate each piece for craftsmanship, sensory appeal, and durability within the following criteria:

Required Artwork Characteristics

- Artwork that is suitable for public viewing
- Artwork that displays high quality of technical skill, imagination, and innovation
- Artwork that is suitable for outdoor display in adverse weather conditions
- Artwork that has soundness of construction, is durable, and is safe for viewing

Desirable Artwork Characteristics

- Artwork that creates a sense of discovery, surprise, and emotional connection
- Artwork that uses kinetic devices, optical effects, dynamic shapes, or bright colors to create a vibrant and interesting exhibit
- Artwork that is participatory
- Artwork that is whimsical, uplifting, and creative
- Artwork inspires curiosity about our natural world

The committee selected "Wings of Change" and "Gears of Change" by Hilde DeBruyne, "SKEYE" by Tim Adams, "3 Pods" by V. Skip Willits, and "Cohesive Narration" and "Dance Diagram" by Kristin Garnant.

EXHIBIT DETAILS

- Selected artist will receive a \$2,000 stipend for the use of their artwork for one year.
- The artist retains ownership of their work and agrees to loan it to the exhibit. During the exhibit, the artwork will be covered under the County's insurance policy for the retail value of the artwork; however, the artist must also carry standard liability insurance coverage. The artist will be required to provide proof of liability insurance if selected.

EXHIBIT LOCATIONS

Jester Park

The Prairie Sculpture Trail at Jester Park features five unique, nature-inspired public works of art. Each sculpture is located along a beautiful nature trail beginning at the front entrance of the Jester Park Nature Center. The sculptures on the trail are meant to educate, inform, and nurture our fascination and curiosity about the natural world. Selected work will be bolted to a 4' x 4' steel plate located behind the nature center, adjacent to the patio.

Easter Lake Park

Selected work will be bolted to a 4' x 4' concrete pad on one of the 5 pads on the sculpture trail that follows the Mark C. Ackelson Trail.

EXHIBIT TIMELINE

- | | |
|---|-------------------|
| • Call for Artists issued | October 30, 2023 |
| • Artwork applications due | November 30, 2023 |
| • Selection panel deliberation and recommendation | December, 2023 |
| • Notification of selection to artist | January 12, 2024 |
| • Delivery and installation of artwork | April 15-30, 2024 |
| • Removal of artwork | April 1-14, 2025 |

FISCAL IMPACT:

Amount: \$12,000

Source: Public Art Program bond funding allocation

PREVIOUS BOARD ACTION(S):

Date: January 11, 2023

Roll Call: 23-0109 **(5-Yea)**

Action: Approved "Long Distance", the Polk County Conservation Public Art Committee's choice for the 2023 Rotating Sculpture Program at Jester Park.

Date: February 9, 2022

Roll Call: 22-0213 **(5-Yea)**

Action: Approved "Lupine", the Polk County Conservation Public Art Committee's choice for the 2022 Rotating Sculpture Program at Jester Park.

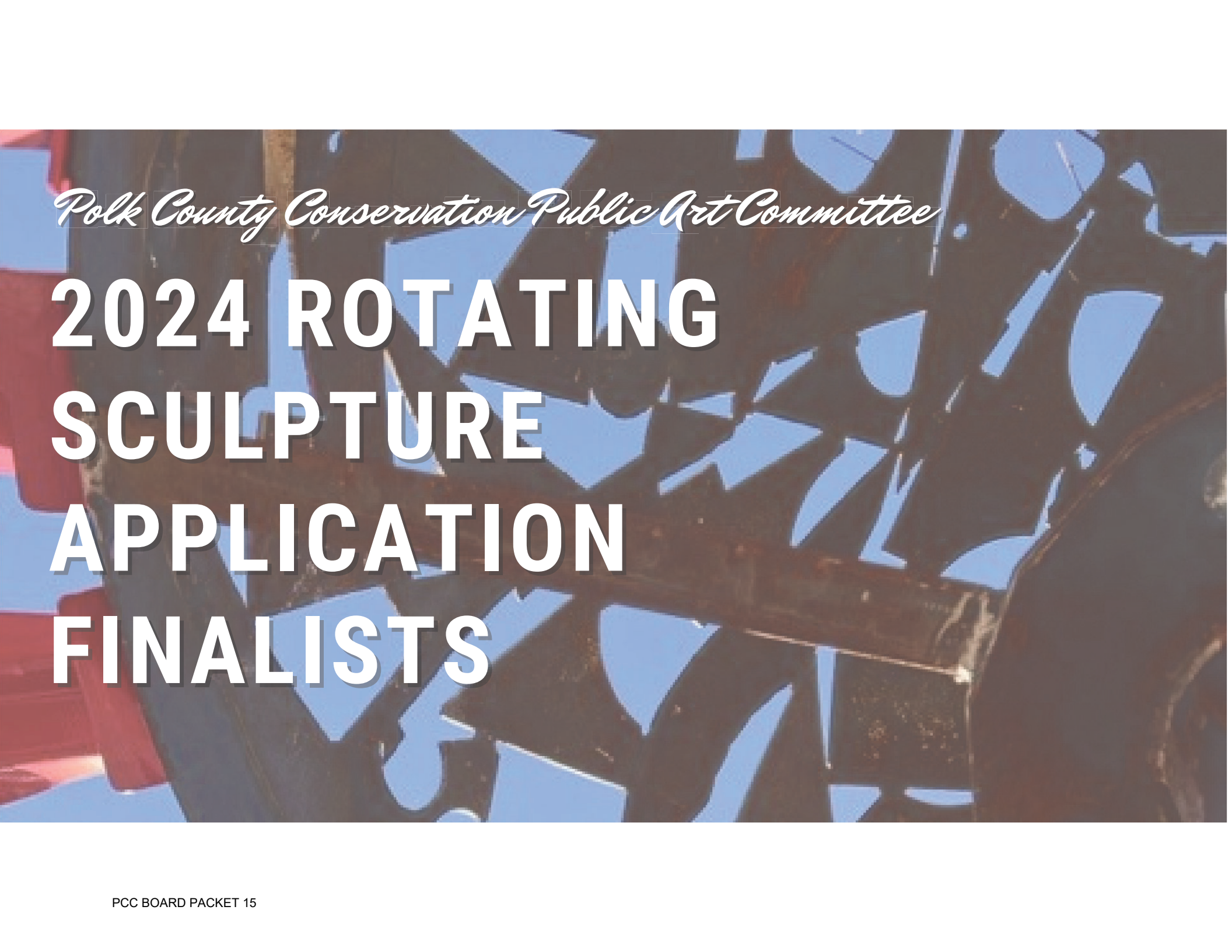
Date: February 18, 2017

Roll Call: 17-0209 **(5-Yea)**

Action: Approved policy and funding to establish a Public Art program investing \$20,000 per year from FY 17 to FY 21.

RECOMMENDATION:

Approving the Polk County Conservation Public Art Committee's recommendations for the 2024 Rotating Sculpture Program at Jester Park and Easter Lake Park.



Polk County Conservation Public Art Committee

2024 ROTATING SCULPTURE APPLICATION FINALISTS



WINGS OF CHANGE

Hilde DeBruyne
Cumming, Iowa

Sculpture Concept & Description: "Wings of Change" is a timeless sculpture in Corten Steel, depicting the Metamorphosis of Butterflies. The viewer is encouraged to walk around the sculpture as it changes from every direction, referring to the changes the butterfly goes through. The artwork looks best in a natural setting surrounded by tall grasses and wildflowers.

Dimensions: H: 6' W: 76" D: 42" Weight: 300 lbs

Material: Corten Steel

Secures to base: Piece will be bolted to concrete

Available for sale?: Yes

Bio: Hilde DeBruyne possesses the innate ability to transform clay and metal into organic, timeless works of art. The daughter of sculptor Paul DeBruyne, her childhood home was a museum of artifacts spanning the globe from African masks to remnants of Gothic cathedrals. And so developed a love for meaningful and beautiful things. She studied Art History and Archeology at the University of Ghent. It became her passion. Her rather abstract organic work reflects nature and the authenticity of the cycle of life. Her artwork has been in public and private collections and international exhibits.



GEARS OF CHANGE

Hilde DeBruyne
Cumming, Iowa

Sculpture Concept & Description: "Gear of Change" is a contemporary, colorful sculpture in metal. It consists of a playful composition of gear and sprockets of different sizes within a circle. It symbolizes our journey of life: we go through different scenery : valleys , meanders and hills ,each requiring our ability to change gear in different situations. It is an interactive piece ,inviting the viewer to turn the whimsical elements.

Dimensions: H: 7' W: 5' D: 32" Weight: 400 lbs

Material: Metal, Automotive Paint

bolt or weld to steel or concrete pedestal Piece will be bolted to concrete

Available for sale?: Yes

Bio: Included with Wings of Change submission



SKEYE

Tim Adams

Webster City, Iowa

Sculpture Concept & Description: SKEYEward In life we “see” things through our patchwork of filters—past experiences, the culture we live in, and attitudes and beliefs we have patched together. It is hard to objectively “see” situations in life. It is also difficult to understand another’s perspective. SKEYEward speaks to the need to clear our vision and see the world from an elevated or skyward point of view-go beyond and above our limited views. Looking up and looking forward changes our perception of the world and we can “see” more clearly what is often right in front of us.

Dimensions: H: 5' W: 5' D: 12" Weight: 250 lbs

Material: Steel, Painted Steel, Aluminum

Secures to base: Concrete Anchor Bolts are used to secure to bases

Available for sale?: Yes

Bio: Included with Starburst submission



3 PODS

V. Skip Willits
Camanche, Iowa

Sculpture Concept & Description: I like to work with shapes that are naturally occurring patterns reminiscent of nature and living organisms. With my pods, I'm trying to convey the feeling of regeneration, growth, possibilities.

Dimensions: H:100" W: 32" D: 28" Weight: 190 lbs.

Material: Weatherized Steel

Secures to base: Bolt hole tabs have been welded to the base for secure installation.

Available for sale?: Yes

Bio: Included with Constellation submission



COHESIVE NARRATION

Kristin Garnant
Camanche, Iowa

Sculpture Concept & Description: This towering work cascades eight feet down in shimmering ribbons of light catching stainless steel. It is constructed of 5 panels of equal dimensions.

Dimensions: H: 8' W: 30" D: 10" Weight: 110 lbs

Material: Stainless Steel

Secures to base: This sculpture has tabs attached to the base that will allow for concrete bolt anchoring.

Available for sale?: Yes

Bio: Included with Crossroads submission



DANCE DIAGRAM

Kristin Garnant
Camanche, Iowa

Sculpture Concept & Description: This work gives the viewing public an opportunity to attempt a bit of fancy footwork, if so inspired. A very basic dance step diagram is enlarged and cut into 11 gauge steel. This instructive piece teaches a simple move that can be performed by young and old while also being a visually interesting work.

Dimensions: H: 7' W: 40" D: 12" Weight: 125 lbs

Material: Steel

Secures to base: This sculpture has tabs attached to the base that will allow for concrete bolt anchoring.

Available for sale?: Yes

Bio: Included with Crossroads submission



Date

January 10, 2024

Item No.

CONSENT

Roll Call No.

24-0109

Submitted by:

Erich Braun

Parks Superintendent

AGENDA HEADING:

Ratifying Polk County Conservation (PCC) Board's electronic vote on December 15, 2023, Approving the purchase and installation of two new playgrounds at Easter Lake Park, featuring ADA accessible features for a total cost not to exceed \$527,702 to Play-Pro Recreation.

INFORMATION:

The Polk County Conservation park system is home to nine playgrounds, with some approaching 30 years old. Easter Lake Park is home to two of the oldest playgrounds, installed in 1995. The age of the equipment has compromised the safety of the public as they no longer conforming to today's playground safety standards.

Polk County Conservation was approached by Play-Pro Recreation with an attractive opportunity to purchase playground equipment at 54% off, including free shipping. The favorable circumstance is a result of an accidental custom-made playground that was incorrectly ordered and manufactured for another client. Play-Pro Recreation will remove the existing playground surfacing, concrete walkways and play equipment, perform excavation, grading, and installation of new fall protection surfacing and new playground equipment. Finally, the company will restore the site to current standards, and final grading for a total cost of \$467,628.

As part of the 2022 Bond referendum, Polk County Conservation has earmarked \$400,000 every two years to replace a playground. As the next installment of playgrounds is ahead of schedule, Polk County Conservation is able to obtain two playgrounds for the price of one while addressing the safety liability of the existing playgrounds. The new playgrounds are filled with ADA accessible surfacing and features that currently do not exist, keeping in line with the inclusive theme of the Athene North Shore project.

Play-Pro Recreation is currently installing a playground at Thomas Mitchell Park. They have been vetted through Sourcwell, a government procurement organization where cooperative purchasing occurs from ready-to-use, competitively solicited contracts for agencies and allows exceptional product offerings from nationally acclaimed suppliers.

FISCAL IMPACT:

<u>Amount:</u>	\$479,729	Contract Amount Not to Exceed for site preparation, playground equipment/delivery, installation, and site restoration.
	\$47,973	10% Contingency
	\$527,702	Total Cost

Funding Source: 2022 Polk County Water and Land Legacy Bond Referendum

PREVIOUS BOARD ACTION(S):

Date: December 15, 2023 (electronic vote)

Roll Call Number: Electronic Vote **(Yea-5)**

Action: Approving the purchase and installation of two new playgrounds at Easter Lake Park, featuring ADA accessible features for a total cost not to exceed \$527,702 to Play-Pro Recreation.

Date: December 14, 2022

Roll Call: 22-1216 **(Yea-5)**

Action: Approving the purchase and installation of a new playground at Thomas Mitchell Park, featuring ADA accessible features for a total cost not to exceed \$386,540 to Play-Pro Recreation.

RECOMMENDATION:

Approving the purchase and installation of two new playgrounds at Easter Lake Park, featuring ADA accessible features for a total cost not to exceed \$527,702 to Play-Pro Recreation.

EASTER LAKE PARK – SHELTER 1



EASTER LAKE PARK – SHELTER 5



Estimate 1250



ADDRESS	SHIP TO			
Polk County Conservation	Polk County Conservation	DATE 12/12/2023	TOTAL \$312,223.00	

DATE		DESCRIPTION	QTY	RATE	AMOUNT
	Equipment	Playgrounds for Easter Lake Shelter areas 1 and 5. List price \$701,600. 54% OFF PLUS FREE FREIGHT 3 semis Free	1	701,600.00	701,600.00
	Discount	Discount on Playground	1	- 378,864.00	-378,864.00
	Discount	Removal of independent shades to reduce cost. List price was \$5400 per cantileve and \$4018 for the pyramid. \$22,854 with 54% discount= \$10,513	1	-10,513.00	-10,513.00
		SUBTOTAL			312,223.00
		TAX			0.00
		TOTAL		\$312,223.00	
					THANK YOU.

Accepted By

Accepted Date

Play-Pro Recreation
PO Box 71024
Clive, IA 50325 US
office@play-prorec.com

Estimate 1257



ADDRESS	SHIP TO	DATE	TOTAL	
Polk County Conservation	Polk County Conservation	12/14/2023	\$167,506.00	

DATE		DESCRIPTION	QTY	RATE	AMOUNT
	Installation	Installation of playground as drawn	1	120,497.00	120,497.00
	Surfacing	Engineered Wood Fiber Shelter 5	1	10,714.00	10,714.00
	Installation	Removal of playground shelter 5	1	3,500.00	3,500.00
	Installation	Excavating shelter 5	1	3,500.00	3,500.00
	Equipment	New Timbers shelter 5	1	3,700.00	3,700.00
	Surfacing	Engineered Wood Fiber Shelter 1	1	18,095.00	18,095.00
	Installation	Removal playground and concrete shelter 1	1	6,000.00	6,000.00
	Installation	Excavating shelter 1	1	1,500.00	1,500.00
SUBTOTAL					167,506.00
TAX					0.00
TOTAL				\$167,506.00	

THANK YOU.

Accepted By

Accepted Date

**Date**

January 10, 2024

Item No.**CONSENT****Roll Call No.****24-0110****Submitted by:****Kami Rankin****Deputy Director****AGENDA HEADING:**

Approving updates to the Polk County Conservation Board Bylaws and placing on the February Board Meeting Agenda for adoption. Adoption requires two affirmative votes (January & February meetings).

INFORMATION:

Every year Polk County Conservation is required to review its Bylaws in January for the administration, development, operations and management of its areas, its facilities and its employees and to make corrections and clarifications as needed to update said Bylaws. This action requires two affirmative votes so this Consent Agenda Item will also appear on the February 14, 2024, PCC Board Meeting agenda for the second vote.

Specific changes include the following updates resulting from the adoption of the new Procurement Policy in September of 2023:

Article IX. b. List expenditure amount of \$5,000 - \$9,999, must be approved by Unit Manager

Article IX. c. List expenditure amount of \$10,000 - \$24,999, must be approved by Director/Deputy Director, recommended to have three informal quotes. In emergency situations (defined as immediate public health, safety, or welfare) staff must inform the Director/Deputy Director of the emergency procurement circumstances as soon as possible. During these rare situations, the standard formal bidding process and quote solicitation process can be waived.

Article IX. d. List expenditure amount of \$25,000 - \$99,999

(ADDED) Article IX. e. Items of expenditures over \$100,000 shall be selected through formal sealed bids with bid bond required. A public hearing must be held at the PCCB meeting and must be advertised 4-20 days before the meeting. Award of bid will be placed on the PCCB Agenda. At least three (3) Board Members must approve before purchase. All quotations received shall be retained in the files for at least three (3) years.

FISCAL IMPACT: N/A

Amount:

Source:

PREVIOUS BOARD ACTION(S):

Date: January 11, 2023

Roll Call: 23-0107 **(Yea-4, No-1)**

Action: Approving Bylaws of the Polk County Conservation Board

RECOMMENDATION:

Approving updates to the Polk County Conservation Board Bylaws and placing on the February Board Meeting Agenda for adoption. Adoption requires two affirmative votes (January & February meetings).

BYLAWS
OF THE
POLK COUNTY CONSERVATION BOARD
CY 2024~~3~~

WHEREAS, the Bylaws governing the Polk County Conservation Board were originally adopted on the 8th day of January, 1958, and;

WHEREAS, the Polk County Conservation Board shall review its Bylaws annually to ensure functionality regarding the governance, administration and management of Polk County Conservation.

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

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

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

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

ARTICLE IV. That this Board shall generally meet on the second Wednesday of each month at such time and place as may be designated by the chairperson, and said meeting shall be known as the regular meeting of the Board. That Board Members shall be expected to make all reasonable efforts to attend all regularly scheduled meetings; absences in excess of 1/3 of the regularly scheduled meetings in a six-month period will subject the Board Member's appointment to review by the Board. Special meetings may be called by the chairperson, or a majority of the members, when necessary for specific purposes requiring Board action. A closed session may be held by affirmative vote of two-thirds of the members present in accordance with Chapter 21 of the Iowa Code.

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

There shall be a Deputy Director employed who shall possess all the powers and perform all the duties prescribed for the Director in these Bylaws during the absence or disability of the Director or in the event of a vacancy in the office of Director; and shall perform such duties and exercise such powers as may be prescribed by the Director.

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

- a. The preparation of the agenda for each regular monthly meeting and to assist the chairperson in the functions of the meeting as required.
- b. To annually outline and recommend to the Board a budget that includes a program of administration, development, maintenance and operation, for each budgetary year, including an estimated cost, which shall be presented to the Conservation Board prior to submission to the Board of Supervisors. To present and explain amendments and modifications to the annual budget that may occur during the year to the Board prior to submission to the budget staff of the Board of Supervisors.
- c. The budget, or periodic budget amendments, as approved by the Conservation Board, shall be presented and explained by the director to the Board of Supervisors at each annual budget hearing or at periodic budget amendment hearings.
- d. S/He shall keep well informed on the current trends, functions, procedures, and philosophies in outdoor recreation and environmental education; on the design of park facilities and development; and in the preservation and rehabilitation of conservation areas; and shall periodically report to the Conservation Board the results of his/her research and investigation in these fields.
- b. S/He shall review and approve all expenditures as established by the Board and is authorized to requisition warrants from the County Auditors Office for the payment of duly acknowledged claims. S/He shall submit to the Board monthly financial statements on the status of the conservation budget.
- c. As required by statute, s/he shall prepare an annual report covering each calendar year as terminated and include, therein, his/her recommendations for future expansion and development.
- d. S/He will develop and maintain long-range strategic plans as approved by the Conservation Board to provide guidance in the planning and implementation of programs and projects.

ARTICLE VII. That the Director, with the approval of the Conservation Board, is authorized to employ assistants and employees as may be necessary for proper and efficient administration, for development of, and for the maintenance and operation for such property and facilities as may be acquired by the Conservation Board, and/or responsibilities assumed within the framework of statutory authority.

That the compensation for the Director, his/her full-time assistants and employees, shall be determined by the Polk County Human Services Department and shall be comparable and commensurate with the annual salaries, or hourly wages as established by the Board of Supervisors for similar duties and responsibilities as other county officers and employees, when such salaries and rates are not in conflict with statutory limitations. Vacations, sick leaves, holidays and other employee benefits shall be in conformity with the regulation as established for other Polk County officers and employees. The Director is authorized to employ and establish hourly wage rates for seasonal/intermittent employees as set forth in the Conservation Board's budget. All resolutions passed by the Polk County Board of Supervisors pertaining to the annual July 1st cost of living increase shall be automatically adopted by the Polk County Conservation Board and applied to relevant wages with the same effective date.

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

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

- a. For the purchase of minor items and to provide for "change", a petty cash fund and change funds may be established not to exceed \$100 when authorized by the Director. Claims for reimbursement to the petty cash fund shall be submitted to the County Auditor as required and based on receipted amounts of each expenditure.
- b. Items of expenditure of \$5,000-~~\$9,999 or more shall~~, when possible and reasonable, be selected from at least three (3) quotations from qualified vendors and approved by the Unit Manager. -No prior approval is required by the PCCB; however, PCCB ratifies monthly list of expenditures at each monthly regular meeting
- c. Items of expenditures ~~up to \$10,000-\$24,999~~ shall require approval of the Director/Deputy Director or his/her designee and are recommended to have three informal quotes. -No prior approval is required by the PCCB; however, PCCB ratifies monthly list of expenditures at each monthly regular meeting. -In emergency situations (defined as immediate public health, safety, and welfare) the Director may spend up to \$20,000 as necessary to meet the needs of the emergency within 48 hours and inform the Conservation Board of any emergency spending as soon as possible. staff must inform the Director/Deputy Director of the emergency procurement circumstances as soon as possible. During these rare situations, the standard formal bidding process and quote solicitation process can be waived.
- d. Items of expenditures ~~above \$215,000-\$99,999~~ shall be selected from at least three (3) quotations from qualified firms or supplies when applicable and the approval of at least three (3) Board Members before purchase. Members may be polled for approval. All quotations received shall be retained in the files for at least three (3) years.
- e. Items of expenditures over \$100,000 shall be selected through formal sealed bids with bid bond required. A public hearing must be held at the PCCB meeting and must be advertised 4-20 days before the meetings. Award of bid will be placed on the PCCB Agenda. At least

three (3) Board Members must approve before purchase. All quotations received shall be retained in the files for at least three (3) years.

- fe. Contracts or purchases for public improvements as defined by Sections 26.2(3), 73A.1(3) and 573.1(4)(2011) shall conform to the requirements of said Chapters 26, 573 and 73A.
- gf. The Director, or his/her duly appointed representative is authorized and empowered to act for the Board in receiving, opening, and recording bids. A public hearing, as set forth in Chapter 26 and 73A, Code of Iowa, must be held at a regular or special meeting of the Board for action on said bids.
- hg. The acquisition of land (including easements) is excluded from the above requirements, but Land Purchase Options must be considered by the Conservation Board at a regular or special meeting and approved by at least three (3) Board Members for acceptance. Procedures for land acquisition shall conform to statutory requirements.
- ih. The Director is authorized to apply for grants that fit within the mission of the Board. Final acceptance of grants awarded to Polk County Conservation will receive approval of the Board.
- ji. The Director is authorized to negotiate mutual and cooperative agreements with final approval of agreements receiving approval of the Board.
- kj. The Director is authorized to sign contractual documents on behalf of the Board, when authorized by a Board resolution, with the requirement that the resolution is documented as part of the signature.

ARTICLE X.

While participation in the Polk County Conservation Board is voluntarily, there is a reasonable expectation for Board Members to take an active interest in Polk County Conservation beyond attending the monthly Board meetings. Engagement can take on several forms and the Director and Board Chair should identify Board Member's strengths to best serve Polk County Conservation. These may include but not be limited to:

- 1) Coming to each Board meeting educated on the agenda items
- 2) Having a clear understanding on their fiduciary requirements
- 3) Serving on standing committees of Polk County Conservation (Advisory, Golf, Public Art)
- 4) Membership and participation in the Great Outdoors Foundation
- 5) Keeping their respective Board of Supervisor apprised of major efforts being undertaken by Polk County Conservation
- 6) Attending major events hosted by Polk County Conservation and the Great Outdoors Foundation that benefit Polk County Conservation (public meetings, fund-raisers, special events, etc.)
- 7) Attendance to annual Iowa Association of County Conservation Boards (IACCB) conference
- 8) Advocacy for local and state issues that impact conservation efforts.

- 9) Learn about operations through employee engagement: (ride along with a Park Ranger; participate in a prescribed fire; harvest prairie seed; attend an environmental education program, etc.)

ARTICLE XI.

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

That these Bylaws as adopted by Roll Call No. 23-0107 is hereby approved as of January 1~~0~~¹, 202~~3~~⁴, by the Polk County Conservation Board.

Chair

Board Member

Vice-Chair

Board Member

Secretary

	Date	January 10, 2024
	Item No. Roll Call No. Submitted by:	CONSENT 24-0111 Doug Sheeley Natural Resources Manager

AGENDA HEADING:

Awarding lowest contractor bid for Timber Stand Improvement at Jester Park to Xtreme Tree Inc. in a contracted amount of \$36,320.00 with a 10% contingency.

INFORMATION:

Jester Park is blessed with acres of oak woodland. Unfortunately, the oak woodlands at Jester Park suffer from many of the same problems as similar oak timbers across Iowa: invasive shrubs and tree. This, in addition to a proliferation of shade-tolerant native tree species, threatens the long-term survival of oak woodlands in Iowa. Oak seedlings require sunlight to germinate and grow. The closed canopies created by an abundance of invasive and shade-tolerant species can result in the loss of potential replacement trees for generations of oak forest. To address these issues, Polk County Conservation staff have initiated timber management plans that encourage the frequent use of prescribed fire, forestry mowing, chemical control, goat grazing and Timber Stand Improvement (TSI) to maintain and improve the condition of our oak woodlands. At Jester Park, 34.1 acres of woodland have been recently forestry mowed in preparation for Timber Stand Improvement. Three sites located near Shelter #2 and the Lodge have been selected for this work. Work will take place during the months of January-March, 2024.

Quotes for this work were sought from qualified contractors. Three quotes were received and opened on January 2, 2024. The lowest responsible bidder was Xtreme Tree Inc. with a bid of \$36,320.00. Upon approval, staff will issue a Notice to Proceed to the awarded contractor.

Quotes Received:

Company	Amount
Xtreme Tree	\$36,320.00
Adaptive Wildlife Management	\$47,740.00
Arbor Masters	\$59,675.00

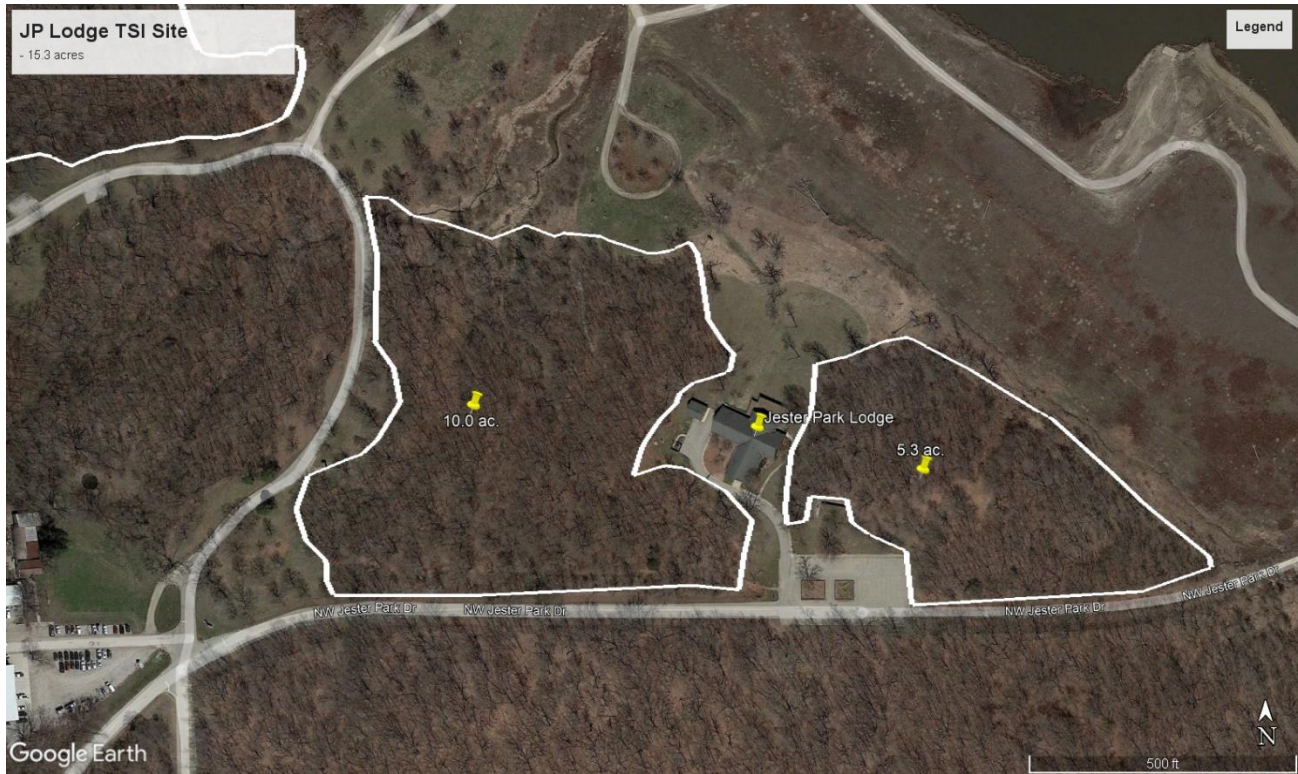
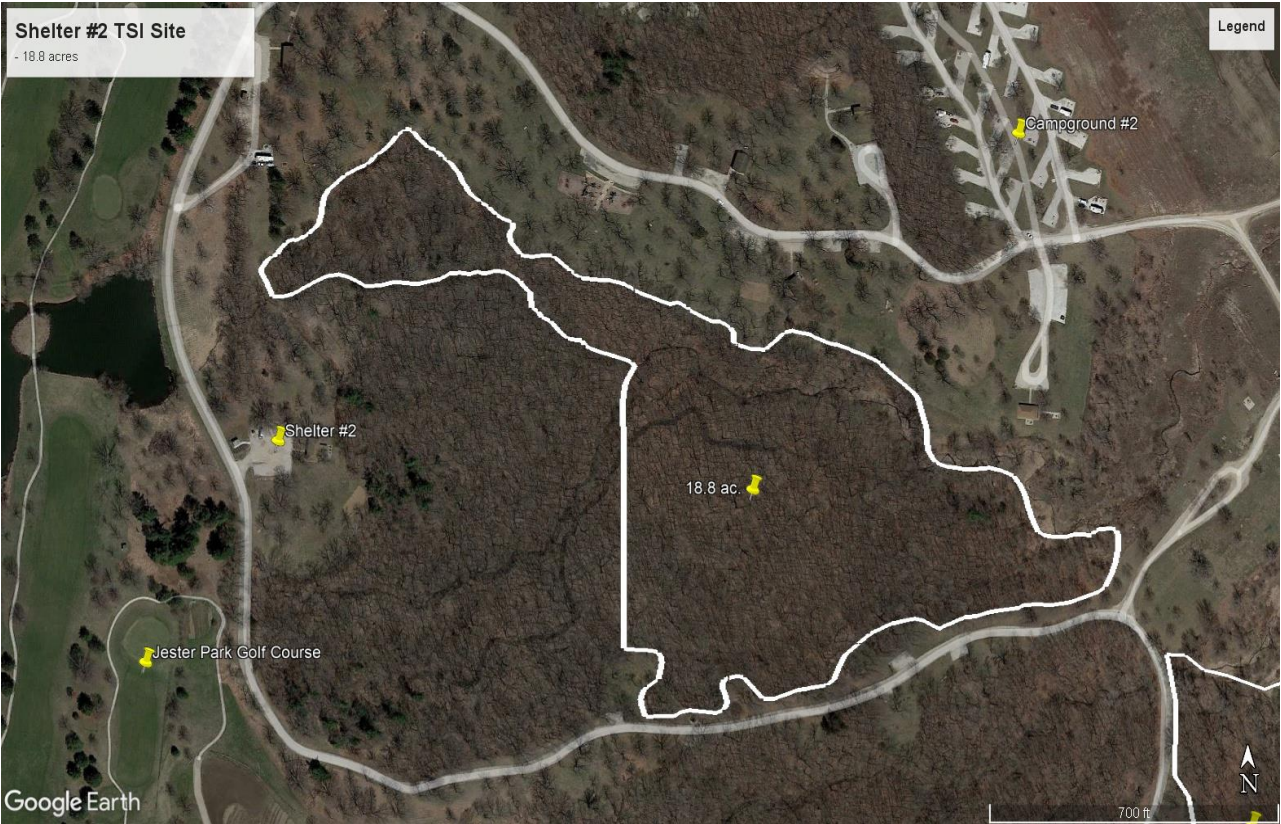
FISCAL IMPACT:

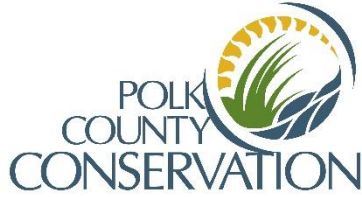
<u>Amount:</u>	Timber Stand Improvement Contract	\$36,320.00
	10% Contingency	\$ 3,632.00
	Not To Exceed Amount	\$39,952.00

Funding Source: 2021 Natural Resources Bond Funds

RECOMMENDATION: Awarding lowest contractor bid for Timber Stand Improvement at Jester Park to Xtreme Tree Inc. in a contracted amount of \$36,320.00 with a 10% contingency and authorizing the Chair or their designee to sign the contract.

Project Locations



**Date**

January 10, 2024

Item No.**ACTION****Roll Call No.****24-0112****Submitted by:****Doug Sheeley****Natural Resources Manager****AGENDA HEADING:**

Approving Fee for Service agreement with the Conservation Corps of Minnesota and Iowa (CCMI) in the amount of \$170,400 for the 2024 dedicated Polk County Conservation Crew.

INFORMATION:

Polk County Conservation (PCC) has contracted with CCMI for the past nine years to provide trained laborers for bond and other projects including invasive species control, prescribed burning, seed harvest and processing, tree trimming and removal, etc. The contract is for a four-person crew (one crew leader and three crew members) with the term beginning March 4 and ending December 5, 2024.

CCMI crew members are fully insured and are given extensive training before deployment with partner agencies. Crews come equipped with vehicle, chainsaws, brush saws, backpack sprayers, and personal protective equipment.

FISCAL IMPACT:

Amount: \$170,400

Funding Source: 2021 Polk County Water and Land Legacy Bond (Natural Resources)

PREVIOUS BOARD ACTION(S):

Date: December 14, 2022

Roll Call: 22-1211 **(Yea-5)**

Action: Approved Fee for Service Agreement with Conservation Corps of Minnesota and Iowa in the amount of \$217,560 for an adult CCMI crew in 2022.

Date: November 10, 2021

Roll Call: 21-1114 **(Yea-5)**

Action: Approved Fee for Service Agreement with Conservation Corps of Minnesota and Iowa in the amount of \$217,560 for an adult CCMI crew in 2022.

Date: April 14, 2021

Roll Call: 21-0416 **(Yea-5)**

Action: Approved Fee for Service Agreement with Conservation Corps of Minnesota and Iowa in the amount of \$221,200.80 for an adult CCMI crew in 2021.

RECOMMENDATION:

Approving Fee for Service agreement with the Conservation Corps of Minnesota and Iowa (CCMI) in the amount of \$170,400 for the 2024 dedicated Polk County Conservation Crew and authorize Director or Deputy Director to sign agreement.

Service Provided by the Conservation Corps:

One 4-person crew* (1-Crew Leader and 3-Crew Members). Crew will begin training in February and be available for projects beginning March 4th, 2024. The crew's last project day will be December 5th, 2024. The crew will receive the following trainings/certifications: Defensive Driving, NWCG S-130/S- 190 w/arduous work capacity test, Chemical Applicator Certification (IA) Forest Pest & Right of Way, chainsaw & brush saw training, CPR/1st Aid. The Crew Leader will receive additional trainings in Wilderness First Aid, conflict resolution and project management along with any past work experience that relates to running a crew.

A crew is equipped with a truck, chainsaws, brush saws, hand sprayers, backpack sprayers, chemical spill kit, Nomex, bladder bags, assorted hand tools and all PPE required for various work activities. The crew is responsible for taking care of and properly maintaining all Corps equipment and vehicles.

*Crew may start off smaller in the winter months if recruitment is a challenge. If crew does not have 4 members when starting, every effort will be made to fill remaining spots in May when schools release.

Conservation Corps Staff Duties:

- Enroll and supervise AmeriCorps members in accordance with program guidelines.
- Provide basic orientation and training as appropriate for corpsmembers.
- Provide scheduling, consultation, and on-site project review to ensure that service is progressing in accordance with work orders and program guidelines.
- Provide personnel and payroll administration for corpsmembers
- Provide all necessary transportation of corpsmembers to and from service sites.
- Provide basic tools, safety gear, personal supplies and equipment needed by corpsmembers to meet all Project Host and federal safety requirements.
- Provide professional liability and worker's compensation insurance for all corpsmembers.
- Track services completed and make this information available to the project host upon request.

Service Provided by Project Host:

Full term project hosts provide a storage space for the crew equipment and secure parking for all crew member vehicles as well as the Corps truck. The crews will need access to a bathroom facility at this location along with water and a garbage receptacle. Internet access is a bonus but not required. Crew leaders have Corps issued laptops and have daily and monthly administrative duties.

Duties of Project Host:

- Provide continuous service projects for the full program term from early-March to early- December regardless of weather conditions.
- Provide continuous on-site project specific direction and assistance to corpsmembers as needed.
- Ensure safe working conditions in and around project areas that meet all project host and federal standards.
- Provide Conservation Corps Crew with training and educational opportunities relevant to the service being performed. This includes an on-site project overview at the outset of the project which outlines project background, goals and overall outcomes expected as a result of the crew's efforts.
- Provide specialized tools, safety gear, personal supplies and equipment that are not available through the Corps that is needed by corpsmembers to meet all project host and federal safety requirements.
- Provide all project materials, supplies and chemicals.
- Provide back-up service projects in the event of cancellations, weather, or any other unforeseen circumstances.

Work Schedule:

The crew will work Monday-Thursday arriving at their garage/office site at 7:00am and ending the day by 5:30pm. The workday is to include two - 15-minute breaks, a 30-minute lunch and time at the end of the day for the crew to clean

and maintain equipment as needed. Crews leave the worksite and travel back to their home garage/office so that they are ready to end the day at 5:30pm. The schedule can be flexed to accommodate weather, prescribed burning, community events and other variables. Each corps member receives 4-paid days off throughout their term of service along with the following holidays: Memorial Day, Juneteenth, Independence Day, Labor Day, Veterans Day, Wednesday before Thanksgiving and Thanksgiving Day.

In addition to the days off mentioned above each crew will be off the first week of July for working extra hours during winter training.

AmeriCorps Component:

Conservation Corps Iowa is a recipient of an AmeriCorps grant issued through the Iowa Commission on Volunteer Service. This grant allows the program to issue all members that complete 1,700 hours of service a \$6,895 education award, allowing them to use the funds toward past qualifying student loans or to continue their education. Being an AmeriCorps recipient also makes corpsmembers eligible for disaster response. If a corpsmember were deployed for a disaster incident, we would try to bring in another crew or not charge for days the crew is not available.

Typical Work Projects:

- Vegetation management
- Exotic species removal
- Planting
- Seed collection
- Rain garden installation
- Prescribed burning
- Timber stand improvement
- Trail construction and maintenance
- Civic Engagement Events
- Disaster Response/Relief

*While this list describes the typical work projects, it is not a complete list of project types but representative.

Payment Schedule:

A monthly billing schedule will be determined. The project host will be invoiced per corpsmember hours worked during the billing period. Conservation Corps Staff will manage the hours dedicated to the project host.

FEE-FOR-SERVICE WORK ORDER BETWEEN
Polk County Conservation Board
AND CONSERVATION CORPS MINNESOTA & IOWA
Project Number: 501-15762

This work order, and amendments and supplements thereto, is by and between CONSERVATION CORPS MINNESOTA & IOWA, 60 Plato Blvd E #210, St. Paul, MN 55107 (hereafter referred to as "THE CORPS") and Polk County Conservation Board (hereafter referred to as "PURCHASER").

Description and scope of work for the project: 2024 Dedicated Crew

THE CORPS represents that it is duly qualified and agrees to provide the services described in this contract.

TERM OF CONTRACT

- 1.1 **Effective date:** 03/04/2024, or the date THE CORPS obtains all required signatures, whichever is later.
- 1.2 **Expiration date:** 12/05/2024, or until all obligations have been satisfactorily fulfilled, whichever occurs first.

DUTIES OF THE CORPS

- 2.1 Perform services as specified in Exhibit A, which is attached hereto, and shall be a part of this contract.
- 2.2 Enroll and supervise AmeriCorps members ("corpsmembers") in accordance with program guidelines.
- 2.3 Provide basic orientation and training as appropriate for corpsmembers.
- 2.4 Provide consultation and on-site project review to ensure that the Project is progressing in accordance with this work order and program guidelines. Provide personnel and payroll administration for corpsmembers. The Corps understands and agrees that the Corps and its employees, agents, or other personnel are not Purchaser's employees. The Corps shall be solely responsible for payment of salaries, wages, payroll taxes, unemployment benefits, or any other form of compensation or benefit to the Corps or any of its employees, agents, or other personnel performing the services or work specified herein. Further, in that regard, it is expressly understood and agreed that for such purposes neither the Corps nor its employees, agents, or other personnel shall be entitled to any Purchaser payroll, insurance, unemployment, workers' compensation, retirement, or any other benefits whatsoever. Provide all necessary transportation of corpsmembers to and from service sites.
- 2.5 Provide all necessary transportation of corpsmembers to and from service sites.
- 2.6 Provide basic tools, safety gear, personal supplies and equipment needed by corpsmembers to meet all PURCHASER and federal safety requirements. In the conduct of the services provided, the Corps shall comply with applicable federal, state, and local laws, rules, regulations, technical standards, and specifications.
- 2.7 Provide professional liability and worker's compensation insurance for all corpsmembers in such amount as is considered commercially reasonable by THE CORPS. The Corps agrees to provide a copy of its insurance policy(s) to purchaser upon Purchaser's request.
- 2.8 Track services completed and make this information available to PURCHASER upon request.
- 2.9 Except as expressly provided herein, services are provided "AS-IS" and with all faults THE CORPS makes no warranty, either express or implied, concerning the services.
- 2.10 Services provided by the Corps under this Agreement shall be performed in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances.
- 2.11 The Corps will not discriminate against anyone because of race, color, sex, sexual orientation and gender identity, age, disability, national origin, religion, or military status. The Corps shall not assign or otherwise transfer this Agreement or any rights or obligations therein without first receiving prior written consent from the Purchaser.

DUTIES OF PURCHASER

- 3.1 Provide on-site project specific direction and assistance to the corpsmember(s).
- 3.2 Provide at least one media promotion to the public stating that the services(s) are being performed by THE CORPS. Any publicity regarding the subject matter of this work order must not be released without prior approval from the Corps' Authorized Representative.
- 3.3 Ensure safe working conditions in and around project areas that meet all PURCHASER and federal standards.
- 3.4 Secure all local, county, and federal permits required by law prior to the commencement of work.

- 3.5 Provide corpsmember(s) with training and educational opportunities relevant to the services being performed. This includes an on-site project overview at the outset of the project which outlines project background, goals and overall outcomes expected as a result of the corpsmembers' efforts.
- 3.6 Provide specialized tools, safety gear, personal supplies and equipment that are not available through THE CORPS that are needed by corpsmembers to meet all PURCHASER and federal safety requirements.
- 3.7 Assist in the acquisition of camping/lodging accommodations if necessary.
- 3.8 Provide all project materials, supplies and chemicals.

PAYMENT

- 4.1 PURCHASER will pay THE CORPS for services performed by THE CORPS.
- 4.2 PURCHASER's obligation to THE CORPS under this contract is up to a maximum of \$170,400.00, based on the following fee schedule: \$30.00/hour/member. (See attachment A)
- 4.3 THE CORPS may invoice monthly. THE CORPS shall send final invoice to PURCHASER upon service completion.
- 4.4 PURCHASER shall make payment within 30 days of receipt of invoices.

CANCELLATION

- 5.1 This contract may be cancelled by the PURCHASER or THE CORPS at any time, with or without cause, upon 30 days written notice to the other party. In the event of such cancellation, THE CORPS shall be entitled to payment for services performed.
- 5.2 THE CORPS reserves the right to withdraw corpsmembers from PURCHASER for emergency response work including, but not limited to, natural disasters and wild fire response. Reasonable efforts will be made to accommodate the needs of the PURCHASER. PURCHASER has no funding commitment to THE CORPS for services completed while corpsmembers have been withdrawn from PURCHASER for emergency response. PURCHASER shall remain liable for payment for services that THE CORPS provides to PURCHASER.

AUTHORIZED REPRESENTATIVES

- 6.1 THE CORPS's Authorized Representative is Brian Miller, Program Director, 60 Plato Blvd E. STE 210, St. Paul, MN, 55107, or his/her successor.
- 6.2 The PURCHASER's Authorized Representative is Richard Leopold, Director, 12130 NW 128th Street, Granger, IA 50109, or his/her successor.

AMENDMENTS, WAIVER, AND CONTRACT COMPLETE

- 7.1 This contract constitutes a complete and exclusive statement of the terms of the agreement among the parties with respect to performance of the Project. There have been and are no representations, warranties or covenants between the parties other than those set forth in this contract.
- 7.2 Any amendments to this contract shall be in writing and shall be executed by the same parties who executed the original contract or their successors in office.
- 7.3 If THE CORPS fails to enforce any provision of this contract, that failure does not waive the provision or its right to enforce it.
- 7.4 If any term provision, covenant or condition of this contract is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of this contract shall remain in full force and effect and will in no way be affected, impaired or invalidated. Any provision of this contract that expressly, by implication, or by necessity, contemplates performance or observance subsequent to the termination or expiration of this contract will survive termination or expiration of this contract, and continue in full force and effect..

INDEMNITY & INSURANCE REQUIREMENTS

- 8.1 To the fullest extent permitted by law, PURCHASER will defend, indemnify and hold harmless THE CORPS from any and all claims for bodily injury and property damage including the loss of use of property resulting therefrom, which arise or are in any way connected with the work performed, materials furnished or services provided by THE PURCHASER; THE PURCHASER's subcontractors or anyone employed directly or indirectly by any of them under this agreement as each party shall be responsible for its own acts and omissions and the results thereof to the

extent authorized by law and shall not be responsible for the acts and omissions of the other party and the results thereof.

- 8.2 To the fullest extent permitted by law, THE CORPS will defend, indemnify and hold harmless PURCHASER from any and all claims for bodily injury and property damage including the loss of use of property resulting therefrom, which arise or are in any way connected with the work performed, materials furnished or services provided by THE CORP; THE CORPS's subcontractors or anyone employed directly or indirectly by any of them under this agreement as each party shall be responsible for its own acts and omissions and the results thereof to the extent authorized by law and shall not be responsible for the acts and omissions of the other party and the results thereof.
- 8.3 THE CORPS's is not obligated to indemnify and defend PURCHASER or owner for claims due to the sole negligence or willful misconduct of PURCHASER. Any obligations assumed pursuant to this agreement will not be construed to negate, abridge or reduce other rights or obligations of indemnity, which otherwise exist as to a party or person described in this agreement.
- 8.4 THE PURCHASER's is not obligated to indemnify and defend THE CORPS or owner for claims due to the sole negligence or willful misconduct of THE CORPS. Any obligations assumed pursuant to this agreement will not be construed to negate, abridge or reduce other rights or obligations of indemnity, which otherwise exist as to a party or person described in this agreement.
- 8.5 Applicable only if Corps staff or corps members will be operating motor vehicles owned, leased or rented by PURCHASER: The PURCHASER must provide to THE CORPS certificates of insurance showing CONSERVATION CORPS MINNESOTA & IOWA as an Additional Insured for Automobile Liability and include a Waiver of Subrogation in favor of THE CORPS.

GOVERNING LAW, JURISDICTION, AND VENUE

- 9.1 This contract shall be governed by the law applicable in the jurisdiction in which the services are performed.
- 9.2 For services performed in Minnesota, venue for all legal proceedings out of this contract, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota. In all other cases, venue for all legal proceedings out of this contract, or its breach, must be in the appropriate state or federal court with competent jurisdiction in the county in which the services are performed.
- 9.3 Neither party shall be liable for any failure to perform or delay in performance of this contract to the extent that any such failure arises from acts of God, war, civil insurrection or disruption, riots, pandemic, government act or regulation, strikes, lockouts, labor disruption, cyber or hostile network attacks, inability to obtain raw or finished materials, inability to secure transport, or any cause beyond such party's commercially reasonable control.
- 9.4 In no event shall either party be liable hereunder for incidental, special, indirect, consequential or punitive damages even if advised in advance of the possibility for such damages.

DUPLICATION, DISPLACEMENT, SUPPLANTATION

- 10.1 Conservation Corps crews are subject to the provisions of 42 V.S.C. §§ 12501 - 12682 and 45 C.F.R. parts 2500 - 2550. These laws require, in part, that AmeriCorps assistance not result in:
 - 10.1.1 Duplication of an activity otherwise available in the locality of the program or would otherwise be performed by an employee as part of the employee's assigned duties.
 - 10.1.2 Displacement of currently employed workers or workers on seasonal layoff or layoff from a substantially equivalent position, including partial displacement such as reduction in hours of non-overtime work, wages, or other employment benefits.
 - 10.1.3 Termination or layoff of employees.
 - 10.1.4 Infringement on the promotional opportunity of an employee or infringement on services performed by an employee as part of the employee's assigned duties.
 - 10.1.5 Supplanting the hiring of employed workers.
 - 10.1.6 Infringement on the assignments of any presently employed worker; an employee who recently resigned or was discharged; an employee who is on leave, on strike, being locked out, subject to a reduction in force, or has recall rights subject to a collective bargaining agreement or applicable personnel procedure.

IN WITNESS WHEREOF, the parties have caused this contract to be duly executed intending to be bound thereby.

PURCHASER:

PURCHASER certifies that the appropriate person(s) have executed this contract on behalf of PURCHASER as required by applicable articles, by-laws, resolutions, or ordinances.

By:
Title:
Date:

CONSERVATION CORPS:

THE CORPS certifies that the appropriate person(s) have executed this contract on behalf of THE CORPS as required by applicable articles, by-laws, resolutions, or ordinances.

By: 
Title: Program Director
Date: 12/19/23

Polk County Conservation Crew Budget and Schedule

2024 Polk CCB Crew Details	
# of Project Weeks Scheduled	38
# of Project Weeks Billed	35.5
*Each member receives 4 PTO days, federal holidays & Thanksgiving break therefor the budget is for 35.5 weeks and not the 38 weeks scheduled.	
Annual Rate	\$170,400
Weekly Rate/Crew	\$4,800
Rate/Week/Member	\$1,200
Rate/Day/Member	\$300
Rate/Hour/Member	\$30.00

Color Codes for Schedule	
	Crew Serving with PCCB
	Crew Serving Elsewhere
	Crew Not Serving

Date	Week Count	Notes
1/22/2024	Crew Leader Orientation	
1/28/2024	Crew Leader Work Skills	
2/5/2024	Crew Member Orientation	
2/12/2024	Crew Member Chainsaw	
2/19/2024	Crew Member Workskills	
2/25/2025	Fire Training	
3/4/2024	1	PCCB Orientation week with crew
3/11/2024	2	
3/18/2024	3	
3/25/2024	4	
4/1/2024	5	
4/8/2024	6	
4/15/2024	7	
4/22/2024	8	
4/29/20224	9	
5/6/2024	10	
5/13/2024	11	
5/20/2024	12	
5/27/2024	13	Off Monday for Memorial Day
6/3/2024	14	
6/10/2024	15	
6/17/2024	16	Off Wednesday for Juneteenth
6/24/2024	17	
7/1/2024	4th of July Week	Comped Off
7/8/2024	Mid-Year Retreat	Project AWARE w/all crews
7/15/2024	18	
7/22/2024	19	
7/29/2024	20	
8/5/2024	21	
8/12/2024	22	
8/19/2024	23	
8/26/2024	24	
9/2/2024	25	Off Monday for Labor Day
9/9/2024	26	
9/16/2024	27	
9/23/2024	28	
9/30/2024	29	
10/7/2024	30	
10/14/2024	31	
10/21/2024	32	
10/28/2024	33	
11/4/2024	34	
11/11/2024	35	Off Monday for Veteran Day
11/18/2024	36	
11/25/2024	37	Off 27th and 28th for Thanksgiving
12/2/2024	38	
12/9/2023	End of Year	Jester Park w/ all crews



Date

January 10, 2024

Item No.

ACTION

Roll Call No.

24-0113

Submitted by:

Doug Sheeley

Natural Resources Manager

AGENDA HEADING:

Authorizing Polk County Conservation (PCC) staff to continue negotiation with Sandy Creek Partners (SCP) with regard to transferring permitting, restoration, and operation of stream mitigation sites (Trails End Phase 2 and Ziel) based on original PCC proposal and SCP counter proposal with the understanding that any proposed final agreement will require approval at a future Board meeting.

INFORMATION:

Sandy Creek Partners LLC (SCP) is a company that specializes in developing mitigation banks across the United States. They recently reached out to Polk County Conservation's (PCC) banking consultant, Mike Heller of Foth, to assist them in locating suitable sites for stream mitigation banks in two Corps of Engineers service areas in Iowa. Included in one of these service areas, called Lower Des Moines, sits the Trails End Mitigation bank sites. After visiting the Trail's End site and the Ziel property, SCP expressed interest in pursuing the stream mitigation banking opportunities at both sites.

In response to SCP's interest in these sites, proposals were drafted (attached) and presented at the October 2023 PCCB meeting that outlined proposed terms for entering into agreements which would transfer responsibility for bank development and operation to SCP in exchange for financial compensations. Board members approved the provision of these proposals to SCP for their consideration.

On December 18, 2023, PCC staff (Leopold, Fendrick and Sheeley) met with Mike Foth and SCP representatives Gray Stevens and Wade Waltmyer. At this meeting, the attached "Discussion Outline" was provided by SCP as a counteroffer to the proposal previously provided by PCC staff.

FISCAL IMPACT:

Est. Revenue	PCC Proposal	\$6.72M
	Sandy Creek "Discussion Outline"	\$6.04M

PREVIOUS BOARD ACTION(S):

Date: October 11, 2023

Roll Call: 23-1011 **(Yea-4 / 1-Absent)**

Action: Review and approve proposal guidelines for partnership with Sandy Creek Partners for the Trails End Mitigation Bank Phase 2 and Ziel Mitigation Bank and authorize staff to negotiate transfer of stream credits generated from the Ziel and Trails End Phase 2 mitigation banks with Sandy Creek Partners, using the proposal as an initial point of negotiation, with the understanding that any final negotiated agreement will require approval at a future Board meeting.

Date: January 11, 2023

Roll Call: 23-0115 **(Yea-5)**

Action: Approving Professional Service Agreement with Foth for Design/Engineering Services for the Trails End Mitigation Bank Phase II in the contract amount of \$74,900.

RECOMMENDATION:

Authorizing Polk County Conservation (PCC) staff to continue negotiation with Sandy Creek Partners (SCP) with regard to transferring permitting, restoration and operation of stream mitigation sites (Trails End Phase 2 and Ziel) based on original PCC proposal and SCP counter proposal with the understanding that any proposed final agreement will require approval at a future Board meeting

PCC Ziel Stream Banking Proposal

• **Estimated restoration cost (Watershed Protection and Flood Prevention-WFPO)**

\$1.4M

• **Estimated credits generated (consultant est. – all stream)**

67,000 X \$50 = \$3,350,000

• **Acquisition cost**

\$368,282

Proposal:

• **Sandy Creek covers restoration cost and reimburses acquisition cost.**

\$1.77M (Also pays design, BI preparation, permitting, archaeological, construction oversight and all

other costs associated with bank creation)

• **Sandy Creek receives all stream mitigation credits**

- \$3.35M
- \$1.58M profit (less design, BI preparation, permitting, archaeological, construction oversight and all other costs associated with bank creation)

Additional stipulations

- All restoration designs must be approved by PCC before submitting to Corps of Engineers
- If restoration costs are less than estimated – difference will be split with half being paid to PCC by Sandy Creek
- If restoration costs are more than estimated – difference will be paid by Sandy Creek
- Sandy Creek accepts all risk associated with credit markets including loss of demand due to mitigation rule changes or other factors and reduction in per credit value due to competition or other factors.

Trails End Phase 2 Stream Banking Proposal

- **Restoration cost (consultant est.)**

\$2 million (likely to increase per Heller 10/3) + cost to remove soil 90K cy & soil from Phase 2 area

- **Credits generated (consultant est.)**

180,000 X \$50 = \$9M

- **Acquisition cost**

\$447,941

- **Additional factors**

Does not include design & BI creation expenses already incurred by PCC

Proposal

- **Sandy Creek covers restoration costs and reimburses acquisition, design and all other costs incurred by PCC associated with BI creation**

- \$2.448M + other incurred costs by PCC (ca. \$500K?)
- \$2M payment to PCC

- **Sandy Creek receives – all mitigation credits**

- \$9M
- Est. \$4M profit

Additional stipulations

- All restoration designs must be approved by PCC before submitting to Corps of Engineers
- If restoration costs are less than estimated – difference will be split with half being paid to PCC by Sandy Creek
- If restoration costs are more than estimated – difference will be paid by Sandy Creek
- Sandy Creek accepts all risk associated with credit markets including loss of demand due to mitigation rule changes or other factors and reduction in per credit value due to competition or other factors.

**DISCUSSION OUTLINE FROM SANDY CREEK PARTNERS, LLC (SCP) TO
POLK COUNTY CONSERVATION BOARD (PCCB)
FOR THE PERMITTING, RESTORATION, & MITIGATION BANK DEVELOPMENT OF:

The Trails End Stream Mitigation Bank – Phase Two Property and
the 42.5-acre Ziel Property located near Alleman, IA**

EXECUTIVE SUMMARY:

SCP will at its cost permit, construct, restore, endow, operate, and own two wetland mitigation banks, one on each of the two Properties, that will involve PCCB: (a) retaining ownership of the Properties, (b) cooperating with SCP to obtain the necessary bank permits (Bank Permits) required by the Army Corps of Engineers and other IRT agencies (Agencies) and (c) agreeing, after each Bank Permit is obtained, to place a conservation easement on each Property acceptable to the Agencies that would restrict land use and development.

For planning purposes, we would expect to begin permitting the Ziel Property Mitigation Bank after constructing/restoring the Trails End Mitigation Bank – Phase Two. Public access to the Bank Properties, as approved by the Agencies, will be established in the Bank Permits.

SCP will subcontract with Mr. Mike Heller through Foth to lead SCP's permitting and bank development efforts. SCP understands that the Trails End Phase Two Bank permitting is well underway and, with Mr. Heller's involvement, its transition to SCP would be seamless.

FINANCIAL TERMS:

- SCP to pay PCCB \$230,000 upon issuance of each Bank Permit for a total of **\$460,000**.
- SCP to fund over time PCCB's long term endowment for both Banks estimated at **\$360,000**; earnings from these invested funds will remain in the endowment and increase the total endowment amount available for PCCB's long term (post-Bank Closure) maintenance of the Properties.
- SCP to fund 100% of all future costs for both Banks, including permitting, construction, restoration, and pre-Bank Closure maintenance and monitoring; this will save PCCB over **\$3,120,000** (PCCB estimate, which did not include the substantial earthmoving costs for Trails End Bank Phase Two).
- SCP to pay PCCB a 12% royalty on each credit sale from both Banks that we estimate could total over **\$2,100,000** for PCCB.
- Our royalty dollar estimate assumes a starting price of \$50 per stream credit and a conservative 4% credit price inflation rate. In our experience, credit prices increase well in excess of inflation, particularly where regulatory changes are expected to tighten future credit generation metrics.

PLEASE NOTE: this Outline is for discussion purposes only and does not create or give rise to any binding commitment or obligation by SCP except as may later mutually agreed upon in a written Agreement. The terms of the Agreement would be subject to our mutually agreeing to additional terms and conditions that a complete Agreement would require.

	Date	January 10, 2024
	Item No. Roll Call No. Submitted by:	CLOSED SESSION 24-0114

AGENDA HEADING:

Action from Closed Session discussion of land acquisition opportunities.

INFORMATION:

Polk County Conservation has the opportunity to acquire land with excellent conservation potential at several locations within Polk County. Cost-share opportunities may be available to assist with acquisition and restoration expenses. Nearby PCC landholdings add additional interest to these properties.

FISCAL IMPACT: TBD

PREVIOUS BOARD ACTION(S):

Date:

RollCall:

Action:

RECOMMEDATION:

Direct staff to proceed on these land acquisition opportunities based on information presented and pursuant to Board discussion.