

The Palo City Council met in open session Monday October 12th, 2009 at the Temporary City Hall located at the FS Building. Mayor Jeff Beauregard called the meeting to order at 6:30 PM with the following council present: Alan Mengler, Paula Gunter-Mayor Pro-tempore, Trent Miller, John Harris and Jeannie Blumer. Others present: City Attorney; Scott Peterson, City Engineer; Matt Shock, Infrastructure Commander; Tom Watson, City Administrator/Clerk; Stacy Dix, Tony Hite, City Maintenance.

Mayor Jeff Beauregard asked everyone to stand and say the pledge of allegiance.

Motion by Miller to approve the agenda with deleting item # 17, Fire Station bids, and removing the Chamber report, seconded by Mengler, motion carried (5-0).

Motion by Gunter to approve the consent agenda including bills, budget review and September 28th, 2009 Council meeting minutes, seconded by Mengler, motion carried (5-0). Claims Report: Alliant Energy, gas & electric, \$2815.46; Palo Coop., telephone services, \$286.96; Ipers, Ipers, \$2325.65; Palo Savings Bank, Fed/Fica Taxes, \$5207.51; Iowa Department of Revenue, State Taxes, \$1010.00; Iowa One Call, Locates, \$30.60; US Postal, sewer postage, \$379.60; Rudd Sanitation Inc., solid waste Acct#2945, \$3206.50; Linn County REC, street lights, \$173.29; Keystone Laboratories, testing, \$10.50; Menards, tarps, temp lights, \$419.86; Burt Trucking, haul road stone, \$80.00; Office Express, office supplies, \$312.66; Crawford quarry Co., rock for trailer & temp city hall, \$614.81; Gazette communications, legal publications, \$176.47; Nidey Peterson Erdahl & Tindal, legal fees, \$9447.50; IMWCA, workers comp, \$7487.00; Iowa League of Cities, Budget workshops, \$60.00; Linn County Sheriff's Office, Police service, \$8125.00; Data Tech. Inc, Fall user meeting, \$2616.85; Stacy Dix, IMFOA conference, \$90.00; IMFOA, IMFOA fall meeting, \$200.00; Schimberg Co., test plugs, \$563.50; Watson Service, Compressor-tools, \$902.31; Wernimont Display, street signs, 75.00; Anderson-Bogert, City Engineering, \$18908.90; Trisca Smetzer, postage/mileage reimburse./IMFOA, \$251.82; Croell Redi-Mix, Concrete bridge, \$157.00; SA-SO Facility MGMT. , street signs, \$151.74; Wellmark BC/BS, health Ins., \$1055.97; ABC disposal, community debris, \$564.30; Tony Hite, postage, \$15.40; Jeff Beauregard, league conference/mileage, \$175.70; Wright Express, gas, 41.46; Rexco Equipment Co., mower parts, \$146.35; Iowa Good Roads Assoc., 2010 IGRA membership dues, \$80.00; Paula Gunter, League conference/mileage reimb., \$160.18; Agvantage, FS,Inc., rent, \$2000.00; Verocity wireless, cell, \$125.90; Esco Electric Co., move & mire generator, \$2321.49; Michelle Nejd, Data tech fall user meeting/mileage, \$156.28; Mosquito Control of Iowa, Mosquito spraying, \$3750.00; Culligan, water, \$26.25; Successories LLC., certificate packages, \$31.44; Coonrod Wrecker, unload trailer, \$1425.00; Linn County Planning & Development, Flood bldg inspections, \$169.96; Electric Pump, Omni system, \$4425.00; AFLAC, aflac pre-tax, \$136.56; Eastern Iowa Arts Academy, fall classes, \$17480.00; Erek Sitting, legal services, \$195.00; Farmtek, fan for tent, \$84.60; Green valley turf LLC, lawn mower repairs, \$119.20; Rapids RE productions Inc., concession stand copy/binding, \$649.28; Visu-Sewer, sewer lining project, \$3247.08; Maurice& Pamela VanNote, CRE easement agreement, \$17,000.00; Linn County Planning & Development, New Permits, \$1393.60; Aquatic Recreation Co., splash pad down pymt, \$13996.50; BW Steelegate Inn, league of cities conference, \$319.20; Emily Packingham, safety vest demo's, \$40.61; Olesen & Assoc., FF1 training, \$360.00; Omni Site, yearly service fee, \$276.00; Premier Pump & Power LLC., Vacuum pump, \$22944.00; Scott Peterson, Legal fees, \$2146.00; Barbara Kregal, library card, \$25.00. Payroll: General fund, \$13519.53; Road Use, \$2033.82; Property Acquistions, \$424.65; Sewer, \$2119.80.

Sherriff's report was given by officer Tim Payne 108.33 hours required and 146.62 hours actually worked from September 15th, 09 through October 12th with 68 calls.

Rebuild Palo Fund Report by Tom Watson; stated there has been 133 total applicants, \$147,000.00 distributed to date, major donations have been received from the Wives of the Palo Fire Dept., Wal-Mart, and Greater Cedar Rapids Foundation. The second annual Holiday Train Ride that will be held on December 5th, 2009 is in the planning stages, more information will follow.

Park & Recreation Report; Smetzer stated Brian Beaty has dug the footings for the play ground equipment in Dry Creek Estates, the Play Ground Equipment Representative will be on site this week to inspect and lay out the design.

Audience Comments:

Chad Packingham and Patty Harper were present representing the Lion's Club. Would like to help support the Depot project. Council agreed this would be a good merge; Lion's club should attend the next Depot meeting.

Bill Zeller questioned what is being done with the police car?

Resolution#101209A to approve Tax Increment Financing Plan with Speer Financial, motion by Mengler, seconded by Harris, roll call, motion carried (5-0).

Motion by Mengler to open Public Hearing at 6:39pm regarding Annexation of 4638 Shellsburg Road, seconded by Harris, motion carried (5-0). Bill Zeller questioned if this would be the corporate limits? Council stated yes.

Motion by Gunter to close the public hearing at 6:40pm, seconded by Blumer, motion carried (5-0). Resolution #101209B to approve the annexation as R1 for 4638 Shellsburg Road in the City of Palo Corporate limits, motion by Mengler, seconded by Miller, roll call, motion carried (5-0).

Motion by Gunter to approve the HMGP legal services contract with EreK Sittig, seconded by Mengler, motion carried (5-0)

Motion by Gunter to approve the HMGP Escrow Agent Services contract with EreK Sittig, seconded by Mengler, motion carried (5-0)

Resolution #101209C to rescind resolution #071309G to create a separate checking account for the property acquisitions, motion by Gunter, seconded by Mengler, roll call, motion carried (5-0).

Motion by Miller to approve the 28E agreement between Linn County for the HMGP property acquisitions, seconded by Mengler, motion carried (5-0).

Motion by Miller to approve the Purchase offer through the HMGP property acquisition for Mark & Donna Sedlacek for property address 504 1st street, seconded by Mengler, motion carried (5-0).

Motion by Miller to approve the Purchase offer through the HMGP property acquisition for Benjie Snitker for property address 41 Church Street, seconded by Mengler, motion carried (5-0).

Motion by Miller to approve the Purchase offer through the HMGP property acquisition for Darren & Sara Frost for property address 600 Iowa Ave., seconded by Mengler, motion carried (5-0).

Motion by Miller to approve the Purchase offer through the HMGP property acquisition for Jesse McCurrie for property address 602 Iowa Ave., seconded by Mengler, motion carried (5-0).

Motion by Miller to approve the Purchase offer through the HMGP property acquisition for Betty Newcomb for property address 36 East Main Street, seconded by Mengler, motion carried (5-0).

Motion by Miller to approve the Purchase offer through the HMGP property acquisition for JoAnn P. Greene for property address 34 Main Street seconded by Mengler, motion carried (5-0).

Motion by Miller to approve the Purchase offer through the HMGP property acquisition for Jud J. & Lisa M. Starn for property address 35 Main Street, seconded by Mengler, motion carried (5-0).

Motion by Miller to approve the Purchase offer through the HMGP property acquisition for James E. & Lisa R. Sanders for property address 40 Main Street, seconded by Mengler, motion carried (5-0).

Motion by Miller to approve the Purchase offer through the HMGP property acquisition for Eye Family Properties, LC % Jack A. Eye and Donna M. Eye property address 41 Main Street, seconded by Mengler, motion carried (5-0).

Motion by Miller to approve the Purchase offer through the HMGP property acquisition for Jack A. Eye and Donna M. Eye property address 40 Church Street parcel 12291-05006-00000, seconded by Mengler, motion carried (5-0).

Motion by Miller to approve the Purchase offer through the HMGP property acquisition for Jack A. Eye and Donna M. Eye property address 40 Church Street, seconded by Mengler, motion carried (5-0).

Motion by Miller to approve the Purchase offer through the HMGP property acquisition for Stanley J. Karminski and Linda Karminski property address 704 Iowa Ave., seconded by Mengler, motion carried (5-0).

Motion by Miller to approve the Purchase offer through the HMGP property acquisition for Jason McKinstry property address 18 Drake Drive, seconded by Mengler, motion carried (5-0).

Motion by Miller to approve the Purchase offer through the HMGP property acquisition for Alan Mengler property address 43 Main Street, seconded by Harris, Mengler abstained, motion carried (4-0).

Motion by Miller to approve the Purchase offer through the HMGP property acquisition for Benjie Snitker property address 41 Church Street parcel 12282-28005-00000, seconded by Mengler, motion carried (5-0).

Motion by Mengler to award the lowest bid at \$25,633.00 to Ricklefs Excavating Ltd. for the Cedar River Estates North drainage project, seconded by Harris, motion carried (5-0).

Motion by Mengler to award the lowest bid \$17,769.00 to Watson Services for the Cedar River Estates Park Drainage project, seconded by Gunter, motion carried (5-0).

Motion by Mengler to open the public hearing at 7:05 regarding Ordinance #561-2009 amending provision pertaining to the power and duties of the Mayor, Council and City Administrator, seconded by Gunter, motion carried (5-0). Mayor Beauregard stated this would be increasing the spending authority of the Mayor to \$1500.00 and the City Administrator to \$1000.00. Motion by Mengler to close the public hearing at 7:07 pm, seconded by Gunter, motion carried (5-0).

Motion by Mengler to place ordinance #561-2009 on its first reading, seconded by Gunter, roll call, motion carried (5-0).

Motion by Mengler to approve the contract amendment with D. W. Zinser regarding the demolition, this will remove three structures from the original contract, seconded by Gunter, motion carried (5-0).

Resolution #101209D to approve the transfer of \$407,936.46 from General fund to Money Market, motion by Gunter, seconded by Harris, roll call, motion carried (5-0).

Resolution #101209E to approve the property lien on 707 7th Street, motion by Gunter, seconded by Mengler, roll call, motion carried (5-0).

Resolution #101209F to approve the property lien on 161 Pleasant Creek Drive, motion by Gunter, seconded by Mengler, roll call, motion carried (5-0).

Resolution #101209G to approve the property lien on 1400 Cedar River Drive, motion by Gunter, seconded by Mengler, roll call, motion carried (5-0).

Department Reports:

Tony has several items; 1).stated he has received some bids on concreting the manholes on Linn Drive, one written and one verbal. Council stated this needs to be added to the next agenda for formal approval. 2). Talked to a couple companies about painting the bridge, too cold at this time. Mayor Beauregard stated he would like to see the City sandblast and check with volunteer groups about painting. 3). Purchased 16 new street signs will be here end of the week. 4). Dismantled park equipment and will be hauling away next week. 5). Generator from the Old Lift Station is up at the fire station, will be getting electricity ran to it and a pad poured for it to sit on. 6). Mengler asked about the sewer? Tony stated Foley has fixed the problem and will be heading out of town. 7). Mayor Beauregard asked about the chimney seals for the manholes would like to see a map of the completed ones. They will arrive on Wednesday and will be installed, more will be ordered at that time.

Old Business

Scott Peterson stated the meeting with Foley and Wiley Pillars has been cancelled and will be rescheduled. Second item the legislative update does not affect spending authority, however does allow moving forward in an emergency situation by having a registered Architect or Certified Engineer sign off on the project.

Motion by Gunter to go into closed session at 7:31pm regarding litigation pursuant to specific Chapter 21.5 (1) (C) of the Iowa Code, seconded by Mengler, motion carried (5-0).

Motion by Gunter to adjourn at 7:52pm, seconded by Blumer, motion carried (5-0).

Respectfully submitted by,

Trisca Smetzer, City Clerk