

The Palo City Council met in regular session at Palo City Hall May 14, 2012. Mayor Tom Sanders called the meeting to order at 6:30 p.m. Council Members present: Trent Miller, Brian Beaty, Scott Packingham, Doug Hanover. Absent: Josh Frank. Others present: None.

Hanover moved approval of agenda as corrected to add audience comments non-agenda items and to postpone item 21 Designation of Applicant's Authorized Representative HMGP-DR-1763-0154-01 Concession Safe Room and item 22 Designation of Applicant's Authorized Representative HMGP-DR-1763-0125-01 Comm. Ctr. Safe Room, Beaty second. Motion carried. (4-0)

Beaty moved approval of consent agenda: bill approval, treasurer's report, DAR, Council meeting minutes from April 10, April 23, and April 30, 2012, Palo Mini LLC ABD License (wine, liquor, beer with Sunday sales) Ralston Mini LLC Cigarette/Tobacco Permit, and to set a Special Council Meeting for May 29, 2012 @ 5:30 p.m. Hanover second. Motion carried. (4-0)

The Linn County Sheriff was not available.

The City Council granted the Lion's Club permission to use the light poles at the ball field. The Council cautioned the Lion's Club to only cut the poles they need, as the City may need to use the remaining poles for the boat ramp or other City projects. The City Council granted the Lion's Club permission to use the City Hall/Community Center parking lot to set up a tent for their RAGBRAI fundraiser with this stipulation: the tent cannot be anchored into the parking lot with anything that requires drilling into the surface of the parking lot. Concrete blocks may be used to secure the tent. The City's tent is unavailable until repaired. The Lion's Club may also use the tables and chairs at the Community Center and the picnic tables from Zeller Park. The fundraiser is a joint project with the Palo Volunteer Fire Dept. and the Palo United Methodist Church.

There were no audience comments-agenda items.

Department Reports were received. The Park and Rec. meeting minutes were not completed; a park and recreation committee member was present to answer questions.

Joe Horaney, Communications Director, for the Cedar Rapids Linn County Solid Waste Agency gave a presentation on "Changing Focus from Waste Management to Resource Recovery".

Matt Shock, STS Civil, discussed the Urban Wetland Project including changes made to the project, the funding agency, material sources including the boat ramp and stream bank stabilization projects, Matt Wildman from Howard R. Green wants to keep the dirt he has set aside so that material will not be used for this project, positive drainage, the 3-3 ½ acres and possibly more that the project encompasses, seeding, shaping, rain gardens, overflow spillway, tile lines, spillage, sidewalk grades to allow mowing, volunteer labor for planting and mulching, types of plants needed, the City's match of 25% of the program and reimbursement procedures. Watson Service was the low bid by \$3032.35. Ricklef's Excavating was the second lowest bid. The Council requested the names of the Storm Water Committee members. Tom Watson and Marilyn Barta have not attended meetings recently. The meetings have been held by e-mail, rather than in person. The Mayor requested a list of the committee members. Some Council members voiced concerns over whether there was a conflict of interest because Tom Watson, owner of Watson's Service, participated in the Storm Water Committee until around October of 2011. The deadline for the completion of the work is June 30, 2012. An extension may be granted because of weather. At this point it looks like the project will come in under budget and, except for planting; the project will be completed in time for RAGBRAI. The Mayor noted this is not the City's highest priority project at this time. The Palo Coop Telephone Company is installing fiber optics and the City is installing water mains for City water. The project took longer than anticipated to start because of the permitting required for the project. The Council voiced concerns over the possible conflict of interest and dissatisfaction with other projects completed by Mr. Watson. The Council noted the difference between the bids was 5%. Per Councilor Miller's conversation with the

City Attorney, the Council would need to document projects by Watson Service that they were not pleased with. Matt Shock noted that the \$3000.00 difference could be used to purchase plants for the project. He is comfortable with Watson Service as is Jon Gallagher and others involved with funding. The City has found Ricklef's Excavating capable with the water project and the Mayor's opinion is the City can substantiate dissatisfaction with some of the projects from the other contractor. Mr. Shock had to contact Howard R. Green and Ricklef's multiple times to come back and finish the ditch grading from the water project, however he stated it is the Council's prerogative. City Clerk stated a bid rationale will probably be required and one other instance where the lowest bidder wasn't chosen; important not to jeopardize grant funding. The deadline was discussed and flexibility was granted for weather-related delays. It may be possible to get an additional extension. Mr. Shock would need to check with the funding authority and the City would need to make a good faith attempt to complete the project on time. Council can see the benefit of having the project completed by RAGBRAI. It is possible item #12 "imported top soil" will be eliminated from the line item bid. This would lower the lowest bid by \$4200 and the next lowest bid by \$3000. Motion by Miller to accept the second lowest bid for the project, Ricklef's Excavating, Packingham second. Roll call. Motion carried. (4-0) Mr. Shock will check with funding authority and if more discussion is needed this item will be added to the May 29, 2012 Special Council Meeting. Gary Hughes, Community Development Planner, with East Central Iowa Council of Governments (ECICOG) presented information on the estimated time and cost for ECICOG to administrate the water project including status of hearings, payroll review, contract letting, on-site monitoring, project close-out and other activities as needed. The contract letting may be removed from the estimate, as that activity may be completed by Howard R. Green. This was a discussion item only.

Vicki Clymer, applicant for the Planning and Zoning Committee, (P&Z) is on the Board of Adjustment, (BOA). The Council appreciates her application, but per Councilor Miller's conversation with the City Attorney an applicant cannot sit on both the P & Z and BOA simultaneously. Clerk instructed to ask Ms. Clymer which she would rather sit on.

Beaty motion to approve Resolution 051412C to Approve the Reappointment of Rob Bower to the Parks and Recreation Committee, Hanover second. Roll call. Motion carried. (4-0)

Beaty motion to approve third and final reading of Ordinance 579-2012 An Ordinance Amending the Code of Ordinances of the City of Palo, Iowa, 2012 by Repealing Chapter 90.07 and 90.30 [2012] Pertaining to Water Service Connections and Rates Outside the City, Packingham second. Roll call. Motion carried. (4-0)

Hanover motion to approve Resolution 051412D Corporate Resolutions and Agreement, Beaty second. Roll call. Motion carried. (4-0)

Hanover motion to approve Resolution 051412E Resolution Adopting and Approving Tax Compliance Procedures Relating to Tax Exempt Bonds, Beaty second. Roll call. Motion carried. (4-0)

The contract for the City Attorney was discussed including rates, contract termination clause, experience, meeting attendance, and the possibility of changing the current Council Meeting schedule for the City of Palo. Clerk instructed to add as an agenda item and request date availability with Mr. Sittig. Miller motion to approve Resolution 051412F Resolution of Appointment and Compensation Schedule for City Attorney, Erik Sittig effective June 1, 2012 through June 30, 2013, Packingham second. Roll call. Motion carried. (4-0)

The Mayor authorized a nine minute recess.

The Council Meeting resumed at 9:46 p.m. Council Member Josh Frank was in attendance.

The Council discussed Water Distribution System Phase 2 Change Order #2. The Mayor requested all change orders include an engineer's opinion and all change order documents should be presented to Council before any action is taken. Hanover motion to table this item until the May 29, 2012 Special Council Meeting, Frank second. Motion carried. (5-0)

The Council discussed Well #2 Change Order #3. The Mayor had previously requested an engineer's opinion so the information was available. The change order would bring the well up to engineer's specifications. The largest line item increase was to upsize the variable frequency drives (VFD) to accommodate the increase in horsepower (HP) of the motor. The City may be eligible for a rebate from Alliant Energy. Miller motion to accept Well #2 Change Order #3, Hanover second. Motion carried. (5-0)

Beaty motion to approve Resolution 051412I Designation of Applicant's Authorized Representative 08-DRI-236 Water Project to Michelle NejdI, Hanover second. Roll call. Motion carried. (5-0)

Hanover motion to accept Resignation from City Administrator, Miller second. Motion carried. (5-0)

The Council discussed the resignation and rescinded resignation of the Deputy Clerk. Miller motion to accept the Deputy Clerk's rescinded resignation, Frank second. Roll call. Motion carried (3-2) Hanover; Packingham nay. Mayor will address any stipulations.

Audience Comments: town looks good, elevations should be shot, holes dug in yard for fiber optic's project should be addressed to Palo Coop., address LP tank location at Fire Station, alleys and easements for Palo Coop project need to be addressed to make sure placement of vaults is correct.

Old Business: progress on toilets for Concession Stand.

New Business: compost site on buyout properties, grants for wildflowers, golf cart ordinance. Clerk instructed to add Golf Cart Ordinance to June 11, 2012 agenda.

Hanover motion to adjourn at 10:30 p.m., Frank second. Motion carried. (5-0)

Michelle NejdI

City Clerk