

The Palo City Council met in regular session at Palo City Hall June 11, 2012. Mayor Pro Tem Trent Miller called the meeting to order at 6:30 p.m. Council Members present: Trent Miller, Brian Beaty, Scott Packingham, Doug Hanover and Josh Frank. Absent: Mayor Sanders. Others present: Scott Peterson.

Hanover moved approval of **agenda**, Frank second. Motion carried. (5-0)

Beaty moved approval of **consent agenda** as revised: bill approval, updated DAR, Council meeting minutes from May 9, May 14 with the revision of Mr. Watson changed to Watson Service, and May 29, 2012. The treasurer's report will be available at the July Council meeting, Hanover second. Motion carried. (5-0)

The Linn County **Sheriff** was not available.

Dave Schoettmer, **Lion's Club** President, requested the use of the City's tent for the RAGBRAI event on 07/26/12. The City Council granted the Lion's Club permission to use the City's tent contingent upon prior notification and reparation if the tent is damaged. The Lion's Club offered to pay rent for the tent, provide a donation to the City for its use, and or reimburse the City for part of the repairs to bring the tent back to its original condition. City Maintenance staff will take the tent in for repairs before the event. Councilor Hanover will provide guidance with the repairs needed and setting up the tent. The event will officially shut down at 5:00 p.m. and the Highway Patrol will assist.

Audience Comments-Agenda Items included discussion of yards disturbed in the Pleasant Creek Estates area by the water project. Ricklefs provided these homeowners with the option to seed the property with grass seed outside the seeding window; the property owner will be responsible for maintenance and the warranty will be exempt. The Howard R Green representative will verify that this pertains only to seeding and not to grading. The contractor made verbal promises, but is not contractually required to seed the area until the project is closed out. The projected date is in September. This is typical of construction projects to keep costs down. Often seeding and grading are subcontracted and mobilization costs are reduced by bringing a crew in once, at the end of the project, as opposed to bringing a crew into each area as it is completed. The Palo Cooperative Telephone Association fiber optics project is also disturbing residential yards. It is important to verify which project has caused the disturbance. Drainage issues associated with the projects were discussed.

Linn County Sherriff's report 108 hours required; 125.60 hours worked. Various activities were discussed including a high speed chase and the number of officers and vehicle speeds in City limits.

Department Reports: Maintenance Staff updated the Council on the splash pad operation. Maintenance Staff instructed to inspect, test, and record the backflow device. Fire Dept. reports were not available. Park and Recreation minutes were available.

Beaty motion to approve **Resolution 061112A** Palo Fun Day Parade & 5K Routes, Hanover second. Roll call. Motion carried. (5-0)

Council discussion on cross connection control and back flow preventative devices including cost, necessity, testing, high and low degrees of risk, inspections, previous training on this topic, fines, DNR requirements, and other considerations. Hanover motion to approve second reading **Ordinance 580-2012** Amending the Code of Ordinances of the City of Palo, by Repealing 90.34 Cross Connection Control pertaining to back flow preventative devices, Beaty second. Roll call. Motion carried. (4-1) Miller nay

Howard R Green representative explained and recommended approval of the pay applications. Frank motion to approve **Pay Application #4, Well #2**, Hanover second. Motion carried. (5-0)

Frank motion to approve **Pay Application #4, Phase 1**, Packingham second. Motion carried. (5-0)

Howard R Green representative explained and recommended Change Order #3 for Phase 2 of the Water Distribution System, if the City is not concerned with drainage issues because there may not be a culvert. Council discussed the advantages and disadvantages of boring versus open cutting and drainage issues pertaining to this

change order. Council would like the master drainage plan from the Storm Water Committee. They are familiar with the top priority projects, but would like the plan with mapping and elevations to facilitate decision making on drainage/water project issues. Beaty motion to approve **Change Order #3 for Phase 2** of the Water Distribution System, Frank second. Motion carried. (5-0)

Council is pleased with the streambank stabilization project. Wildflowers are planted along the project to reduce mowing expenses. Miller motion to approve **Streambank Stabilization Contract Amendment #2**, Hanover second. Motion carried. (5-0)

Frank motion to approve acceptance of the **Streambank Stabilization Project**, Packingham second. Motion carried. (5-0)

Beaty motion to approve **Resolution 061112B** Ball Park Lease Agreement Extension with the Cedar Rapids Reds Baseball Organization from 06/21/12 to 07/12/12, Frank second. Roll call. Motion carried. (5-0)

Beaty motion to approve **Insight's Boutique ABD Liquor Permit**, Frank second. Motion carried. (5-0)

Hanover motion to open **public hearing** Ordinance 581-2012 Amending the Code of Ordinance of the City of Palo Repealing Chapter 21 Pertaining to City Administrator and Modifying Other Sections Referencing City Administrator, at 7:50 p.m., Beaty second. Motion carried. (5-0) Public comment: would like to eliminate this high paying position. The City Clerk did not receive written comments. Hanover motion to close public hearing Ordinance 581-2012 at 7:51 p.m., Frank second. Motion carried. (5-0) Miller motion to approve first reading **Ordinance 581-2012** An Ordinance Amending the Code of Ordinances of the City of Palo, Iowa, 2012, By Repealing Chapter 21 Pertaining to City Administrator and Modifying Other Sections Referencing City Administrator, Hanover second. Roll call. Motion carried. (5-0)

Council discussion **Ordinance 582-2012** Golf Cart Ordinance including past presentation of ordinance, lights, requirements, speed, and road access. Clerk instructed to request the City of Atkin's ordinance. The City of Shellsburg and the previously presented City of Palo's ordinances were reviewed. Clerk instructed to make the following changes and add to July Council agenda: 74.06 (4) Headlights and taillights – condition of operation; on at all times, 74.06 (6) Turn signals – eliminate this equipment requirement, hand signals are sufficient, and 74.09 (2) (a) reduce age from 17 to 16 years of age.

Frank motion to approve **Resolution 061112C** Safety Manual Addendum to Personnel Policy and Procedure Manual, Hanover second. Roll call. Motion carried. (5-0)

Frank motion to approve **Resolution 051412G** Designation of Applicant's Authorized Representative HMGP-DR-1763-0154-01 Concession Safe Room, Beaty second. Roll call. Motion carried. (5-0)

Frank motion to approve **Resolution 051412H** Designation of Applicant's Authorized Representative HMGP-DR-1763-0125-01 Community Center Safe Room, Hanover second. Roll call. Motion carried. (5-0)

Beaty motion to approve **Resolution 061112D** Money Transfer to Eliminate Deficit Balances at Fiscal Year End, Frank second. Roll call. Motion carried. (5-0)

Beaty motion to approve **Resolution 061112E** Money Transfer Demo/HMGP, Hanover second. Roll call. Motion carried. (5-0)

Council praised P & Z applicant, Vickie Clymer's previous work on the P & Z Committee. Hanover motion to approve **Resolution 061112F** to appoint Vickie Clymer to the Planning and Zoning Committee, Frank second. Roll call. Motion carried (5-0)

Mayor Pro Tem called a 10 minute recess at 8:15 p.m. Mayor Pro Tem resumed the Council meeting at 8:25 p.m. Chris Davey requested agenda item 33, Pleasant Creek Estates Contract Addendum to Purchase Agreement moved to agenda item 24. Frank motion to move agenda item 31 to 24, Beaty second. Motion carried. (5-0) Council discussed the addendum changes, aquifer, demolition and capping quotes, building removal, engineer recommendation, well construction, DNR requirements, and water discharge. Call for motion, second call for

motion, third call for motion. Agreement stands as originally written. Clerk instructed to notify Pleasant Creek Homeowner's Association when the 180 day time period to cap the well begins. Mr. Davey will call service provider to determine when service will be performed. The well house and concrete will be addressed as determined in the original agreement. If the HOA would like to discuss further, communication should be addressed to City Attorney and forwarded to Council.

Council would like the office to return to a 2-person office, City Clerk and Deputy City Clerk, within a year. Clerk instructed to advise Administrative Assistant this is a temporary position. Miller motion to approve **Resolution 061112G** Compensation Administrative Assistant establishing the title Administrative Assistant, a one year probationary period, sick and holiday benefits effective 06/11/12, vacation benefits effective 09/13/12, and a 20% hourly increase effective 06/11/12, Frank second. Roll call. Motion carried. (5-0)

Miller motion to approve **Resolution 061112H**. Call for second, second call for second, third call for second. Motion died for lack of second.

Council acknowledged warranted as job duties have changes due to recent changes. Hanover motion to approve **Resolution 061112I** Compensation City Clerk, an 11.45% hourly increase effective 06/11/12, Beaty second. Roll call. Motion carried. (5-0)

Beaty motion to approve **Resolution 061112J** Compensation Maintenance Superintendent, an 8.1% hourly increase effective 06/11/12, Frank second. Roll call. Motion carried. (5-0)

Council recognized the Maintenance Assistant has additional duties and is pleased with performance. Hanover motion to approve **Resolution 061112K** Compensation Maintenance Assistant full time employee status, eligibility for all full-time employee benefits including insurance, a 25% hourly increase, and this will be re-visited in 6 months, Beaty second. Roll call. Motion carried. (5-0)

Further Council discussion on Deputy City Clerk compensation including years of service, Mayor's recommendation, resignation withdrawal, and respected work performance. Miller motion to table Resolution 061112H until 07/16/12 meeting, Beaty second. Motion carried. (5-0)

Council discussed several options for Council meeting date change and advantages and disadvantages to each. Beaty motion to approve **Resolution 061112L** to Change City Council Meetings from the 2nd Monday of the month to the 3rd Monday of the month. The time of 6:30 p.m. will remain unchanged, Hanover second. Roll call. Motion carried. (5-0)

Beaty motion to approve **Resolution 061112M** One Way Street Designation for City Garage Sales June 23, Drake Drive, Lincoln Drive, and Thompson Drive, Hanover second. Roll call. Motion carried. (5-0) Maintenance instructed to put up one way street signs so parking is on one side of the street and one way.

Beaty motion to approve **Resolution 061112O** Authorizing Approval of Contract Change Orders and Amendments, Hanover second. Roll call. Motion carried. (5-0)

Beaty motion to approve **Resolution 061112P** Loan Agreement Anticipation Project Note Extension, Miller second. Roll call. Motion carried. (5-0)

Council entertained a lengthy discussion on application fees and hookup fees including current sewer rates and fees, property values, taxes, building permits, attracting new builders, fees in surrounding towns, promoting growth, and current market trends. Clerk instructed to provide fees from other towns and incorporate a \$25 application fee and a \$150 hookup fee into an ordinance for introduction next Council meeting.

Council discussed the Concession Stand project including: broken concrete has been fixed, asphalt at the entrance to park, water fountain is complete, the asphalt by the concession stand in the parking lot, not on 1st Street needs to be replace or cold patched, a chemical stain remains on the sidewalk and needs to be removed, the toilets are fixed, cracks in the concrete, and warranty information. Miller motion to accept the Concession Stand project contingent upon the asphalt in the driveway repaired to the Council's satisfaction, the stain on the

sidewalk removed, and warranty information and long-term resolution of the concrete crack because the Council would like to make sure the crack does not enlarge over the next 6 months, Frank second. Motion carried. (5-0) Miller motion to approve **Resolution 061112Q** contingent upon item 11 to include copyrighted material may not be downloaded added and City Attorney and computer technician's approval, Frank second. Roll call. Motion carried. (5-0)

The Council would like the Splash Pad building to mirror the Concession Stand as much as possible. Beaty plans to volunteer to do much of the excavation work himself. A temporary fence will be required. The contractors plan to work this smaller job in around other jobs in the area. They plan to dig and pour the footings one day, and then the walls will need to be set and poured. The current shed is around 5' X 7', but the Maintenance Staff recommends 8' X10' if possible. It is anticipated the roof and tin sides will run about \$500. The gutters will need to drain to the splash pad or a little sidewalk could be constructed. Scott Johnson has also volunteered to help. Beaty consulted legal counsel as to his need to abstain. Not necessary given the information discussed. Miller motion to award **Splash Pad concrete bid** to MD Concrete, Packingham second. Motion carried. (5-0)

Audience Comments-Non-Agenda Items included how nice the City parks look, recommendation to cut the spurs by the 4 trees in Zeller Park, plant more wildflowers to reduce mowing expenses, fiber optics project in the City ROW (right of way) dirt issues and alley behind the old bank has tracks from fiber optics.

Old Business: Mayor Pro Tem informed Council of change orders approved including water main construction & distribution system phase 1 change order #3 (\$0), LP tank change order (\$0), rip rap boat ramp change order (\$1500 reduction), and bank stabilization (\$77.31 reduction). Iowa's Living Roadway Project extension is needed and the fall would be better due to current weather conditions. The City has one of the three signs in place, planting discussion, easements for signs, and the many volunteers who helped with the first sign.

New Business: The front of the fire station paint has faded and needs to be repainted. Please instruct maintenance to paint the overhead door at the public water area. Council would like a compost storage site established before the fall to deposit leaves. They estimate the cost of labor to haul grass and other yard waste material to the landfill would exceed the cost to fence the area and establish supervised times for homeowners to deposit their yard waste material at the site. The emergency storm shelter signs need to be replaced. A time to meet with the former City Attorney for an exit interview/ Council training was discussed. The dirt at the fire station site was discussed. What is the necessary grade for the fire station site? What is the estimated quantity of dirt needed for current projects including the wetlands/rain garden project as well as the fire station and water projects? What is the reasonable value of the dirt if there is an excess?

Hanover motion to **adjourn** at 10:17 p.m., Frank second. Motion carried. (5-0)

Michelle Nejd
City Clerk