

The Palo City Council met in regular session at Palo City Hall November 14, 2011. Mayor Paula Gunter called the meeting to order at 6:28 p.m. Council Members present: Trent Miller, Scott Packingham, Tom Sanders, and Brian Beaty. Absent: None. Others present: Scott Peterson, Trisca Smetzer, Stacy Dix, Glenn Lange.

Mayor Gunter removed Donald F. Zeller Memorial Park Designation and Sign from the agenda; will address in spring. Miller moved approval of agenda as revised, Beaty second. Motion carried. (4-0)

Miller moved approval of consent agenda as revised: bill approval with the exception of Rexco Equipment, Inc. and Northway Well & Pump Company invoices, treasurer's report, DAR, Oct. 10 and Oct. 26, 2011 meeting minutes. City Administrator instructed to revise November 3, 2011 meeting minutes as follows: strike "other work as needed" and replace with "other information as needed", Beaty second. Motion carried. (4-0)

Fire Dept. Treasurer's Report	Sept. 2011	Oct. 2011
Beginning Balance-Checking	\$859.71	\$636.07
Deposits	\$0.00	\$150.00
Checks Issued	\$223.64	\$0.00
Ending Balance-Checking	\$636.07	\$786.07
Beginning Balance-Savings	\$6,975.29	\$6,976.90
Deposits	\$0.00	\$0.00
Withdrawals	\$0.00	\$0.00
Ending Balance-Savings	\$6,975.29	\$6,976.90
Total Certificates of Deposit	\$7,972.20	\$7,972.20
Total Funds Available	\$15,583.56	\$15,735.17

Staff instructed to answer committee questions and if unable to answer put on agenda and bring to Council.

Clerk instructed to add Maintenance locating equipment recommendation to the 11/28/11 Council agenda.

Motion by Miller to approve Third Reading of Ordinance No. 571-2011 an Ordinance Amending the Code of Ordinances of the City of Palo, Iowa, 2011, by Amending Provisions Pertaining to Sewer Service Charges, Beaty second. Roll call. Motion carried. (4-0)

Motion by Sanders to table Resolution 11-14-11A Sewer Rate Schedule, Packingham second. Motion failed. (2-2) Sanders aye, Packingham aye, Beaty nay, Miller nay

Motion by Miller to approve Resolution 11-14-11A Sewer Rate Schedule as revised to incorporate debt obligation and operating and maintenance costs without reserve funding, Beaty second. Motion failed. (2-2)

Sanders nay, Packingham nay, Beaty aye, Miller aye

Motion by Sanders to table Resolution 11-14-11A Sewer Rate Schedule, Packingham second. Motion carried.

(3-0) Sanders aye, Packingham aye, Beaty aye, Miller nay Staff instructed to add to December agenda. Sanders requested to table indefinitely. New Mayor and Council will address.

Motion by Miller to Re-appoint John Bloodgood to Board of Adjustment Commission, term ending 9/30/16, Sanders second. Motion carried. (4-0)

Motion by Beaty to open public hearing for Ordinance 572-2011 Amending the Code of Ordinances by Adding Chapter 90, to Implement Public Water Service at 8:18 p.m., Packingham second. Roll call. Motion carried. (4-0)

Clerk did not receive written comments. Audience comments. Motion by Miller to close public hearing at 8:27 p.m., Packingham second. Roll call. Motion carried. (4-0) Motion by Miller to approve Second Reading of

Ordinance No. 572-2011 Amending the Code of Ordinances by Adding Chapter 90, to implement Public Water Service with revisions to table of contents and 90.31 (7) changing the word “of” to “or”, Beaty second. Roll call. Motion carried. (4-0)

Motion by Sanders to approve Second Reading of Ordinance No. 573-2011 an Ordinance Amending the Code of Ordinances by Adding Provisions Pertaining to Sign Regulations, Beaty second. Roll call. Motion carried. (4-0)

Motion by Beaty to open public hearing for 200,000 gal. elevated water storage tank at 8:38 p.m., Packingham second. Roll call. Motion carried. (4-0) Clerk did not receive written comments. Audience comments. Motion by Packingham to close public hearing at 8:45 p.m., Beaty second. Roll call. Motion carried. (4-0) Motion by Beaty to approve Resolution 11-14-11C to Approve Proposed Plans, Specifications, Form of Contract and Estimated Cost for the Construction of the 200,000 Gallon Elevated Water Storage Tank for the City of Palo, Iowa, Packingham second. Roll call. Motion carried. (4-0)

Motion by Miller to open public hearing for water main distribution system-phase 1 at 8:47 p.m., Sanders second. Roll call. Motion carried. (4-0) Clerk did not receive written comments. Audience comments. Motion by Sanders to close public hearing at 8:50 p.m., Packingham second. Roll call. Motion carried. (4-0) Motion by Packingham to approve Resolution 11-14-11D to Approve Proposed Plans, Specifications, Form of Contract and Estimated Cost for the Construction of the Water Main Distribution System-Phase 1 for the City of Palo, Iowa, Beaty second. Roll call. Motion carried. (4-0)

Motion by Sanders to open public hearing for water main distribution system-phase 2 at 8:53 p.m., Packingham second. Roll call. Motion carried. (4-0) Clerk did not receive written comments. Audience comments. Motion by Beaty to close public hearing at 8:54 p.m., Miller second. Roll call. Motion carried. (4-0) Motion by Miller to approve Resolution 11-14-11E to Approve Proposed Plans, Specifications, Form of Contract and Estimated Cost for the Construction of the Water Main Distribution System-Phase 2 for the City of Palo, Iowa, Packingham second. Roll call. Motion carried. (4-0)

Motion by Beaty to open public hearing for well #2-public well at 8:55 p.m., Sanders second. Roll call. Motion carried. (4-0) Clerk did not receive written comments. Audience comments. Motion by Miller to close public hearing at 8:59 p.m., Packingham second. Roll call. Motion carried. (4-0) Motion by Packingham to approve Resolution 11-14-11F to Approve Proposed Plans, Specifications, Form of Contract and Estimated Cost for the Construction of Well #2-Public Well for the City of Palo, Iowa, Beaty second. Roll call. Motion carried. (4-0) Motion by Beaty to continue the Palo Pilot Water Project and make resources available contingent upon the EPA providing a timeline for the project and supplying measures to control the humidity in the fire station to prevent further damage to the fire station, Sanders second. Motion carried. (4-0) Miller had previously requested the issue of mold in the fire station added to the December Council agenda, he reiterated this request.

Motion by Miller to approve Resolution 11-14-11G Street Light Resolution to Change the Security Light at the Intersection of Hollenbeck Rd and Meadow Creek Dr. to a Street Light, Beaty second. Roll call. Motion carried. (4-0) Clerk instructed to add installing a street light at Blairs Ferry Rd and Hollenbeck Rd to December agenda. Maintenance Superintendent to supply costs.

Motion by Miller to approve Acceptance of 2010 PCC Street Paving Project and Release of Retainage, Packingham second. Motion carried. (3-0) Beaty abstained.

Motion by Packingham to Accept Proposal from Pleasant Creek Estates (HOA) for the Water Main Distribution System with suggested changes and contingent upon an agreement brought back to Council on November 28, 2011 with said changes addressed by legal representatives from the parties involved, Sanders second. Motion carried. (4-0)

Matt Wildman, Howard R Green, instructed to incorporate these changes into bid requirements.

Motion by Beaty to open public hearing for Ordinance 574-2011 Amending the Code of Ordinances by Repealing Provision Pertaining to Culvert Regulations at 10:19 p.m., Miller second. Roll call. Motion carried. (4-0) Clerk did not receive written comments. Audience comments. Motion by Beaty to close public hearing at 10:21 p.m., Sanders second. Roll call. Motion carried. (4-0) Motion by Miller to approve First Reading of Ordinance 574-2011 Amending the Code of Ordinances by Repealing Provision Pertaining to Culvert Regulations, Beaty second. Roll call. Motion carried. (4-0)

Motion by Beaty to approve Resolution 11-14-11H the City Hall and Community Center Design Services Fee Amendment #1, Miller second. Roll call. Motion carried. (4-0)

Motion by Miller to approve Resolution 11-14-11I Amendment Provisions to the Palo Ball Field Concession Stand with Restroom Facility and Tornado Safe Room due to funding requirements, Beaty second. Roll call. Motion carried. (4-0)

Motion by Miller to approve Resolution 11-14-11J Corporate Resolution and Agreement, Packingham second. Roll call. Motion carried. (4-0)

Motion by Beaty to approve Resolution 11-14-11K Designation of Applicant's Authorized Representative HMGP-DR-1763-0050-01 Property Acquisition, Packingham second. Roll call. Motion carried. (4-0)

Motion by Miller to approve Resolution 11-14-11L Designation of Applicant's Authorized Representative HMGP-DR-1763-0125-01 Community Center with Safe Room, Beaty second. Roll call. Motion carried. (4-0)

Motion by Miller to approve Resolution 11-14-11M Designation of Applicant's Authorized Representative HMGP-DR-1763-0154-01 Concession Stand with Safe Room, Beaty second. Roll call. Motion carried. (4-0)

Motion by Beaty to approve Resolution 11-14-11N Signature Authorization for Alternate Signators 08-DRI-236 Signature Authorization for CEO Change, Packingham second. Roll call. Motion carried. (4-0)

Motion by Miller to approve Resolution 11-14-11O the U.S. Geological Survey Joint Funding Agreement for Water Resources Investigations including the joint cooperation, continued support, operation and maintenance of the streamgaging station on the Cedar River near Palo, Beaty second. Roll call. Motion carried. (3-1) Beaty aye, Miller aye, Packingham aye, Sanders nay

Agenda items 33 and 34 will be discussed later in the meeting.

Motion by Beaty to set Special Council Meeting for November 28, 2011 at 6:30 p.m. at Palo City Hall, Miller second. Motion carried. (4-0)

Motion by Beaty to open closed session at 11:32 p.m. attended by Paul Gunter, Scott Packingham, Brian Beaty, Trent Miller, Tom Sanders, Scott Peterson, Trisca Smetzer, and Michelle Nejdli; Sanders second. Roll call. Motion carried. (4-0)

Motion by Beaty to close closed session at 11:50 p.m.; Sanders second. Roll call. Motion carried. (4-0)

Motion by Beaty to accept Palo Telephone Cooperative offer and instruct City Attorney to finalize agreement contingent upon Palo Telephone Cooperative satisfying the agreement they have with the Depot Committee, Palo Lion's Club, and Palo American Legion Post 679 and contingent upon City Attorney's approval of final agreement as instructed by Council; Miller second. Roll call. Motion carried. (4-0)

Motion by Miller to open closed session at 11:53 p.m. attended by Paul Gunter, Scott Packingham, Brian Beaty, Trent Miller, Tom Sanders, Scott Peterson, Trisca Smetzer, and Michelle NejdI; Beaty second. Roll call. Motion carried. (4-0)

Motion by Miller to close closed session at 11:59 p.m.; Beaty second. Roll call. Motion carried. (4-0)

Motion by Packingham to approve Resolution 11-14-11P the Mutual Release and Settlement Agreement between Foley Construction Company and the City of Palo, Sanders second. Roll call. Motion carried. (4-0)

Motion by Packingham to approve Resolution 11-14-11Q for Final Acceptance of the 2007 Wastewater Conveyance & Lift Station Project Palo, Iowa-Division II-Contractor-Foley Construction Company, Sanders second. Roll call. Motion carried. (4-0)

Motion by Miller to adjourn at 12:02 a.m. 11-15-11; Beaty second. Motion carried. (4-0)

Michelle NejdI

City Clerk