

The Palo City Council met in regular session at Palo City Hall December 17, 2012. Mayor Tom Sanders called the meeting to order at 6:30 p.m. Council Members present: Trent Miller, Doug Hanover, Scott Packingham and Josh Frank. Absent: Brian Beaty.

Miller moved approval of the **agenda**, Hanover second. Motion carried. 4-0

Miller moved approval of the **consent agenda**: bill approval, treasurer's reports, DAR, and regular Council meeting minutes from November 19, 2012.

The **Linn County Sheriff** provided the service call log; 107.6 hours worked; 87 hours required. The 54.1 hours worked; 87 hours required recorded last month was revised by the Linn County Sheriff's office to 115.50 hours worked; 87 hours required. The Sheriff's office will provide more law enforcement on Blairs Ferry Road.

Lion's Club Representative, Delmar Jellison informed Council Palo Fun Days will be held August 23rd and 24th in 2013. The carnival will be better and other events will include snowmobile drags and mud drags. He will submit a formal request for a City donation for law enforcement and fireworks. The Lion's Club appreciates past donations for these items and would appreciate the City's continued support. The Lion's Club distributed 35 baskets to Palo residents.

Audience Comments-Agenda Items: None.

The following **Department Reports** were provided to Council: **Maintenance, Fire, Committee/Organization Meeting Minutes**-Park and Recreation. Council discussed the Park & Recreation minutes. The boat ramp needs to be named after Daren Adams on a sign. The Council would like the Park & Recreation Committee to provide suggestions to the Council for their approval. Some of the suggestions the Council has heard are Adam's Landing and the Daren Adam's Memorial Boat Ramp. The Mayor, Council, and Al Mengler discussed the history of the boat ramp and the future plans for the area, including a fishing pier, and Mr. Adam's contribution to the concept. Clerk instructed to provide this information to the Committee Chairperson.

Hanover motion to open the public hearing for **Ordinance 586-2012 an Ordinance Granting to Interstate Power and Light Company (Alliant Energy) a 25 Year Non-Exclusive Electric Franchise**, at 6:44 p.m., Miller second. Motion carried. 4-0 Clerk did not receive written comments. No audience comments. Keith Sherman, Franchise and Community Relations Manager, and Perry Martin, Senior Field Engineering Specialist, for Alliant Energy were in attendance to answer questions. Councilor Hanover asked if previously discussed revisions were made. Mayor confirmed. Hanover motion to close the public hearing for Ordinance 586-2012 at 6:45 p.m., Packingham second. Motion carried. 4-0 Mayor informed Council the Mayor and City Attorney have reviewed the document. The requested change in Section 5 pertaining to eminent domain has been revised as requested; the rest of the document is unchanged. Miller motion to approve the first reading of **Ordinance 586-2012 an Ordinance Granting to Interstate Power and Light Company (Alliant Energy) a 25 Year Non-Exclusive Electric Franchise**, Packingham second. Roll call. Motion carried. 4-0

Hanover motion to open the public hearing for **Ordinance 587-2012 an Ordinance Granting to Interstate Power and Light Company (Alliant Energy) a 25 Year Non-Exclusive Natural Gas Franchise**, at 6:47 p.m., Frank second. Motion carried. 4-0 Clerk did not receive written comments. No audience comments. Hanover motion to close the public hearing for Ordinance 587-2012 at 6:48 p.m., Frank second. Motion carried. 4-0 Hanover motion to approve the first reading of **Ordinance 587-2012 an Ordinance Granting to Interstate Power and Light Company (Alliant Energy) a 25 Year Non-Exclusive Natural Gas Franchise**, Miller second. Roll call. Motion carried. 4-0

The Mayor will direct the Maintenance Staff to fix the **bridge on the trail in Zeller Park** and fix the handrails in the spring. The plan is to square up the bridge and put in a chain link fence with handrails to return it to its original, pre-flood condition. A previous plan to have a BMX-type bike course with berms and other jumps in the floodplain area was discussed. Councilors Packingham and Miller informed the Council of liability and floodplain compliance issues. As this wasn't an agenda item, no Council consensus was established. Clerk instructed to advise the Park and Recreation Committee of the Council's concerns.

Hanover motion to **approve the Park and Recreation request for volleyball equipment and funds for basketballs and soft, all-purpose, balls**, in lieu of a judge's stand, in the amount of \$1784.04, Frank second. Motion carried. 4-0 The funds were donated by the Palo Savings Bank. The judge's stand is not needed at this time because the facilities have only been requested as practice facilities; not for tournaments or meets. The Park & Recreation Committee and Council will re-evaluate the need for other items as needed. Clerk instructed to inform the Committee.

Packingham motion to table the **ball field and concession stand rentals**, Hanover second. Motion carried. 4-0 The Council will table the discussion on the ball field and concession rentals until the 01/21/13 Council meeting. The

Mayor is working with the Maintenance Staff to create a spreadsheet to evaluate the expenses associated with renting the ball diamonds, including lights, maintenance equipment, and labor. This does not include hours associated with diamond expenses for use by Palo residents and the Palo Kid's League. The Council will also discuss various options for the concession stand rental including, but not limited to, another contract with a concessionaire and/or local groups' participation. The Mayor directed City Staff to keep a list of rental inquiries.

The Council, Mayor, and audience participants discussed the **no parking signs on Vinton Street**. The discussion included the parking restrictions associated with the fire hydrant on 2nd St. and Vinton St., parking restrictions on the traveled portion of the road on Vinton St., parking availability on either side of Vinton St., the need for traffic to yield on Vinton St., the amount of traffic on Vinton St., snow removal on Vinton St., the amount of additional gravel added to Vinton St., and if additional gravel is needed. Audience participants discussed parking availability including on-street parking, parking in their backyards, and the construction of driveways. Safety was a primary concern for the residents, the Mayor, and the Council members. Parking concerns on Clinton St., Drake St., and 4th St. were also discussed. The traffic flow on each of these streets was considered, as well as pedestrian traffic, and the number of children in the area. The City enacted a snow removal policy last winter. The fire department yields to other vehicles, unless it is running hot, with lights and sirens, then other vehicles must yield. Residents were cautioned of possible violations if parking in the traveled portion of the road. Councilors Miller, Frank, and Packingham requested the no parking signs be removed. Mayor Sanders stated he would instruct the Maintenance Staff to remove the signs Tuesday morning. He stated he would like to go on record that he would not like to see an accident on Vinton St. Councilor Packingham stated the same about Clinton St. Councilor Hanover commended one of the audience participants, Lisa Miller, for moving their family's vehicles for snow removal and requested they continue to move their vehicles during snow emergencies so the snow plow can move down Vinton St. unobstructed.

Miller motion to open the public hearing for **Ordinance 588-2012 an Ordinance Amending the Code of Ordinances of the City of Palo, IA, 2008, by Amending Provisions Pertaining to Prohibited Sales and Acts** at 7:28 p.m., Hanover second. Motion carried. 4-0 Audience comment: Why is this ordinance before the Council? Councilor Miller explained the ordinance. The Clerk did not receive written comments. Hanover motion to close the public hearing for Ordinance 588-2012 at 7:30 p.m., Miller second. Motion carried. 4-0 Miller motion to approve the first reading of **Ordinance 588-2012 an Ordinance Amending the Code of Ordinances of the City of Palo, IA, 2008, by Amending Provisions Pertaining to Prohibited Sales and Acts**, Packingham second. Roll call. Motion carried. 4-0

Hanover motion to open the public hearing for **Ordinance 589-2012 an Ordinance Amending the Code of Ordinances of the City of Palo, IA, 2008, by Amending Provisions Pertaining to All-Terrain Vehicles** at 7:31 p.m., Miller second. Motion carried. 4-0 The Mayor explained the Ordinance. No audience comments. The Clerk did not receive written comments. Miller motion to close the public hearing for Ordinance 588-2012 at 7:32 p.m., Hanover second. Motion carried. 4-0 Hanover motion to approve the first reading of **Ordinance 589-2012 an Ordinance Amending the Code of Ordinances of the City of Palo, IA, 2008, by Amending Provisions Pertaining to All-Terrain Vehicles**, Packingham second. Roll call. Motion carried. 4-0

Miller motion to open the public hearing for **Ordinance 590-2012 an Ordinance Amending the Code of Ordinances of the City of Palo, IA, 2008, by Amending Provisions Pertaining to Installment Payment of Cost of Abatement** at 7:33 p.m., Hanover second. Motion carried. 4-0 The Mayor explained the Ordinance. No audience comments. The Clerk did not receive written comments. Miller motion to close the public hearing for Ordinance 590-2012 at 7:34 p.m., Packingham second. Motion carried. 4-0 Miller motion to approve the first reading of **Ordinance 590-2012 an Ordinance Amending the Code of Ordinances of the City of Palo, IA, 2008, by Amending Provisions Pertaining to Installment Payment of Cost of Abatement**, Frank second. Roll call. Motion carried. 4-0

Hanover motion to open the public hearing for **Ordinance 591-2012 an Ordinance Amending the Code of Ordinances of the City of Palo, IA, 2008, by Amending Provisions Pertaining to Service Discontinued and Adding Lien Exemption Language** at 7:35 p.m., Frank second. Motion carried. 4-0 The Clerk explained the Ordinance. No audience comments. The Clerk did not receive written comments. Miller motion to close the public hearing for Ordinance 591-2012 at 7:38 p.m., Hanover second. Motion carried. 4-0 Hanover motion to approve the first reading of **Ordinance 591-2012 an Ordinance Amending the Code of Ordinances of the City of Palo, IA, 2008, by Amending Provisions Pertaining to Service Discontinued and Adding Lien Exemption Language**, Frank second. Roll call. Motion carried. 4-0

Councilor Hanover asked if all the water mains are in for the Palo Water Project. Matt Wildman, HR Green representative, responded yes. Councilor Miller confirmed HR Green has approved **Ricklefs pay request 8 water**

main distribution system phase 2 and, upon confirmation, made a motion to approve pay request 8 for phase 2 for \$177,286.51, Hanover second. Motion carried. 4-0

Mr. Wildman explained the **Caldwell Tanks, Inc. change order 2, 200,000 gallon elevated storage tank** is due to the location of the intermediate platforms in relation to the pedestal light fixtures already installed. The 2 additional light fixtures are not required, but would provide additional light and increased safety, especially if the hands-free light required to climb the tower steps did not work or died in route. The type of light fixture was specified by the electrical engineer in the original plans. The variable frequency drive (VFD) will be installed and the water tower will be filled. The Council would like to view the water tower. This would need to be scheduled. The Federal Aviation Administration (FAA) determines if a light is required on top of the water tower. HR Green only advises installing the light if required; otherwise it becomes a liability issue. Miller motion to approve Caldwell Tanks, Inc. change order 2 for \$2,908.00, Frank second. Motion carried. 4-0

Miller motion to approve **Caldwell Tanks, Inc. pay application 5, 200,000 gallon elevated storage tank** for \$116,375.00 upon confirmation of approval from Matt Wildman, HR Green engineer, Frank second. Motion carried. 4-0

Mr. Wildman explained the permitting procedures for the water treatment facility. The engineering opinion for the water treatment facility has been reduced from 2.13 million to 2.1 million. The current 4 contracts for the water project are at .85% above the bid amount. The industry standard is between 7%-10%. This is about \$30,000, but he does expect a negative change order at the completion of phase 2 as there was at the completion of phase 1. The current expected local contribution is \$433,000. A State Revolving Fund (SRF) loan will be needed for the balance. Mr. Wildman will e-mail the spreadsheet to the City Clerk and she will forward to Council. Packingham motion to accept the **water treatment plans and specifications as 100% complete; to authorize HR Green to proceed with the notice of bid letting, and to pay the \$3000.00 DNR permit fee**, Frank second. Motion carried. 4-0

Miller motion to **set the public hearing for 01/21/13 at 6:30 p.m. for the water treatment facility plans and specifications, proposed form of contract, and opinion of probable cost for the construction of said improvement**, Hanover second. Motion carried. 4-0 The pre-bid meeting is scheduled for 01/22/13 at a 10:00 a.m. at City Hall and the bid opening is scheduled for 1:00 p.m. on 01/31/13 at City Hall. A special Council meeting will need to be set after the bid opening, rather than waiting for the 02/18/13 regular Council meeting.

The Council discussed the outstanding service of Tom Yock to the community. Mr. Yock is on the Park and Recreation Committee. An applicant cannot be on both the Board of Adjustment and Planning and Zoning Commission. Hanover motion to approve **Resolution 121712 A the Appointment of Tom Yock to the Board of Adjustment** term ending 09/30/15, Frank second. Roll call. Motion carried. 4-0

The Mayor explained the **recreation trail easement**. Miller motion to approve **Resolution 121712 B Authorizing the Mayor to sign the Recreation Trail Easement** contingent upon the approval of the property owners, Hanover second. Roll call. Motion carried. 4-0

The Mayor explained the public utility easement (splash pad discharge easement). Miller motion to approve **Resolution 121712 C Authorizing the Mayor to sign the Public Utility Easement (Splash Pad Discharge Easement)** contingent upon the approval of the property owners, Frank second. Roll call. Motion carried. 4-0

The Mayor explained the special assessment for 13 Lincoln Drive. Hanover motion to approve **Resolution 121712 D Special Assessment for 13 Lincoln Drive** in the amount of \$200.00, Packingham second. Roll call. Motion carried.

The Mayor directed Council to review the 3 estimates for the snow bucket for the bobcat and the Maintenance Superintendent's recommendation. Council commended the Maintenance Superintendent for physically visiting each proprietor and evaluating the equipment. Council reviewed the sizes ranging from 88" to 100", whether or not the bucket had a bolt-on cutting edge, and the size of the snow bucket previously used. Hanover motion to approve the 2011 96" snow bucket with bolt-on cutting edge for \$1440.00 as recommended by the Maintenance Superintendent, Frank second. Motion carried. 4-0 Clerk instructed to contact the Maintenance Superintendent as early as possible to place the order with Star Equipment, LTD.

Miller motion to open the public hearing for **Ordinance 585-2012 An Ordinance Amending the Code of Ordinances of the City of Palo, Iowa, 2012, by Repealing and Replacing Section 90.41 Related to Private Wells** at 8:21 p.m., Hanover second. Motion carried. 4-0 Clerk did not receive written comments. Council and Mayor explained the ordinance to those in attendance. Private wells cannot be constructed or reconstructed for human use. They may be used for agriculture or outside use. Repairs to current wells can be made, however replacing a private well is not allowed if public water is available to the property unless it is for agriculture, irrigation or other non-human uses. The inside public water system must be completely separate from the outside, auxiliary well. Backflow preventers will be mandatory for in ground pools, industrial sprinkler systems, and other conditions determined by

Council. Audience comment: Some shallow wells are going dry and inquired when his curb stop would be installed. Clerk instructed to contact Lauren O'Neil, HR Green engineer, and encourage the contractor to complete this area of town as quickly as possible. Miller motion to close public hearing for Ordinance 585-2012 at 8:29 p.m., Hanover second. Motion carried. 4-0 No further Council discussion. Miller motion to approve **Second Reading Ordinance 585-2012 An Ordinance Amending the Code of Ordinances of the City of Palo, Iowa, 2012, by Repealing and Replacing Section 90.41 Related to Private Wells**, Hanover second. Roll call. Motion carried. 4-0

The Mayor granted a recess at 8:30 p.m. The Mayor reconvened the meeting at 8:38 p.m.

Mayor informed Council the statement was made at the June, 2012 meeting to look at the **compensation for Jennifer Cady** in 6 months. The Council discussed additional training for this employee including water operations training and on-the-job training. The employee is currently receiving on-the-job training and after the Mayor spoke with the employee concurred the employee is gaining valuable knowledge from the instruction provided by the Maintenance Superintendent. Council is amendable to increasing compensation based on water/wastewater training completed through the Iowa Department of Natural Resources (IDNR). The City is in the process of updating job descriptions. The City has paid for employee training.

Miller motion to approve **Resolution 121712 E Urban Renewal Report**, Packingham second. Roll call. Motion carried. 4-0

The Council reviewed the bids for **sale and/or disposal of City property**. Miller motion to accept the bid of \$357.00 for the single wall pressure tank, Hanover second. Motion carried. 4-0 Hanover motion to accept the bid of \$63.00 for the 3 office desks with 2 dividers, Miller second. Motion carried. 4-0 Miller motion to accept the bid of \$53.00 for the white vinyl fence pieces, Frank second. Motion carried. 4-0 Miller motion to accept the bid of \$112.00 for the Christmas decorations, Hanover second. Motion carried. 4-0

Mayor explained the mileage reimbursement rate and per diem resolution. Staff does not receive a per diem for half days of training. Hanover motion to approve **Resolution 121712 F Mileage Reimbursement Rate and Per Diem**, Miller second. Roll call. Motion carried. 4-0

The Mayor explained the original resolution was amended at the request of the Iowa State Auditor. The Council received a revised copy. The Council and Mayor expressed their appreciation for the time the fire association members spend training and on calls and their appreciation for the time members spend away from their families. Hanover motion to approve **Resolution 121712 G Fire Association Donation** of \$750.00, Packingham second. Roll call. Motion carried. 3-0 Miller abstained; declared conflict of interest Frank abstained; deemed yes by operation of law.

Miller motion to approve **Resolution 121712 H Money Transfer** from General Local Option Sales Tax (LOST) to the General Fund in the amount of \$64,000 to repay principal only on Palo Savings Bank loan, Hanover second. Roll call. Motion carried. 4-0

Audience Comments-Non-Agenda Items: None

Old Business: Mayor informed Council of status of the **Case tractor**. It is cost prohibitive to purchase a front axle. The parts for bearings and seals are around \$165.00. The radiator repair will be around \$50.00-\$60.00 plus Maintenance Staff labor. The tractor will be repaired to use for snow removal, maintained, and stored inside.

Council discussed service lines and curb stops. A building, such as a duplex, with 2 separate addresses will have 2 separate curb stops and 2 separate meters. The Maintenance Staff will review the distance from the sewer line for properties within the City limits currently on a septic system. They will also provide information on water services available to these properties. Once this information has been determined, letters will be sent out to these property owners to inform them it is mandatory to connect to the City sewer system if their septic system is not operational. Permit information should also be available on when septic systems were installed. The Mayor reviewed the CDBG Monitoring visit with Council and Mayor and Council commended Staff for their hard work on this project.

New Business: Mayor apprised Council of the **City Attorney's plans to relocate**. Council had no objections. Clerk instructed to follow up with Iowa Northern Railroad in January to see if it is possible to put some type of railroad flare on the road or rail cars to make them more visible.

Frank motion to **adjourn** at 9:48 p.m., Hanover second. Motion carried. 4-0

Michelle Nejd

City Clerk