

The Palo City Council met in regular session at Palo City Hall January 9, 2012. Mayor Tom Sanders called the meeting to order at 6:32 p.m. Council Members present: Trent Miller, Scott Packingham, Josh Frank, Doug Hanover, Brian Beaty. Absent: None. Others present: Scott Peterson, Trisca Smetzer.

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

Hanover moved approval of consent agenda: bill approval, treasurer's report, DAR. City Administrator instructed to revise Dec. 12, 2011 meeting minutes by removing the duplication of Trent Miller's name at the two closed sessions, Miller second. Motion carried. (5-0) Council will continue to monitor gas & electric expenses for the City Hall/Community Center. Snow plow repair expenses were explained.

Sheriff's Report: 47 calls; 133.80 hours worked. Council requested Sheriff Dept. patrol lagoon site more frequently. Staff will contact dispatch to request. Light at area will be repaired.

Lion's Club Report: Chad Packingham, Vice President, stated the Lion's Club is working on the mud runs to be held 08/18/12. He asked Council if they could use the chain-link fence at the lagoon site. Mr. Sanders stated something could be worked out with the abandoned chain-link fence. Packingham stated the entire area is not in the flood plain and water can flow under or over the guardrail or fence.

Audience Comments (agenda related items): None

Dept. Reports: Beaty stated the temporary pump has been moved to the shelter. Maintenance will fix an eroded flange. Sanders stated the tanker will be removed within 48 hours. The tank has 2 heaters and pipe will be wrapped with heat tape. If an additional heater is needed, one is available. Electricity is available. Maintenance staff will physically check the tank daily upon completion of lift station checks.

Fire Station financial reports are included in Council packet materials.

Committee/Organization meeting minutes are in packets. Rob Bowers, Park and Recreation Board Chair, requested continuation of the boat ramp project. DNR, archeological, engineering work has been completed and the Park & Rec. Board would like to continue the project. The project was put on hold due to cost considerations and the Board recommends proceeding with the project in phases using the funds available through the Rebuild Palo Fund while the river is low. City Administrator will provide engineering designs and budget to Board and they will break both into phases to go out for bid. Bowers and Beaty stated Mark Ralston will donate equipment and labor to see the project to fruition. Dan Diehm has also offered his services. The Board will have the information ready for the 1/30/12 Special Council Meeting. Park & Rec. Board thought the new storage shed would be completed with the Concession Stand Project. Beaty stated local contractors will work on it. Sanders concurred.

Planning & Zoning continues to work on the Comprehensive Plan. Discussion of area along Hwy 94 currently zoned as light industrial because of the railroad.

IJOBS Cost Share Projects Presentation: Stream Bank Stabilization and Wetland Restoration by Donna Walton, Dry Creek Watershed Coordinator, Linn County Soil & Water Conservation District, Jeff Tisl, Iowa Department of Agriculture and Land Stewardship, Jon Gallagher, County Resource Conservationists, Linn County Soil & Water Conservation District, and Matt Shock, STS Civil. Planning grant, purposes and objectives were presented as well as opportunities to improve floodplain management and IJOBS best management practices. Palo Storm Water Management Committee initiatives were discussed. Updates of ongoing projects and timelines were presented. The efforts are a collaboration of federal, state, county, and local resources.

Mike Hart, Hart-Frederick, presented request for a \$41,666.05 change order from the sewer conveyance project. The project had difficulties due to flooding in 2008, litigation problems with a contractor and issues with subcontractors. He did not want to request the funds until after the flood. Council clarified if he had been paid for services and he replied he had. Council inquired about donation agreement and he replied it was a verbal agreement. Mr. Hart said he spoke with IDED and the DNR about the water system project, but was not considered for the project because of the litigation issues. Council requested more time to review the documentation. Mr. Sanders stated if the City owes you money, you will be reimbursed. Clerk instructed to add to next Council agenda. Hart Frederick Change Order request, Resolution 010912A, will be added to Feb. 13, 2012 agenda for further Council review.

Ralph Savoy, Consult Savoy, Inc., presented information on philanthropic consulting services to provide a comprehensive fundraising program for the New Fire Station. Initially he will conduct a feasibility study and make a recommendation to Council as to the feasibility of the project. If confirmed, a direct capital campaign would ensue, securing funds from grants, City and County resources, and private individuals. He would start mid February and complete the study mid-March with initiation of the campaign in April. He anticipates completion of the campaign at summer's end with construction to begin in the fall. He works with a three year pledge period. A third of the contributions would come in this year and the City would finance the project over the three year time period. The feasibility study is \$8900 plus travel expenses. The rate is \$8900 per month with travel and printing expenses to be included in the fundraising activities of the project. No lodging expenses will be reimbursed, as he is local. Council discussion of Rebuild Palo Fund as a funding resource. Beaty read the Rebuild Palo Fund mission statement. Neither the Council, nor the Palo Fire Chief had received information from the RPF Board. Miller requested City Administrator to update Council on current RPF Board members. Discussion continued as to fire station specifications. Bill Knapp, Knapp-Warden, LLC will be contacted for final costs associated with the project. Beaty motion to hire Ralph Savoy to complete feasibility study at the rate of \$8900 plus travel expenses and no lodging reimbursement for Fire Station project, Hanover second. Motion carried. (5-0)

City Administrator left the meeting at 8:00 p.m.

Chad Packingham, P & Z Board Vice Chair, gave a brief overview of the Comprehensive Smart Plan and Fringe Area Agreement. P & Z has been working on this project for the last 5 ½ to 6 years. The thought process remains the same. Council had questions on definitions inside the fringe area agreement and outside the fringe area agreement. Chad will review the information on page 4, it may be transposed and need to be revised. The Board is aware of changes to Palo based on an area severed from the City. The relevant changes will be addressed. Packingham requested Council review the information and submit questions to him by 2/17/12 as the P & Z meeting 2/21/12 at 6:30 will be a joint meeting between the City and the County and will also include a public hearing. City Attorney gave input on fringe area agreements, and the current agreement in place between the City of Palo and Cedar Rapids pertaining to sewage conveyance. The plan will be in place for 15-20 years so changes are inevitable, but it is a starting point for discussions. The City will address re-zoning requests as required as development continues.

Water Committee Update by Beaty with input from Kevin Matt and Rob Bowers. Phase I, Division 1 to begin 1/11/12. Phase II will start in late 2013. More information on costs to homeowners will be addressed as project continues. Material and labor costs are variables that can change over time and depend on the contractor chosen. Costs will be kept to a minimum. Every Wednesday at 10:00 a.m. at City Hall

representatives from Howard R Green and Ricklef's Excavating, LTD, will be available to answer questions. The public is invited to attend.

The easement, agenda item 13, needs to be recorded before the purchase agreement, agenda item 12. Either item can be addressed by Council first. Mr. Underberg, Palo Cooperative Telephone Manager, was unable to attend because of a previous commitment. The abstract and title opinion have been requested.

Miller motion to open public hearing Palo Cooperative Telephone Real Estate Purchase Agreement at 8:52 p.m., Hanover second. Roll call. Motion carried. (5-0) Clerk did not receive written comments. No audience comments. Packingham motion to close public hearing at 8:53 p.m., Beaty second. Roll call. Motion carried. (5-0)

Miller motion to approve Resolution 010912B Purchase Agreement by and between Palo Cooperative Telephone Association and the City of Palo with the following revisions: possession date "no later than November 30, 2011" changed to "no later than January 31, 2012" and signatory from "Paula Gunter, Mayor" to "Tom Sanders, Mayor", Hanover second. Roll call. Motion carried. (5-0)

Miller motion to open public hearing Lot 1 Communications Corner Easement at 8:54 p.m., Frank second. Roll call. Motion carried. (5-0) Clerk did not receive written comments. No audience comments. Packingham motion to close public hearing at 8:55 p.m., Hanover second. Roll call. Motion carried. (5-0)

Council discussion map property lines, sewer service lines and right of way designations. Beaty motion to approve Resolution 010912C Permanent Easement Agreement by and between the Owner of Lot 1 Communications Corner Addition and the City of Palo, Hanover second. Roll call. Motion carried. (5-0)

Council and Mayor expressed gratitude for Dan Oliphant's previous service on the Planning and Zoning Commission and expounded his qualifications for the position. Hanover motion to approve Resolution 010912D the Appointment of Dan Oliphant to the Planning and Zoning Commission with the revision of "term ending January 9, 2017" changed to "term ending June 30, 2012", Frank second. Roll call. Motion carried. (5-0) Mayor declared 5 minute recess at 9:10 p.m.

Council reconvened at 9:20 p.m.

Council discussion including P & Z recommendation, unbuildable lots and reconfiguration.

Miller motion to approve Resolution 010912E the Ruzicka Family Addition Preliminary Plat, Hanover second. Roll Call. Motion carried. (5-0)

Council discussion and clarification from Matt Shock, STS Civil, on easement.

Hanover motion to approve Resolution 010912F the Ruzicka Family Addition Final Plat, Miller second. Roll Call. Motion carried. (5-0)

Miller motion to approve Resolution 010912G Purchase Agreement by and between Darren and Lisa Ruzicka and the City of Palo with the following revisions: possession "on December 30, 2011" changed to "no later than January 31, 2012"; acceptance "on or before December 8, 2011" changed to "on or before December 18, 2011", Frank second. Roll Call. Motion carried. (5-0)

Miller motion to approve Third and Final Reading Ordinance 574-2011 Amending the Code of Ordinances of the City of Palo, Iowa, 2011, by Repealing Provision Pertaining to Culvert Regulations, Hanover second. Roll call. Motion carried. (5-0)

Hanover motion to approve Third and Final Reading Ordinance No. 575-2011 Amending the Code of Ordinances of the City of Palo, Iowa 2011 by Adding Provision Pertaining to Snowplowing and Ice Control, Beaty second. Roll call. Motion carried. (5-0)

Hanover motion to open public hearing Ordinance 576-2012 Amending the Code of Ordinances of the City of Palo, Iowa, 2012 by Repealing Chapter 90 [2008] Pertaining to Water Wells at 9:30 p.m., Frank second. Roll call. Motion carried. (5-0) Clerk did not receive written comments. No audience comments. Packingham motion to close public hearing at 9:33 p.m., Beaty second. Roll call. Motion carried. (5-0)

Miller motion to approve First Reading Ordinance 576-2012 Amending the Code of Ordinances of the City of Palo, Iowa, 2012 by Repealing Chapter 90 [2008] Pertaining to Water Wells, Beaty second. Roll call. Motion carried. (5-0)

Miller motion to waive separate reading requirement 380.3, Frank second. Roll call. Motion carried. (5-0)

Miller motion to approve Second Reading Ordinance 576-2012 Amending the Code of Ordinances of the City of Palo, Iowa, 2012 by Repealing Chapter 90 [2008] Pertaining to Water Wells, Frank second. Roll call. Motion carried. (5-0)

Miller motion to approve Third and Final Reading Ordinance 576-2012 Amending the Code of Ordinances of the City of Palo, Iowa, 2012 by Repealing Chapter 90 [2008] Pertaining to Water Wells, Beaty second. Roll call. Motion carried. (5-0)

Council discussion terms of the permit and impact on water project. Exhibit A was not included with information provided to City. Packingham motion to approve Iowa Northern Railway Company Permit Agreement contingent upon City Attorney receiving and reviewing Exhibit A of agreement and completing a comparison of agreement with previous agreement(s), Beaty second. Motion carried. (5-0)

Miller provided information gleaned from pre-construction meeting to Council. Council discussion: Howard R Green and the contractor provided 3 alternatives for installing the water pipe because there are 7 driveways on Meadow View Drive. Alternative 1 is to open cut the driveways at a cost of \$47,334, Alternative 2 is to directionally bore under the driveways at a cost of \$45,355, and alternative 3 is to move the water main to the opposite side of the road at a cost of \$22,370. Howard R Green recommends alternative 3. Work is set to begin in this area on 02/11/12. Beaty motion to approve Phase I Water Main Distribution Change Order #1; Alternative #3 Move Water Main to Opposite Side of Road at a cost of \$22,370, Frank second. Motion carried. (5-0)

Beaty motion to approve IDNR Permit Phase II Water Main Distribution contingent upon explanation of soil contamination plume map \$2070.73 fee, Miller second. Motion carried. (5-0)

Council discussion on simple misdemeanor prosecution writing tickets under City Ordinance including statistics on number of tickets challenged, City contract with Linn County Sheriff's Dept., and evaluation of monthly sheriff office's call for service log. Council consensus; if this needs to be discussed in the future the Council will address it at that time.

At 10:06 Mayor Sanders instructed the City Attorney that the remaining agenda items are for discussion only so his services would not be needed and he could leave the meeting.

Council discussion on sewer rate study included the meeting with Gary Brons, Iowa Rural Water Association, to review the information he had presented at the November Council meeting, private investors, expenses, revenues, loan requirements, audit requirements, sewer rates as a percentage of water rates/usage, flat rates, infiltration, water/sewer usage reduction techniques, lagoon system, sewer rate estimates provided by Hart Frederick, Iowa Rural Water Association, and Council, etc. Council and Mayor requested input on the sump pump inspections including: how many have been completed, how many have not been completed, and if an inspection was completed and an infraction was found, what measures have been taken to follow-up on the

infraction and remedy the situation. Council will discuss the sewer rate study further at the 1/30/12 Special Council meeting.

Audience Comments: Tornado shelter signs. The current signs are placed in accordance with grant requirements. Staff instructed to look into placing signs at Pleasant Creek Park and the trailer court.

Old Business included a previous question to the City Attorney about the legal requirements for speed limit signs; he does not believe they have to be the same on both sides of the street because of turning lanes etc, but will check and respond at the next Council meeting. Council would like an update on the concession stand project and the community center punch list and walk through. Hanover would like to attend the walk through.

New Business: Another housing grant is available. Beaty informed Council of Ralston's interest in the project. He is interested in participating and installing water and sewer lines, but finds the street requirement prohibitive based on the selling prices established through the grant. Beaty has spoken with the City Administrator about possible tax increment financing (TIF) agreements. Council would like the fire department to receive training on the community center and its sprinkler system. Frank will schedule a walk through with a neighbor with expertise in this area.

Motion by Beaty to adjourn at 11:34 p.m., Hanover second. Motion carried. (5-0)

Michelle Nejd
City Clerk