UPPER EXPLORERLAND REGIONAL PLANNING COMMISSION
MINUTES
April 12, 2011

MEMBERS PRESENT: Dean Darling, Jan McGovern, Leon Griebenow, Larry Gibbs, Les Askelson, Randy Uhl, Paul Ryan, Jerry Freund, Duane Brandt, Barbara Ettleson, Ron McCartney, Vicki Rowland, Karla Organist, Mark Bohle, Leigh Rekow, Kay Zimmerman

MEMBERS ABSENT: Warren Steffen, Charles Frana, Roger Thomas, Andrew Wenthe, Darla Kelchen, Robert Hager, Larry Schellhammer, Kay Vorwald

STAFF PRESENT: Aaron Burkes, Mary Jungblut, Ardie Kuhse, Fern Rissman, Bev Krambeer, Lisa Lensing, Lori Brockway, Larry Leliefeld, Rachelle Howe, Sue Severson

OTHERS PRESENT: Richard Zahasky, Karen Schutte, Dave Schutte, Charles Kelly, Milt Schutte, Dean Franzen, Kurt Devore, Keith Koch, Jason Meyer

Vice Chair Randy Uhl called the quarterly meeting to order at 6 p.m. on Tuesday, April 12, 2011 at the Regional Planning office, Postville, Iowa. Randy stated he would like to rearrange the revised agenda to move agenda action items #9, #10 and #8 respectively up to after #4 on the agenda. A motion was made by Askelson/Brandt to approve the revised agenda. Motion carried unanimously.

A motion was made by Gibbs/Ryan to approve the minutes of the March 31, 2011 meeting with Dean Darling's requested change on the second page third paragraph. He requested the word "concession" be changed to "proviso". Motion carried unanimously.

Milt Schutte, salesman and Dean Franzen, General Manager from Probuild in Elkader were present to find out why their bid was disqualified for the Decorah remodeling project. Architect Kevin Koch stated that the Probuild bid did not bid all items according to the plans and specifications and was incomplete. Options 4,5 and 6 were not included in the original bid. Mr. Franzen requested a recording and minutes of the March 31, 2011 meeting and stated they would pay for the recording.

Barb Ettleson and Jerry Freund entered the meeting.

Agenda item #9 was to consider a resolution to approve financing with Waukon State Bank for the remodeling project at 325 Washington, Decorah. The proposal for financing consists of a Promissory Note in the amount of $600,000 at 5.15% interest, having a 25-year Amortization and a 15-year maturity date with monthly payments and a second Promissory Note in the amount of $125,000 open end line of credit having a five-year maturity and an interest rate of 5.49% with quarterly payments being secured by a Deed of Trust. Bob Josten was contacted and no public hearing was necessary. A motion was made by Bohle/Freund to approve Resolution #2011-02. On a roll call vote those voting yes: Ryan, Zimmerman, Brandt, Griebenow, Organist, Rowland, Bohle, McGovern, Askelson, Ettleson, Darling, Freund and Uhl; those voting no: Rekow; those abstaining: Gibbs and McCartney. Motion passed 13-1 with 2 abstaining.

Number 10 on the agenda was to consider a resolution to award the construction contract to David Finholt Construction, Inc. of Decorah for $228,000 including Alternates #3 and #4. A motion was

made by McGovern/Ryan to approve Resolution #2011-03. After discussion, on a roll call vote those voting yes: Ryan, Zimmerman, Brandt, Griebenow, Organist, Rowland, Bohle, McGovern, Askelson, Ettleson, Darling, Freund and Uhl; those voting no: Rekow, Gibbs and McCartney. Motion passed 13-3.

Leigh Rekow left the meeting.

Item #8 on the agenda was to consider a resolution to become a member of the Decorah MetroNet. Jerry Freund and Kurt Devore discussed the 72-strand fiber optic cable and the advantage of being an anchor member of MetroNet. A motion was made by Gibbs/Ryan to table this until the July quarterly meeting. On a roll call vote, those voting yes: Gibbs, Ryan, Zimmerman, Brandt, Organist, Rowland, McGovern, McCartney; those voting no: Griebenow, Bohle, Askelson, Ettleson, Darling, and Freund. Motion passed 8-6.

Jerry Freund left the meeting.

Review and approval of the Annual Audit was held. A motion was made by Bohle/Organist to approve and file the audit. On a roll call vote, those voting yes: Gibbs, Ryan, Zimmerman, Brandt, Griebenow, Organist, Bohle, McGovern, Askelson, Ettleson, Darling, McCartney. Voting no: Rowland. Motion passed 12-1.

Financial Reports were given by Finance Managers Lisa Lensing and Sue Severson. It was pointed out that any legal fees incurred from the lawsuit must come out of our reserve account.

A motion was made by Askelson/Brandt to approve the quarterly disbursements for publication. Motion carried unanimously.

Change order procedures were discussed. A motion was made by Darling/Bohle to direct the Executive Director and the Chair and Vice-Chair with advice from the architect to act on any one change order up to $2,500 with a cap of $10,000 total before going back to the full Commission for approval. On a roll call vote, those voting yes: Gibbs, Ryan, Zimmerman, Brandt, Griebenow, Organist, Rowland, Bohle, McGovern, Askelson, Ettleson, Darling, McCartney. Motion passed unanimously.

Next was to consider a proposal from Architect Keith Koch for monthly meetings, jobsite inspections and project closeout. The KLK Group, Inc. proposal was presented for a total cost of $5,880. A motion was made by Ettleson/Bohle to approve the proposal. On a roll call vote, those voting yes: Gibbs, Ryan, Zimmerman, Brandt, Griebenow, Organist, Rowland, Bohle, McGovern, Askelson, Ettleson, Darling, McCartney. Motion passed unanimously.

Discussion of the lawsuit against UERPC followed. Mr. Burkes stated that Thomas Wolle, our lawsuit attorney had nothing new to report; the discovery is complete and we are awaiting trial on August 10-12, 2011. Ron McCartney (Clayton County Supervisor) and Vicki Rowland (Fayette County Supervisor) stated they have received correspondence personally regarding the lawsuit. This is public record, and Attorney Zahasky directed all UERPC Board members to bring forth any correspondence they may receive to the Commission Board and Attorney Wolle. Board members should be very cautious about responding because of the pending litigation. Perhaps this should be brought up at the beginning of each Commission meeting.

In regard to personal liability, Mr. Zahasky stated that Mr. Wolle will form a legal opinion at some point in this litigation, and if the Board members have a personal liability over and above what the insurance company would represent, he will notify members and give them the opportunity to retain their own counsel.

Vicki Rowland stated that as a Supervisor for 6 years she is very aware of the open meetings law and how difficult it is to know what is the correct route. We try to follow the open meetings law and she has no doubt that the UERPC Chairman was acting in good faith. The open meetings law says intent, and based on what she's heard, there was no intent or attempt to defraud. She felt it is a shame that people serve on the UERPC Board free gratis as a volunteer and have to go through the personal turmoil that a lawsuit creates. She hopes that sane minds will prevail and not cost this Commission the good that it can do in this Region because we all depend on UERPC and she appreciates the professionalism of UERPC. She hopes that this can be resolved outside of the court room and not spend badly needed funds on litigation.

Aaron Burkes gave the Executive Director report and thanked the staff for all the long hours put in since the resignation of Bill Ziegler and added workload from the lawsuit. He reminded everyone of the Legislative Breakfast to be held at Tri-City Country Club in Luana on May 20th from 9 – 11 a.m.

Department Head reports were given by Rachelle Howe, Economic Development; Bev Krambeer – Regional Housing Authority; Lori Brockway – Housing Trust Fund; Fern Rissman – WIA; and Larry Leliefeld – Planning and Transportation.

Under floor items, Leon stated that Rachelle was right in stating that the staff reports were the most important part of the meeting.

There being no further business, a motion was made by Bohle/Ryan to adjourn. Motion carried unanimously. Meeting adjourned at 8:40 p.m.

The above constitutes my interpretation of the matters discussed and the decisions reached. Please contact the undersigned for any errors or omissions.

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Mary Jungblut, Secretary