

## Committee of the Whole

July 26, 2016

Present: Mayor Vulich, Council Members Gassman, Seeley, McGraw, O'Neill, Connell, Allesee, City Administrator, City Attorney, City Clerk, Press and interested citizens. Councilmember Determann – absent.

### 1. Request to Not Replace Sidewalk – James Meachen

Mr. James Meachen advised the Council that he had purchased the property located at 1115 11<sup>th</sup> Avenue North three years ago at which time he took out the sidewalk and replaced it with sod. He stated that the City had recently received a complaint from an anonymous person regarding the lack of the sidewalk and he in turn received a letter from the City directing him to replace the sidewalk. He continued in stating that he was planning on moving to the property, but instead has chosen to stay at his current address and has sold the property at 1115 11<sup>th</sup> Avenue North. He further stated that he is appealing to the Council to allow him to leave the property as is. The new owner and the neighbors are agreeable to this.

Councilmember O'Neill stated that the letter was sent in accordance with City Code which states if a sidewalk is torn out it must be replaced. If the City replaces the sidewalk the cost would be assessed to the new owner or the City could send the bill to Mr. Meachen. The City Engineer did his due diligence in sending the letter.

Councilmember Seeley inquired regarding whether this was the first complaint. Mr. Meachen stated that it was. Councilmember Seeley stated that the sidewalk was removed three years ago and if this was such an issue Mr. Meachen would have heard about it sooner. He continued in stating that if the City forces Mr. Meachen to replace the sidewalk there is nothing that can be done about the property next door which also does not have a sidewalk. City Administrator Kinser stated that the City can force any property owner to put in a sidewalk. We do not know if the other property owner dug out the sidewalk.

Councilmember Connell inquired regarding whether Mr. Meachen knew about having to replace the sidewalk before the sale of the property. Mr. Meachen stated that he received the certified letter after the closing.

Councilmember Seeley stated that the issue now is will the City force the other property owner to install a sidewalk if Mr. Meachen must install a sidewalk. Councilmember O'Neill stated that the fact the other property owner doesn't have a sidewalk is not germane. If the City installs a sidewalk do we assess the property owner or Mr. Meachen?

City Engineer Jason Craft stated that his office received a complaint which cannot be ignored. It is clearly against the ordinance to tear out a sidewalk and not replace it. City Administrator Kinser stated that the City is urged to have a sidewalk plan by ICAP. Mr. Meachen requested that the City's directive be put on hold until the City has a sidewalk plan in place. He stated that he went with what was on the other side of the property. Councilmember O'Neill stated that regardless of what the neighbor did there is still an ordinance which states that every property owner must install a sidewalk. Does the City want to enforce this ordinance or not.

Councilmember Connell stated that the properties to the west have sidewalks and there are only two properties with grass. The ordinance is there to be followed. He inquired regarding whether Mr. Meachen has discussed this with the new property owner. Mr. Meachen stated that he would not place the cost of the sidewalk on the new property owner. He continued in stating that removing the sidewalk made the property more presentable. It has been that way for three years and he thought it was OK. To spend \$3,000 to \$4,000 on a new sidewalk would be a challenge.

M/S, Gassman-O'Neill moved to deny the request. On roll call, Gassman, McGraw, O'Neill, Connell, Allesee – Yes; Seeley – No. Motion carried.

In discussion before roll call, Councilmember Seeley stated that the City has a lot of work ahead if we must uphold the ordinance. He continued in stating that if the City enforces this ordinance it must enforce it for all. Councilmember O'Neill stated that the City Engineer is doing his job by enforcing the ordinance. He continued in stating that the City can enforce the ordinance it has or go on a case by case basis. That is where we will have a lot of work and will set precedence. If it is left on a complaint basis, the City Engineer will issue a letter requiring the work be done. Councilmember Seeley stated that if the ordinance is followed the other property owner must be notified. City Administrator Kinser stated that the City does not know if the other property owner removed the sidewalk. We know Mr. Meachen removed the sidewalk and did not replace it which is against code.

## 2. Request for Urban Chickens – Marley Seeser

City Administrator Kinser advised the Council that the current ordinance states that an appeal can be made to the Council if a person wants urban chickens. Councilmember Gassman stated that it is quite common for cities to allow chickens. He continued in stating that the City should have an ordinance in place regarding urban chickens. Mayor Vulich suggested postponing discussion until there is an ordinance in place. Councilmember O'Neill stated that this issue is parallel to what was just discussed. There is an ordinance in place and it should be enforced. There are a lot of things which must be considered such as the smell, problems with feral cats, etc. He continued in stating that this is a bad idea. The Council just got done resolving if there is an ordinance in place, it should be followed. Councilmember Connell stated that the ordinance is out of date.

M/S, Connell-Allesee moved to approve the request. Withdrawn

In discussion before roll call, City Attorney Patrick O'Connell stated that a resolution allowing urban chickens is not necessary. Directing staff not to enforce the ordinance until such time as it can be reviewed would be acceptable.

M.S, Connell-Allesee moved to direct staff to not enforce the ordinance until a review has taken place. On roll call, carried unanimously.

## 3. Possible Urban Chicken Ordinance Options – Jessica Kinser

City Administrator Kinser advised the Council that an urban chicken ordinance would be an amendment of the zoning ordinance not the animal ordinance. City Code only allows livestock in areas zoned A-1 and an amendment would be to allow them in R-1 and R-2. The maximum number of hens in ordinances from other cities is four to six and they must be kept in the back or side yard. She stated that the City could do something like the City of Washington, but put requests on the Consent agenda. Councilmember Seeley stated that he did not want to review each request for chickens. City Attorney O'Connell stated that an amendment to the zoning ordinance would need to go through Planning and Zoning first.

Councilmember Gassman stated that the city of Ely and Laurens ordinance seemed to make the process simpler.

Direction was given that the City Administrator would review the ordinances from other cities and bring back options for further discussion.

4. Presentation on Single Stream Recycling – Kathy Morris, Director of Scott Area Landfill

Ms. Kathy Morris, Director of the Scott Area Landfill, provided the Council with a presentation about Scott County's impending single stream recycling. She stated that this is a partnership between Davenport and Bettendorf. She continued in stating that they are currently recycling with dual stream carts and bins. She provided the Single Stream Planning history: They performed a Waste Collection and Processing Analysis in 2003 and 2010, a Waste Characterization Study in 2011, a Single Stream Implementation Plan in 2013 and a 20 year life cycle cost analysis. She further stated that two major projects positively impact life cycle cost analysis: Single Stream Recycling and a Landfill Master Plan. She proceeded to state that design changes resulted in 20+ years of additional capacity thru 2077.

Based upon results of the single stream analysis, the Waste Commission of Scott County unanimously approved moving forward with the single stream project on June 25, 2015. Bonds were issued by Scott County in the amount of \$8,500,000 and were modeled after a previous agreement: Building/equipment (20 years), 2.45% bond interest rate, Building modifications for single stream and HHM satellite - \$5,170,000 and Single Stream Equipment - \$3,230,000. Carts were purchased by WCSC for Davenport and Bettendorf. They selected Rehrig-Pacific for 95 gallon carts with in-mold labels and RFID tags. 48,276 carts were purchased at \$2,758,370.56 (\$57.14 per cart – including RFID readers for trucks). Ms. Morris stated that the carts were funded with a zero-interest Closed Loop loan with repayment through: Saved landfill fees from diverted recyclables, saved tipping fee at recycling center, and market revenue share. She continued in stating that the trucks were purchased by Davenport and Bettendorf. They paid \$246,572.67 per truck for new cab forward automated trucks, with Crane Carrier LET2 tandem axle chassis with right hand drive and New Way Sidewinder 33cy truck bodies. The total purchase price for all 3 trucks, after the trade in, was \$739,718.

Ms. Morris provided pictures of the floor plan, the tipping floor, metering bin, pre-sort line, OCCScreen, cardboard screen, glass breaker, conveyor and bunker, the 2D/3D screens, fiber sort line and paper bunker, comingle sort line, overbelt magnet and Eddy current separator, container silos, baler infeed, baler and outbound storage.

Ms. Morris stated that most important was the public education campaign. She continued in stating that they developed the "Go All In" campaign with pictures of what can be placed in the carts on the tops of the receptacles. She further stated that they sent out postcards in May, delivered carts in June and July and will begin the single stream recycling August first. She proceeded to state that there will be ongoing advertisement in the media and on social media.

Councilmember Connell inquired regarding whether additional staff was necessary. Ms. Morris stated that they added five sorters and a crew supervisor. Councilmember O'Neill inquired regarding whether they charged for the carts. Ms. Morris stated that they did not charge for carts. She continued in stating that they used Closed Loop funding for the carts after they found out about the decline in participation. The RFID shows the percentage of people participating. She further stated that they are trying to be positive. The cart has a tag and the truck reads that it has tipped the cart. A printout is then provided. She proceeded to state that the driver has a button that they can program for trash, trash missed, overflow, etc.

Councilmember O'Neill inquired regarding how carts are tracked. Ms. Morris stated that they have a GPS Location and bar codes. If a cart is not where it is supposed to be, the resident will receive a notice. Councilmember O'Neill inquired regarding the landfill fee. Ms. Morris stated that it is \$26.65. She continued in stating that there are ways to save with single stream recycling and she hoped it would grow and therefore drop the processing fee.

5. Report on Solid Waste Issue – Ed O’Neill

Councilmember O’Neill advised the Council that the tipping fees for the City of Clinton are \$44; however, private haulers have different fees. He stated that we are the third largest depositor of trash and get charged the highest fee. He continued in stating that there are no checks and balances regarding what other trucks are carrying in. Private haulers carrying in commercial and industrial trash are filling the landfill faster and at a lower price. He further stated that he went back to the Clinton County Solid Waste Authority to try to get the tipping fee reduced to \$40 and the head tax reduced to \$7. He proceeded to state that the CCSWA came back with the reduction of the head tax to \$7.50; however, would not agree to reduction of the tipping fee.

Councilmember O’Neill stated that there is a misconception that the City wants to lower the head tax to reduce the \$2,000,000 deficit. The head tax was supposed to be used for opening a new cell; however it is being used for operations. He continued in stating that operational costs should be paid from fees and revenue bonds. He further stated that single stream recycling is something the City should look at. It will save the City money. He proceeded to state that he does not foresee a change in the tipping fees. Councilmember Seeley inquired regarding how the Landfill could obtain more revenue. Councilmember O’Neill stated that they could raise the fees for items people drop off.

6. Review of Animal Control Ordinance – Council Member Seeley

Councilmember Seeley stated that the Animal Ordinance is out of date and every section should be addressed. He continue in stating that chickens are currently only allowed in areas zoned A-1. He further stated that land all the way out to the Airport is zoned for manufacturing. He proceeded to stated that there are a lot of farms which are grandfathered and a lot of subdivisions which allow horses which is against the ordinance. It must be brought up to date. City Administrator Kinser stated that this is a zoning issue. The Police Chief and City Attorney are working on a dangerous animal ordinance.

City Attorney O’Connell stated that after a determination of what allowances the Council wants and where in town they would allow them a draft ordinance could be taken to Planning and Zoning for approval of the proposed code changes. City Administrator Kinser stated that this would need to be a zoning ordinance re-write. Councilmember O’Neill stated that the Council needs to see the big picture so any changes will be good for a long period of time.

Direction was given that the City Administrator find out what it will cost to obtain a re-zoning for the City.

7. Traffic Safety Improvements Program (TSIP) Possibilities – Jason Craft

City Engineer Jason Craft advised the Council that the City always applies at this time of year for a TSIP Grant. He stated that this year he is proposing roundabouts on Mill Creek Parkway at 13<sup>th</sup> Avenue North, 16<sup>th</sup> Street NW, and 2<sup>nd</sup> Avenue South and the re-alignment of the intersection at Bluff, Thorwalsden and 7<sup>th</sup> Avenue South. He continued in stating that a corridor of roundabouts would be safer. He further stated that there are a lot of accidents on the Parkway and roundabouts would stop this.

Councilmember Connell inquired regarding whether Mill Creek Parkway was ever intended to be four lane. Engineer Craft stated that the City could not fund that and the traffic capacity does not warrant four lanes. He continued in stating that the most accidents have been seen on 16<sup>th</sup> Street NW. He further stated that it makes sense to start with 16<sup>th</sup> Street NW and 13<sup>th</sup> Avenue North. He proceeded to state that the cost would be approximately \$500,000. Councilmember Seeley inquired regarding where Engineer Craft came up with \$500,000. Engineer Craft stated that it could cost less. We would apply for \$500,000 and the grant would cover the construction.

Councilmember Connell stated that Mount Vernon's roundabout is designed for large truck traffic. Engineer Craft stated that roundabouts on Mill Creek Parkway would have to be designed for large trucks also. He further stated that he is recommending that the City Apply for TSIP funding for 16<sup>th</sup> Street NW and 13<sup>th</sup> Avenue North this year and 2<sup>nd</sup> Avenue South next year.

M/S, O'Neill-Gassman moved to forward Traffic Safety Improvements Program (TSIP) application for 16<sup>th</sup> Street NW, 13<sup>th</sup> Avenue North and 2<sup>nd</sup> Avenue South to the next City Council agenda. On roll call, carried unanimously.

8. Discussion of Placement of Peace Pole

Councilmember Allesee stated that the Sisters of Saint Francis would like to have the Peace Pole placed near Lubber's Fountain in Riverview Park.

M/S, O'Neill-Seeley moved to forward the placement of the Peace Pole near Lubber's Fountain in Riverview Park to the next City Council agenda. On roll call, carried unanimously.

9. Mayor & Council Member Update

Mayor Vulich advised that he, along with City Officials and staff will be in Des Moines on August 2<sup>nd</sup> to receive the Governor's Environmental Excellence Award for the Main Avenue Green Infrastructure Project won.

Councilmember O'Neill stated that there will be two open houses at the Single Stream Recycling Center in Scott County on July 28<sup>th</sup> from 1:00PM to 3:00PM and 4:00PM to 7:00PM.

Councilmember McGraw advised that the Downtown Alliance and the Chamber of Commerce are filling windows in the downtown for the arrival of Mississippi Queen Visitors.

M/S, O'Neill-Connell moved to adjourn. All in favor.

Respectfully Submitted,

Pat Van Loo  
City Clerk