

Committee of the Whole
September 13, 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. Sidewalk Variance Request for 6th Avenue North – Dan Srp

M/S, O'Neill-Gassman moved that the Sidewalk Variance Request for 6th Avenue North be tabled until the return of Councilmember Determann. On roll call, Gassman, McGraw, O'Neill – Yes; Seeley, Connell, Allesee – No. Motion failed.

County Supervisor Dan Srp advised the Council that two professionals working on the project were present, Sid Samuels, architect for the project and Mike Lewis with Shive-Hattery. He stated that he had additional information from the County Attorney's office citing 85% of the arrests coming into the jail are made by the Clinton Police Department. He continued in stating that they will be exposed to the issues facing vehicles exiting the sally port and pedestrians.

Mr. Mike Lewis, Shive-Hattery, advised the Council that the 12 diagonal parking stalls have a private sidewalk to the service area for staff only. He stated that liability is the main concern with emergency vehicles leaving the sally port with pedestrians in the area. He continued in stating that it would be a challenge to put a sidewalk in the area due to the slope and grade. Mayor Vulich stated that the building has been there since 1968. He inquired regarding how many pedestrians have been hit to date. Mr. Lewis stated that he did not have that information. He continued in stating that they were coming before the Council to request a variance of the sidewalk.

M/S, Connell-Seeley moved to forward the sidewalk variance to the next City Council meeting agenda. On roll call, Seeley, Connell, Allesee – Yes; Gassman, McGraw, O'Neill – No. Item will return to the September 27, 2016 Committee of the Whole agenda.

2. CCASWA Discussion- Councilmember O'Neill

Councilmember O'Neill advised the Council that this is a presentation only and not a proposal for a change in the program. He stated that the head tax is based on the 2010 population equaling \$268,850.00. The charge for tonnage is \$44 per ton equaling \$288,948.00 and the total contribution to the Landfill by the City of Clinton is \$557,798.00. He continued in stating that the City could charge 8,800 households one charge which would eliminate the deficit and build an account for equipment.

Councilmember O'Neill updated the Council on the Scott County Solid Waste facility. He stated that currently the rate is \$27 per ton. They do not take solid waste from outside Scott County. He further stated that this would be a potential savings to the City of \$380,489.00.

Councilmember O'Neill stated that the City needs to re-look at what we are doing. We pay \$44 per ton while other haulers are paying less. He continued in stating that the head tax was to be used only for cell re-building and it is not being used for that. We are subsidizing haulers who are filling the landfill faster. He further stated that he is a proponent of single stream recycling.

Councilmember McGraw inquired regarding whether the City is charged for yard waste. Councilmember O'Neill stated that the City gets free yard waste and the landfill gets free sewer. Councilmember McGraw inquired regarding why the City does not take yard waste to the 2nd Avenue Landfill. Councilmember O'Neill stated that this would take permitting.

Mr. Brian Rodgers, Waste Management, advised the Council that his company manages a couple hundred landfills. He stated that the City would want direct haul since it would not pay to have a transfer station. He continued in stating that Prairie Hills would not need to add anything in order to accept Clinton's solid waste. He further stated that the charge would be \$24 per ton and would save the City a significant amount of money. He proceeded to state that they are also responsible for the liability. Councilmember O'Neill advised that there would be liability on the current waste in the landfill.

Mr. Brad Seward, Clinton County Area Solid Waste Director, advised that liability is determined each year and is part of the \$44 tipping fee. Councilmember Connell inquired regarding whether there is possible leeway on the City's tipping fee. Mr. Seward stated that he would do whatever the Board of directors direct him to do. He inquired regarding what the City would do with household hazardous waste since this is also included in the tipping fee. He stated that the City would need to conduct its own plan for recycling, yard waste and household hazardous waste. He continued in stating that Clinton residents are not currently charged for this.

Mayor Vulich inquired regarding pursuing single stream recycling. Mr. Seward stated that the landfill is not at that point yet. Mayor Vulich suggested being a transfer station for taking recyclables to Scott County. Mr. Seward stated that it would not be fiscally viable. Mayor Vulich stated that if the City went to single stream recycling there would be an increase in recyclables which would decrease the space in the landfill.

Councilmember Allesee thanked Councilmember O'Neill for his report.

3. Vacant and Abandoned Building Ordinance – Jeff Chapman

City Administrator Kinser advised the Council that a search of cities in Iowa has been performed and the vacant and abandoned building ordinances of Adel, Cedar Rapids, Columbus Junction, Dubuque and Iowa City were included in the packet. She stated that Perry and West Des Moines have registration requirements specifically for foreclosures, but not extending to any other vacant properties. She continued in stating that going through the ordinances of the other cities, Adel and Columbus Junction offer what the Council might be looking for in terms of specificity. Their ordinances each set forth vacant building maintenance standards, which could be incorporated into a draft to bring back to the Committee of the Whole for consideration.

Battalion Chief Jeff Chapman stated that the Clinton Post Office is working on a list of undeliverable addresses which potentially are vacant buildings. Mayor Vulich stated that if criminals get ahold of the list there could be issues and insurance companies could drop their coverage. City Administrator Kinser stated that the property would be eligible for insurance for vacant buildings. Mayor Vulich stated that the cost is higher. He continued in stating that the City does not want to go after persons who are maintaining the property and paying taxes.

Councilmember O'Neill stated that the City should not be "sticking its nose" into vacant buildings and grass being cut. People leave to take jobs elsewhere and as long as it does not become a nuisance the City does not need to address it. Battalion Chief Chapman stated that they do not bother people who are snow birds. We go after properties which are truly abandoned. City

Administrator Kinser stated that if there are multiple abandoned structures in a neighborhood it causes blight and hurts the property value of inhabited homes. She continued in stating that the City wants vacant properties to be maintained so they do not become abandoned and a nuisance. Mayor Vulich stated that this would punish people who pay their taxes to have to have their property inspected. Battalion Chief Chapman stated that all of the problems in BNS are bank foreclosures. We have squatters in the buildings that we cannot get rid of.

Councilmember Seeley stated that the City needs to come up with incentives for people to fix up their property. Councilmember McGraw stated that people think that their taxes will go up if they fix their property. Mayor Vulich stated that there needs to be verbiage stating that foreclosures need to be registered. City Attorney Patrick O'Connell stated that the ordinance could be re-drafted to add criteria regarding abandoned buildings.

Item will be brought back to the September 27, 2016 Committee off the Whole meeting.

4. Request to Pursue 657A.10 Process – Jessica Kinser

City Administrator Kinser stated that the 657A.10 process allows cities to petition a court for title to a property if certain conditions are met. She continued in stating that she would like to start on some of the properties to be demolished and coming up on the demolition list. She further stated that the properties are: 243 25th Avenue North, 3117 Garfield, 625 3rd Ave South, 1000 block of South 4th Street, and all properties in process for the demolition list. The request to utilize 657A on properties we know we will be demolishing is to prevent the nuisance cycle from continuing. If we can stop the cycle of nuisance abatement, we can return properties to the tax rolls sooner to adjacent owners who express an interest or other parties who are interested. She proceeded to stated that the City will not put a property on the demolition list if a person is trying to fix it up. We must decide to use 657A or work with the owner to fix it. She advised that the City would get an administrative search warrant prior to placing a property on the demolition list.

Councilmember Seeley inquired regarding what would happen if there is a mortgage. City Attorney O'Connell stated that the City must give notice to the lien holder and if they want to come I and fix it and take over. He continued in stating that the City Administrator has the authority to direct that these legal actions take place.

5. Mayor & Council Updates

Mayor Vulich stated that Councilmember Determann is home and doing well. He is resting, in good spirits and feeling better.

Councilmember O'Neill stated that his public forum for September 24th has been canceled.

Respectfully Submitted,

Pat Van Loo
City Clerk