

## City Administrator Report to Mayor & City Council

*April 09, 2014, Edition No. 123*

### WEEKLY UPDATE:

1. Bi-State/Economic Development: Bi-State Regional Commission would like your input on the Greater Quad Cities Area's transportation system and economy. Your feedback will be used to help guide the Quad Cities 2045 Long Range Transportation Plan and the Bi-State Region Comprehensive Economic Development Strategy. Join the conversation and let your voice be heard at <http://bistateregion.mindmixer.com>. This site will be available for public input through May 31, 2014. Please share this message with others to help us reach the broadest audience possible. Thank you for your time and participation.
2. Spring Cleanup: Reminder that the week of April 21-25 is Spring Cleanup Week. Please see the attached flier.
3. Trail: follow up to your message on March 24th I am providing the anticipated schedule for the Musser Park - Wiggins Road Trail. Preliminary Plans Submittal: September 2014, Bid Letting: February 2015, Construction: April 2015 - October 2015
4. TIF: Please see the attached update. Specifically, the TIF bill that passed out of committee. I have reviewed this with GMCCI and we have both heard that this issue will not be advanced this year, but there is an intention to bring a modified bill forward next year. No longer having the ability to annually appropriate could severely curtail the use of TIF as an economic development tool. It is always good for our legislators to hear directly from our Mayor and Council and the league has provided talking points (attached). We will continue to monitor this legislation.
5. IDNR: Attached is a letter from IDNR regarding the landfill. Staff is working to set up a meeting onsite with IDNR representatives, the landfill operator and our engineers. We will follow up with more information subsequent to the meeting.  
UPDATE: Per Laura Liegois, Solid Waste Manager - As I told you on the phone this morning, we have some good news for the landfill. Here are details from my phone meeting with DNR and our progress for the landfill. I had a conference call with the Des Moines office of Iowa DNR, the field office DNR, and our engineer, Doug Luzbetak from HLW Engineering. It was decided the 20 ft. area of landfill cell that has not had waste on it is to be left without waste on it until we build the Phase 5 cell. When we connect the liner to Phase 4 and 5, the area in question will be inspected and checked with the liner installation company. This solution is a win for us because putting waste on that slope is going to be difficult and take up our lower haul road. I feel very confident that this is a good way of handling this. As for the other issues from DNR's letter, we have done litter detail and the operator had noted that it was high wind the day the inspector noted litter issues. We have addressed concerns with several industries on special waste issues and have new policies for the disposal, letting DNR know what they are. We will be addressing the tree issue on the closed cap area (which are a few small ones) this summer. At this moment, I feel confident that we are going to get things handled in the right direction and the conversation with DNR went well today. I will be responding to the NOV issues in the near future to Kurt Levetzow of DNR. If you have any questions, please let me know. Laura J. Liegois, Solid Waste Manager

Iowa League of Cities'

# Action Call

**April 7, 2014**

## Oppose changes to TIF in HSB675

On Tuesday, April 8 at 1 p.m., the House Ways and Means Committee will take up a TIF bill, [HSB675](#). The League has registered against HSB675 because it attempts to make significant changes to tax increment financing (TIF) that would hinder its purpose and use.

### Action Step:

Please, immediately contact Representatives who serve on the [House Ways and Means Committee](#) to oppose this legislation! We do not have a clear indication, at this time, of whether the bill will be debated on the House floor.

### Talking Points:

#### Sections 1 & 3 - Prohibition on TIF for Public Buildings

- The usage of TIF for public buildings has been very limited with only 9 new projects reported in 2013.
- Non-revenue generating TIF projects often lead to economic growth or stabilization in a slum or blight area and represent nearly 45 percent of all TIF projects. Public buildings are one type of non-revenue generating projects, but road and bridge infrastructure projects are more prevalent – representing a third of all TIF projects, according to 2012 reporting.
- Infrastructure improvements are often requested by businesses to serve their economic development projects and the investment often acts as the key anchor to a valuation increase.

#### Section 2 - Annual Appropriation Debt

- This section attempts to restrict city debt, including annual appropriation debt, from going over the constitutional debt limit of 5 percent of the taxable value in the city.
- Annual appropriation debt is used in some cities to spur larger economic development projects or enforce conditions for incentives provided in economic development projects.

- These provisions would have a disproportionate effect on Iowa's small cities and prevent them from leveraging needed dollars for large economic development projects. In FY13, roughly 27% of projects used annual appropriation debt and more than half of these projects are in cities under 5,000 in population.

#### **Section 4 – Pre-1995 and Slum and Blight TIF Districts**

- Section 4 is an automatic step-up of base valuations and rapid phase-out after twenty years for any TIF without a sunset. This includes slum, blighted and pre-1995 economic development TIFs.
- This section does not include protection for existing obligations and could impact cities that have outstanding debt in one of these types of TIF districts.
- Urban renewal activities within these districts can be very different depending upon the original purpose. Slum and blight districts have different policy goals than economic development TIF districts and can lead to longer term payback times for debt.

#### **Section 5 - 20 Year Limitation on All Future TIF Districts**

- *Code of Iowa* Chapter 403, an Urban Renewal law, is a tool cities use to address slum and blight issues as well spur economic development. Slum and blight districts frequently need longer than 20 years for the valuation to cover the outstanding obligations.

#### Comment

### House Ways and Means Committee

- [Thomas R. Sands](#) (R, District 88), Chair
- [John Landon](#) (R, District 37), Vice Chair
- [Jo Oldson](#) (D, District 41), Ranking Member
- [Chip Baltimore](#) (R, District 47)
- [Joshua Byrnes](#) (R, District 51)
- [Peter Cownie](#) (R, District 42)
- [John Forbes](#) (D, District 40)
- [Greg Forristall](#) (R, District 22)
- [Mary Gaskill](#) (D, District 81)
- [Pat Grassley](#) (R, District 50)
- [Chris Hagenow](#) (R, District 43)
- [Lee Hein](#) (R, District 96)
- [Charles Isenhardt](#) (D, District 100)
- [Jerry A. Kearns](#) (D, District 83)
- [Daniel Kelley](#) (D, District 29)
- [Dave Maxwell](#) (R, District 76)
- [Brian Moore](#) (R, District 58)
- [Daniel Muhlbauer](#) (D, District 12)
- [Todd Prichard](#) (D, District 52)
- [Joe Riding](#) (D, District 30)

- [Quentin Stanerson](#) (R, District [95](#))
- [Sally Stutsman](#) (D, District [77](#))
- [Roger Thomas](#) (D, District [55](#))
- [Guy Vander Linden](#) (R, District [79](#))
- [Matt W. Windschitl](#) (R, District [17](#))

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**SPRING CLEAN**

**Up Week**

**April 21-25, 2014**

Residents (No Businesses) will have the opportunity to participate in Spring Clean Up Week on their regular collection day during the week of April 21-25, 2014.

**Items Accepted:**

- Large items such as: furniture, building materials in small amounts, dismantled swing sets, and other misc items.
- Up to 8 Tires (Car and Light Truck Tires) - **No Tires From Businesses**
- Up to 4 Appliances (Please remove doors on refrigerators and freezers)
- Electronic Waste-(Computers, televisions, and any item that contains a circuit board).

**Items Not Accepted:**

- Car bodies
- Large trees
- Excessive amounts of concrete and building materials
- Paint and other hazardous chemicals (Accepted at the Transfer station)
- Motor Oil (Accepted at the Transfer Station)
- Camper refrigerators and Air Conditioner

**Yard Waste:** All yard waste must be in a City of Muscatine yard waste bag. Brush must be tied in bundles no larger than 18 inches in diameter and 4ft.in length.

Questions regarding Spring Clean Up Week can be directed to the Muscatine Recycling Center and Transfer Station at 263.9689 or [lliegeois@muscatineiowa.gov](mailto:lliegeois@muscatineiowa.gov)



# STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR  
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
CHUCK GIPP, DIRECTOR

April 3, 2014

Laura Liegois, Solid Waste Manager  
Muscatine Transfer Station/Landfill  
1000 S. Houser Street  
Muscatine, IA 52761

**Notice of Violation:** 567 IAC 113.8(2)(b)(3) – First Lift  
567 IAC 113.8(2)(f) – Cover Material  
567 IAC 113.8(1)(b)(13) – (prohibited materials) Yard Waste  
567 IAC 113.8(1)(b)(3) – (prohibited materials) Free Liquids  
567 IAC 113.8(3)(f) – Litter Control  
567 IAC 113.13(1)(a) – Postclosure Care Requirements

RE: Landfill Follow up Visit  
SDP Permit No. 70-SDP-02-75P

Dear Mrs. Liegois:

On Thursday, March 27, 2014, at approximately 1:00pm, I conducted a follow-up visit at the Muscatine County Sanitary Landfill, to check the status of the uncovered flexible membrane liner (FML), as was initially observed by Brian Lee of Field Office 6 on May 30, 2013. On March 27th, sections of exposed FML were documented in the bottom of erosion gullies. However, on March 28, 2014, during an announced compliance visit conducted by Bert Noll of Field Office 6, Mr. Noll documented that the same areas of exposed FML had been covered with soil, apparently by hand, prior to his arrival. Also noted during the March 27th visit, the waste powder-paint disposal area had not been covered at the end of the working day (it should be noted that due to high winds on the 27th, the landfill was closed by the time I arrived).

On Monday, March 31, 2014, at approximately 1:15pm, I conducted another follow up visit at the Muscatine County Sanitary Landfill to check the progress and status of various operating conditions. During this visit, again due to high winds, the landfill was closed at the time I arrived. Below is a summary of compliance issues noted during the 27th and 31st visits:

1. Photographs taken March 27, 2014, clearly show objects capable of spearing the liner in immediate contact with the FML. DNR Field Office 6 believes that if a first lift of select waste was covering the FML and drainage system, the integrity of this area of the liner would not be in question at this time. *567 IAC 113.8(2)(b)(3) – First Lift*
2. Paint waste (in powder form) was documented to be uncovered from March 27 through March 31, and during the December 26, 2013 visit. Also during the March 31st visit, solid waste items were observed protruding through the cover soil in various locations, indicating inadequate thickness of cover soil. *567 IAC 113.8(2)(f) – Cover Material*
3. Logs buried in working face. This matter was discussed with landfill staff following the December 26th visit, yet photos clearly show the logs have and are being actively covered with waste and cover soil. *567 IAC 113.8(1)(b)(13) – (prohibited materials) Yard Waste*
4. Photographs taken March 31, 2014, show free standing liquid within a constructed containment area (bermed with dirt). *567 IAC 113.8(1)(b)(3) – (prohibited materials) Free Liquids*
5. Photographs taken March 31, 2014, show daily litter left onsite after the landfill was closed for the day (windy conditions should not be construed as 'unsafe conditions'). *567 IAC 113.8(3)(f) – Litter Control*
6. Photographs taken March 31, 2014, show many sapling trees growing within the confines of the closed areas. This has been an ongoing compliance issue for many of the past compliance visits. Muscatine Landfill's post-closure plan indicates that any invading vegetation whose root system could damage the final cover should be removed or destroyed. *567 IAC 113.13(1)(a) – Postclosure Care Requirements*

**REQUIREMENTS:**

1. Set up a date and time for DNR (Solid Waste Section and FO6) to meet with or, at minimum, discuss with your engineer the plan to re-certify the section of FML that has been exposed and driven on with heavy equipment.
2. Cover all waste at the end of every day of operation. The DNR believes the tarp system is effective; however, there are areas with exposed waste protruding through cover soil that needs addressing.
3. Remove logs from the working face. Stumps are permitted to be landfilled.
4. Discontinue acceptance of free liquids.
5. Even on windy days, daily litter must be collected and disposed of. If conditions prove to be unsafe, then records must be kept explaining why litter was not picked daily.
6. Sapling trees growing within final cover must be cut or destroyed, just as is indicated in the landfill's post-closure plan.

As was discussed in your office following the March 31<sup>st</sup> visit, due to ongoing compliance issues, this matter is being referred to DNR Legal Services Bureau for enforcement action.

If you have any questions or would like further explanation of any part of this letter, please contact me at 319-653-2135 or [Kurt.Levetzow@dnr.iowa.gov](mailto:Kurt.Levetzow@dnr.iowa.gov)

Sincerely,

FIELD SERVICES & COMPLIANCE BUREAU



Kurt Levetzow  
Environmental Specialist Senior

ENCL. ~~photos~~ from visits

klevetz\Solid Waste\SDP\2014\Muscatine SDP NOV 3-14.doc  
Picture Filenames: Muscatine SDP March 2014.jpg

xc: Becky Jolly, Solid Waste Section (via email)

~~M~~ Muscatine County SDP File

~~M~~ Gregg Mandsager, Muscatine City Administrator, 215 Sycamore Street, Muscatine, IA 52761 (w/ enclosure)

~~M~~ Wayne Hopkins, Mayor & City Council, 5602 Reynolds Avenue, Muscatine, IA 52761 (w/ enclosure)

~~M~~ Robert Howard, Muscatine County Supervisor, 414 E. 3<sup>rd</sup> Street, Muscatine, IA 52761 (w/ enclosure)





Photo 1: Waste powder paint disposal area, photo taken 12/26/13, notice the snow cover. The area did not experience snow fall that day. The contract operator indicated that this area had not been covered for approximately 1-2 weeks.



Photo 2: This photo was taken on 3/27/14. Paint waste left uncovered, as the landfill closed early this day due to high winds. At the time this photo was taken, the contract operators were gone for the day.



Photo 3: Same area, this photo was taken by Bert Noll, the morning of 3/28/14.



Photo 4: Same area, photo taken 3/31/14 from a different view point. This photo clearly shows the waste was not covered since prior to 3/27/14.







Photo 1: Photo taken 3/31/14, trees growing through the final cover on closed areas of the landfill. Trees growing through the final cover has been an ongoing compliance issue at this landfill.



Photo 2: Photo taken 3/31/14, photo shows uncovered solid waste. Proper compaction is also questionable, on such a steep side slope.



Photo 3: Photo taken 3/31/14, another example of exposed waste protruding through the cover soil.



Photo 4: Photo taken 3/31/14, windblown litter that was not collected prior to the contract operator leaving for the day. Again, during this visit, due to high winds, the landfill was shut down for the day, therefore, no one was onsite.







Photo 1: Photo taken 12/26/13. Logs deposited at the landfill for final disposal. Stumps are ok to remain onsite. Landfill staff was instructed to remove logs from fill area.



Photo 2: Photo taken 3/31/14, logs have clearly not been removed from the fill area, and it does not appear as though removal is scheduled, as cover soil has been dumped on some, and around the logs in photo #2.



Photo 3: Photo taken 3/31/14, logs and stumps submerged in liquid waste. Free liquids are prohibited for final disposal in a municipal solid waste landfill.



Photo 4: Photo taken 3/31/14, similar scene as is described in photo #3.







Photo 1: Photo taken the afternoon of 3/27/14. Notice the exposed FML.



Photo 2: Same area, photo taken by Bert Noll in the morning of 3/28/14, notice the FML has been recently covered.



Photo 3: Photo taken 3/27/14, the red arrow in Photo #1 shows the same piece of metal as is shown in photo #3. It is unknown whether or not the piece of metal was removed prior to covering the FML (prior to Mr. Noll's announced visit).



Photo 4: Photo taken 3/31/14, appears as though finger marks are in the dirt (inside the large red circle), indicating the amount of effort expended at covering the FML.

