

In the Council Chambers of the Municipal Building held on Wednesday, March 21, 1990, at 7:30 p.m. with Council President Kiesling presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
MARCH 21, 1990  
REGULAR SESSION

Roll Call: Regester, Hitchcox, Foley, Olcott, Kiesling, Fernandez, White, Service, Hogan.

ROLL CALL

Kiesling gave the agenda summation.

AGENDA SUMMATION

The approval of minutes was delayed until next council meeting because of the length of minutes and the late xeroxing of councilmember copies.

APPROVAL OF  
MINUTES (DELAYED)

Regester commended the City for the position they have taken regarding a planning request on Hillside Drive. (Tract is zoned RH and a submitted plan by a developer was denied). He noted that the BZA will not hear an appeal of this particular request. Regester also presented a disclosure statement regarding Ordinance 90-12. The disclosure statement was accepted by a voice vote.

MESSAGES FROM  
COUNCILMEMBERS

Olcott congratulated Jeff Richardson, newly appointed State Commissioner for Health and Human Services. Richardson was a former councilmember here in Bloomington and one of our own so to speak.

White said that the architect has been selected by the Board of Public Works for the new downtown fire station pending the approval of funds.

Service thanked CFC, the Church, the City, and Lee Huss of the Landscaping Department for their combined efforts to move the house on 7th Street to its new home on Grant. She acknowledged the concern about trees that had to come down in order to move the house. Additional trees were removed from North Washington because of rot and damage and everyone was happy to report that the squirrel family has been happily relocated in the Services' attic.

The Mayor commended the following police officers for awards given this month by their peers in the department for excellent performance beyond the call of duty:

MESSAGES FROM THE  
MAYOR

Life Saving Award

Jill Akers

Award of Merit

Roger Kelley

Certificate of Merit

Jeffrey Barrett

Kay Minger

Barbara L. Webb

James Roger Watkins

Mike Davis gave a census update.

Mayor Allison read the text of letters sent to Carl Anderson of Westinghouse and Valdus Adamkus of the EPA Region V. Text of letters is attached to the original minutes.

It was moved and seconded that Ordinance 90-10 be introduced and read by title only. Clerk Williams read the ordinance by title.

LEGISLATION FOR  
SECOND READING  
AND VOTE  
ORDINANCE 90-10  
(YARD WASTE)

It was moved and seconded that Ordinance 90-10 be adopted. There was no committee report.

Jane St. John reviewed the issue in general noting that the Monroe County Commissioners enacted a landfill ban for yard waste effective March 1, 1990. The City then began to formulate a policy to cope with the situation as we are a major hauler of both trash and yard waste.

Various options were considered and discarded. Option #1 was no pickup of yard waste; Option #2 was to stop pickup and give everyone a composter; Option #3 allows several choices 1) encouraging residents to leave grass on the lawn, 2) encourage composting 3) yard waste to Blucher Pool on one's own 4) revise the Bloomington Municipal Code to exclude yard waste and allow a paper or permanent container with a newly applied decal for each pickup and said trash would be picked up on the regular trash pickup date. This is the one we are discussing in detail this evening. Yard waste would go to Blucher or David Porter's facility on Vernal Pike. If items are not properly tagged they will not be picked up. Flyers will be distributed to each household and decals are available at the local dealers listed on the flyer. Landfills are no longer cheap to operate. They cost money to maintain, they cost money to open and they cost money to close. Tipping fees are increasing. Two years ago it cost \$9/ton. Today it costs \$20/ton. Tipping fees for 1988 were \$90,000. By 1989 they were \$120,000 and projected costs are \$200,000-230,000 for this year. Recycling, while it pays in the long run has startup costs. We hope to have city-wide curbside recycling by the end of this year.

15% of the waste stream is yard waste and during the peak season it makes up half or more of the waste stream. The cost of yard waste collection for the sanitation department is figured at 15% of the 1990 budget for trash pickup. The cost of the service will be partially recovered through the cost of sticker sales. The cost of service to Blucher Pool is uncertain at this time. In some cities there are tipping fees for yard waste and compost is sold. The Utilities Department is looking into the feasibility of selling compost and will monitor the effects of higher volume on their composting costs. The City dismissed the idea of storing and selling paper bags due to the enormous volume of space that bags would occupy, in addition to personnel costs in distribution. Biodegradable bags were also considered but claims of biodegradability are questionable and debatable. Less frequent pickup was also considered and dismissed as an option. St. John reminded people that the program is not steadfast and that changes will be inevitable as problems get worked out along the way. People are being asked to change their habits, ones they have had for years and that will not be easy. There will be information, assistance and answers for people who seek it.

Hogan asked what the retailer profit from sale of stickers would be. Jane said there would be no mark-up.

Regarding the cost of paper bags, they would cost between 40 and 50 cents apiece.

Service wondered about alley trash pickup and would bags be put on the street or in the alley. Trash will still be put in the alley and curbs adjacent to alley turns will be painted yellow so that cars do not park there later in the day and block the yard waste truck from picking up in front of their houses.

White asked how much we budgeted for tipping fees and what it has actually turned out to be. Patterson said we have budgeted for 1990 \$167,000 for tipping fees based on an 18 month projection and before the rise in tipping fees. Right now if we were to pick up the exact same amount of materials as we did in 1989 there would be a fairly additional appropriation.

Anticipated tonnage was 11,160 for 1990, reflecting growth. That puts the range at \$20/ton and \$200,000-225,000 for tipping fees. The question is not if the landfill will close, but WHEN and if it closes before there is additional landfill space available we are then looking at transporting this material and the tipping fees then become nothing...the costs of transporting it will be out of sight. Patterson said the budgeted amount per ton was between \$13 and \$18 and the rates were different because we were utilizing the landfill and the transfer station and the rates were different for each. At the present time almost everything goes to the landfill to avoid the higher transfer station costs. It costs \$24/ton at the transfer station. White also asked about the new packer truck to be delivered this year. Patterson said we have accepted bids and arranged financing. White was concerned about two trips per route because the trucks will not sort, they are not compartmentalized. Labor costs could be cut if a truck followed another truck rather than the time involved to cover the route twice. We should perhaps take a look at a different kind of truck rather than the packer that limits us and may be obsolete for our needs.

Patterson said there are no compaction/separation vehicles available at this time. If we were able to do it we would lose in our load capacity. He said we would look into it and examine it carefully. White asked about compacting yard waste. Patterson said it was advantageous to do so. In the future there will be vehicles to handle our dilemma, it's a developing technology and improvements will continue to happen in this field.

White also asked if we can compost more then we are doing now. Dean Behnke said yes, with weather cooperating and we will have a better handle on it after this season. If we have too much yard waste then there would have to be a separate effort elsewhere in the county. There is also the feasibility of working with Mr. Porter and drawing lines as to where the waste actually goes. White also wondered why Utilities wanted to get into this business of mixing sludge with yard waste. Behnke said we can only use about 25% sludge in the compost and the majority of what we use has to be yard waste. In the past sawdust was used as the bulking agent and organics in the making of compost. This is an effective way of getting rid of sludge. This is why we started composting back in 1982. White wondered if the demand was high enough that we might be able to sell the compost. Behnke said that that has been discussed. White thought that was a good idea and a method of recovering some of the city's costs in this recycling process. Behnke said that Utilities puts out somewhere between 2,000-4,000 tons/year of compost. Nurseries charge around \$30/ton. The demand has been consistent and options such as landfilling, composting or land application are limited.

Fernandez asked how costs are being covered if this is about 15% of the sanitation budget. Patterson said yard waste disposal is part of our budget just like the trash is part of the budget. The separate pickup of yard waste does not necessarily cost \$62,000 but that yard waste is a portion of our endeavor. How we change people's attitude and behavior will affect how much they put out and how much it will ultimately cost us. Fernandez said that sending the truck around for an additional route has to have some additional costs. Patterson said those costs cannot be identified at this time; people will be working longer hours and about 6 hours or 15% of the work week per worker will be

devoted to yard waste.

There are times of the year when we go around twice for each route anyway. In the summertime when loads are very heavy, it will be a burden and we may get beyond an 8 hour day and we get into overtime but without the experience it is difficult to compute the expense/marginal cost. A 25 cent fee is a reasonable fee and we are hoping to discourage the use of this service as much as we can and that people will go to composting and leaving grass clippings on the lawn. Fernandez thought that the 25 cents is too low and wondered how many people who do not use the service are actually subsidizing the service. Fernandez asked about large commercial properties. Jane said they are restricted from dumping at the landfill just as we are and since they take in full loads they are even more susceptible to finding suitable alternatives to the problem.

Olcott thought we have few alternatives and other communities actually start with the normal, regular trash and tag that in some special way. There will be problems but we just have to work our way through the problems.

Foley thanked everyone for the hard work and effort that has gone into this ordinance.

Young pointed out that a permanent container must have a new sticker each time the container is set out on the curb. She wondered about pickup every two weeks rather than each week because of the low periods for pickup. St. John said that the pickup period is for 9 months, not 12 months and the "bookends" of that time period can certainly be revised if needed. St. John said that two week pickup schedules would present real problems for homeowners in terms of odor. Young asked about private collectors. Jane said they cannot drop at Blucher and unless they decide to compost they can go to Dave Porter's facility.

Regester asked if Christmas trees would still be picked up and Jane said yes. Also the paper bags must be the correct type, not a Kroger or grocery store bag that will not hold up in rain or moisture.

Hogan asked Behnke about the compost we make. Behnke said we try to stay at 25% with the sludge product. There would be a problem if we had to go to 40% sludge/60% compostible. Behnke said we have to pay for the trucking of sawdust. Hogan had problems with the 25 cent new tax and it may be counterproductive to the recycling effort. If we start stickering everything we might wish to pick up in the future, people will react negatively to the program. He questioned starting up a program without a firm handle on the cost situation. He thought the marketplace was the best place to sell the sludge and we need to address some of the credits. Jane thought \$30/ton for compost was pretty high and that other dealers have said the most he would be willing to pay is \$9/ton because it is not really a high quality premium compost. Jane said there just isn't any way to provide a firm assessment of the cost because we haven't done anything like this before.

Behnke said the principal goal of the utilities department is to eliminate the sludge problem and not necessarily the compost sale business.

Kathy Saunders asked about the print on the bags and if it was a problem. Jane said no. Kathy asked about leaf pickup. Jane said that program would continue.

Service asked if yard waste would change the composition of the compost. Behnke said it would change somewhat, but not significantly. The whole compost program is "an uneasy one given the nature of our compost." All of us know the history of sludge here in Bloomington and a disclaimer is signed that the compost should not be used in association with vegetable gardens. The problem is also compounded by the fact that what might be lawn for one homeowner is a garden for the next owner. This is just not a good idea and the attempt to recoup monies by selling it are we getting into some legal liability. Behnke said he wasn't here when all "that was going on, but standards do exist to provide guidelines."

Fernandez asked how many households are being served by the recycling program. 2,900 are being served.

Dennis Long, from Homecrafters Hardware, discussed paper bags in detail. Companies are used to selling in truckloads and they are not packaged for retail sale but are programmed to be sold to cities for major distributions. OSCO's sell them because they are an Illinois based company and that state already has a program in place for this type of recycling. Not a single wholesaler that we deal with regularly had this type of bag in stock. Anything the city can do to help the retailer would be appreciated.

Jane St. John the doorhangers would inform homeowners as to where bags and stickers are available. Jane said she was not aware that bags were not available. Bloomington Hardware has been selling them regularly as has Osco. Marsh's said they could get them and no one else has expressed a problem securing the bags. The recycling coalition is already bundling stickers and they would be willing to bundle bags for the stores. Mr. Long did put out a flyer saying that Homecrafters will have the bags available.

Bill D'Amico said that our code still prohibits composting on their own property. He said he has an exemption that he secured from the Board of Public Works but we need to get on with this and make it legal for people to compost. Jane said this ordinance changes the whole definition of refuse and takes care of that. He did not think paper bags were a good idea if we want to reduce the waste stream. Permanent stickers for a permanent container are much better. Jane said we are trying to offer as many options as possible and a large permanent container might not work for a person who only generates a small bag every week or so or who has no access to another means of disposal.

It would be wonderful if people would always place yard waste in a stickered container but that isn't reliable. He said charging for trash and not recyclable waste is a more reasonable way to reduce the waste stream.

David Porter said the purpose of composting at Blucher Pool is to convert the nitrogenous sludges into a material that is suitable for discharge under environmental regulations and you do that by feeding them a lot of carbohydrates, essentially in the form of wood. Your bulking agents are to provide a aerobic atmosphere inside the pile and wood is to feed the microbes. When more nitrogenous material is added to that waste stream in the form of grass you are not helping your sludge composting at all. you are simply

It is true that Blucher can compost whatever we send them, but it is not true that we are composting it without cost, the fact that the costs have not been calculated, does not remove the fact that there are real costs associated with it. It is also true that we open ourselves to a great deal of liability if we sell the material. We cannot guarantee the safety. Test show that human excrement tends to test higher in heavy metals than yard waste and will not go away in the composting process. He recommended that sludge materials be used in final closure at Anderson Landfill where there is a site where they can be sequestered, serve a useful function and be constantly monitored. He asked that as a point of public policy, do we want to change Blucher's mission from primarily composting human waste and making it safe to dispose of or if we want to expand their mission to compost our yard waste. He urged people to get a handle on the cost and the potential liability.

Fernandez wondered if it was fair to ask some people to subsidize others and governments to subsidize the entire program when they might not even take advantage of the service or might not be necessary if raking lawns of grass clippings is not necessary, for example. This program is moving in the right direction of paying for services they use and perhaps we should look at trash disposal the way we look at utilities. The more you flush down the system, the more you pay. We are adding a new subsidized service for some households when in regards to the curbside recycling program, 5100 households are not getting equal service. Fernandez said he would agree to the proposal but wanted the Council and record to note that as part of our vote there is an agreement that we will do a program audit after this season and look at the policy issues and figures that are unclear at this point and then decide if this is a service that the city should be doing at all.

Service asked what other cities that do not have this type of service do with yard waste. Jane said that in the long run people eventually comply with the regulation. Notices will be left on yard waste if not in compliance and people eventually comply.

Register read a series of housekeeping amendments to basically add bundles to bags for curbside pickup and decals affixed to each bag and bundle. White suggested that Section II be deleted from the amendment. White said he agreed with the ordinance and the amendments but cost saving measures and compost sales and Section II would raise about \$50,000 and none of the figures are very firm and the extra payment of buying stickers and the extra inconvenience are a problem. He thought we were going in the wrong direction with a new tax.

Saunders asked if White wanted to take out the cost to anyone. He said yes. It was agreed to discuss it as two separate amendments.

Saunders said the amendments are for clarification only: bags are wet-strength, the amendments allows containers and bags or bundles and states that they must be put at the curbside. White withdrew the amendment to the amendment.

The amendments (Housekeeping) received a roll call vote of Ayes: 9, Nays: 0.

White moved that subsection 6.04.045(c) be deleted (that is the 25 cent charge).

The amendment received a roll call vote of Ayes: 2  
(White, Hogan) and, Nays: 7.  
The amendment was defeated.

Hogan also disagreed with the 25 cent "tax."  
Kiesling said that 12 years ago it was proposed by the  
Solid Waste District that recycling be done on a fee  
basis and she hoped that people would not use or need  
the stickers at all.  
Regester said the fee encourages people to leave the  
clippings on the lawn and at some point we have to get  
on with the job.

Pat Williams asked if any consideration was ever given  
to tagging the trash that goes to the landfill rather  
than the recyclable materials.  
Kiesling said it was considered and we may come to that  
at some point in the future.

Fernandez asked that an evaluation be made after the  
first season as stated in his earlier comments.

The ordinance, as amended, received a roll call vote of  
Ayes:8, Nays:1 (Hogan).

It was moved and seconded that Resolution 90-7 be  
introduced and read by title only. Clerk Williams read  
the resolution by title.  
It was moved and seconded that Resolution 90-7 be  
adopted.

RESOLUTION  
90-7

Jim Lang was available for questions. He said the  
squirrels were last seen entering a hole in the  
Services' attic.

The resolution received a roll call vote of Ayes:9,  
Nays:0.

It was moved and seconded that Resolution 90-8 be  
introduced and read by title only. Clerk Williams read  
the resolution by title only.  
It was moved and seconded that Resolution 90-8 be  
adopted.

RESOLUTION 90-8

Chief Fleener said that he met with all the township  
fire chiefs and all are in agreement with a few  
exceptions. In the event the E911 system is installed  
and functioning, this agreement may be amended or  
declared void. If that agreement is reached we may  
have to do some other kind of dispatching. Olcott said  
that a lot of 911 numbers come in now, why does E911  
present a problem. Fleener said it doesn't but it  
might be a personnel choice of who would dispatch.

The resolution received a roll call vote of Ayes:9,  
Nays:0.

It was moved and seconded that the following ordinances  
be introduced and read by title only for first reading  
by the Clerk.

LEGISLATION FOR  
FIRST READING

Ordinance 90-13 To Amend Title 15 of the BMC Entitled  
"Vehicles and Traffic."

Ordinance 90-11 To Amend the Zoning Maps from RE to RS  
and to Grant Outline Plan Approval and Designate PUD  
re: Property Located North of Gentry Estates and West  
of S.R. 446 (Gentry Estates Development, Petitioner).

Ordinance 90-12 To Amend the Zoning Maps from RE to RS  
and to Grant Outline Plan Approval re: property located  
west of Sare Rd. and North of Rogers Rd. (Ken  
Blackwell, Petitioner).

Ordinance 90-14 To Vacate a Public Parcel re: Alley  
between 403-409 S. Madison and 400 S. Morton Streets

(CFC, Inc., Petitioner).  
Ordinance 90-15 To Vacate a Public Parcel re: Alley  
behind 1412 W. Fifth Street (Quality Heating and Air  
Conditioning, Petitioner).

Patrick Gray presented transcripts of a February 26,  
1990 trial in the Monroe County Court system regarding  
devalued property near Lemon Lane. He protested the  
consent decree and how it did not protect the people on  
Gray Street. He dispersed to all the councilmembers  
copies of the Mayor's testimony and Pam Service's  
testimony about rental on Winston Thomas from  
Westinghouse. He also presented the engineer from  
Westinghouse's testimony (John Shull,(sp)).

PETITIONS

The meeting adjourned at 10:30 P.M.

ADJOURNMENT

APPROVE:	<i>Iris Kiesling</i>	ATTEST:	<i>Patricia Williams</i>
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Iris Kiesling, President		Patricia Williams, CLERK	
Bloomington Common Council		City of Bloomington	