



City Council Special Meeting

October 25, 2024 - 11:00 AM

City Hall - Council Chambers
101 W 4th St S
Newton, IA 50208

Call to Order

1. Roll Call

Resolution

2. Resolution amending the location of the animal control facility to 3387 Hwy F48 W

Adjourn

The City of Newton is pleased to provide reasonable accommodations, in compliance with the Americans with Disabilities Act, for those individuals or groups who require assistance to be able to participate in the public meeting. Should special accommodations be required, please contact the City Clerk's Office at least 48 hours in advance of the meeting, at 641-792-2787 to arrange for accommodations to be provided.

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City of Newton Council Report

**Item:**

Resolution amending the location of the animal control facility to 3387 Hwy F48 W

Summary:

Approval of land usage at 3387 Hwy F48 W

Financial Impact:

N/A City Council previously approved \$150,000 budget for this project.

Report Number: 2024-1028

Date:

October 25, 2024

Lead Department:

Police

Recommendation:

Approve

Background:

The Police Department oversees animal control for the City and has had an animal housing agreement with Parkview Animal Hospital since the closing of the Jasper County Animal Rescue League (JCARL) in 2020. Parkview Animal Clinic recently sent a letter notifying the City that effective October 15, 2024 they were dissolving the agreement due to changes in their business model. Parkview Animal Hospital indicated they would be willing to house our animals on a non-contractual basis, but at a significantly higher rate.

The Police Department did extensive research on animal housing options in 2020 when JCARL closed. At that time, Parkview Animal Hospital was the only local facility with the capacity and staffing to handle this service for the City. There was no interest from other facilities in the area. The City did research on opening our own kennel facility at the time, but given the offer from Parkview Animal Hospital, that option was chosen over a City-operated facility. The Police Department did not have the staff at that time to oversee such an operation.

Upon receiving notification of the dissolution of the contract, City staff researched kennel options to bring animal housing in-house. City staff had originally proposed adding a section to the proposed Joint Police/Fire public safety storage facility for this purpose as part of a long-term plan, but that building has yet to come to fruition. Given the timing involved in needing a timely solution, City staff recommended that a commercial modular kennel facility be purchased and installed on City property.

At the September 25, 2024, Special City Council Meeting, City staff recommended, and City Council approved the purchase of an 8-kennel (12 feet x 52 feet) commercial modular kennel unit. These units are constructed in Pennsylvania by Amish builders and come fully equipped with everything needed to start a kennel operation. The City would have to pour a concrete pad and run electric and water infrastructure to the kennel building, but otherwise it's a turn-key solution.

Three vendors were contacted regarding the construction and purchase of the modular unit. Of the three vendors that sell these units, only one has the capability of constructing and delivering in a timely manner. Backyard Escapes would be able to construct and deliver the kennel unit in 4–6 weeks. Backyard Escapes provided a quote of \$84,831 for the construction, delivery and set up of the kennel unit. In addition to the kennel unit, utility infrastructure will need to be installed. Estimates for these items are dependent on the chosen site for the kennel unit. Three sites on City-owned property were considered.

Once the facility is delivered, the utilities will be hooked up and inspected and the kennel will then become operational. A small fenced-in area will be constructed to allow for outside exercise of dogs.

Inspections by a licensed veterinarian and the Iowa Department of Agriculture will take place upon completion of the kennel project. These inspections could take place once the kennel unit and the utilities are installed. The City would not be required to have the outside fencing completed prior to these inspections, although that portion of the project would proceed as soon as the kennel unit is located on the property. After completion of successful inspections, the City would receive a State of Iowa license and then be authorized to operate the animal control facility, referred to as a "dog pound" in Chapter 162 of the Iowa Code. City staff have discussed the project with the Iowa Department of Agriculture and believe there will be no issue with a license being approved under the proposed plan. License approval takes 4–6 weeks, so City staff will apply for a license immediately after a location for the kennel is approved by the City Council.

The Police Department's three Community Service Officers (CSOs) in the Code Enforcement Division, under the supervision of the Police Captain, would be responsible for the operation of the kennel unit. If this project is approved, additional resolutions and ordinance amendments would be forthcoming in order to align our fee schedule and ordinances with a City-operated kennel operation. Funding for this project would initially come from FY25 general funds that are to be reimbursed with future bond proceeds. City staff estimates the entire project will be well within the \$150,000 budget approved by the City Council at the September 25, 2024 Special City Council Meeting.

The City reviewed several potential locations with an emphasis on limiting potential disturbance to local residences, by keeping the facility at least 200' from any residence. City staff narrowed down a list of several potential locations to a final three locations:

1. 707 W 9th St N (Retired Landfill)
2. 500 W 7th St N (Water distribution site)
3. 2201 S 24th Ave W (Newton Police firearms range)

While all three locations fit the need for the animal control facility, each location also presented potential challenges. 707 W. 9th St. N. appeared to be the least challenging and most cost-effective option. This property is owned by the City and was formerly used as a landfill site. The landfill, referred to in city documents as the Maytag Landfill, covered approximately four acres out of the 10-acre tract. Residential areas are located around the former landfill (although no residence would be located within 200 feet of the kennels). The northern side of the landfill areas are open and slope downward at 16%-20%. This land has been on the Iowa Registry of Hazardous Waste or Hazardous Substance Disposal Sites since 1984. The Registry was authorized by the Iowa Legislature and was later amended to restrict the addition of any future sites to the Registry after July 1, 2011. As such, the current registry is outdated and of little practical value to the public (per August 21, 2017, letter to the City of Newton from Amie Davidson, P.E., Environmental Program Supervisor, Land Quality Bureau, Iowa Department of Natural Resources, DNR.)

Sites on the Registry may be removed from the Registry upon execution of an environmental covenant developed pursuant to the provisions of Iowa Code (IC) 4551, entitled *Uniform Environmental Covenants Act*. This process has not been pursued on this property, as there has not been a project proposed for the property that would justify the expense entailed by that process. Captain Chris Wing has been in communication with Matt Graesch, P.G., Environmental Specialist Senior, Solid Waste and Contaminated Sites, DNR, on the use of this site for a dog kennel. Here is the advice that we received from Matt Graesch:

"The hazardous waste that was illegally buried there in the distant past seems to have been some pretty nasty stuff, so I have concerns, but I suspect that the main concern would be risk to shallow

groundwater and creek water, as well as exposure along the steeper areas. If you are going to pour a pad on the flatter upper surface of the property rather than using any of the steeper slopes, that would be highly preferred. Also, I would strongly suggest using a vapor barrier under the concrete to prevent any infiltration of VOCs that could be bad for the health of the dogs. The water line should be composed of a material that is more resistant to contaminants (i.e. not black plastic, and preferably not PVC), and care should be taken when burying it to note any odors or stained soil (which would need to be properly disposed of)."

After learning that the original DNR letter authorizing the trenching of the water line to the Kennel didn't include verbiage permitting the installation of the waste water pit, the DNR was contacted and they believed that this may constitute a "substantial change", and additional requirements were put in place which required getting a bore sample of the pit location to determine the depth and quality of the cap on the landfill. The boring sample was done on October 22nd, and city staff was notified on October 24, 2024 that our soil samples passed with flying colors, coming back with no contamination.

At the Monday, October 21, 2024, regular city council meeting, a group of neighbors spoke in opposition to the kennel location, telling the Council that they were in favor of an animal control facility, but not in my backyard. They disputed the allowed use of A-1 agricultural zoned land for a kennel. In addition to challenging the zoning, the neighbors have contacted DNR and pledged to fight the kennel location based on the fact that it was a former Maytag Landfill. They also hinted at threats of litigation in their comments to Council at the meeting. With the short time line we have to get this completed, City staff is recommending that we look at another site.

City staff met on Tuesday regarding this and have determined that we have exhausted our opportunities to use city-owned land within the city of Newton. Any other potential location that is feasible would likely result in similar rezoning and "not in my backyard" challenges. The Community Development director and staff are currently working with the Jasper County Community Development division to ensure this use is permitted. Based on a review of other properties in similar zoning areas, we believe that it will be allowed and will not be subject to any public hearings or zoning meetings. A zoning update will be available at the Special City Council Meeting on Friday, October 25, 2024.

On Wednesday, October 23, 2024, this location was presented to the park board at its regularly scheduled meeting and after discussion, received approval by a 3-0 vote.

Notice, in the form of a letter, was given to the residences to the east of the proposed site, as well as the property owner.

One of the previously considered sites was the Newton Landfill on the east side of the property. One positive aspect of this potential location is that it is over 900 feet away from the closest residence. However, the negative aspects of this location include the following:

- Requires access to the landfill after hours
- Multiple gates to access location
- Requires travel on gravel for over 2 miles round trip
- With multiple civic groups wanting to help with the kennel, we don't want to inconvenience them with gravel roads or driving completely across the landfill.
- The topography of the site would require significant dirt work
- Access to utilities.

The city has since looked outside the city limits, and are currently looking at placing the kennel just south of the Westwood dog park (see attached). Pros of this location include:

- This location is at least 200' from any residence
- The location is already accessible and utilized by dogs, so the impact would be minimal.
- Close proximity to overhead electric, water and sanitary sewer.
- Easily accessible to civic and volunteer groups.

The Westwood location does come with a couple of disadvantages:

- Officers will have to leave the city limits in order to drop off animals after hours. This, unfortunately, can not be mitigated.
- Visible to the public. While it would be ideal to have the kennel located where it is out of sight, this can be mitigated. Fast-growing Arborvitae hedges can be planted to limit the view to the public, and the facility would be completely fenced off with security fencing. Furthermore, the facility will be monitored by video surveillance.

If this site is approved by the City Council for the location of the kennel, City staff believe the project can still be completed in time for delivery on November 14th. Please see the Gantt Chart below which provides a timeline and projected cost of the various tasks involved with the project. The estimates below, which are intended to be worst-case scenarios, add up to \$125,831. With a \$150,000 budget, that provides another \$24,169 for unforeseen issues that could arise during the project. Having said that, staff believe that we can come in under budget on this project.

KENNEL PROJECT TIMELINE AND BUDGET (\$150,00.00)									
Sept. 27, 2024	Sept. 30- Oct. 6	Oct. 7-13	Oct. 14-20	Oct. 21-27	Oct. 28- Nov. 3	Nov. 4-10	Nov. 11-17	Nov. 18-24	Nov. 25- Dec. 1
Kennel delivery and installation - Backyard Escapes, \$84,831.00									
		Water line & pit installation by contracted local plumber, \$15,000							
		Concrete Pad pour and gravel access installation, contracted concrete firm, \$10,000							
		Electric overhead to meter pole - Alliant & contracted local electrician, \$7,500							
							Fencing -contracted fencing company, \$8,500		

Alternatives

1. The first alternative would be to reexamine one of the other two finalist city-owned sites for this project.
2. The second alternative would be to undergo a search for private property on which to locate the kennel.

Any delays in moving forward would include utilizing Parkview Animal Clinic at their non-contractual rates (which started on October 16, 2024) for longer than the expected month that it would take to

get this facility up and running beyond our contractual arrangement with Parkview, which ended on October 15, 2024.

Recommendation:

Staff recommends approval

A handwritten signature in black ink, appearing to read "Matt Muckler". The signature is fluid and cursive, with the first name "Matt" written in a more compact, stylized way and the last name "Muckler" written in a more extended, flowing script.

Matt Muckler, City Administrator



Color: ■ Size: Medium ▼ Marker: 

Label text:

site 1

site2

RESOLUTION NO. 2024 – _____

**RESOLUTION AMENDING THE LOCATION OF THE ANIMAL CONTROL FACILITY
TO 3387 HWY F48 W**

WHEREAS, the City was recently notified that Parkview Animal Hospital requested to dissolve the animal housing agreement effective October 15, 2024; and

WHEREAS, the City is required to provide animal control services per City Code; and

WHEREAS, the City has entered into an agreement to purchase a modular commercial kennel from Backyard Eacapes of Pocomoke City, MD at a cost of \$84,831, with a project cost not to exceed \$150,000; and

WHEREAS, the City has examined three potential locations for the animal control facility; and

WHEREAS, while all three locations had some challenges the amended most viable option is 3387 Hwy F48 W

WHEREAS, the City of Newton owns the aforementioned property; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa agrees to approve the location of 3387 Hwy F48 W for the future site of the Newton Animal Control Facility.

PASSED this _____ day of October, 2024.

APPROVED this _____ day of October, 2024.

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk