



**Grinnell PUBLIC WORKS AND GROUNDS Meeting
MONDAY, MARCH 18, 2019 AT 6:15 P.M.
IN THE 2ND FLOOR COUNCIL CHAMBERS OF
THE CITY HALL**

TENTATIVE AGENDA

ROLL CALL: Hueftle-Worley (Chair), Wray, Bly.

PERFECTING AND APPROVAL OF AGENDA:

COMMITTEE BUSINESS:

1. Consider approval of resolution awarding the contract for the CBD Maintenance Project (Resolution No. 2019-26).
2. Consider approval of mowing bids from April 1, 2019 through end of season no later than November 30, 2019.
3. Consider first reading of an ordinance amending the code of ordinances of the city of Grinnell, Iowa by amending provisions pertaining to Solid Waste Control (See Ordinance No. 1465).
4. Consider first reading of an ordinance amending the code of ordinances of the city of Grinnell, Iowa by amending provisions pertaining to Collection of Solid Waste (See Ordinance No. 1466).

INQUIRIES:

ADJOURNMENT

RESOLUTION NO. 2019-25

RESOLUTION AWARDING THE CONTRACT FOR THE GRINNELL SKATE PARK PROJECT

WHEREAS, the following bid for the construction of certain improvements described in general as the "GRINNELL SKATE PARK PROJECT" is hereby accepted, the same being the lowest responsible bid for the said work and contingent about grant acceptance, as follows:

1) GRINNELL SKATE PARK PROJECT

CONTRACTOR: Spohn Ranch Inc.
6824 S Centinela Avenue
Los Angeles, CA 90230

AMOUNT OF BID: \$ 222,125 after deductions of \$72,000

PORTION OF PROJECT: All after deductions per letter

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Grinnell, Iowa, that the Mayor and City Clerk are hereby directed and authorized to execute a contract with the Contractor for the construction of the said airport improvements.

Passed and approved this 18th day of March 2019.

Dan F. Agnew, Mayor

ATTEST:

P. Kay Cmelik, City Clerk/Finance Director

**OFFICIAL
BID**

PROPOSAL

CENTRAL BUSINESS DISTRICT
2019 MAINTENANCE PROJECT
GRINNELL, IOWA

Name of Bidder Jasper Construction Services, Inc.

Address of Bidder 928 N. 19th Ave E., Newton, IA 50208

To: City Council
City of Grinnell
520 Fourth Avenue
Grinnell, Iowa 50112

The undersigned bidder submits herewith bid security amounting to five percent (5%) of the total amount of the bid which shall become the property of the City of Grinnell should the undersigned fail or refuse to execute a contract and to furnish bond as called for in the specifications within the time provided.

The undersigned bidder, having examined the Contract Documents, and having familiarized himself with the nature and location of the work to be done and the conditions under which the work will be performed, hereby proposes to provide the required labor, services and materials and to perform the work described in the specifications, and addenda __, __, __, __ and __, within the time and for the sum or sums stated hereinafter on attached proposal schedule, which proposal schedule is hereby made a part of this Proposal.

The undersigned bidder certifies that this proposal is made in good faith, without collusion or connection with any other person or persons bidding on the work.

The undersigned bidder states that this proposal is made in conformity with the specifications and agrees that in the event of any discrepancies or differences between any conditions of his proposal and the specifications prepared by VEENSTRA & KIMM, INC., that the provisions of the latter shall prevail.

Bidder Jasper Construction Services Inc.

By Steve Rhoads

Title V.P.

PROPOSAL SCHEDULE

CENTRAL BUSINESS DISTRICT 2019 MAINTENANCE PROJECT

1. Construct Central Business District 2019 Maintenance Project for the following unit and lump sum prices.

	<u>Description</u>	<u>Unit</u>	<u>Estimated Quantity</u>	<u>Unit Price</u>	<u>Extended Price</u>
1.1	Curb Repair	S.R. EA.	8	\$ <u>2000.00</u>	\$ <u>16,000.00</u>
1.2	Epoxy Patch at Intake	EA	2	<u>1000.00</u>	<u>2000.00</u>
1.3	Beam Repair on Jewel	EA	3	<u>750.00</u>	<u>2250.00</u>
1.4	Reset, Sand and Reseal Pavers (< 30 SF)	EA	7	<u>1000.00</u>	<u>7000.00</u>
1.5	Patch by Area (Walk or Street)	SY	150	<u>200.00</u>	<u>30,000.00</u>
1.6	Patch Count (Walk or Street)	EA	13	<u>400.00</u>	<u>5200.00</u>
1.7	Curb/Paver Band/Walk Repair	LF	130	<u>125.00</u>	<u>16,250.00</u>
1.8	Remove/Replace Light Pole	EA	3	<u>11,000.00</u>	<u>33,000.00</u>
1.9	Route and Reseal Crack	EA	9	<u>150.00</u>	<u>1350.00</u>
1.10	Reset, Sand and Reseal Pavers (> 30 LF)	LF	100	<u>60.00</u>	<u>6000.00</u>
1.11	Remove and Replace Manhole Boxout	EA	3	<u>1500.00</u>	<u>4500.00</u>
1.12	Remove and Replace Intake Lid and EA Boxout	EA	1	<u>4000.00</u>	<u>4000.00</u>

				<u>Proposal</u>	
<u>Description</u>	<u>Unit</u>	<u>Estimated Quantity</u>	<u>Unit Price</u>	<u>Extended Price</u>	
1.13 Mobilization	LS	1	\$ <u>15,000.00</u>	\$ <u>15,000.00</u>	
TOTAL BID (Items 1.1 - 1.13)			\$	<u>142,550.00</u>	

2. The work will commence within ten (10) days after date set forth in written Notice to Proceed and be completed no later than November 1, 2019.
3. Liquidated damages in the amount of Two Hundred Fifty Dollars (\$250.00) per consecutive calendar day will be assessed for each day that the work shall remain uncompleted after the end of the contract period, with due allowance for extensions of the contract period due to conditions beyond the control of the Contractor.
4. Required Attachment:
 - Bidder Status Form.

Bidder Status Form

To be completed by all bidders

Part A

Please answer "Yes" or "No" for each of the following:

- Yes No My company is authorized to transact business in Iowa.
(To help you determine if your company is authorized, please review the worksheet on the next page).
- Yes No My company has an office to transact business in Iowa.
- Yes No My company's office in Iowa is suitable for more than receiving mail, telephone calls, and e-mail.
- Yes No My company has been conducting business in Iowa for at least 3 years prior to the first request for bids on this project.
- Yes No My company is not a subsidiary of another business entity or my company is a subsidiary of another business entity that would qualify as a resident bidder in Iowa.

If you answered "Yes" for each question above, your company qualifies as a resident bidder. Please complete Parts B and D of this form.

If you answered "No" to one or more questions above, your company is a nonresident bidder. Please complete Parts C and D of this form.

To be completed by resident bidders

Part B

My company has maintained offices in Iowa during the past 3 years at the following addresses:

Dates: 01 / 01 / 1997 to 03 / 07 / 2019 Address: 928 N. 19th Ave E.

City, State, Zip: Newton, IA 50208

Dates: _____ / _____ / _____ to _____ / _____ / _____ Address: _____

City, State, Zip: _____

Dates: _____ / _____ / _____ to _____ / _____ / _____ Address: _____

You may attach additional sheet(s) if needed. City, State, Zip: _____

To be completed by non-resident bidders

Part C

1. Name of home state or foreign country reported to the Iowa Secretary of State:

2. Does your company's home state or foreign country offer preferences to resident bidders, resident labor force preferences or any other type of preference to bidders or laborers? Yes No

3. If you answered "Yes" to question 2, identify each preference offered by your company's home state or foreign country and the appropriate legal citation.

You may attach additional sheet(s) if needed.

To be completed by all bidders

Part D

I certify that the statements made on this document are true and complete to the best of my knowledge and I know that my failure to provide accurate and truthful information may be a reason to reject my bid.

Firm Name: Jasper Construction Services, Inc.

Signature: Steve Rhoads Date: Mar 7, 2019

You must submit the completed form to the governmental body requesting bids per 875 Iowa Administrative Code Chapter 156. This form has been approved by the Iowa Labor Commissioner.

BID BOND

KNOW ALL MEN BY THESE PRESENTS: That we,

Jasper Construction Services, Inc.

of Newton, IA as Principal and Merchants Bonding Company (Mutual)

of Des Moines, IA

as Surety, are held and firmly bound unto the City of Grinnell, Iowa, hereinafter defined as Obligee, in the penal sum of five percent (5%) of the total amount of the bid (\$ _____), for which payment said Principal and Surety bind themselves, their heirs, executors, administrators, successors, and assigns jointly and severally, firmly by these presents.

The condition of the above obligation is such that whereas the Principal has submitted to the City of Grinnell, Iowa, a certain bid, in a sealed envelope, and hereby made a part hereof to enter into a contract in writing, for: Central Business District 2019 Maintenance Project.

NOW THEREFORE, if the said bid by said Principal be accepted, and the Principal shall enter into a contract with the Obligee in accordance with the terms of such bid, and give such bond as may be specified in the contract documents with good and sufficient surety for the faithful performance of such contract, for the prompt payment of labor and material furnished in the prosecution thereof, and for the maintenance of said improvements as may be required therein, then this obligation shall become null and void or in the event of the failure of the Principal to enter such contract and give such bond, the Principal shall pay to the Obligee the full amount of the bid bond, together with court costs, attorney's fees, and any other expense of recovery.

Signed and sealed this 4th day of March, 2019.

Jasper Construction Services, Inc.

Principal

By

Steve Rhoads

Contractor's Signature

Merchants Bonding Company (Mutual)

Surety

By

Dione R. Young

Attorney-in-Fact

BB-1

288146

MERCHANTS
BONDING COMPANY™
POWER OF ATTORNEY

Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations of the State of Iowa (herein collectively called the "Companies") do hereby make, constitute and appoint, individually,

Anne Crowner; Brian M Deimerly; Cameron M Burt; Cindy Bennett; Craig E Hansen; Dana Wiebers; Dione R Young; Jay D Freiermuth; Kathleen Brewer; Kevin J Knutson; Michelle R Gruis; Seth D Rooker; Shirley S Bartenhagen; Stacy Venn; Sydney Burnett; Tim McCulloh; Wendy A Casey

their true and lawful Attorney(s)-in-Fact, to sign its name as surety(ies) and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

This Power-of-Attorney is granted and is signed and sealed by facsimile under and by authority of the following By-Laws adopted by the Board of Directors of Merchants Bonding Company (Mutual) on April 23, 2011 and amended August 14, 2015 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 16, 2015.

"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof."

"The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and authority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.

In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner-Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 21st day of December, 2018.

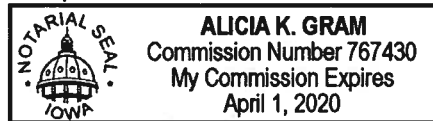


MERCHANTS BONDING COMPANY (MUTUAL)
MERCHANTS NATIONAL BONDING, INC.

By *Larry Taylor*
President

STATE OF IOWA
COUNTY OF DALLAS ss.

On this this 21st day of December 2018, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument are the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.



Alicia K. Gram
Notary Public

(Expiration of notary's commission does not invalidate this instrument)

I, William Warner, Jr., Secretary of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 4th day of March, 2019.



William Warner Jr.
Secretary

MOWING BID AWARDS FOR
Mowing season (April through November)

MILLER PARK	Mike Shutts	\$235 per time
PUBLIC SERVICES	Mike Shutts	\$120 per time
WATER PLANT & WATER TOWER	Brad's Mowing	\$ 34 per time
LIONS PARK/AQUATIC CTR	Hoffstetter	\$ 74 per time
CEMETERY	Sharpe Edge	\$2400 per time
THOMAZIN PARK	Sharpe Edge	\$ 45 per time

ORDINANCE NO. 1465

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRINNELL, IOWA, BY AMENDING PROVISIONS PERTAINING TO SOLID WASTE CONTROL

BE IT ENACTED by the City Council of the City of Grinnell, Iowa:

SECTION 1. CHAPTER MODIFIED. Chapter 105 of the Code of Ordinances of the City of Grinnell, Iowa, is repealed and the following adopted in lieu thereof:

105.01 CITY COLLECTION; PRIVATE COLLECTION PERMIT REQUIRED; CITIZEN HAULING OF MISCELLANEOUS ITEMS.

1. The collection of solid waste within the City is an essential public service; and to better ensure compliance with the waste management hierarchy established by Section 455B.301A of the Code of Iowa; and to discharge the duties of the City regarding the establishment of a comprehensive solid waste reduction plan as mandated in Sections 455B.302, 455B.306, 455B.307 of the Code of Iowa; and to regulate the unlawful discarding of solid waste pursuant to Section 455B.307A of the Code of Iowa; and to track the City's compliance with waste volume reduction goals as set out in Sections 455D.3 and 455D.4 of the Code of Iowa – it is necessary for the City to assume the overall responsibility for the collection of all solid waste generated within its corporate boundaries and to limit collection of said solid waste to the City, using City equipment and City employees, except as provided for in subsection 2 of this section.

2. No person shall collect, transport, or dispose of garbage, refuse or rubbish who does not possess a City permit issued by the City Manager. Permits will be issued only for roll-off container service if said service is not provided for directly by the City and only after the applicant furnishes evidence to the City Manager that safe, sanitary equipment will be used to collect, store, and transport garbage, refuse or rubbish. Commercial businesses that require the use of roll-off container service for solid waste collection may utilize the services of an entity that has been properly permitted by the City for roll-off container service only, as provided for in this section.

3. It is permissible for persons to haul their miscellaneous items in private vehicles to a sanitary disposal project without obtaining a permit.

4. All city-owned trash carts and containers, which are provided for use by rental in the Central Business District and/or other commercial or residential districts, are to be used only with the permission of the individual or business which is renting said cart or container. No person or business shall dispose of garbage, refuse, yard waste, or solid waste in any trash cart or container unless authorized by the person renting or owning the cart or container. Any person who disposes of garbage, refuse, yard waste, or solid waste in an unauthorized cart or container shall be in violation of this Code of Ordinances.

105.02 DEFINITIONS. As used in this chapter, the following words and terms have the meanings ascribed to them in this section:

1. “Brush” includes limbs removed from trees, fallen branches, entire trees, hedges.

2. “Cart” means a rust-resistant, watertight residential solid waste holder, with a handle and tight-fitting cover and a capacity of 35 gallons to 95 gallons.
3. “Central Business District” is the area from 5th Avenue to Commercial Street, between Main and Broad Streets comprised of mixed-use property.
4. “Commercial business” means any school, church, business, non-profit organization or governmental entity located within the City.
5. “Commercial collection” means a collection program sponsored and/or conducted by the City designed to collect solid waste and recyclables from commercial, mixed-use or multi-family properties and, in certain circumstances, residential structures.
6. “Commercial property” means any property containing only commercial businesses.
7. “Commercial recyclables” means recyclable materials including (but not limited to) metal, paper (including white office paper), magazines and newspapers, mixed paper and corrugated cardboard and plastic. Additional recyclables may be designated by Council resolution.
8. “Container” means a rigid, rust-resistant, watertight device for containing solid waste, fitted with a cover which shall be permanently attached to the device and kept in a closed position except when depositing or removing solid waste, and which is capable of being handled by mechanical means, and not exceeding six (6) cubic yards in capacity.
9. “Degradable” is as defined in Section 455B.301 of the Code of Iowa.
10. “Garbage” includes animal, fruit and vegetable matter and other byproducts resulting from the preparation of food and drink. All food wastes are considered garbage.
11. “Mixed-use property” means a property containing one or more residential dwelling units and one or more commercial businesses.
12. “Multi-family property” means a property consisting of one or more multi-family structures and which is located within the corporate limits of the City.
13. “Multi-family structure” means a building with more than five (5) residential dwelling units, which is not included in the City’s residential collection program and which is located within the corporate limits of the City.
14. “Multi-family unit” means any residential dwelling unit located in a multi-family structure which is located within the corporate limits of the City.
15. “Recyclable materials” means waste material that is capable of being recycled, as defined herein.
16. “Recycling” means any process by which waste or materials which otherwise become waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products. This does not include any form of energy recovery.

17. “Refuse” means the worthless or useless part of inorganic matter which, if allowed to accumulate, would not be pleasing to the sight and could be detrimental to the best interests of the community.
18. “Residential collection” means a collection program sponsored and/or conducted by the City designed for collection of solid waste from residential structures.
19. “Residential dwelling unit” means one or more rooms in a dwelling designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities, and which may or may not have its own water meter.
20. “Residential recyclables” means recyclable materials including (but not limited to) metal, paper, plastic, cardboard, and used motor oil that, at the sole discretion of the City, can be dropped off at the City’s public service department to be recycled.
21. “Residential structure” means a building with no more than five (5) residential dwelling units, and which is included in the City’s residential collection program, and which is located within the corporate limits of the City.
22. “Rubbish” means useless waste or rejected organic matter which is offensive to sight and smell, dangerous to public health, or detrimental to the best interest of the community, and includes small dead animals such as (but not limited to) cats, dogs or birds.
23. “Sanitary disposal project” is as defined in Iowa Administrative Code 567 – 101.3.
24. “Solid waste” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by Section 321.1 of the Code of Iowa. Solid waste does not include any of the following:

(Code of Iowa, Sec. 455B.301)

- A. Hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934.
- B. Hazardous waste as defined in Section 455B.411 of the Code of Iowa, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the State Environmental Protection Commission.
- C. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.
- D. Petroleum contaminated soil that has been remediated to acceptable State or federal standards.
- E. Steel slag which is a product resulting from the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material.

25. "Solid waste, collectable" means garbage, rubbish, and refuse, as defined in this section. Hypodermic needles, such as those used for medical injection, will be collected under the following conditions: Needles must be separated from the other solid waste and placed in an appropriately sealed container such as an empty coffee can, or plastic milk jug, and clearly labeled as to the contents. Solid waste which has other characteristics which require special handling will be handled on a case-by-case basis by the department supervisor.

26. "Solid waste, non-collectable" includes undrained garbage, refuse, and rubbish of a liquid or semi-liquid nature, and unwrapped or improperly placed solid waste.

27. "Tags" are stickers purchased for application to plastic trash bags for disposal of trash in the Central Business District, for extra trash in residential areas that won't fit in a cart, and bulky items and appliances. Other than in the Central Business District, all trash under 60 lbs. with tags, needs to be taken to the public services department for disposal. "Yard waste" includes grass clippings, leaves and garden waste only.

105.03 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be managed in accordance with Section 455D.9 of the Code of Iowa. Residents may bring yard waste and brush to a site designated by the City Manager. Charges for use of said facility shall be set by Council resolution.

105.04 COMPOST PILES. Compost piles are to be located in rear yards only, and shall either be located at least six (6) feet from any lot lines, or screened from view of neighboring lots. Compost piles shall not produce obnoxious odors or liquids frequently detectable on adjoining properties. Neither shall they be kept in a way that poses danger to public health. Kitchen scraps (except those specifically excluded herein) may be composted with yard wastes on an owner's premises, if they are completely covered with leaves, grass clippings or a layer of soil. Meat, poultry, fish, bones and quantities of animal fats shall not be disposed of in a compost pile.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the ___ day of _____, ____, and approved this ___ day of _____, ____.

Mayor

ATTEST:

City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the ___ day of _____, ____.

City Clerk

ORDINANCE NO. 1466

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRINNELL, IOWA, BY AMENDING PROVISIONS PERTAINING TO COLLECTION OF SOLID WASTE

BE IT ENACTED by the City Council of the City of Grinnell, Iowa:

SECTION 1. CHAPTER MODIFIED. Chapter 106 of the Code of Ordinances of the City of Grinnell, Iowa, is repealed and the following adopted in lieu thereof:

106.01 ADMINISTRATION. The administration of this chapter shall be by the City Manager or such employee as may be designated by the City Manager.

106.02 SOLID WASTE PREPARATION; CARTS AND CONTAINERS.

1. Weight. Plastic bags and contents for mixed-use properties in the Central Business District shall not exceed forty (40) pounds in weight.
2. Maintenance. Carts or containers must be maintained in good condition with no ragged or sharp edges or other defects which may impede or injure solid waste collectors. Defective carts or containers may be tagged for repairs or total replacement by solid waste collectors. If not repaired or replaced in fifteen (15) days, defective carts and containers may be collected as solid waste. Defective carts or containers will not be dumped until repairs or replacement has been made. Arrangements may be made with the department supervisor for the disposal of defective carts or containers. Such arrangements may carry an additional charge.
3. Number of Carts or Containers. It is the duty of the owner of commercial, mixed-use or multi-family property or a residential structure to make arrangements for proper carts or containers to handle the garbage and refuse on-site. Carts and containers must be sufficient in number to hold wastes accumulated between regular collections.
4. Preparation of Solid Waste.
 - A. Garbage, refuse and rubbish must be drained of free liquid and placed into the cart or container.
 - B. Used engine oil must be placed in a closed plastic jug with a secure cap, and may be dropped off at the public services department. Used oil is not accepted from commercial properties.
 - C. If a cart or container falls apart when lifted, the customer will be responsible for placing the solid waste in another cart or container.
5. Damage to Carts and Containers. The City will not be responsible for damage to carts or containers.

106.03 RESIDENTIAL COLLECTION.

1. Collection Points. Any collectable solid waste which is placed within a public right-of-way is considered intended for collection by the residential collection program and may be collected by City personnel under the terms and conditions of this chapter. All residential structures must use carts (except as provided for in subsections 3 and 4 of this section). All carts and trash bags (Central Business District only) set out for collection by the City shall be placed within zero feet to four feet of the curb or edge of the traveled portion of the roadway, adjacent to the property on which the waste was generated. All lids on the carts shall be completely closed. Authorization for other collection points may be arranged for handicapped or physically disabled persons as set out in Section 106.06(2) of this chapter. The City Manager may also approve special arrangements for the placement of carts, containers or bags for collection where such arrangements are beneficial to both the customer and the City. City collection personnel have the right to refuse to collect solid waste on any private property where dogs are loose, or other conditions exist which could be harmful to the collector. All residential solid waste will be collected by the City at least once each week.

2. Special Collections. Whenever any person requests the removal of solid waste by the City at a time other than the regularly scheduled collection day, or when solid waste is considered non-collectable, collectable by special arrangements, or is improperly placed for collection, an additional charge may be made. Special items such as (but not limited to) appliances, brush, batteries, and tires shall only be collected by special arrangement with the public service department.

3. Collection Option for Certain Residential Structures. Upon approval by the City Manager, residential structures with two to five residential dwelling units and a single water meter may elect to use containers rather than carts. In such cases, the City Manager must approve the location of said containers in order to ensure ready access to the containers by City collection personnel.

4. Mixed-use properties in the Central Business District will dispose of their solid waste in plastic garbage bags with an appropriately priced tag attached.

5. Residential Recyclables. Any residential customer that wishes to recycle acceptable items (plastic, paper, newspaper, metal, and used motor oil, etc.), may do so by taking them to the public service department and placing them in the appropriate containers labelled for recycling. No glass shall be placed in with these recyclables.

106.04 COMMERCIAL COLLECTION.

1. Commercial Property Service Option. All commercial properties shall be provided with solid waste collection service by the City based on the size and frequency of service that is selected by the commercial property owner or commercial business, and approved by the City Manager. Said collection service shall be selected so as to sufficiently provide for and ensure that all solid waste generated by the commercial business or commercial property can be properly and completely enclosed in carts or containers between regularly scheduled collections by the City. In no event shall solid waste collection service be provided to a commercial business or commercial property by the City less than one time per week.

2. Multi-Family Property Service Option. All multi-family properties shall be provided with solid waste collection service by the City based on the size and frequency of service that is selected by the multi-family property owners or tenants, and approved by the City Manager. Said collection service shall be selected so as to sufficiently provide for and ensure that all solid waste

generated by the multi-family property can be properly and completely enclosed in carts or containers between regularly scheduled collections by the City. In no event shall solid waste collection service be provided by the City less than one time per week.

3. Mixed-Use Property Service Option. All mixed-use properties shall be provided with solid waste collection service by the City based on the size and frequency of service that is selected by the multi-use property owners or tenants, and approved by the City Manager. Said collection service shall be selected so as to sufficiently provide for and ensure that all solid waste generated by the mixed-use property can be properly and completely enclosed in carts or containers between regularly scheduled collections by the City. In no event shall solid waste collection service be provided by the City less than one time per week. Customers in the Central Business District will be required to use plastic trash bags with the appropriately priced tag attached unless a container is provided.

4. Cart/Container Options.

A. Commercial Property. Commercial businesses and commercial properties, in general, are required to use containers provided by the City. Upon the approval of the City Manager, small commercial businesses, as defined by resolution of the Council, may elect to use carts. Under certain circumstances, and with prior approval from the City Manager, commercial businesses and/or commercial properties may elect to share containers.

B. Multi-Family Property. Multi-family properties are required to use containers provided by the City. Under certain circumstances, and with prior approval from the City Manager, multi-family properties may elect to share containers.

C. Mixed-Use Property. Mixed-use properties, in general, are required to use containers provided by the City. However, upon the approval of the City Manager, mixed-use properties containing only small commercial businesses, as defined by resolution of the Council, and only containing up to five (5) residential dwelling units, may elect to use carts, except in the Central Business District where plastic trash bags will be used with the appropriately priced tag. Under certain circumstances, and with prior approval from the City Manager, mixed-use properties may elect to share containers.

5. Collection Points. Any solid waste or collectable solid waste which is placed in a container or cart, or any commercial recyclables placed in a device intended for their storage and subsequent collection by the City, shall be considered intended for collection by the commercial collection program and may be collected by City personnel under the terms and conditions of this chapter. City collection personnel have the right to refuse to collect solid waste on any private property where dogs are loose, or other conditions exist which could be harmful to the collector.

A. Commercial Property. Containers shall be located at the side or rear of a building in such a manner as to provide free and clear access to City collection personnel. Small commercial businesses, as defined by resolution of the Council, may, with prior approval from the City Manager, place carts or plastic trash bags (Central Business District only) in front of a building, but only after 7:00 p.m. on the day prior to the regularly scheduled collection day. The exact placement in front of a building for said carts or plastic trash bags for small commercial businesses shall be approved by the City Manager and shall be placed in such a manner as to provide free and clear access to City collection personnel.

B. Multi-Family Property. Containers shall be located at the side or rear of a building in such a manner as to provide free and clear access to City collection personnel.

C. Mixed-Use Property. Containers shall be located at the side or rear of a building in such a manner as to provide free and clear access to City collection personnel. However, upon the approval of the City Manager, mixed-use properties containing only small commercial businesses, as defined by resolution of the Council, and only containing up to five (5) residential dwelling units, and who use carts rather than containers may place carts or plastic trash bags (Central Business District only) in front of a building, but only after 7:00 p.m. on the day prior to the regularly scheduled collection day. The exact placement in front of a building shall be approved by the City Manager and shall be placed in such a manner as to provide free and clear access to City collection personnel.

D. All containers shall be placed on a hard surfaced area that is designed to support the weight of the container and its contents. The area that is used to roll the container to the collection vehicle shall also be hard surfaced and free of any holes or cracks that would keep the container from rolling freely.

E. All containment areas shall have a minimum clearance of three feet around each container to allow collection personnel access to empty containers without injury. Containment areas with gates shall have a means to latch or hold gates in the open position while collection personnel are accessing containers.

F. It is the responsibility of all commercial customers to remove snow and ice from and around containers or carts.

6. Special Collections. Whenever any person requests the removal of solid waste at a time other than the regularly scheduled collection day, or when solid waste is considered non-collectable, collectable by special arrangements, or is improperly placed for collection, an additional charge may be made.

7. Duty to Report. Whenever a commercial property, multi-family property or mixed-use property has more than one commercial business and/or more than one residential dwelling unit, and has a single water meter, it is the duty of the owner of said property to report to the City Manager the number of units contained within the property and any changes in the number of units on a quarterly basis.

8. Commercial Recyclables. The City shall provide commercial recycling collection service on a weekly basis to all commercial properties, multi-family properties, and mixed-use properties. The cost for said service shall be included in the City's established rate structure for commercial solid waste service. All commercial properties, multi-family properties, and mixed-use properties shall be required to establish effective programs to collect for recycling by the City, at a minimum, two categories of commercial recyclables. Commercial recyclables shall be placed in specially designated and clearly marked containers provided by the City for that purpose. All recycling containers, 2 yds and larger, must be placed out for collection at the specified location in the Central Business District, unless an alternate location has been approved in advance by the City Manager.

1. Residential Collection. Residential collection begins at 7:00 a.m. each morning, Monday through Friday. Collections take place on a specified route each day. Each resident owner or tenant of a residential dwelling unit has been notified or will be notified as to the day of the week on which said solid waste is to be collected. No owner or tenant or other person responsible for the residential structure shall place any solid waste carts at the curb more than twenty-four (24) hours outside of the scheduled collection day, or leave any cart at the curb more than twenty-four (24) hours following the scheduled collection day. If solid waste carts are placed at the curb outside of the time specified in this section, the City may, in addition to any civil penalties, collect such solid waste and charge the owner, tenant or other person responsible for the residential structure for a special collection at the rate established by resolution of the Council. If solid waste placed at the curb is scattered about by animals, other activity or weather, the owner, tenant or other person responsible for the residential structure which generated the solid waste shall be responsible for the proper cleanup of the area. If such cleanup is not completed within twenty-four (24) hours of the regular collection day, the City may file a civil penalty against the tenant, owner or other person responsible for the residential structure and may charge the tenant, owner or other person responsible for the residential structure for a special collection at the rate set by resolution of the Council.

2. Commercial Collection. Commercial collection shall begin at a time to be determined in the sole discretion of the City, each day Monday through Friday. Collections take place on a specified route each day. Each commercial, mixed-use and multi-family property has been notified or will be notified as to the day or days of the week on which solid waste is to be collected. No owner or tenant or other person responsible for a commercial or mixed-use property which has been authorized by the City Manager to place disposable carts in front of a building for collection shall leave any cart in front of the building beyond midnight of the scheduled collection day. If disposable carts or solid waste are placed at the front of the building outside of the time specified in this section, the City may, in addition to any civil penalties, collect such carts or solid waste and charge the owner, tenant or other person responsible for the commercial or mixed-use property for a special collection at the rate set by resolution of the Council. If solid waste which is placed at the front of a building are scattered about by animals, other activity or weather, the owner, tenant or other person responsible for the commercial or mixed-use property which generated the solid waste shall be responsible for the proper cleanup of the area. If such cleanup is not completed within twenty-four (24) hours of the regular collection day, the City may file a civil penalty against the tenant, owner or other person responsible for the commercial or mixed-use property and may charge the tenant, owner or other person responsible for the commercial or mixed-use property for a special collection at the rate set by resolution of the Council.

106.06 FEES AND CHARGES – RESIDENTIAL COLLECTION. There shall be rates and fees established and collected by the City for its residential collection service as follows:

(Code of Iowa, Sec. 384.84)

1. Base Fee. For each residential structure, a base monthly fee for each residential dwelling unit shall be established by resolution of the Council for one solid waste collection each week. This fee will be charged directly to each residential dwelling unit within residential structures in the City in cases where each residential dwelling unit has its own water meter. For residential structures containing a single water meter, the base monthly fee shall be multiplied by the number of residential dwelling units in the residential structure and the resultant total shall be added to the water bill for the residential structure as a separate charge for residential collection service.

A. Any collectable solid waste which will fit into the cart shall be placed into such cart. The lid on the cart shall be completely closed and nothing shall stick out of the cart. However, it is recognized that there will be collectable solid waste which will not fit into a cart. A solid waste sticker may be purchased and attached to the item and it can be taken to the public service department for disposal. It is anticipated that solid waste stickers will be attached to solid waste such as end tables, other furniture and similar items that fit the definition of collectable solid waste, but are too bulky to fit into the carts and weight up to sixty (60) pounds. The office of the Clerk or the public service department must be notified within twenty-four (24) hours prior to the regular collection day that the item will be placed at the curb for collection on the regular collection day. .

B. The charge for a solid waste sticker shall be established by resolution of the Council, plus tax as may be applicable. Solid waste stickers may be purchased at the office of the Clerk or at other locations throughout the community.

C. In addition to the solid waste stickers, special stickers will be available for purchase at the office of the Clerk or at other locations throughout the community. The special stickers will be sold individually. The charge for a special sticker shall be established by resolution of the Council, plus tax as may be applicable. The special stickers are intended to be attached to each individual collectable solid waste item which weighs more than sixty (60) pounds. In addition to attaching the special sticker to the item to be collected, the office of the Clerk or the public service department must be notified within twenty-four (24) hours prior to the regular collection day that the item will be placed at the curb for collection on the regular collection day. By way of illustration (and not of limitation), items requiring a special sticker may be microwave ovens, dehumidifiers, washing machines, dryers, water heaters, dish washers, large pieces of furniture, or similar materials.

D. In the event that there are large quantities of collectable solid waste to be picked up at a single location, arrangements may be made for a special collection. Special collections may be arranged by contacting the office of the Clerk or the public services department. The rates for special collections shall be established by resolution of the Council.

E. Collectable solid waste which is not placed into carts, does not have a solid waste sticker or special sticker attached or for which special collection arrangements have not been made, will be treated as solid waste set out in violation of this chapter and will be subject to special collection charges and civil penalties.

2. Additional Fees for People with Disabilities. Handicapped or physically disabled individuals, with an appropriate signed application on file at the Clerk's office, may have solid waste carts taken to the curb under a fee schedule to be determined by resolution of the Council.

3. Vacancies. Fees, in full, shall be charged to residential dwelling units which receive service during a calendar month, regardless of the number of collections made during said month. For those residential dwelling units that are subject to a base monthly fee in accordance with subsection 1 of this section, the base monthly fee may be credited back to the owner of the residential dwelling unit if said owner provides documentation to the Clerk's office showing that said residential dwelling unit has been vacant for a minimum of three consecutive full calendar months prior to the application for a credit refund.

106.07 FEES AND CHARGES – COMMERCIAL COLLECTION. There shall be rates and fees established and collected by the City for its commercial collection service as follows:

(Code of Iowa, Sec. 384.84)

1. General. The rates and fees for commercial collection service shall be established by resolution of the Council in a manner that provides for different rates and fees depending on the size and frequency of service selected. Generally, each commercial business, commercial property, multi-family property, and mixed-use property shall pay the appropriate monthly fee for commercial collection service based on the size and frequency of service selected by said entity. Each commercial business, commercial property, multi-family property, and mixed-use property may request a change in commercial collection service levels selected no more often than once every month to coincide with the City's monthly billing process. Any requests for changes in service levels must be filed with the office of the Clerk no later than 10 days prior to the beginning of the month the service change will become effective.

2. Special Rates.

A. Mixed-Use and Multi-Family Properties. For each mixed-use or multi-family property that has been authorized by the City to use carts, a base monthly fee for each unit within the mixed-use or multi-family property shall be established by resolution of the Council, for one collection of solid waste each week each week. The purpose of this fee is to help offset the cost of commercial collection service. This fee will be charged directly to each unit within mixed-use or multi-family properties in the City in cases where each unit has its own water meter. For mixed-use or multi-family properties containing a single water meter, the base monthly fee shall be multiplied by the number of units in the mixed-use or multi-family property and the resultant total shall be added to the water bill for the mixed-use or multi-family property as a separate charge for commercial collection service. In addition, each mixed-use or multi-family property that has been authorized by the City to use carts shall be subject to all additional requirements and fees regarding the use of carts, solid waste stickers and special stickers, as set forth in Section 106.06(1) of this chapter, except that in no circumstance shall reusable carts be placed out for collection in front of a building in violation of Section 106.04(5) this chapter.

B. Small Commercial Businesses. For each small commercial business, as defined by resolution of the Council, that has been authorized by the City to use carts as provided for in Section 106.04(4) of this chapter, a base monthly fee for each small commercial business shall be established by resolution of the Council, for one collection of solid waste each week. The purpose of this fee is to help offset the cost of commercial collection services. This fee will be charged directly to each small commercial business that uses carts, in cases where the small commercial business has its own water meter. For properties containing a single water meter, the base monthly fee shall be multiplied by the number of small commercial businesses in the property and the resultant total shall be added to the water bill for the property as a separate charge for commercial collection service. In addition, each small commercial business that has been authorized by the City to use carts shall be subject to all additional requirements and fees regarding the use of carts, solid waste stickers and special stickers, as set forth in Section 106.06(1) of this chapter, except that in no circumstance shall reusable carts be placed out for collection in front of a building in violation of Section 106.04(5) this chapter.

C. Shared Containers. For commercial businesses, commercial properties, multi-family properties, mixed-use properties, or any combination thereof, that have been authorized by the City to share containers as provided for in Section 106.04(4) of this chapter, the entities electing to share containers (“participating entities”) shall determine the size and frequency of service and designate one participating entity to be responsible for notifying the Clerk’s office of the same, and for making payment of all fees and charges owed to the City related to commercial collection service selected by the participating entities (“responsible party”). The Clerk’s office must be notified of the name and billing address of the responsible party at least 15 days prior to the commencement of shared container service. It shall be the duty of the responsible party to notify the City of any requests for changes to the size and frequency of service in accordance with subsection 1 of this section. Furthermore, it shall be the responsibility of the participating entities to determine the apportionment of costs for the selected commercial collection service among the participating entities.

3. Vacancies. Fees, in full, shall be charged to each commercial property, multi-family property, and mixed-use property which receives service during a calendar month, regardless of the number of vacant units in said property during the month. For those mixed-use properties that have a single water meter and have been authorized by the City to use carts, the base monthly fee per unit as established in paragraph 2(A) of this section may be credited back to the owner of the mixed-use property for each vacant unit based on the number of vacant units, provided that the owner of said unit must provide documentation to the Clerk’s office showing that said unit has been vacant for a minimum of three consecutive full calendar months prior to the application for a credit refund.

106.08 PAYMENT OF BILLS. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.07 relating to lien notices shall also apply in the event of a delinquent account.

106.09 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the ___ day of _____, ____, and approved this ___ day of _____, ____.

Mayor

ATTEST:

City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the ____ day of _____, _____.

City Clerk