

ORDINANCE NO. 6438

AN ORDINANCE TO AMEND TITLE 4-HEALTH AND SANITATION, CHAPTER 4.12 SOLID WASTE CONNECTION AND DISPOSAL, SECTION 4.12.110 "COLLECTION FEES - RESIDENTIAL" OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

SECTION 1. That Title 4-Health and Sanitation of the 2020 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Chapter 4.12 – Solid Waste Connection and Disposal, Section 4.12.110 "Collection Fees - Residential" to read as follows:

4.12.110 Collection Fees – Residential

- A. The standard residential collection and disposal fee shall be as provided in the prevailing schedule of fees, shall be billed as set out in the schedule of fees, shall not be transferable to another property, and shall not be refundable unless the account is terminated.
- B. A special residential collection and disposal fee is established at one-half the standard residential collection and disposal fee created by paragraph A of this section. The special residential collection and disposal fee shall be payable annually in advance. Failure to timely pay the special fee as provided in this paragraph shall forfeit eligibility for the special fee, and shall reinstate the standard fee established in paragraph A of this section. A family unit or owner-occupant of residential premises may be eligible for the special fee if the applicant:
 - 1. Has an annual combined gross household income which does not exceed the U.S. Department of Health and Human Services poverty guidelines for a two person household;
 - 2. Has timely filed an application with the city of Council Bluffs, Iowa, reciting such facts and requesting the benefits of this provision;
 - 3. Has waived any right to confidentiality relating to the information referenced in such application and authorizes or executes a limited power of attorney to the city of Council Bluffs, Iowa, to verify such information from the records of the Iowa Department of Revenue and/or Pottawattamie County social services department;
 - 4. Has received notification by the city that such application has been approved by the administrative authority;
 - 5. Submits payment of the annual fee on or before the first day of December following the July billing, effective with the July, 2008 billing; and
 - 6. Entitlement to the special fee shall be on an annual basis coinciding with the city's fiscal year commencing July 1st of each calendar year through June 30th of the subsequent calendar year. Application for the fiscal year special fee entitlement must be received by the city on or before June 1st of the preceding fiscal year in order to be considered for approval. The form of application shall be approved by the mayor, and such forms shall be made available in city hall. This special fee shall be transferable and refundable.
- C. The administrative authority is authorized to make, and from time to time amend as the need arises, such rules not inconsistent with the provisions of this chapter as may be reasonable, necessary and proper

to permit the equitable application of the collection fees in all circumstances. The administrative authority shall have the authority to make such adjustments to fees as are necessary and equitable.

(Ord. 6001 § 5, 2008)

(Ord. No. 6352, § 1, 10-22-2018)

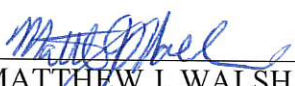
SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

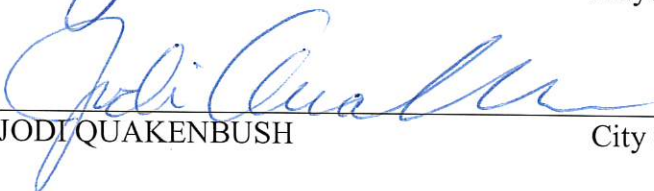
PASSED
AND
APPROVED

January 25, 2021.


MATTHEW J. WALSH

Mayor

Attest:


JODIQUAKENBUSH

City Clerk

First Consideration: 1-11-21

Second Consideration: 1-25-21

Public Hearing: 1-25-21

Third Consideration: Waived

Council Communication

Department: City Clerk

Case/Project No.:

Submitted by: Legal Department for Matt Cox,
Public Works

Ordinance 6438

ITEM 4.C.

Council Action: 1/25/2021

Description

Ordinance to amend Title 4-Health and Sanitation, Chapter 4.12-Solid Waste Collection and Disposal, Section 4.12.110 "Collection Fees - Residential" of the 2020 Municipal Code.

Background/Discussion

A revenue sufficiency analysis of the Solid Waste Enterprise account was performed by SCS Engineers. The study recommended an increase in the solid waste collection and disposal fees for approximately 19,600 single-family households receiving service. The previous rate adjustment (\$2.00 increase) occurred in 2014. It is not sustainable to continue with the same level of service, while maintaining adequate capital reserves, without the proposed change in rates.

A rate schedule for 4th Qtr. – FY2021 through FY2026 was developed to satisfy operating and capital requirements, and to minimize large cost increases to customers in the future.

The initial increase will be from \$18.00 per month to \$20.00 per month effective April 1, 2021. Subsequent adjustments will be an FY2024 increase to \$21.00 per month and an FY2026 increase to \$22.00 per month.

The minimum income level for discounted rates was updated to reference a U.S. Department of Health & Human Services poverty level rather than listing a specific dollar amount. Based on that guideline, the limit for 2021 will be \$17,240.

Recommendation

Approval of this Ordinance.

ATTACHMENTS:

Description

Redline version of change

Ordinance 6438

Type

Other

Ordinance

Upload Date

12/30/2020

1/5/2021

4.12.110 Collection Fees - Residential

A. The standard residential collection and disposal fee shall be as provided in the prevailing schedule of fees, shall be billed as set out in the schedule of fees, shall not be transferable to another property, and shall not be refundable unless the account is terminated.

B. A special residential collection and disposal fee is established at one-half the standard residential collection and disposal fee created by paragraph A of this section. The special residential collection and disposal fee shall be payable annually in advance. Failure to timely pay the special fee as provided in this paragraph shall forfeit eligibility for the special fee, and shall reinstate the standard fee established in paragraph A of this section. A family unit or owner-occupant of residential premises may be eligible for the special fee if the applicant:

1. Has an annual combined gross household income which does not exceed the U.S. Department of Health and Human Services poverty guidelines for a two person household;
2. Has timely filed an application with the city of Council Bluffs, Iowa, reciting such facts and requesting the benefits of this provision;
3. Has waived any right to confidentiality relating to the information referenced in such application and authorizes or executes a limited power of attorney to the city of Council Bluffs, Iowa, to verify such information from the records of the Iowa Department of Revenue and/or Pottawattamie County social services department;
4. Has received notification by the city that such application has been approved by the administrative authority;
5. Submits payment of the annual fee on or before the first day of December following the July billing, effective with the July, 2008 billing; and
6. Entitlement to the special fee shall be on an annual basis coinciding with the city's fiscal year commencing July 1st of each calendar year through June 30th of the subsequent calendar year. Application for the fiscal year special fee entitlement must be received by the city on or before June 1st of the preceding fiscal year in order to be considered for approval. The form of application shall be approved by the mayor, and such forms shall be made available in city hall. This special fee shall be transferable and refundable.

C. The administrative authority is authorized to make, and from time to time amend as the need arises, such rules not inconsistent with the provisions of this chapter as may be reasonable, necessary and proper to permit the equitable application of the collection fees in all circumstances. The administrative authority shall have the authority to make such adjustments to fees as are necessary and equitable.

Deleted: fifteen thousand two hundred dollars (\$15,200.00)

Deleted: annually

Proof Of Publication

State of Iowa

Pottawattamie County

NOTICE OF PUBLIC HEARING ON INTENT TO DISPOSE OF CITY PROPERTY

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on approving an amendment to Title 4-Health and Sanitation of the 2020 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Chapter 4.12 - Solid Waste Connection and Disposal, Section 4.12.110 "Collection Fees - Residential".

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 25th day of January 2021, in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

Jodi Quakenbush City Clerk
2021(1)17-1 Sunday

I, Tom Schmitt, on my oath do solemnly that I am Publisher of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 17th day of January, 2021.

Signed in my presence by the said Tom Schmitt and by her sworn to before me this 17th day of January, A.D. 2021.

NOTICE OF PUBLIC HEARING ON INTENT TO DISPOSE OF CITY PROPERTY

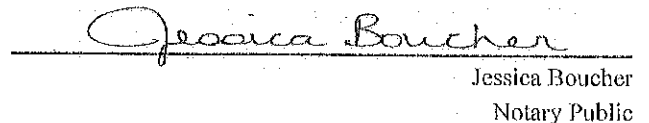
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Jodi Quakenbush City Clerk
2021(1)17-1 Sunday


Tom Schmitt
Daily Nonpareil Publisher


Jessica Boucher
Notary Public

Filed this 17th day of January, A.D. 2021.

Publication Cost: \$15.60



Customer Number: 1003258
Order Number: 0000204419

Proof Of Publication

State of Iowa

Pottawattamie County

ORDINANCE NO. 6438

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3. Has waived any right to confidentiality relating to the information referenced in such application and authorizes or executes a limited power of attorney to the city of Council Bluffs, Iowa, to verify such information from the records of the Iowa Department of Revenue and/or Pottawattamie County social services department;

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(Ord. 6001 § 5, 2008)

(Ord. No. 6352, § 1, 10-22-2018)

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

I, Tom Schmitt, on my oath do solemnly that I am Publisher of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 03rd day of February, 2021.

Signed in my presence by the said Tom Schmitt and by her sworn to before me this 3rd day of February, A.D. 2021.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND
APPROVED
January 25, 2021.

MATTHEW J. WALSH Mayor

Attest:
JODI QUAKENBUSH City Clerk

First Consideration: 1-11-21
Second Consideration: 1-25-21
Public Hearing: 1-25-21
Third Consideration: Waived
2021(2)3-1 Wednesday



Tom Schmitt
Daily Nonpareil Publisher



Jessica Boucher
Notary Public

Filed this 3rd day of February, A.D. 2021.

Publication Cost: \$66.41



JESSICA BOUCHER
Commission Number 826480
MY COMMISSION EXPIRES
SEPTEMBER 8, 2023

Customer Number: 1003258
Order Number: 0000208330