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**FINANCE & RECORDS**

## Memo

To: Gregg Mandsager, City Administrator

From: Nancy A. Lueck, Finance Director

Date: June 18, 2018

Re: Ordinance to Approve Residential Refuse Collection Rates Effective July 1, 2018 and to Amend Title 13, Chapter 3, Section 11 to Provide that Future Refuse Collection Rate Changes be done by Ordinance

### **Introduction and Background:**

Title 13, Chapter 3, Section 11 of the Muscatine City Code currently provides for the establishment of Refuse Collection Rates with the fees therefore to be set by Resolution of the City Council. The recently adopted City Budget for Fiscal Year 2018/2019 includes an increase in the monthly rates for residential refuse collection services from the current \$20.00 per month for regular residential customers to \$20.50 and for senior customers (65 years of age and over) from \$15.00 per month to \$15.50. The City Council approved the resolution with this rate increase at the April 19, 2018 meeting.

In prior years the City of Muscatine set refuse rates by resolution. Based on recent court cases and out of an abundance of caution, the City Attorney has now advised that utility rate changes be adopted by ordinance instead of resolution. The attached ordinance provides that rate changes be done by ordinance going forward and also sets the refuse collection rates effective July 1, 2018.

### **Recommendation:**

Please include the attached ordinance on the agenda for the June 21, 2018 meeting. It is proposed that the first reading of the ordinance be considered at that meeting and that City Council consider adopting the ordinance on 2<sup>nd</sup> and final reading at the July 5, 2018 meeting. Please contact the City Administrator or me if you have any questions.

ORDINANCE NO. \_\_\_\_\_

**ORDINANCE ESTABLISHING REFUSE COLLECTION MONTHLY FEES  
FOR CLASS I AND CLASS III DOMESTIC WASTE EFFECTIVE JULY 1, 2018  
AND TO PROVIDE THAT FUTURE RATE CHANGES  
BE DONE BY ORDINANCE OF CITY COUNCIL**

**WHEREAS**, the current City Code of the City of Muscatine, Iowa, Title 13, Chapter 3, Section 11, provides for the establishment of Refuse Collection Rates with the fee therefore to be set by Resolution of the City Council; and

**WHEREAS**, the City Code for the City of Muscatine, Iowa, provides for collection of fees related to Class I and Class III Domestic Waste; and provides for establishing fees for Class II Domestic and Commercial Accounts; and

**WHEREAS**, the City Budget for Fiscal Year 2018/2019 includes an increase in the monthly rates for residential refuse collection services; and

**WHEREAS**, based on recent court cases and out of an abundance of caution, the City Attorney has advised that utility rate changes be adopted by ordinance;

**NOW, THEREFORE, BE IT ORDAINED** that the Garbage and Recycling fee schedule in Appendix C to the City Code for fees and charges approved by Resolution be deleted with these fees to be set by Ordinance.

**AND BE IT FURTHER ORDAINED**, that Title 13, Chapter 3, Section 11 is hereby amended as follows:

**13-3-11 Collection Fees.** The City Council shall establish by ordinance monthly collection fees for Class I and III domestic waste and establish the guidelines for collection fees for Class II domestic and commercial accounts. The following refuse collection rates are hereby established effective July 1, 2018:

- (A) **Class I and III.** Twenty dollars and fifty cents (\$20.50) per month for each single-family dwelling, except persons sixty-five (65) years of age and over shall be charged fifteen dollars and fifty cents (\$15.50) per month for each single-family dwelling. However, yard waste fees shall be charged on a per bag basis.
- (B) **Class I and III.** Twenty dollars and fifty cents (\$20.50) per month for each dwelling unit or apartment unit in a multi-family dwelling or apartment building with up to five (5) units, except persons sixty-five (65) years of age and over shall be charged fifteen dollars and fifty cents (\$15.50) per month for each dwelling unit or apartment in a multi-family dwelling or apartment building with up to five (5) units. However, yard waste fees shall be charged on a per bag basis.

The City Council hereby delegates the billing of all refuse collection charges to the Board of Water, Electric, and Communications Trustees, except those customers without a utility account with the Board of Water, Electric, and Communications Trustees. The authority to accept payment of the same is also delegated to the Board of Water, Electric, and Communications Trustees of the City of Muscatine, Iowa.

As part of the duties delegated to the Board of Trustees, an accurate and complete record of such collections will be maintained and at least once each week, all funds so collected shall be deposited in a bank or banks specified by the Finance Director in the Refuse Collection Fund. The City Council authorizes that the Board of Trustees shall charge to the City a service charge for the cost of billing and

collecting the refuse collection charges. As a part of the duties delegated to the Board of Trustees, an accurate and complete list of delinquent accounts shall be sent to the Finance Director on at least a monthly basis, in addition to regular monthly refuse collection revenue reports.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Diana Broderson, Mayor

**Attest:**

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Gregg Mandsager, City Clerk