

**OFFICIAL PROCEEDINGS  
CITY OF COLUMBIA HEIGHTS  
CITY COUNCIL MEETING  
FEBRUARY 12, 2018**

The following are the minutes for the regular meeting of the City Council held at 7:00 PM on Monday February 12, 2018 the City Council Chambers, City Hall, 590 40th Ave. N.E., Columbia Heights, Minnesota

**1. CALL TO ORDER/ROLL CALL**

Mayor Schmitt called the meeting to order at 7:01 p.m.

Present: Mayor Schmitt, Councilmember Williams, Councilmember Buesgens, Councilmember Murzyn, Jr. and Councilmember Novitsky

Also Present: Kelli Bourgeois; Human Resources Director/Assistant to the City Manager, Jim Hoeft; City Attorney, Kevin Hansen; Public Works Director, Elizabeth Holmbeck; City Planner and Katie Bruno; City Clerk/Council Secretary

**2. INVOCATION**

Invocation provided by Rachel James, First Lutheran

**3. PLEDGE OF ALLEGIANCE**

**4. MISSION STATEMENT**, Read by Mayor Schmitt.

Our mission is to provide the highest quality public services. Services will be provided in a fair, respectful and professional manner that effectively address changing citizen and community needs in a fiscally-responsible and customer friendly manner.

**5. APPROVAL OF AGENDA**

Mayor Schmitt announced Item 7G is being removed from the agenda.

*Motion by Councilmember Buesgens, seconded by Councilmember Williams to approve the agenda as amended. All Ayes, Motion Carried.*

**6. PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS**

**A. Presentation from SACA**

Dave Rudolph, the Manager of SACA reported the Fire and Ice Plunge was held on January 27<sup>th</sup>, and was a great success. Funds raised will provide approximately 150,000 pounds of food. Gratitude was expressed to the Columbia Heights Public Works Department, Police Department and Fire Department. Other sponsors included Northeast Bank and Dominion. Certificates of appreciation were presented to the City Council, Public Works, and Councilmember Novitsky. Prize money was awarded to the Columbia Heights Baseball Team, and the Bethel University Frisbee team.

**7. CONSENT AGENDA**

(These items are considered to be routine by the City Council and will be enacted as part of the Consent Agenda by one motion. Items removed from consent agenda approval will be taken up as the next order of business.)

**A. Approve Minutes of the City Council**

MOTION: Move to approve the minutes of the City Council meeting of January 8, 2018

MOTION: Move to approve the minutes of the City Council work session of January 8, 2018

MOTION: Move to approve the minutes of the City Council work session of February 5, 2018

MOTION: Move to approve the minutes of the Public Improvement Hearings of February 5, 2018

**B. Accept Board and Commission Meeting Minutes**

MOTION: Move to accept the Library Board minutes from December 6, 2017

MOTION: Move to accept the Library Board minutes from January 10, 2018

MOTION: Move to accept the Charter Commission minutes from October 27, 2017

MOTION: Move to accept the EDA commission minutes from December 4, 2017

**C. SECOND Reading of Ordinance No. 1645 – Pertaining to the Planning & Zoning Commission**

MOTION: Waive the reading of Ordinance No. 1645, there being ample copies available to the public.

MOTION: Move to approve Ordinance No. 1645, being an ordinance establishing certain changes to the operational bylaws of the Planning and Zoning Commission

**D. Adopt a Change in Wage Ranges For Seasonal Recreation Staff Effective January 1, 2018 due to a Statewide Increase to The Minimum Wage from \$9.50 to \$9.65 Per Hour.**

MOTION: Move to waive the reading of Resolution 2018-08, there being ample copies available to the public.

MOTION: Move to adopt Resolution 2018-08, adopting changes in wage ranges and establishing wages for seasonal recreation employees effective January 1, 2018.

**E. 2017 Ford Pickup Capital Equipment Purchase**

MOTION: Move to authorize the purchase of one new 2018 Ford F150 4x2 Super Cab pickup truck off the State of Minnesota purchasing contract from Midway Ford of Roseville, Minnesota in the amount of \$25,914 plus sales tax. Funding shall come from the Engineering Capital Equipment Fund 431-43100-5150.

**F. Total Station Surveying Equipment Purchase**

MOTION: Move to authorize the purchase of one new S7 Robotic Total Station from Frontier Precision, Inc. of Maple Grove, Minnesota in the amount of \$32,049.10. Funding shall come from the Engineering Fund 101-43100-5180, State Aid Maintenance Fund 212-43190-5180, and Infrastructure Fund 430-46323-5180.

**G. Accept Quotes & award contract Columbia Heights Library Sign Foundation Construction\*Removed**

**H. Resolution 2018-11 Approving Plans and Specifications and ordering Advertisement For Bids for Seal Coat Improvements**

MOTION: Move to waive the reading of Resolution 2018-11, there being ample copies available to the public.

MOTION: Move to adopt Resolution 2018-11 approving Plans and Specifications and ordering Advertisement for Bids for Seal Coat Improvements, City Project 1701.

**I. Approve Business License Applications**

MOTION: Move to approve the items as listed on the business license agenda for February 12, 2018.

**J. Review of Bills**

**MOTION:** Move that in accordance with Minnesota Statute 412.271, subd. 8 the City Council has reviewed the enclosed list of claims paid by check and by electronic funds transfer in the amount of \$4,375,161.06.

*Motion by Councilmember Buesgens, seconded by Councilmember Williams to approve the Consent Agenda items as presented. All Ayes, Motion carried.*

## **8. PUBLIC HEARINGS**

### **PUBLIC HEARINGS**

#### **A. First Reading of Ordinance 1643 Amending Chapter 2, Section 7 pertaining to Elective Offices**

City Clerk Katie Bruno reported the Charter Commission has discussed changing the term of the Mayor from two years to four years, at both their July and October meetings. The Charter commission voted to recommend the change.

Councilmember Buesgens stated she sees the costs associated with running for election, the fact that there is a learning curve for a newly elected mayor, and name recognition as justification for a four year term.

Councilmember Murzyn, Jr. commented that this item was a question on the ballot 10-15 years ago, and at that time it was voted down. Murzyn suggested the decision be made by the residents.

Councilmember Novitsky reported he didn't spend a lot of money during his campaign. Novitsky and Williams agreed that the item should be on the ballot for voters to decide. City Attorney Jim Hoeft explained the process, indicating the following options are available;

- Council can approve the 1<sup>st</sup> reading and schedule a second reading (unanimous vote required at both 1st and 2nd readings).
- Council can deny, and the item will go back to the Charter Commissions for consideration. The Charter can either drop the item, or have it added to the ballot as a question.

Mayor Schmitt asked the council members if they have heard opinions on the subject. Councilmember Buesgens reported she has heard people in favor of changing it to four years; the other three members have all heard people wanting to keep it to a two year term.

Andy Smoka-1206 Khyber Lane stated that while he agrees that two years is not a lot of time to learn the responsibilities for a new mayor, he feels it should remain a two year term.

Nell Bing-3966 5<sup>th</sup> St NE agreed with Councilmember Buesgens, that two years is not adequate time to learn the role of mayor.

*Motion by Councilmember Buesgens, seconded by Councilmember Williams to waive the reading of Ordinance No. 1643, there being ample copies available to the public. All Ayes, Motion Carried.*

Mayor Schmitt clarified that if the item is placed on the ballot as a question, it would not be in effect until the following election cycle. Mayor Schmitt agreed that there is a lot to learn as a new mayor and she feels it would be good for the council to reflect the overall population of the City. Schmitt stated she thinks it is a decision to be made by the residents.

*Motion Councilmember Buesgens, seconded by Councilmember Williams to schedule the second reading of Ordinance No.1643, being an ordinance amending Chapter 2, Section 7 of the City's Charter pertaining to elective Offices for February 12, 2018 at approximately 7:00 p.m. in the City Hall Council Chambers. 1 Aye, 4 Nays, Motion Failed. Aye: Buesgens. Nays: Schmitt, Williams, Murzyn, Jr., and Novitsky*

## **9. ITEMS FOR CONSIDERATION**

### **A. Other Ordinances and Resolutions**

#### **a. First Reading of Ordinance 1646, being an ordinance amending Chapter 4 of the Refuse and Recycling section of the City Code**

Kevin Hansen; Public Works Director explained changes are being recommended to the refuse ordinance, due largely to expanded services available through our new waste hauler; including the addition of curbside organics and an optional 30 gallon every other week trash service.

Jesse Davies; Administrative Assistant, Public Works reported the main goal of the refuse ordinance is to reduce solid waste being disposed, as it costs \$75/ton to dispose. The PCA has implemented a best practice requirement of 75% of refuse be recycled by the year 2030. Columbia Heights currently recycles about 18%. Davies reported the upcoming newsletter will provide information to residents on the curbside organics program, which will be implemented in April.

Mayor Schmitt asked if the Kiwanis Key Club volunteers will continue on Saturday mornings. Davies commented that they will continue to be busy.

Rachel James - 4448 Tyler St NE stated she is thankful for the option of organic composting.

Malcolm Watson – 1717 49<sup>th</sup> Ave NE reported that the money raised by the Key Club at the recycling center goes back to the community.

*Motion by Councilmember Williams seconded by Councilmember Buesgens to waive the reading of Ordinance 1646, there being ample copies available to the public. All Ayes, Motion Carried.*

*Motion by Councilmember Williams , seconded by Councilmember Novitsky to establish the second reading of Ordinance 1646, being an Ordinance amending Chapter 4 of the Refuse and Recycling section of the City Code for February 26, 2018 at approximately 7:00 p.m. in the Council Chambers. All Ayes, Motion Carried.*

### **B. Bid Considerations**

### **C. New Business and Reports**

## **10. CITY COUNCIL AND ADMINISTRATIVE REPORTS**

Councilmember Buesgens stated she is excited about the organic composting program. She attended the HeightsNEXT Movie Night, the Metro Council 50<sup>th</sup> Anniversary Event, the High School's 1 Act plays, the Anoka County Local Officials meeting, and attended the VFW's Karaoke night. HeightsNEXT is working with Anoka County and the Public Works department to host a "Fix-it Clinic" in October.

Councilmember Murzyn, Jr. reported the Planning & Zoning Commission reviewed various proposed changes to their bylaws, including the size, name and meeting start time.

Councilmember Novitsky reported he participated in the Fire and Ice Plunge. An announcement for a Columbia Heights Royalty Pancake Breakfast Fundraiser was made.

Mayor Schmitt attended the Metro Council 50<sup>th</sup> Anniversary Event, the Anoka County Local Officials meeting, and the Minneapolis Connections conference. A groundbreaking for Grand Central Lofts is scheduled for Thursday, February 15th.

#### **11. CITIZENS FORUM**

Rachel James-4448 Tyler St NE gave an update from the Multi-Cultural Advisory Committee, as well as reading their mission statement. Ms. James also gave a report on the Sheridan Story; a group which provides food for the families of school district students over the weekends.

Malcom Watson-1717 49<sup>th</sup> Ave NE offered a tribute to former City Assessor Mildred Carlson; who recently passed away.

Andy Smoka-1206 Khyber Lane asked if there was any update on Hy-Vee? Councilmember Buesgens stated Hy-Vee owns the property, and in order to receive the TIF money granted, they need to start the project before June, 2018.

#### **12. ADJOURNMENT**

*Motion by Councilmember Williams seconded by Councilmember Buesgens to adjourn. All Ayes, Motion carried; Motion Carried.*

Meeting adjourned at 8:15 p.m.



Respectfully Submitted,  
Katie Bruno, Council Secretary/City Clerk

### **RESOLUTION 2018-08 ADOPTING A CHANGE IN WAGE RANGE AND ESTABLISHING WAGES FOR SEASONAL/TEMPORARY RECREATION POSITIONS**

WHEREAS, the City of Columbia Heights adopted a Wage Compensation Program for Non-Unionized City Employees effective January 1, 1980 (Resolution 80-47), which indicated that on an annual basis, changes may be adopted in Wage Ranges; and

WHEREAS, effective January 1, 2018 the State of Minnesota minimum wage was increased from the current \$9.50 per hour to \$9.65 per hour.

NOW, THEREFORE, BE IT RESOLVED, that the City of Columbia Heights establishes new wage ranges for non-union seasonal/temporary Recreation positions as indicated on Schedule III, which is attached and on file in the office of the City Manager.

BE IT FURTHER RESOLVED that such schedule be effective January 1, 2018.

**RESOLUTION NO. 2018-11**

**A resolution of the City Council for the City of Columbia Heights, Minnesota,**

Whereas, on behalf of the City of Columbia Heights, the City of Coon Rapids has prepared plans and specifications for the 2018 Street Maintenance Program including Seal Coat Improvements for Zone 2A streets bounded by Reservoir Boulevard on the west, Stinson Boulevard on the east, 37<sup>th</sup> Avenue on the south and 45<sup>th</sup> Avenue on the north;

Now, therefore, in accordance with the foregoing, and all ordinances and regulations of the City of Columbia Heights, the City Council of the City of Columbia Heights makes the following:

**FINDINGS OF FACT**

1. Such plans and specifications identified as City of Coon Rapids 2018 Street Maintenance Program (Columbia Heights Project Number 1701) are hereby approved.

2. The City of Coon Rapids shall prepare and cause to be inserted in their official paper and in a trade journal (or equivalent) an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published a minimum of three weeks prior to the bid opening, shall specify the work to be done, shall state that bids will be received by representatives of the City Councils of Coon Rapids and Columbia Heights until 10:00 a.m. on Friday, March 16, 2018, at which time they will be publicly opened at the place designated, will then be tabulated and will be considered by the Columbia Heights City Council on Monday, March 26, 2018 in the Council Chambers. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the council on the issue of responsibility. No bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, bid bond, or certified check payable to the City of Coon Rapids for 5 percent of the amount of such bid.

**Ordinance No. 1645**

**BEING AN ORDINANCE AMENDING ORDINANCE NO. 1407, CITY CODE OF 2005, PERTAINING TO THE PLANNING COMMISSION**

The City of Columbia Heights does ordain:

Chapter 3, Article III. Section 6, Subsection 3.306(1), which currently reads as follows, to wit:

- 3.306(1) A Planning and Zoning Commission is hereby established which shall consist of five members to be organized as follows:
- (a) The members shall be appointed by the Council and may be removed by a four-fifths vote of the Council. The City Engineer, Zoning Administrator, Building Official and City Attorney shall serve as ex-officio members of the Commission.
  - (b) The appointed members shall serve a term of four years to be staggered so that the term of one member shall expire each year. Every member shall take an oath that he/she will faithfully discharge the duties of office.
  - (c) The Commission shall elect a Chairperson from among its membership. The Secretary need not be designated from the Commission membership.

Is hereby amended to read as follows:

- 3.306(1) A Planning Commission is hereby established which shall consist of seven (7) members to be organized as follows:
- (a) The members shall be appointed by the Council and may be removed by a four-fifths vote of the Council. The Community Development Director, City Planner, Building Official and City Attorney shall serve as ex-officio members of the Commission.
  - (b) The appointed members shall serve a term of four (4) years to be staggered so that the term of one member shall expire each year. Every member shall take an oath that he/she will faithfully discharge the duties of office.
  - (c) The Commission shall elect a Chairperson, Vice Chairperson and Secretary/Treasurer from among its membership. Officer positions shall be elected annually at the first meeting of the year. The Recording Secretary need not be designated from Planning Commission membership.
  - (d) Planning Commissioners must attend a minimum of seventy-five (75) percent of regularly scheduled annual meetings. Failure to meet this requirement shall result in a recommendation to the City Council for a Commissioner's removal.
  - (e) Regular monthly meetings of the Planning Commission shall take place at 6:00 pm on the first Tuesday of each month in City Council Chambers, unless otherwise publicly noted.

**Ordinance No. 1646**

**amending chapter 4 of Refuse contract FIRST Reading**

**Chapter 4, Article VII is intended to be repealed and replaced with the following:**

CHAPTER 4: MUNICIPAL SERVICES

ARTICLE VII: GARBAGE AND RECYCLING SERVICES

Section:

- 4.701 Intent
- 4.702 Definitions
- 4.703 General Operations
- 4.704 Garbage General Requirements
- 4.705 Recycling General Requirements
- 4.706 Other General Requirements
- 4.707 Solid Waste Service Rates and Billing

**4.701 Intent.**

It is the intent of the City Council to establish a system for the orderly and regular collection of garbage, recyclables, problem materials, source separated organic materials and yard wastes in the city; to insure that the disposal of the materials shall be accomplished in a sanitary manner; to ensure the protection of public health and safety and promote city cleanliness and livability; to minimize vehicle wear and tear on streets due to large truck traffic; to provide high quality solid waste and recycling services in the most cost-effective

manner possible; and, to be consistent with the requirements of the state statutes, state rules and Anoka County ordinances, and with state and Anoka County solid waste plans.

The City Manager or their designee shall have the authority to develop Solid Waste Management Operating Policy (SWMOP) concerning days of collection, use, type and location of waste containers and other matters as they deem necessary to provide for the safe, orderly and cost-efficient preparation, storage, collection and disposal of all waste materials covered in this ordinance. These Operating Policies shall not be contrary to this ordinance. The City Council will approve the SWMOP and approve changes as required.

#### 4.702 Definitions.

As used in this Section, the following words, terms and phrases shall have the following meanings, except where the context clearly indicates otherwise:

- A. **Appliance.** "Appliance" shall mean white goods such as refrigerators, freezers, washers, dryers, dishwashers and other similar large household equipment, but shall not include electronic devices such as computers, printers, routers and similar equipment.
- B. **City.** "City" shall mean the City of Columbia Heights, Anoka County, Minnesota.
- C. **City Council.** "City Council" shall mean the City Council of the City of Columbia Heights, Anoka County, Minnesota.
- D. **City-Designated Solid Waste Disposal Facility.** "City-Designated Solid Waste Disposal Facility" shall mean the facility designated by the city where MSW collected in accordance with the city's Solid Waste Services Agreement is to be deposited.
- E. **Collection.** "Collection" shall mean the aggregation of MSW, recyclables, problem materials, yard waste, and source separated organic materials from the premise at which they are generated, and including all activities up to the time they are delivered to a facility or end market.
- F. **Collection Vehicle.** A "Collection Vehicle" shall be any vehicle licensed and inspected for Solid Waste Collection as required by the city, county, and/or state
- G. **Composting Facility.** "Composting Facility" shall mean any facility licensed to process Yard Waste and/or SSOM in conformance with federal, state and local regulations.
- H. **County.** "County" shall mean County of Anoka, Minnesota.
- I. **Designated Service Provider, Service Provider.** The Designated Service Provider (Service Provider) is the haulers/handlers contracted by the city to provide collection of most Solid Wastes generated at Premises in the city. The city reserves the discretion to add other service locations (non-municipal) as agreed to by Council resolution.
- J. **Dumpster.** "Dumpster" shall mean a container having a minimum capacity of one (1) cubic yard, of an approved sanitary type, with the proper attachments for lifting onto a Collection Vehicle.
- K. **Dwelling Unit.** "Dwelling Unit" shall mean a separate dwelling place with a kitchen.
- L. **Electronic waste (electronic items)** has the meaning set forth in Minnesota Statutes, section 115A.1310, subdivision 7 as a "covered electronic device" and includes items such as television and computer monitors, computers, computer peripheral devices, fax machines, DVD players, video cassette recorders, other video display devices, cell phones and other small Appliances with an electric cord.
- M. **Hazardous Wastes.** "Hazardous Wastes" shall have the meaning set forth in Minnesota State Statutes. Wastes are hazardous in Minnesota when they display one or more of these characteristics: Ignitable, Oxidizer, Corrosive, Reactive, Toxic, or Lethal.



- N. Holidays.** "Holidays" shall be New Year's Day, Memorial Day, Fourth of July (Independence Day), Labor Day, Thanksgiving Day, and Christmas Day.
- O. Mixed Municipal Solid Waste.** (MSW) "Mixed Municipal Solid Waste" has the meaning set forth in Minnesota Statutes and includes refuse, rubbish, trash, and other Solid Waste from residential, commercial, industrial, and community activities, that the generator of the waste aggregates for collection. MSW does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed, and disposed of as separate waste streams. Also referred to as "Garbage."
- P. Multiple Dwelling Premises (Multi-Dwelling Premises).** "Multiple Dwelling Premises" are any premise with more than four (4) separate dwelling units including, but not limited to, apartments.
- Q. Premise, Premises.** "Premise(s)" shall mean any dwelling unit, building and every other place where any person resides within the city, including properties with more than one dwelling unit and properties with premises attached to retail or commercial structures.
- R. Problem Materials.** "Problem Materials," also known as bulky waste, shall have the meaning set forth in Minnesota State Statutes 115A.952 and is a subset of Municipal Solid Waste. In this Ordinance Problem Materials includes household items and other discarded materials that, due to their dimensions and weight, are typically not collected as part of the regular Garbage and recycling services or for which there may be a separate fee, such as furniture, carpeting, and mattresses.
- S. Processing.** Processing shall have the definition in Minnesota Statutes and shall mean the treatment of waste after collection and before disposal.
- T. Recycling.** "Recycling" shall have the definition in Minnesota Statutes, and shall mean the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.
- U. Recyclables.** "Recyclables" shall have the meaning set forth in Minnesota Statutes and means materials that are separated from municipal solid waste for the purpose of recycling or composting, including paper, glass, plastics, metals, automobile oil, batteries, and source-separated compostable materials and all material hereafter designated as Recyclable by the city's Solid Waste Operating Policies.
- V. Roll-off container.** A "Roll-off container" is an open top dumpster characterized by a rectangular footprint, utilizing wheels to facilitate rolling the dumpster in place. The container is designed to be transported by special roll-off trucks.
- W. Solid Waste.** "Solid Waste" has the meaning set forth in Minnesota Statutes, section 116.06, but is further defined for purposes of this ordinance to include MSW, recyclables, problem materials, yard waste, SSOM and litter.
- X. Source Separated Organic Materials (SSOM).** "Source Separated Organic Materials" shall have the meaning set forth in State Statute, and shall include food waste and other compostable organic materials that are source separated for recovery. The term "Organics" does not include yard waste for purposes of this Ordinance. (Also referred to as "food waste/organics" and "source separated organics".)
- Y. State.** State shall mean the State of Minnesota.
- Z. Yard Waste.** "Yard Waste" shall mean garden wastes, leaves, lawn cuttings, weeds, shrubs, brush and tree waste and prunings.

- A. Collection Required.** Every Residential Premise shall use the collection service for MSW, recyclables, SSOM and yard wastes, as is made available by contract between the city and its designated service provider and which complies with the Solid Waste Operating Policies of the city.
- B. Unlawful Accumulation.** No person shall allow MSW, recyclables, problem materials, SSOM, yard wastes, hazardous wastes or any other waste to accumulate upon property owned or occupied by any such person; or fail to dispose thereof in a manner meeting the provisions of this Section and Chapters 5A and 8 of city code.
- C. Burning or burying prohibited.** No person shall burn or bury any MSW, recyclables or other waste materials within the city.
- D. Hazardous Waste.** No person shall place hazardous waste in garbage, recycling or yard waste containers. Hazardous waste shall only be processed/disposed of in accordance with city, county, state and federal rules and requirements.
- E. Ownership of Solid Waste.** MSW, recyclables, problem materials, SSOM or yard wastes shall be owned by and be the responsibility of the occupants of the premises until collection by the designated service provider. Upon collection of the solid waste by the designated service provider, the solid waste becomes the property and responsibility of the service provider. All solid waste shall be transported to, weighed in at and disposed at a solid waste facility that is approved by the city.
- (1) **Collection of Solid Waste.** The service provider shall collect solid wastes at designated collection points as permitted by Section 8.301 (E). All collection services shall be conducted Monday through Friday. When holidays fall on a weekday, collection shall be made within the next calendar day which is not a Sunday. Clean and safe collection. It shall be the duty of the service provider and every subcontractor, and person, including their agents and employees, who is licensed to remove any solid waste or any other waste material or who is engaged in the removal, loading or unloading of any such substance in the city to do so efficiently, in a clean manner and with as little danger and prejudice to life and health as possible.
- (2) All persons engaged in the collection of solid waste in the city shall transport the materials in enclosed vehicles, carts, dumpsters, bins, or other secure containers so as to prevent any loss of these materials and to prevent litter. Care shall be taken to ensure no blowing or escape of trash, litter, yard wastes or liquids from truck operations occurs during collection.
- (3) No collection of residential MSW, recyclables, problem materials, SSOM or yard wastes shall be made except between the hours of 6:00 a.m. and 8:00 p.m.
- F. Walk-up Service.** Residents who are elderly or physically disabled and are unable to place their containers at the designated location may request "walk-up" service from the provider, whereby the hauler will service those containers from the house access that is nearest the designated collection point.
- G. Collection Point:** The location for collection of refuse containers as determined in Solid Waste Operating Policy must be cleared of obstructions and hazards such as snow and ice for the scheduled collection to occur.
- H. Separation of Recyclables.** Occupants of all premises shall separate recyclables for pick-up. All separated recyclables must be transported to a licensed recycling facility or delivered to an end market for sale or reuse, or brought to an intermediate collection center for later delivery to a licensed processing center or end market for recycling. It is unlawful for any person to transport for disposal or to dispose of designated recyclables

in a MSW disposal facility. No separated recyclables may be incinerated or landfilled or composted or made into fuel pellets.

I. **Scavenging Prohibited.** No person shall scavenge or otherwise collect MSW, recyclables, problem materials, SSOM or yard wastes from containers or from public or private property unless licensed therefore by the city or unless permission of the owner of any such materials has been given.

J. **Service Provider limits:** The City will review other service providers and prices at the end of each contract term or following contract extension.

#### **4.704 Garbage General Requirements.**

- A. Each premise shall have its garbage collected a minimum of once each week, excepting those premises participating in the SSOM program and authorized a thirty (30) gallon cart low volume service as determined by Solid Waste Operating Policies.
- B. The City shall provide each premise with a garbage container (wheeled carts with attached lids) or dumpsters. Except as otherwise set forth herein, all containers furnished by the city shall, while in the possession and control of the residences and multiple dwelling units, remain the property of the city. Residents and multiple dwelling units shall use the containers only for the purposes for which it is intended and shall not make any alterations to the containers. Owners of premises shall be responsible for loss or damage to the containers in excess of ordinary wear and tear. In the event more than one container is requested or a replacement container is requested due to theft or damage beyond ordinary wear and tear, the City shall provide additional containers.
- C. Multiple dwelling properties. The service provider shall provide each multiple dwelling Premise with at least one standard dumpster or equivalent number of large containers and collections, to be collected a minimum of once per week. Dumpsters remain the property of the service providers. Multiple dwelling premises may not have extra garbage or rubbish outside of the provided container, except for large household items such as furniture items, carpet, padding, and mattresses. See chapters 5A and 8 of city code.

#### **4.705 Recycling General Requirements.**

- A. Items designated for recycling shall be listed in the Solid Waste Operating Policies to be part of an authorized recycling program and contamination will be dealt with according to that policy.
- B. The City shall be responsible for collection of recyclable materials from containers at residential properties in the city. Additional authorized recyclable materials will be collected outside of the container when bagged or boxed that meets service provider specified procedures.
- C. City of Columbia Heights Recycling Center. The city may, at the city's option, add or remove recyclable items collected at the Recycling Center or discontinue the program entirely as determined by the Solid Waste Operating Policies. The Recycling Center may be utilized by area businesses and residents. Rimless tires may be delivered only by Columbia Heights residents for non-commercial purposes. Further, rimless tires are limited to four car or light truck tires per resident each year.

#### **4.706 Other General Requirements.**

- A. The City shall organize weekly collection and recycling/processing of appliances at a minimum. Each property is authorized removal of one appliance each calendar year at no cost, for each dwelling unit, which shall be tracked by the service provider.

- B. The City shall provide problem material (bulk) collection services a minimum of twice/week. The service provider shall conduct scheduling, collection and processing/disposal, donation and/or recycling services for problem materials from premises at the premise's request. Contamination will be dealt with according to Solid Waste Operating Policy. Problem material recycling must include a donation stop and the recycling must meet SCORE (Select Committee on Recycling and the Environment) creditable.
- C. The City shall organize monthly residential collection and processing/disposal of household electronic waste at a minimum. The service provider shall schedule work orders for premises and charge a flat fee as determined by the city.
- D. The service provider shall insure that processing of problem materials shall be conducted at a licensed facility in accordance with applicable county, state and federal rules and regulations.
- E. The City is responsible for weekly collection of yard waste (as defined by Solid Waste Operating Policies) from premises during the growing season (April - November). Yard waste collected from premises shall occur on the same collection day as garbage and recycling. Christmas tree collection will be conducted after the holiday season.
- F. Yard waste collection shall be limited to only those materials placed in carts owned by the city or in compostable bags that meet State of Minnesota, Anoka County, and City of Columbia Heights requirements. Other reusable containers allowed will be determined by the service provider and the City in the Refuse Operations Policy.
- G. The City is responsible for weekly collection of organics (as defined by Solid Waste Operating Policies) from premises during the growing season, April – November, plus during the winter. Organics collected from premises shall occur on the same collection day as garbage and recycling except during the winter. Items designated for recycling shall be listed in the Solid Waste Operating Policies to be part of an authorized organics program and contamination will be dealt with according to that policy. Food waste must be enclosed in compostable bags and disposed in City authorized containers only.
- H. The City Council may impose an administrative fine on any person found in violation of any applicable statute, regulation, and provision of this section, or the city's Solid Waste Operating Policies.
  - (1) Any proposed revocation shall be preceded by a public hearing, conducted before the City Council, and preceded by at least 15 days' public notice of the hearing. The notice, in addition to setting forth the time and place of the hearing, shall state the nature of the charges for which revocation shall be considered.
  - (2) The following are minimum penalties which shall be imposed by the City Council for violations of any applicable statute, regulation, provision of this chapter, or the city's Solid Waste Operating Policies
    - (a) For the first violation, at least a \$100 administrative fine.
    - (b) For the second violation within any four (4) year period, at least a \$300 administrative fine.

#### **4.707 Solid Waste Service Rates and Billing.**

- A. **Charges.** The Council shall by resolution fix all charges and penalties for solid waste service rates for dwellings and shall similarly fix the rates by which such charges shall be computed. All such utility bills may be collected as provided for billing by division (C) of this section. Other charges and fees for services may be included in Solid Waste Management Operating Policies.
- B. **Owner liability for charges.** In billing solid waste service the rates shall be applied by container size and service level. The property owner shall be liable for solid waste service to the property owner's property, whether the owner is occupying the property or not, and any charges unpaid shall be a lien upon the property.

**C. Statements; delinquent bills, stop-service for non-payment; resumption of services.**

- (1) *Accounting.* The administration services of the city shall provide for a method of periodic accounting and recording of solid waste service level at each location throughout the city. Bills shall then be calculated to include penalty and extra service charges; minimum charges for availability of solid waste services, regardless of usage; and other charges as necessary and appropriate for revenue for the maintenance and operation of the city solid waste budgets.
- (2) *Statements.* The administrative service shall mail said utility bills to the owner at the address listed for each specified location or to such address as the owner of record may request in writing.
- (3) *Due date.* Utility bills are due and payable on the tenth day of the month following the date of the postmark. Any bill not paid by the close of business on the tenth day of the month following its mailing is delinquent, at which time a charge established by the City Council shall be added to the billing. Partial payments shall be considered as payment towards most dated amounts billed.
- (4) *Delinquent bills.* The administrative service shall ascertain all utility bills that are delinquent after the tenth day of the month and mail notice of such delinquency to the occupant of the location by the twentieth day of the same month. If such bill remains unpaid at the last day of the month in which the delinquency notice was sent, the administrative service shall send a second written notice of such delinquency. Said notice shall include a statement that solid waste service will be discontinued unless full payment is received by the tenth day of the month following the month in which the first delinquency notice was mailed. Before the solid waste service will be continued, the entire account, including any current charges must be paid along with and including the charge established by the Council for penalties. Solid waste service will only be provided during regular working hours. If utility bills are not paid, the bills may be levied against the property owner prior to continuing solid waste service, and proof of levy payment must be provided to the administrative service prior to said service being turned back on.
- (5) *Shut-off for non-payment.* Solid waste service may be discontinued at any time thereafter, subject to the following exceptions. Service may not be discontinued in this manner for:
  - (a) Any tenant, lessee, or individual occupant of a multiple dwelling or commercial building which does not have a separate utility bill for each separate tenant, lessee, or occupant unit.
  - (b) Any person who has filed with the Finance Director a written protest of the amount billed, either in whole or in part, together with the reasons or basis for such protest.
- (6) *Shut-off for non-payment under subdivision (C)(5)(a).*
  - (a) Solid waste service may be discontinued under circumstances described in subdivision (C)(5)(a) by providing 30 days' written "Final Notice" to each individual tenant, lessee or occupant.
  - (b) Upon expiration of 25 days of said 30-day period, additional written notice shall be provided to each individual tenant, lessee, or occupant indicating whether the delinquent utility bills remain unpaid.
- (7) *Shut-off for non-payment under subdivision (C)(5)(b).* Under circumstances described in subdivision (C)(5)(b), the administrative service shall investigate the basis for the protest and issue a report of its findings to the aggrieved party. When so warranted by the results of the investigation, solid waste service may thereafter be terminated upon 24 hours' notice.
- (8) *Certification of delinquent bills.* The Council may certify unpaid and delinquent solid waste bills to the County Auditor annually for collection pursuant to the provisions of M.S. § 444.075, as it may be amended from time to time.