

**OFFICIAL PROCEEDINGS
CITY OF COLUMBIA HEIGHTS
CITY COUNCIL MEETING
FEBRUARY 26, 2018**

The following are the minutes for the regular meeting of the City Council held at 7:00 PM on Monday February 26, 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 7:04 p.m.

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

Also Present: Walt Fehst; City Manager, Jim Hoeft; City Attorney, Gary Gorman; Fire Chief, Lenny Austin; Police Chief, Kevin Hansen; Public Works Director, and Katie Bruno; City Clerk/Council Secretary

2. INVOCATION

Invocation provided by Bob Lyndes, Crest View Senior Community

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 an addition to Section 6; Lee Carlson Center Fundraiser.

Motion by Councilmember Murzyn, Jr., seconded by Councilmember Novitsky to approve the agenda as amended. All Ayes, Motion Carried.

6. PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS

Maria Davis-3932 Central Ave. announced Bridgeview will be having a Chili Cook-off and Beer Tasting on March 22nd. Proceeds will benefit the "Meals for Members" program.

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 February 12, 2018

B. Accept Board and Commission Meeting Minutes

MOTION: Move to accept the Planning & Zoning commission minutes from December 5, 2017

C. Consideration of approval of attached list of rental housing applications.

MOTION: Move to approve the items listed for rental housing license applications for February 26, 2018, in that they have met the requirements of the Property Maintenance Code.

D. Authorize the purchase of a 2018 Ford Expedition for the Fire Department

MOTION: Move to approve the purchase of a 2018 Ford Expedition from Midway Ford for the State Contract price of \$29,673.00 and to equip the vehicle with emergency lights and computer equipment for the State contract price of \$15,640.93 through Emergency Automotive Technologies Inc.

E. SECOND READING Ordinance 1646 being an Ordinance amending the Refuse and Recycling section of the City Code: Chapter 4

MOTION: Move to waive the reading of Ordinance 1646, there being ample copies available to the public.

MOTION: Move to adopt Ordinance 1646, being an ordinance amending the Refuse and Recycling Section of the City Code: Chapter 4.

MOTION: Move to approve the summary for publication for Ordinance 1646, being an ordinance amending Chapter 4, Chapter VII, of the 2010 City Code relating to Refuse and Recycling.

F. Authorization to Purchase Police Vehicles

MOTION: Move to authorize the purchase of two 2018 Ford Police Interceptor Utility vehicles under the State of Minnesota bid, with funding to come from 431.42100.5150, in the amount of \$54,874.90 and that the Mayor and City Manager are authorized to enter into a contract for same. These vehicles will be used as marked patrol cars.

MOTION: Move to authorize the Police Chief to expend up to \$42,108.00 to set up and outfit two marked patrol cars.

G. Authorization to Purchase Squad Radios

MOTION: Move to authorize the purchase of eight Motorola mobile radios under the State of Minnesota bid (via Anoka County Communications), with funding to come from 431.42100.2010, in the amount of \$39,164.50 and that the Mayor and City Manager are authorized to enter into a contract for same.

MOTION: Move to authorize the Police Chief to expend up to \$2,200 for the installation of these radios.

H. Approve Business License Applications

MOTION: Move to approve the items as listed on the business license agenda for February 26, 2018.

I. 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 \$1,047,264.80.

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

8. PUBLIC HEARINGS

A. Consideration of declaration of a nuisance and abatement of violations within the City of Columbia Heights is requested regarding the property at 3989 Central Avenue NE for failure to meet the requirements of the Residential Maintenance Code.

Gary Gorman, Fire Chief reported the retaining wall on the south side of the building is in disrepair. The Property Management Company has been notified. This action will allow the City to move forward with repairs if necessary.

Motion by Councilmember Buesgens, seconded by Councilmember Williams to close the public hearing and to waive the reading of Resolution Number 2018-12, there being ample copies available to the public. All Ayes, Motion carried.

Motion by Councilmember Buesgens, seconded by Councilmember Williams to adopt Resolution Number 2018-12, being resolution of the City Council of the City of Columbia Heights declaring the property listed a nuisance and approving the abatement of violations from the property pursuant to City Code section 8.206. All Ayes, Motion carried.

9. ITEMS FOR CONSIDERATION

- A. Other Ordinances and Resolutions
- B. Bid Considerations
- C. New Business and Reports

10. CITY COUNCIL AND ADMINISTRATIVE REPORTS

Councilmember Novitsky attended a Tibetan New Year celebration on February 16th. He attended the “What is Islam” meeting, Coffee with a Cop at Community Methodist Church, the School Board listening session, and the wrestling event at Murzyn Hall.

Councilmember Murzyn, Jr. announced Columbia Heights Royalty will be hosting a waffle breakfast at Murzyn Hall on Sunday, March 4th.

Councilmember Buesgens read to a group of First Graders at Valley View Elementary, she attended the ground breaking for Grand Central Flats, and attended the “What is Islam” dialogue. Residents were encouraged to sign up for organic recycling.

Mayor Schmitt read to a group of Third Graders at Valley View Elementary, she attended the ground breaking for Grand Central Flats; commenting that this is the first non-senior new apartment complex in the city in over 40 years. The Sister Cities Young Artists showcase will take place on March 2nd.

Condolences were extended to the family of long-time Columbia Heights resident Cliff Shedlov.

City Manager Walt Fehst also expressed condolences to the Shedlov family. Upcoming work session topics were announced.

11. CITIZENS FORUM

Nelle Bing-3966 5th St NE commented that the city does a phenomenal job with snow removal. The council was asked to re-evaluate their overnight winter parking restriction. Bing suggested having the restriction in effect during inclement weather only.

Nikki Wakal-4041 Washington also suggested the council consider revising the parking ban. Wakal reported she researched the DNR website, and noted there were nine days in six years with significant snowfall.

Mike Giralico-3742 2nd St NE shared the same concern with the parking ban, and asked the council to consider reexamining the parking restrictions, especially with mild winters.

Kevin Hansen, Public Works Director reported the ban has been in place for over 30 years, and it has been a very effective tool in street clearing. Residents were encouraged to review the City's Snow and Ice Control Policy. Hansen reported there have been 27 events this year; 9 of them being full events between the hours of midnight at 3:00 AM. Hansen suggested the concerned residents contact him to discuss further.

Chief Austin commented that it doesn't take long for the streets to become narrow; making it difficult for emergency vehicles to get through.

Councilmember Murzyn, Jr. indicated it can be difficult to get a plow through with parked vehicles.

Malcolm Watson-1717 49th Ave NE thanked the Finance Director Joe Kloiber for responding to his questions. Mr. Watson suggested narrowing the median on Central Ave. south of 40th Ave. and making room for a few parking spaces in front of the library.

12. ADJOURNMENT

Motion by Councilmember Buesgens, seconded by Councilmember Murzyn, Jr. to adjourn. All Ayes, Motion carried; Motion Carried.

Meeting adjourned at 7:47 p.m.



Respectfully Submitted,
Katie Bruno, Council Secretary/City Clerk

RESOLUTION 2018-12

Resolution of the City Council for the City of Columbia Heights declaring the property a nuisance and approving abatement of ordinance violations pursuant to Chapter 8, Article II, of City Code, of the property owned by 500 LLC (Hereinafter "Owner of Record").

Whereas, the owner of record is the legal owner of the real property located at 3989 Central Avenue N.E., Columbia Heights, Minnesota.

And whereas, pursuant to Columbia Heights Code, Chapter 8, Article II, Section 8.206, written notice setting forth the causes and reasons for the proposed council action contained herein was sent via regular mail to the owner of record on February 1, 2018.

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. That on December 1, 2017, an inspection was conducted on the property listed above. Inspectors found violations. A compliance order was sent via regular mail to the owner at the address.
2. That on February 1, 2018, inspectors re-inspected the property listed above. Inspectors noted that violations remained uncorrected. A compliance order and statement of cause was mailed via regular mail to the owner listed in the property records.
3. That on February 14, 2018, inspectors re-inspected the property and found that violations remained uncorrected.
4. That based upon said records of the Fire Department, the following conditions and violations of City Codes(s) were found to exist, to wit:

A. Shall repair/replace bricks falling off south side of building.

5. That all parties, including the owner of record and any occupants or tenants, have been given the appropriate notice of this hearing according to the provisions of the City Code Section 8.206(A) and 8.206(B).

CONCLUSIONS OF COUNCIL

1. That the property located at 3989 Central Avenue N.E. is in violation of the provisions of the Columbia Heights City Code as set forth in the Notice of Abatement.
2. That all relevant parties and parties in interest have been duly served notice of this hearing, and any other hearings relevant to the abatement of violations on the property listed above.
3. That all applicable rights and periods of appeal as relating to the owner of record, occupant, or tenant, as the case may be, have expired, or such rights have been exercised and completed.

ORDER OF COUNCIL

1. The property located at 3989 Central Avenue N.E. constitutes a nuisance pursuant to City Code.
2. That a copy of this order shall be served upon all relevant parties and parties in interest.

ORDINANCE 1646

BEING AN ORDINANCE AMENDING ORDINANCE NO. 1578, City Code of 2010, pertaining to Chapter 4, Article VII, Garbage and Recycling Services.

The City of Columbia Heights does ordain:

Chapter 4, Article VII is intended to be repealed and replaced with the attached.

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

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.

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.

General Operations.

- 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.

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.

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.

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 administrative fine 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 basis for which administrative fine 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.

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.