

## NOTICE AND CALL OF PUBLIC MEETING

GOVERNMENTAL BODY: THE CITY COUNCIL OF CRESCO, IOWA  
DATE OF MEETING: AUGUST 1, 2022  
TIME AND PLACE OF MEETING: 5:30 P.M. CITY HALL, 130 N PARK PLACE

PUBLIC NOTICE IS HEREBY GIVEN THAT THE ABOVE MENTIONED GOVERNMENTAL BODY WILL MEET AT THE DATE, TIME AND PLACE SET OUT ABOVE. THE TENTATIVE AGENDA FOR SAID MEETING IS AS FOLLOWS:

ROLL CALL: KRIENER, McCONNELL, FORTUNE, BOUSKA, CARMAN

ACT ON THE CONSENT AGENDA: All items listed under the consent agenda will be enacted by one motion. There will be no separate discussion of these items unless a request is made prior to the time council votes on the motion.

1. Approval of the Agenda
2. Approval of the Claims
3. Approval of Minutes from July 18, 2022
4. Approval of Street Closing Permit for Portion of 2<sup>nd</sup> Ave West for Atomic Pizza Expanded Beer Garden for Harvest Fest and 5-Year Atomic Anniversary on August 27, 2022
5. Approval of Special Class C Liquor License (BW) with Outdoor Service and Sunday Service to Atomic Pizza Pub LLC d/b/a Atomic Pizza Pub (Expanded Beer Garden)
6. Approval of Street Closing Permit for Portion of Alley between 112 and 114 N Elm going West for The Pub Expanded Beer Garden for Harvest Fest on August 27, 2022
7. Approval of Special Class C Liquor License (LC) with Outdoor Service and Sunday Service to Barbara E. Holstrom d/b/a The Pub

STAFF REPORTS: There may be action taken on each of the items listed below.

1. Public Works
2. Police
3. Administration
4. Committee Updates

COMMENTS FROM AUDIENCE: *(This portion of the agenda is for comments that are not related to one of the items listed on the agenda. Comments can only be received. No formal action by the Council can be taken. Those making public comments will be asked to state their name and address, and to speak from the podium.)*

BUSINESS: There may be action taken on each of the items listed below.

1. Stan Shimek and Mark Shimek from Shimek Sanitation Service to Propose a Contract to Pick Up Commercial Business Garbage
2. Discuss Possible Amendment to Chapters 105 and 106 in the City of Cresco Code of Ordinances Pertaining to Collection of Solid Waste
3. Motion to Approve the Outstanding Obligation Report and Review Long Term Debt Balances and Amortization Schedules

4. Resolution Accepting the Annual Financial Report of the City of Cresco, Iowa for the Fiscal Year 2021-2022 and Directing the City Clerk to File the Report with the Iowa Auditor of State
5. Set Public Hearing to Amend Chapter 99 Sections 02 and 03 in the City of Cresco Code of Ordinances Pertaining to Sewer Service Charges
6. First Reading of Proposed Ordinance 496 which Amends Chapter 99 Sections 02 and 03 of the Code of Ordinances of the City of Cresco, Iowa, Pertaining to Sewer Service Charges
7. Resolution Authorizing the Mayor and City Clerk to Enter into an Agreement for an Extension of the Current Industrial Sewer Rental Agreement with AVEKA Group, Cresco Facility (f/k/a Cresco Food Technologies LLC)
8. Resolution Implementing a Police Retention Bonus Program
9. Motion to Waive the Building Permit Fee for the Howard Winneshiek Community School District Building Project

ADJOURN:

THIS NOTICE IS GIVEN AT THE DIRECTION OF THE MAYOR PURSUANT TO CHAPTER 21, CODE OF IOWA AND THE LOCAL RULES OF SAID GOVERNMENTAL BODY. POSTED JULY 29, 2022.

Mayor Brenno called the Cresco City Council meeting to order on July 18, 2022, at 5:30 pm. Council Members Kriener, McConnell, Fortune, Bouska, and Carman were present. No council members were absent.

Mayor Brenno revised the agenda by moving the approval of claims from the consent agenda to the business section. Carman made the motion to approve the consent agenda which included approval of the: agenda; minutes from July 6, 2022 Council meeting; Class C Liquor License (LC) with outdoor service and Sunday service to Barbara E. Holstrom d/b/a The Pub; pay request #1 for \$86,514.26 to Mehmert Tiling, Inc for the Runway Drainage Improvements Project. McConnell seconded and it passed all ayes.

Public Works Director Widell reported: (a) Bob's Electric will be at the Sewer Plant to trench in power for the gate and the new pole. The fencing company will be here in a few weeks to finish that project; (b) the 2004 incubator in the wastewater lab quit working and will be replaced this week; (c) the EV Charging Station will be here this week; (d) the public is reminded to keep lawns mowed and that grass should be six inches or less.

Police Chief Ruroden reported: (a) the tornado siren on the big water tower is not working again so Racom is scheduled to look at it; (b) only one complaint was received regarding fireworks this year; (c) Police will be having departmental meetings and attending human trafficking training; (c) Officer Welper is preparing for academy in August.

Clerk Elton reported that Auditors were here last week and now just waiting for the State to release the Audit program changes.

Bouska reported Alliant Energy presented rate analysis webinars. The rates will increase about 7.3% for most of the City's accounts and the Fitness Center will increase 12.4%. As a comparison she noted that the City's solar rates have been increasing 3% per year compared to Alliant's 4.6% per year for the past five years.

Carman reported the Library has had 99, 89, and 235 new patrons each of the respective past three years.

Carman reported the Chamber will host the annual golf outing on August 10<sup>th</sup>. The bar side of Broken Road is now open. The Veteran's Affairs and Campsite are donating flag poles near the Steve McCarville Memorial Field sign. Family Fun Night on July 28<sup>th</sup> at Evans Park will highlight the Pickleball project and the Gaga Ball Court.

McConnell reported the Park Board met and reported that memberships are up which is good for this time of year. Summer camps were very successful and Brandon may be adding a nature camp for smaller children. The Fitness Center is promoting a fundraiser with pledge cards for the 24/7 Track/Fitness Campaign.

Fortune reported the Theatre Commission met with interested volunteers for the Friends of the Theatre. The Friends would help with fundraising efforts and live events to reduce staffing expenses. The Mlinar family toured the Theatre as they had formerly lived in the apartment above the lobby and run the Theatre. They were impressed with the improvements and donated to the Theatre.

Tim Wilson from Dixon Engineering discussed the water tower repainting project. He had attended a May meeting in which he had proposed recoating the tower. In June, they performed an adhesion test and the top of the tank failed the test. Therefore, a recoating of paint would not hold. The project would then become a much bigger project with sandblasting and remediating the lead paint. He also suggested, while the tower is empty and to avoid additional mobilization expenses, that the interior should be repainted at the same time. The estimated cost is about \$784,000 with several safety improvements as well as the painting and containment.

After this initial sandblasting, primer, and paint, it should be able to be recoated two more times which should last about 45 years. Council will need to decide when to go out for bids and to do the project probably in the next three years.

Mayor Brenno asked for comments from the audience and there were none.

A request from Amy Wemark was reviewed for a sewer adjustment for water not entering the sanitary sewer system. The water used was due to a leak in the sump pump line causing the redundant system to use fresh water to trigger the valve. The water used was then pumped into the yard and not into the sanitary sewer system. Bouska made the motion to approve a sewer credit of \$208.93. Carman seconded and it passed all ayes.

Bouska made the motion to approve the resolution approving Change Order #3 for \$5,902.64 for the Runway Drainage Improvements Project for the Cresco Municipal Airport. Carman seconded and it passed all ayes.

The claims were reviewed with discussion concerning an invoice for sludge hauling from Pladsen Custom Services. Aveka was billed by the City for the cost of the sludge hauling. Carman made the motion to approve the list of claims including the Pladsen invoice. Bouska seconded. Fortune, Carman, and Bouska voted aye. Kriener and McConnell voted nay. The motion passed by majority vote.

Carman moved to adjourn at 6:45 pm. Fortune seconded and it passed all ayes. The next regular Cresco City Council meeting will be August 1, 2022, at 5:30 pm at Cresco City Hall.

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Mayor David J. Brenno

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City Clerk Michelle Elton

Following is a list of claims approved for payment:

PAYROLL CHECKS		78,101.25	MIENERGY	Elect	7,847.33
ALLIANT	Elect	1,557.95	MOHAWK ELECTRIC	Rprs	246.88
BAKER&TAYLOR	Books	386.73	NE IA APPLIANCE	Rprs	319.00
BC/BS	Ins	33,044.66	NE IA MOTORS	Srvc	925.31
BROWN SUPPLY	Supp	1,105.89	OVERDRIVE	Supp	507.00
BRUENING	Rprs	616.32	PLADSEN CUSTOM SRV	Studge haul	46,800.00
CAMPSITE	LP	70.87	PLUNKETT'S	Srvc	376.79
CARDMEMBER	Sup,Equip	1,329.96	RACOM	Supp	80.00
CITY OF CRESCO	Ins	3,961.27	RHSHC	Srvc	187.00
CITY OF CRESCO	Util	25.53	RELIANCE LIFE	Ins	119.30
CLAPSADDLE-GARBER	Engr	12,200.00	RUPPERT	Supp	57.83
CPU	Rprs	148.50	SAM'S	Conces	1,605.29
COMPUTERSHARE TRST	Fee	750.00	SCHUMACHER	Srvc	168.82
CORRIDOR TECH	Srvc	352.00	SKYLINE CONST	Srvc	6,674.35
COUNTER INTELLIGENCE	Srvc	945.00	SPAHN&ROSE	Supp	334.26
COURTNEY LAWN	Srvc	100.00	STATE HYGIENIC	Analys	74.00
CREATIVE PROD	Supp	196.89	TIME	Subscr	15.00
CR FIRE SAFETY	Srvc	97.50	TREAS,IA	Taxes	5,832.54
CR TPD	Notices	346.51	USA BLUE BK	Supp	86.45
CULLIGAN	Srvc	90.06	UNIVERSAL STUDIOS	Movie	266.26
DALCO	Supp	253.55	VISA	Supp	2,504.72
DELUXE ECHOSTAR	Movie	40.00	WHKS	Engr	14,117.04
FAYETTE CTY SHERIFF	Srvc	20.00	WILSON TREE	Srvc	2,075.00
FORTE PMT	Fees	244.00	WINDRIDGE IMP	Parts	143.70
GALLS	Unif	32.28			
GORDON FLESCH	Copier	492.00	BY FUND:		
GOSCH,KELLI	Srvc	250.00	GENERAL		127,845.71
H&S MOTORS	Srvc	52.36	HOTEL/MOTEL TAX		4,000.00
HACH	Supp	113.47	FIRE STATION BUILDING		428.37
HAWKEYE SAN	Garb/RC	42,098.80	AIRPORT TRUST		98,714.26
HAWKINS	Chems	80.00	CRESCO COMMUNITY FIRE		299.62
HOME LIFE	Book	25.00	ROAD USE TAX		16,973.13
HOW CO AG	Tourism	4,000.00	EMPLOYEE BENEFITS		9,614.48
HOW CNTY CLERK	Fees	3.75	REHAB HOUSE		86.13
IA MUNICIPAL	Dues	1,285.73	DEBT SERVICE		750.00
IA DOT	Oil	562.00	DWNTN CROSSWALKS		2,406.00
IA RURAL WATER	Conf	340.00	WATER		16,171.18
KCZQ-FM	Ads	100.00	SEWER OPERATIONS		82,903.25
KEYSTONE LAB	Analys	1,504.50	CAP IMPROVEMENT		11,412.20
KWIK TRIP	Gas	6,255.58	YARDWASTE		262.04
MACQUEEN	Parts	488.26			
MEDIACOM	Phone	320.07	Total Expenditures		371,866.37
MEHMERT TILING	Contract	86,514.26	Revenues 7/7 - 7/18/22		176,167.94

**STREET CLOSING/PARADE PERMIT**

Application Date: 7-25-2022 Name: ~~XXXXXXXXXXXXXXXXXXXX~~ / Atomic Pizza / Stoltz LLC  
Mail to Address: 1011 Red Maple Ave  
Phone Number: 641-330-3105 stewe 563-380-9318 mim

List Streets to Close or Parade Route: 2nd Ave West  
from North Elm to the Alley behind Luethold's

Reason for Closure: Harvest Fest + 5 year Atomic Anniversary Party (Live music and beer garden)

Event Date: Aug 27, 2022 Time: (from) \_\_\_\_\_ (to) \_\_\_\_\_

Signature of Applicant: [Signature]

**INCLUDE A MAP MARKING THE STREET OR STREETS YOU WISH TO HAVE CLOSED AND THE INDEMNITY AND HOLD HARMLESS AGREEMENT**

**PARADE REGULATIONS ARE LISTED BELOW.**

60.08 PARADES REGULATED. No person shall conduct or cause any parade on any street except as provided herein:

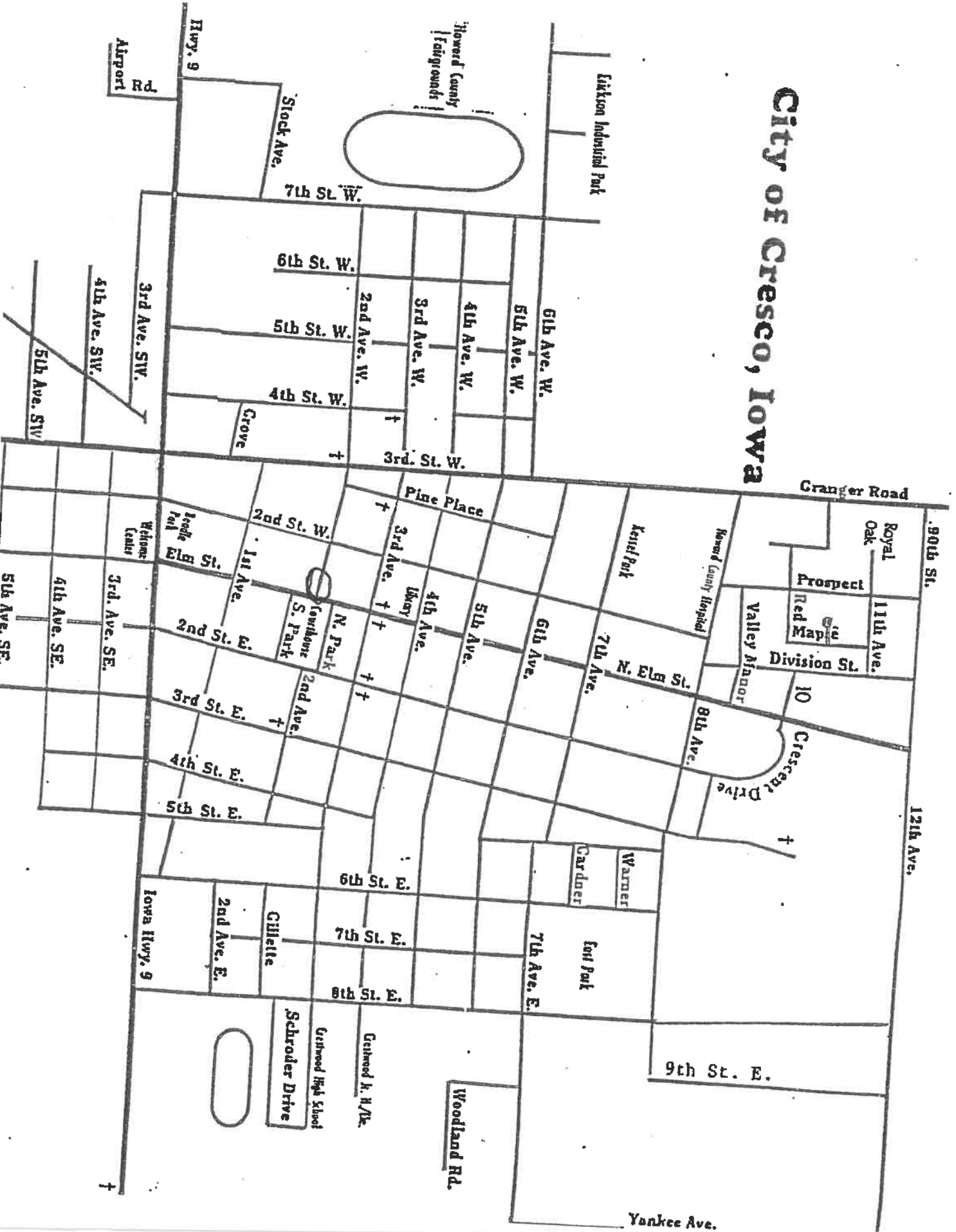
1. "Parade" Defined. "Parade" means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.
2. Permit Required. No parade shall be conducted without first obtaining a written permit from the City Council. Such permit shall state the time and date for the parade to be held and the streets or general route therefor. Such written permit granted to the person organizing or sponsoring the parade shall be permission for all participants therein to parade when such participants have been invited by the permittee to participate therein. No fee shall be required for such permit. Permit forms are available at City Hall.
3. Parade Not a Street Obstruction. Any parade for which a permit has been issued as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.
4. Control by Police and Firefighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the Fire Department.

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City Council  
Date Approved: \_\_\_\_\_ Signature: \_\_\_\_\_

CC: Ambulance \_\_\_\_\_, Police Dept. \_\_\_\_\_, Fire Dept. \_\_\_\_\_, Street Dept. \_\_\_\_\_

# City of Cresco, Iowa



Airport Rd.

Hwy. 9

Stock Ave.

7th St. W.

6th St. W.

5th St. W.

4th St. W.

Grove

3rd St. W.

Pine Place

2nd St. W.

Elm St.

1st Ave.

Whitaker

3rd St. E.

4th St. E.

5th St. E.

6th St. E.

7th St. E.

8th St. E.

9th St. E.

10th St. E.

11th St. E.

12th St. E.

Whitaker

3rd Ave. SE.

4th Ave. SE.

5th Ave. SE.

6th Ave. SE.

7th Ave. SE.

8th Ave. SE.

9th Ave. SE.

10th Ave. SE.

11th Ave. SE.

12th Ave. SE.

13th Ave. SE.

14th Ave. SE.

Howard County Fairgrounds

Erickson Industrial Park

Cranger Road

90th St.

Royal Oak

Prospect

Red Maple

Division St.

Crescent Drive

121st Ave.

Kenil Park

Howard County Hospital

7th Ave.

6th Ave.

5th Ave.

4th Ave.

3rd Ave.

2nd Ave.

1st Ave.

10th St. W.

9th St. W.

8th St. W.

7th St. W.

9th St. E.

Warner

Gardner

East Park

7th Ave. E.

Woodland Rd.

Getmond H. N/Dk.

Schroeder Drive

Getmond High School

Iowa Hwy. 9

Yankee Ave.



**State of Iowa**  
Alcoholic Beverages Division



**State of Iowa**  
Alcoholic Beverages Division

**Applicant**

NAME OF LEGAL ENTITY  
Atomic Pizza Pub LLC

NAME OF BUSINESS(DBA)  
Atomic Pizza Pub  
BUSINESS  
(563) 380-9318

ADDRESS OF PREMISES  
134 N Elm St

PREMISES SUITE/APT NUMBER  
Cresco  
CITY  
Cresco  
COUNTY  
Howard  
ZIP  
52136

MAILING ADDRESS  
134 N Elm St

CITY  
Cresco  
STATE  
Iowa  
ZIP  
52136

**Contact Person**

NAME  
Michel Stone

PHONE  
(563) 380-9318  
EMAIL  
michelmarygoltz@yahoo.com

**License Information**

LICENSE NUMBER  
BWC0065601

LICENSE/PERMIT TYPE  
Special Class C Liquor License  
TERM  
12 Month  
STATUS  
Submitted to Local Authority

EFFECTIVE DATE  
June 1, 2022

EXPIRATION DATE  
May 31, 2023  
LAST DAY OF BUSINESS

SUB-PERMIT  
Special Class C Liquor License

PRIVILEGES  
Outdoor Service, Sunday Service

**Status of Business**

BUSINESS TYPE  
Limited Liability Company

**Ownership**

No Ownership information found

**Insurance Company Information**

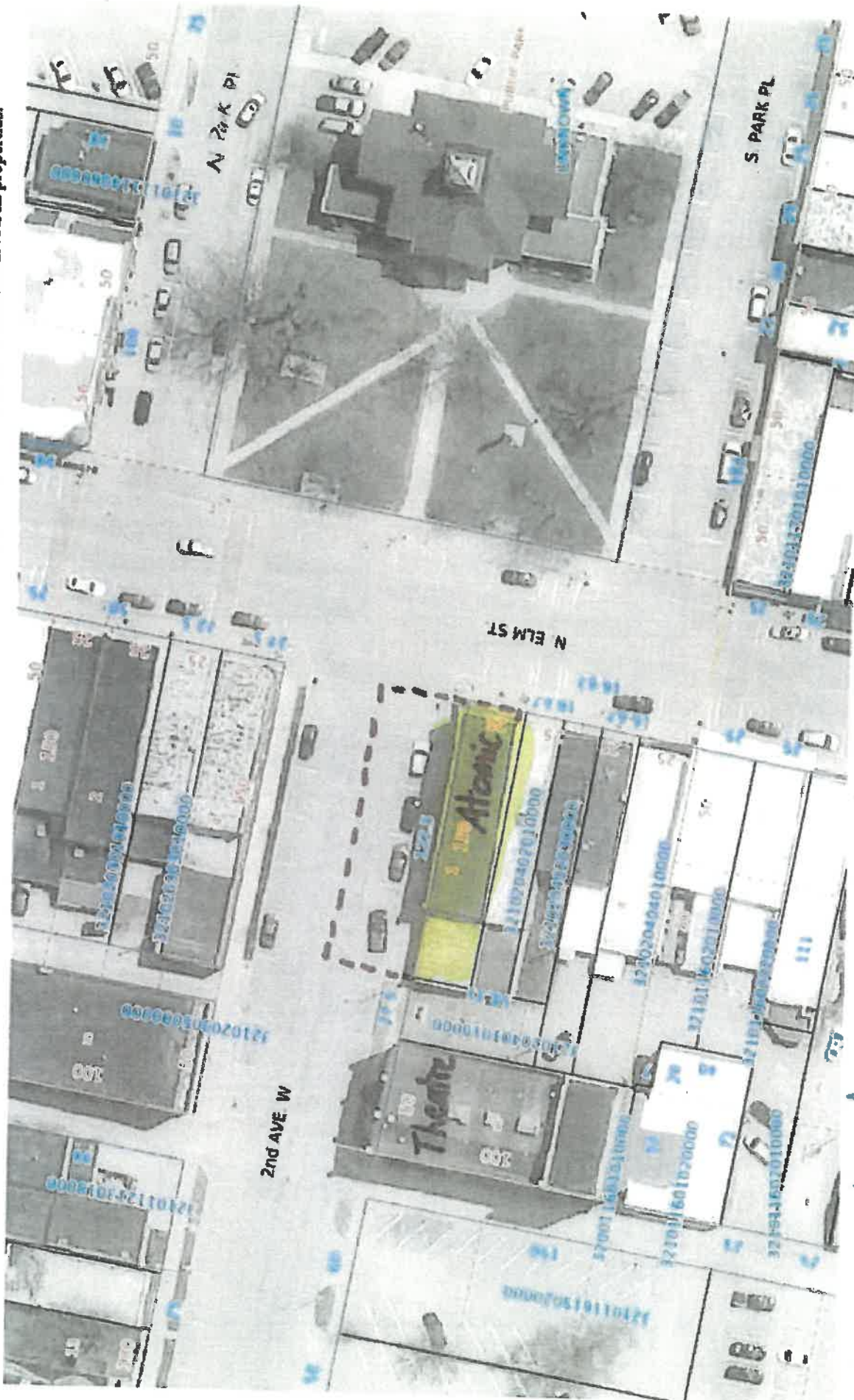
INSURANCE COMPANY  
Grinnell Mutual  
POLICY EFFECTIVE DATE  
June 1, 2022  
POLICY EXPIRATION DATE  
June 1, 2023

ORAM CANCEL DATE  
AUG 27, 2022  
OUTDOOR SERVICE EFFECTIVE DATE  
AUG 27, 2022  
OUTDOOR SERVICE EXPIRATION DATE  
AUG 27, 2022  
BOND EFFECTIVE DATE  
AUG 27, 2022  
TEMP TRANSFER EFFECTIVE DATE  
AUG 27, 2022  
TEMP TRANSFER EXPIRATION DATE  
AUG 27, 2022

Page 1 of 2  
Extended Beer Garden  
for Harigot Fest 8/27/22



The Howard County Assessor may provide property information to the public "as is" without warranty of any kind, expressed or implied. Assessed values are subject to change by the assessor, Board of Review or State Equalization process. Statutory exemptions including revitalization exemptions may affect the taxable values. In no event will the County Assessor be liable to anyone for damages, arising from the use of the property data. You assume responsibility for the selection of data to achieve your intended results, and for the installation and use of the results obtained from the property data. Currently available for viewing are URBAN and RURAL RESIDENTIAL properties.



\* 1/2 2nd Ave. W and south adjacent sidewalk \*

NA

**STREET CLOSING/PARADE PERMIT**

Application Date: 9-20-22 8-27-22 Name: Barb Halstrom - The Pub

Mail to Address: 108 N Elm St Cresco

Phone Number: 641-220-1840

List Streets to Close or Parade Route: half of alley from N. Elm  
between 112 + 114 going west

Reason for Closure: expanded patio, beer garden

Event Date: 8-27-22 Time: (from) 8:00AM (to) 2:30 AM 8-28-22

Signature of Applicant: [Signature]

**INCLUDE A MAP MARKING THE STREET OR STREETS YOU WISH TO HAVE CLOSED AND THE INDEMNITY AND HOLD HARMLESS AGREEMENT**

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4. Control by Police and Firefighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the Fire Department.

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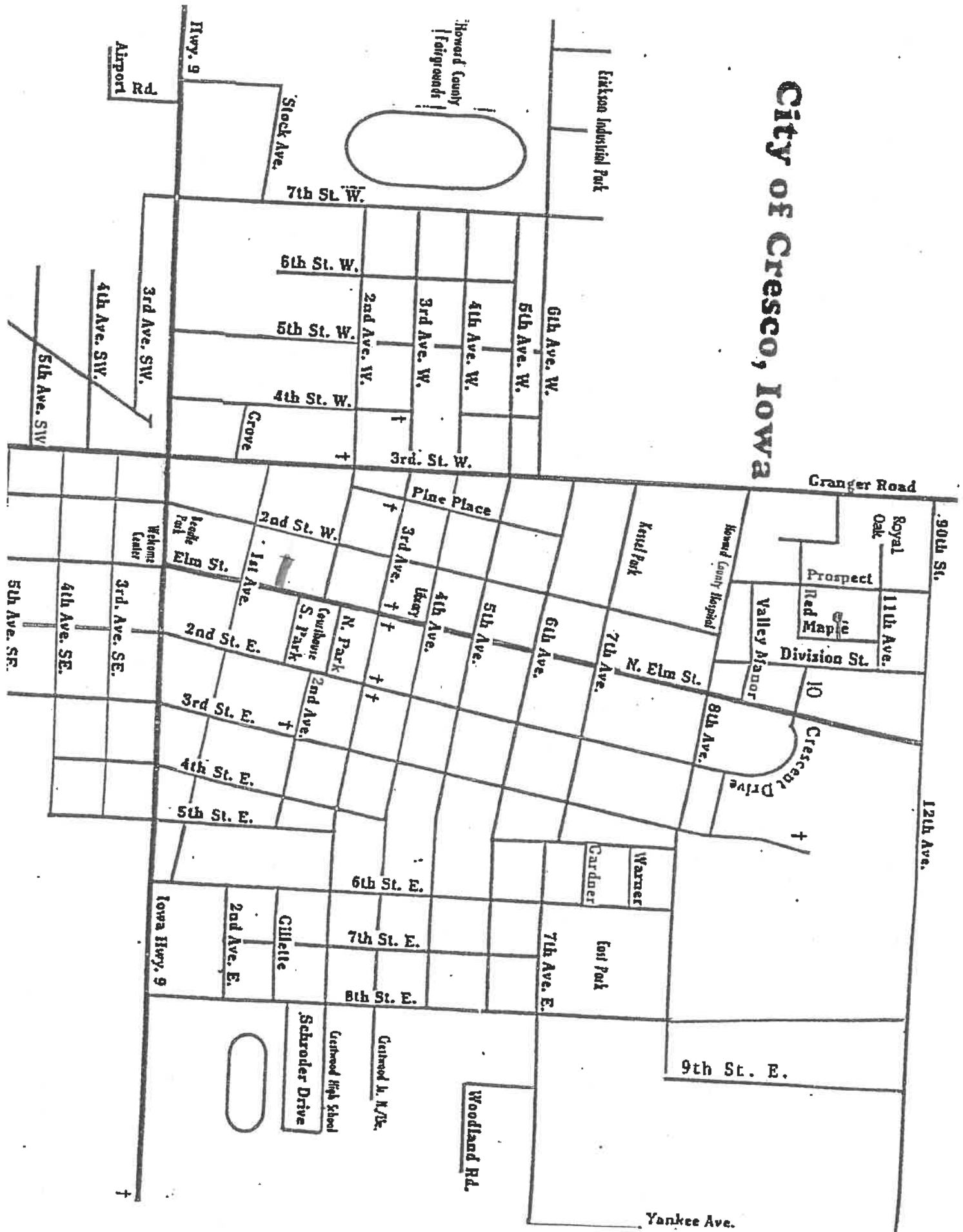
City Council

Date Approved: \_\_\_\_\_

Signature: \_\_\_\_\_

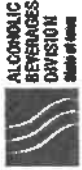
CC: Ambulance \_\_\_\_\_, Police Dept. \_\_\_\_\_, Fire Dept. \_\_\_\_\_, Street Dept. \_\_\_\_\_

# CITY OF CRESCO, IOWA





**State of Iowa**  
Alcoholic Beverages Division



**State of Iowa**  
Alcoholic Beverages Division

*work order beer  
Page 1 of 2  
Grants for Harvest Fest*

**Applicant**

NAME OF LEGAL ENTITY: Barbara E. Holstrom  
NAME OF BUSINESS(DBA): The Pub  
BUSINESS: (563) 547-2516

ADDRESS OF PREMISES: 110 N. Elm St.  
PREMISES SUITE/APT NUMBER: Cresco  
CITY: Howard  
COUNTY: Howard  
ZIP: 52136

MAILING ADDRESS: 108A N. Elm St.  
CITY: Cresco  
STATE: Iowa  
ZIP: 52136

**Contact Person**

NAME: Jim Holstrom  
PHONE: (641) 330-8196  
EMAIL: diajim@holstromia.com

**License Information**

LICENSE NUMBER: LC0042028  
LICENSURE/PERMIT TYPE: Class C Liquor License  
TERM: 12 Month  
STATUS: Submitted to Local Authority

EFFECTIVE DATE: Sep 15, 2021  
EXPIRATION DATE: Sep 14, 2022  
LAST DAY OF BUSINESS: Sep 14, 2022

SUB-PERMITS: Class C Liquor License

PRIVILEGES: Outdoor Service, Sunday Service

**Status of Business**

BUSINESS TYPE: Sole Proprietor

**Ownership**

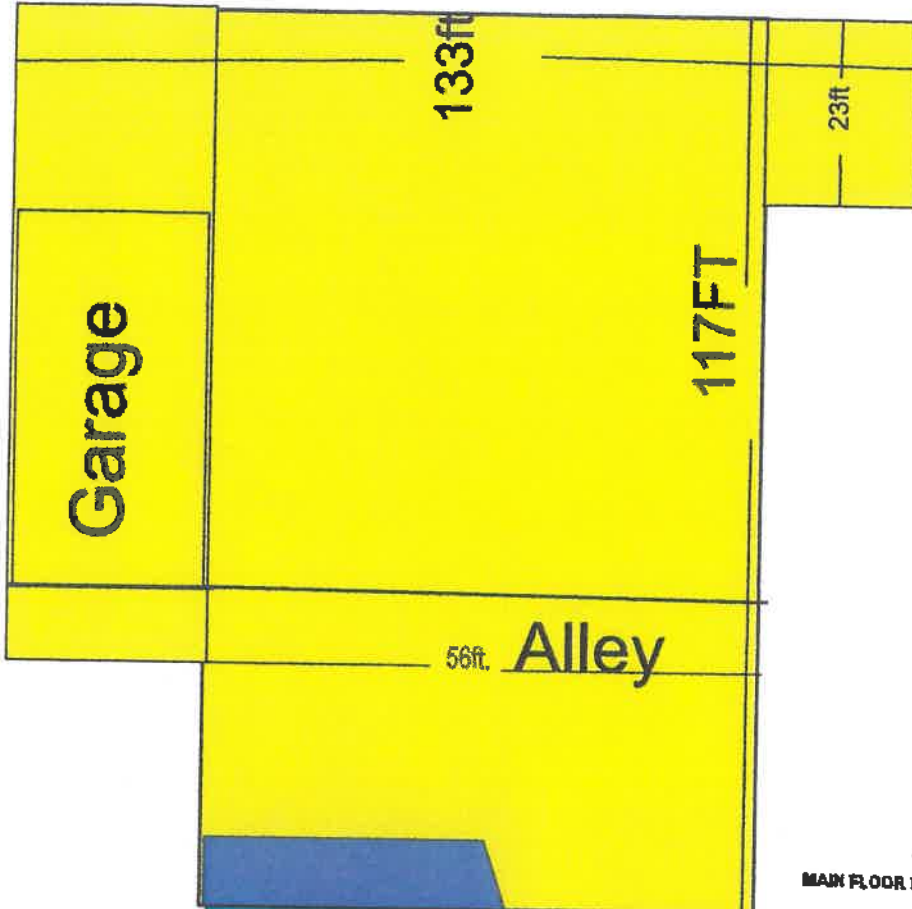
No Ownership Information found

**Insurance Company Information**

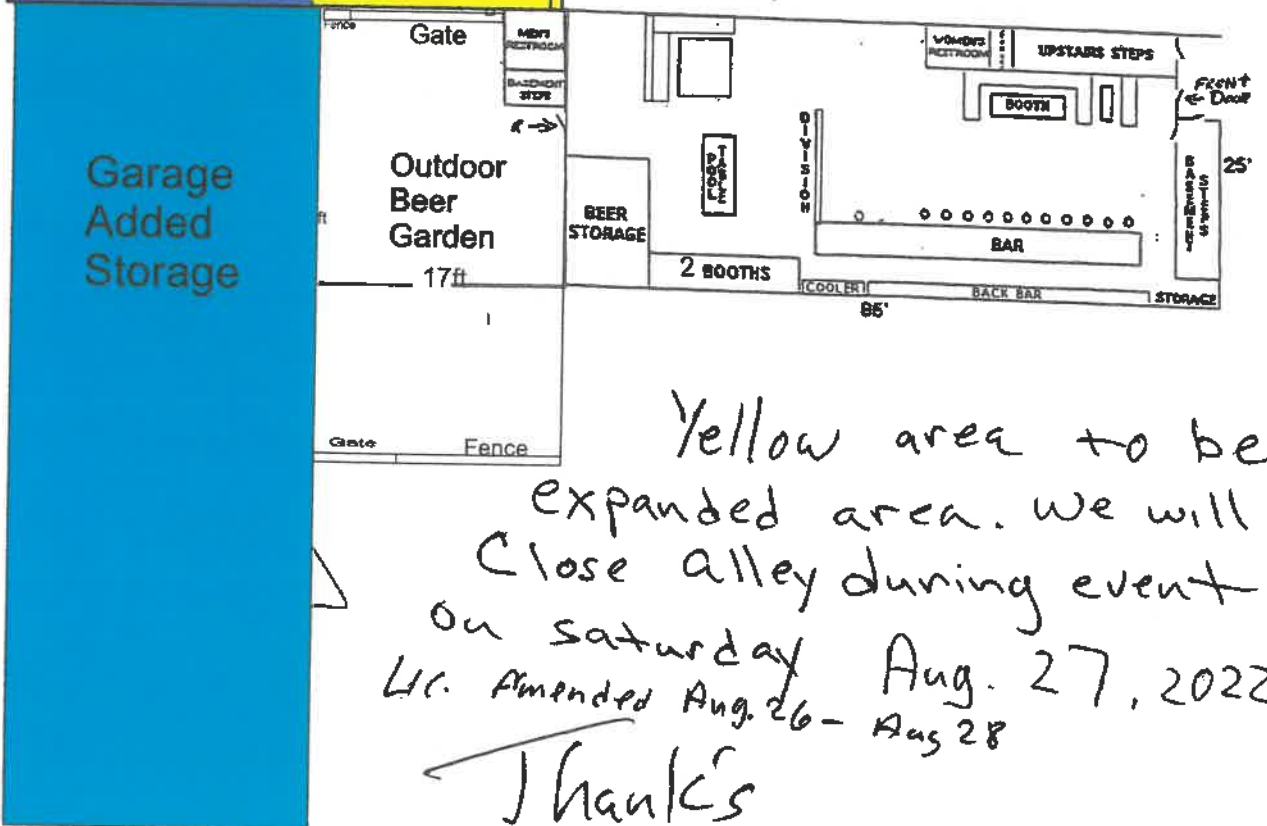
INSURANCE COMPANY	ILLINOIS CASUALTY CO	POLICY EFFECTIVE DATE	AUG 26, 2022	POLICY EXPIRATION DATE	SEP 14, 2022
DRAM CANCEL DATE		OUTDOOR SERVICE EFFECTIVE DATE	AUG 26, 2022	OUTDOOR SERVICE EXPIRATION DATE	AUG 26, 2022
BOND EFFECTIVE DATE		TEMP TRANSFER EFFECTIVE DATE		TEMP TRANSFER EXPIRATION DATE	

The Pub

110 N. Elm St



The Pub (AKA Klev's Pub)  
MAIN FLOOR DIAGRAM:



Yellow area to be expanded area. we will close alley during event on Saturday Aug. 27, 2022  
 Lic. Amended Aug. 26 - Aug 28

Thanks

Date	Event	Total Revenue	Total Expense	Total Payroll cost	Non-cash expense	Profit or (Loss)
4/10/2021	Elvis	1,960.00	1,988.77	439.57	0.00	(468.35)
4/24/2021	Johnny Cash	2,430.00	2,735.97	645.52	0.00	(951.49)
5/14/2021	Carpenters	2,320.00	1,702.42	549.47	0.00	68.10
7/17/2021	80's Block Party	2,850.00	2,684.50	588.03	0.00	(422.53)
7/31/2021	Elma Outdoor Movie	279.68	29.68	162.66	0.00	87.34
8/7/2021	Paranormal Event	200.00	74.17	85.77	0.00	40.05
8/8/2021	Sister Luv	690.00	702.17	155.13	0.00	(167.30)
8/18/2021	Limes Springs Outdoor	267.92	16.80	110.96	0.00	140.16
8/28/2021	NB Outdoor Movie	250.00	0.00	110.09	0.00	139.91
9/18/2021	Roy Orbison	3,430.00	3,256.77	568.18	0.00	(394.95)
10/2/2021	Elma Outdoor Movie	308.80	58.80	115.40	0.00	134.60
10/9/2021	Kitty Wells	1,840.00	1,697.57	506.91	0.00	(364.48)
10/30/2021	rocky Horror Movie	232.50	99.17	85.44	0.00	47.89
11/7/2021	4H Awards	275.00	130.17	132.34	0.00	12.49
11/20/2021	Rockibilly	1,550.00	1,203.77	383.66	0.00	(37.44)
11/28/2021	RHSHC	266.00	74.17	130.48	0.00	61.35
12/4/2021	Elvis Christmas	2,736.00	2,643.65	462.84	0.00	(370.49)
3/13/2022	Looney Lutherans	8,303.00	1,986.17	249.33	0.00	6,067.50
4/2/2022	Mitchell Hall	4,136.00	3,534.17	354.32	0.00	247.50
4/24/2022	Owl at Home	3,489.00	3,157.17	188.26	0.00	143.57
5/7/2022	Joseph Hall	4,236.50	3,394.67	425.33	0.00	416.50
6/9/2022	Outdoor Movie- FFN	250.00	0.00	150.72	0.00	99.28
	Totals	42,300.40	31,170.78	6,600.40	0.00	4,529.22

7/24/22

Shimek Sanitation Service

PO Box 274

212 S. Main St.

Spillville, Iowa 52168

City Of Cresco, Iowa

Attention : Michelle Elton City Clerk

Cresco City Council

**Contract to Pick Up Commercial Business in Cresco , Iowa  
Shimek Sanitation Service**

Shimek Sanitation Service would like to offer our Service to Cresco, Iowa.

Commercial Business Garbage Pick up:

Dumpsters, Regular Garbage Cans

Pick -Up as needed , 2x @ week, Weekly, Bi-Weekly or Monthly

We offer Great Service with Reasonable Pricing. We are local, based out of Spillville, Iowa .

We are a Family Business. We are willing to work with you. We are Insured locally.

We pay the Sales Tax and will take the Garbage to The Winneshiek County Landfill.

The Business customers would be Billed through us.

Please see attached :

Insurance Paper , Iowa sales Tax Permit

Thank You,

Shimek Sanitation Service

Stanley Shimek , Mark Shimek

563-380-8960, 563-562-3532, 563-569-8436, 563-382-0001

Email @ [jrs3bus@hotmail.com](mailto:jrs3bus@hotmail.com)

## **HAULER PERMIT**

**AGREEMENT** made by and between the Winneshiek County Area Solid Waste Agency, hereinafter referred to as Agency, and Shimek Sanitation, hereinafter referred to as Hauler.

**WHEREAS**, Hauler wishes to dispose of solid waste, garbage, trash, etc. at the Winneshiek County Sanitary Landfill.

### **IT IS HERETOFORE AGREED:**

1. The term of this permit shall be for a period beginning on the 1st of July, 2022, and continuing through the 30th of June, 2023.
2. The Agency shall accept solid waste, garbage, trash, etc. from the Hauler so long as said solid waste originates from a jurisdiction that has entered into a permanent use agreement (Participating Jurisdiction) with the Agency at a rate of \$72.00 per ton. Said rate is subject to change by Agency action. The terms of this Hauler Permit are further subject to the terms of the permanent use agreement between the Agency and the Participating Jurisdiction.
3. The Agency shall only accept solid waste, garbage, trash, etc. originating in jurisdictions outside those with permanent use agreements (Non-Participating Jurisdiction) at a rate of \$150.00 per ton, up to a total of 1,000 tons, and with prior approval by the Agency for a minimum period ending June 30, 2023. This period may be extended by Agency resolution. Waste originating in a Non-Participating Jurisdiction and transferred within a Participating Jurisdiction shall be governed by this paragraph and not by paragraph 2 above.
4. The Hauler and its drivers shall report at the gate upon delivery of every load and disclose and certify, on forms to be provided by the Agency, the origin or origins of the waste they are hauling, as well as estimates of the weights picked up at each location, city, county, etc. In the event the Agency determines the Hauler and/or its drivers have misrepresented the origin of said waste, this permit will be suspended immediately and the Hauler and driver will not be allowed to haul solid waste to the landfill.
5. The Hauler agrees that it shall not deposit any special or hazardous waste or friable asbestos for which either federal or state approval is required without Agency approval. In the event the Agency determines the Hauler and/or its drivers deposit said special or hazardous waste or friable asbestos without a proper Federal authorization and/or IDNR approval and permission by the Agency, their permit shall be suspended and they shall be further responsible for any and all related costs associated with the removal of said waste and cleanup of site.



6. The Hauler certifies that they have received and reviewed a copy of the Landfill Operating / Safety Rules and agree that they will follow the same and be subject to its enforcement/penalty provisions.

7. The Agency shall bill the Hauler every week, for the prior week period. Accounts not paid within twenty-eight (28) days of the billing date shall accrue interest at the rate of one and one-half per cent (1.5%) per month, thereafter. As of July 1, 2022, the minimum late fee will be \$5.00 per month. The Hauler agrees to remit all charges within sixty (60) days of the billing date. If said payment is not made within said sixty (60) day period, the Hauler shall only deposit waste on a C.O.D. basis, until they are current.

8. The Hauler is solely responsible for the collection and remitting of all sales tax payable to the State of Iowa.


Dated this 9<sup>th</sup> day of May, 2022.

WINNESHIEK COUNTY AREA  
SOLID WASTE AGENCY

By:   
Mark Vick, Chairperson

By:   
Leon Kipp, Secretary

SHIMEK SANITATION

By:   
Shimek Sanitation

By:   
Shimek Sanitation

# BUSINESS AUTO COVERAGE FORM DECLARATIONS

**GRINNELL MUTUAL  
REINSURANCE COMPANY**

4215 HIGHWAY 146, PO BOX 790  
GRINNELL, IA 50112-0790  
800-362-2041

**ITEM ONE**

Policy Number: 0000388232  
Account Number: 008023423  
Named Insured: STANLEY SHIMEK & MARK SHIMEK

Agent #: 8714 01-004-30 A

**ITEM TWO SCHEDULE OF  
COVERAGES AND  
COVERED AUTOS**

This policy provides only those coverages where a charge is shown in the premium below. Each of these coverages will apply only to those "autos" shown as covered "autos". "Autos" are shown as covered "autos" for a particular coverage by the entry of one or more of the symbols from the COVERED AUTOS Section of the Business Auto Coverage Form next to the name of the coverage. A single limit of liability is provided. The single limit should not be multiplied when more than one unit or premium is listed for a coverage.

COVERAGES	COVERED AUTOS	LIMIT THE MOST WE WILL PAY FOR ANY ONE ACCIDENT OR LOSS	PREMIUM	
LIABILITY	7 8 9 10	\$ 750,000	\$ 1,493	
PERSONAL INJURY PROTECTION (P.I.P.) (or equivalent No-Fault coverage)		SEPARATELY STATED IN EACH P.I.P. ENDORSEMENT, MINUS \$ * DEDUCTIBLE	\$	
ADDED P.I.P. (or equivalent added no-Fault coverage)		SEPARATELY STATED IN EACH P.I.P. ENDORSEMENT.	\$	
AUTO MEDICAL PAYMENTS	7	\$ 5,000	\$ 16	
UNINSURED MOTORISTS (UM)	7	\$ 750,000	\$ 112	
UNDERINSURED MOTORISTS (when not included in UM Coverage)	7	\$ 750,000	\$ Incl	
PHYSICAL DAMAGE COMPREHENSIVE COVERAGE	7	ACTUAL CASH VALUE OR COST TO REPAIR, WHICHEVER IS LESS MINUS \$ * DEDUCTIBLE FOR EACH COVERED AUTO, BUT NO DEDUCTIBLE APPLIES TO LOSS CAUSED BY FIRE OR LIGHTNING. †	\$ 675	
PHYSICAL DAMAGE SPECIFIED CAUSES OF LOSS COVERAGE		ACTUAL CASH VALUE OR COST TO REPAIR, WHICHEVER IS LESS MINUS \$25 DEDUCTIBLE FOR EACH COVERED AUTO FOR LOSS CAUSED BY MISCHIEF OR VANDALISM. †	\$	
PHYSICAL DAMAGE COLLISION COVERAGE	7	ACTUAL CASH VALUE OR COST TO REPAIR, WHICHEVER IS LESS MINUS \$ * DEDUCTIBLE FOR EACH COVERED AUTO. †	\$ 1,202	
PHYSICAL DAMAGE TOWING & LABOR		\$ * FOR EACH DISABLEMENT OF A PRIVATE PASSENGER AUTO.	\$	
FORMS AND ENDORSEMENTS APPLYING TO THIS COVERAGE PART AND MADE PART OF THIS POLICY AT TIME OF ISSUE †:				
<b>SEE SCHEDULE ATTACHED</b>			PREMIUM FOR ENDORSEMENTS	\$
			ESTIMATED TOTAL PREMIUM	\$ 3,498

- † Forms and Endorsements applicable to this Coverage Part omitted if shown elsewhere in the policy.
- ‡ See ITEM FOUR for hired or borrowed "auto".
- \* See Schedule Attached.

**ITEM THREE SCHEDULE OF COVERED AUTOS YOU OWN**

IF THIS BOX IS CHECKED, SEE SCHEDULE ATTACHED

**ITEM FOUR SCHEDULE OF HIRED OR BORROWED COVERED  
AUTO COVERAGE AND PREMIUMS**

IF THIS BOX IS CHECKED, SEE SCHEDULE ATTACHED

**ITEM FIVE SCHEDULE FOR NON-OWNERSHIP LIABILITY**

IF THIS BOX IS CHECKED, SEE SCHEDULE ATTACHED

**ITEM SIX SCHEDULE FOR GROSS RECEIPTS OR MILEAGE BASIS - LIABILITY  
COVERAGE - PUBLIC AUTO OR LEASING RENTAL CONCERNS**

IF THIS BOX IS CHECKED, SEE SCHEDULE ATTACHED

**ITEM SEVEN SCHEDULE FOR GARAGEKEEPERS COVERAGES AND PREMIUMS**

IF THIS BOX IS CHECKED, SEE SCHEDULE ATTACHED

**ITEM EIGHT SCHEDULE FOR PHYSICAL DAMAGE COVERAGE - TYPES OF  
COVERED AUTOS AND INTERST IN THESE AUTOS - PREMIUMS -  
REPORTING OR NONREPORTING BASIS AUTOS HELD FOR SALE**

IF THIS BOX IS CHECKED, SEE SCHEDULE ATTACHED

THESE DECLARATIONS AND THE COMMON POLICY DECLARATIONS, IF APPLICABLE, TOGETHER WITH THE COMMON POLICY CONDITIONS  
COVERAGE FORM(S) AND FORMS AND ENDORSEMENTS, IF ANY, ISSUED TO FORM A PART THEREOF, COMPLETE THE ABOVE NUMBERED POLICY.

**COMMERCIAL LINES POLICY  
COMMON POLICY DECLARATIONS**

**GRINNELL MUTUAL  
REINSURANCE COMPANY**  
4215 HIGHWAY 146, PO BOX 790  
GRINNELL, IA 50112-0790  
800-362-2041

Renewal Declaration  
Policy Number: 0000388230  
Account Number: 008023423

EFFECTIVE: 08/24/22

Agent #: 8714 01-004-30 A

Named Insured and Mailing Address:

STANLEY SHIMEK & MARK SHIMEK  
DBA SHIMEK SANITATION  
PO BOX 274  
SPILLVILLE IA 52168

Agent Name and Address:

A&J PETERSBURG AGENCY  
PO BOX 290  
DECORAH IA 52101-0290

563-382-3627  
CO-FILES: 0000388232

Policy Period: From: 08/24/22 To: 08/24/23 12:01 A.M. Standard Time, at your mailing address shown above.  
Business Description: GARBAGE COLLECTION

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY, WE AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY.

THIS POLICY CONSISTS OF THE FOLLOWING COVERAGES FOR WHICH A PREMIUM IS INDICATED. THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.

		PREMIUM
Commercial General Liability Coverage Part	\$	229
Certified Acts of Terrorism	\$	5

\*\* MINIMUM PREMIUM

ANNUAL PREMIUM \$ 234  
PREMIUM DUE  
RETURN PREMIUM

**FORM(S) AND ENDORSEMENT(S) MADE A PART OF THIS POLICY AT THE TIME OF ISSUE:\***

**Refer To Forms Schedule**

\*Omits applicable Forms and Endorsements if shown in specific Coverage Form Declarations.

\*This is not a bill. You will be receiving a billing statement under Account Number: 008023423

Countersignature Date: \_\_\_\_\_

Authorized Representative: Brian Petersburg

THIS DECLARATIONS AND THE COVERAGE DECLARATIONS, IF APPLICABLE, TOGETHER WITH THE COMMON POLICY CONDITIONS, COVERAGE FORM(S), AND FORMS AND ENDORSEMENTS, IF ANY, ISSUED TO FORM A PART THEREOF, COMPLETE THE ABOVE NUMBERED POLICY.

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GMRC 1771 10-17

Customer ID# 1000031436

Page 01  
Insured Copy

# COMMERCIAL GENERAL LIABILITY COVERAGE DECLARATIONS

**GRINNELL MUTUAL  
REINSURANCE COMPANY**  
4215 HIGHWAY 146, PO BOX 790  
GRINNELL, IA 50112-0790  
800-362-2041

**Limits of Insurance:**

\$ 1,000,000	General Aggregate Limit (Other Than Products - Completed Operations)
\$ 1,000,000	Products/Completed Operations Aggregate Limit
\$ 500,000	Personal and Advertising Injury Limit
\$ 500,000	Each Occurrence Limit
\$ 100,000	Damage To Premises Rented To You
\$ 5,000	Medical Expense Limit (Any One Person)

**Form of Business: Partnership**

Location of All Premises You Own, Rent, or Occupy and Classifications	Code #	Premium Basis	Rates		Advance Premiums	
			Prem./Ops.	Prod/Comp. Ops.	Prem./Ops.	Prod/Comp. Ops.
Prem # 001: 212 S MAIN ST SPILLVILLE, IA 52168						
Garbage, Ash or Refuse Collecting	95233	39800	5.760	INCL	229	INCL
Contractors - subcontracted work - i	91585	IF ANY	2.058	2.297	0	0

**Audit Premium: Annual**

**TOTAL PREMIUM FOR THIS COVERAGE PART: \$ 229**

The premium shown above as the TOTAL PREMIUM FOR THIS COVERAGE PART is a deposit premium only. The final earned premium for the period of time insurance coverage is provided by this coverage part shall be determined by audit. See Item 5. Premium Audit, in SECTION IV-COMMERCIAL GENERAL LIABILITY CONDITIONS of CG 00 01 for a complete explanation.

**FORM(S) AND ENDORSEMENT(S) APPLICABLE TO THIS COVERAGE PART:**

Refer to Forms Schedule & Variable Forms Schedule

\* - Products Completed Operations are Subject to the General Aggregate Limit

Employer Identification Number: 20-5434370 R1012C (12/02)

Partnership

State of Iowa  
Department of Revenue  
Retail Sales Tax Permit  
1-96-006446

SHIMEK & SHIMEK PRTS

is entrusted to collect tax for the State of Iowa and to engage  
in and transact business as a retailer within this state at:

SHIMEK SANITATION  
2048 337TH AVE  
CALMAR IA 52132



*Mark R. Schling*  
Director of Revenue

July 29, 2022

## Possible Ordinance Changes for Chapters 105 and Chapter 106 for Solid Waste Collection

Depending on the presentation from Shimek Sanitation Services, or other potential haulers, the Ordinances should be updated. I have been thinking about potential issues that may arise so I think perhaps we should discuss these.

1. Definition of Light Commercial vs Commercial
2. Rentals - considered residential?
  - a. Split buildings with commercial and residential
  - b. Apartments – some are residential with each being billed; some have dumpsters and are billed by Hawkeye Sanitation
3. If Commercial and Industrial can choose between two or more authorized haulers, how will it be tracked to make sure that every business does pay for garbage collection.
  - a. Residential & Light Commercial are required to pay for garbage if their water is on
  - b. Residential & Light Commercial must use Hawkeye Sanitation
  - c. If some businesses do not pay for garbage then will their garbage stock pile on their property, get dumped somewhere in town or in the country, get put into someone else's dumpster, or burned in the backyard?
4. Price increases
  - a. If customers are lost, will remaining customers have higher prices to cover operating expenses
  - b. Does the City implement a limit as to how much the rates can increase?

Reminder, any hauler must have an approved agreement with the City before they are allowed to do business in the City. We will need to produce an agreement similar to the one we have with Hawkeye Sanitation and that will need to be approved by the Council at a meeting.

# CHAPTER 105

## SOLID WASTE CONTROL

105.01 Purpose  
105.02 Definitions  
105.03 Sanitary Disposal Required  
105.04 Health and Fire Hazard  
105.05 Open Burning Restricted  
105.06 Separation of Yard Waste Required  
105.07 Littering Prohibited

105.08 Open Dumping Prohibited  
105.09 Toxic and Hazardous Waste  
105.10 Waste Storage Containers  
105.11 Prohibited Practices  
105.12 Sanitary Disposal Project Designated  
105.13 Yard Waste Disposal Site  
105.14 Recycling Program

**105.01 PURPOSE.** The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control and Collection is to provide for the sanitary storage, collection, and disposal of solid waste and, thereby, to protect the citizens of the City from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid waste.

**105.02 DEFINITIONS.** For use in these chapters the following terms are defined:

1. "Collector" means any person authorized to gather solid waste from public and private places.
2. "Discard" means to place, cause to be placed, throw, deposit, or drop.  
(Code of Iowa, Sec. 455B.361[2])
3. "Dwelling unit" means any room or group of rooms located within a structure and forming a single habitable unit with facilities that are used or are intended to be used for living, sleeping, cooking, and eating.
4. "Garbage" means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.  
(IAC, 567-100.2)
5. "Landscape waste" means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.  
(IAC, 567-20.2[455B])
6. "Litter" means any garbage, rubbish, trash, refuse, waste materials, or debris.  
(Code of Iowa, Sec. 455B.361[1])
7. "Owner" means, in addition to the record titleholder, any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
8. "Refuse" means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste and sewage treatment waste in dry or semisolid form.  
(IAC, 567-100.2)

9. "Residential premises" means a single-family dwelling and any multiple-family dwelling.

10. "Residential waste" means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires, trade wastes and any locally recyclable goods or plastics.

(IAC, 567-20.2[455B])

11. "Rubbish" means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.

(IAC, 567-100.2)

12. "Sanitary disposal" means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

(IAC, 567-100.2)

13. "Sanitary disposal project" means all facilities and appurtenances (including all real and personal property connected with such facilities) that are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director of the State Department of Natural Resources.

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

14. "Solid waste" means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by Section 321.1 of the Code of Iowa. Solid waste does not include any of the following:

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

- A. Hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934.
- B. Hazardous waste as defined in Section 455B.411 of the Code of Iowa, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the State Environmental Protection Commission.
- C. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.
- D. Petroleum contaminated soil that has been remediated to acceptable State or Federal standards.

**105.03 SANITARY DISPOSAL REQUIRED.** It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

**105.04 HEALTH AND FIRE HAZARD.** It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.



**105.05 OPEN BURNING RESTRICTED.** No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances:

*(IAC, 567-23.2[455B] and 567-100.2)*

1. **Disaster Rubbish.** The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists, provided that the burning of any structures or demolished structures is conducted in accordance with 40 CFR Section 61.145.

*(IAC, 567-23.2[3a])*

2. **Trees and Tree Trimmings.** The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

*(IAC, 567-23.2[3b])*

3. **Flare Stacks.** The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.

*(IAC, 567-23.2[3c])*

4. **Landscape Waste.** No landscape waste shall be burned within the City of Cresco, except in an officially declared emergency condition as described in subsection 1 above.

5. **Recreational Fires.** Open fires for cooking, heating, recreation, and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources and the following regulations.

A. Recreational fires shall be confined to a fire pit or fire ring.

B. Recreational fires shall not exceed 3 feet in width and fueled 12 inches in height.

C. Recreational fires shall be located at least 25 feet from any neighbor's structure or dwelling.

*(Ord. 447 - Dec. 13 Supp.)*

D. Recreational fires shall be constantly attended and monitored by a person who shall take responsibility for the fire and shall have a garden hose connected to a water supply or other approved fire extinguishing equipment readily available.

E. Recreational fires shall be completely extinguished by 1:00 a.m.

F. Police officers or the Fire Chief shall be authorized to order any recreational fires to be extinguished if smoke emissions cause serious annoyance or disturbance or a disturbance of the peace.

G. Only logs, sticks or twigs, and dry seasoned wood shall be burned in recreational fires. No landscape waste, garbage, refuse, paper products, treated lumber or other items shall be burned.

6. **Training Fires.** Fires set for the purpose of conducting bona fide training of public or industrial employees in firefighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.

*(IAC, 567-23.2[3g])*

7. **Variance.** Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director of the State Department of Natural Resources.

*(IAC, 567-23.2[2])*

**105.06 SEPARATION OF YARD WASTE REQUIRED.** All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted on the premises, deposited at the City's yard waste disposal site, or placed in biodegradable paper bags and set out for collection not more than twelve (12) hours in advance of the regularly scheduled collection day. Tree limbs shall be cut into pieces not exceeding ten (10) feet in length. No other solid waste shall be commingled with leaves. It is illegal to accumulate landscape waste on any public street or alley or right-of-way. It is the responsibility of the abutting property owner to dispose of such waste properly. No leaves or grass clippings shall be placed on or raked onto City streets or alleys. The City crews collect yard waste from mid-April to mid-November; a schedule may be obtained at City Hall. As used in this section, "yard waste" means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

**105.07 LITTERING PROHIBITED.** No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

*(Code of Iowa, Sec. 455B.363)*

**105.08 OPEN DUMPING PROHIBITED.** No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director of the State Department of Natural Resources, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director of the State Department of Natural Resources. However, this section does not prohibit the use of rubble at places other than a sanitary disposal project. "Rubble" means dirt, stone, brick, or similar inorganic materials used for beneficial fill, landscaping, excavation, or grading at places other than a sanitary disposal project. Rubble includes asphalt waste only as long as it is not used in contact with water or in a flood plain. For purposes of this section, rubble does not mean gypsum or gypsum wallboard, coal combustion residue, foundry sand, or industrial process wastes unless those wastes are approved by the State Department of Natural Resources.

*(Code of Iowa, Sec. 455B.301, Sec. 455B.307 and IAC, 567-100.2)*

**105.09 TOXIC AND HAZARDOUS WASTE.** No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director of the State Department of Natural Resources. As used in this section, "toxic and hazardous waste" means waste materials, including (but not limited to) poisons, pesticides, herbicides, acids, caustics,

pathological waste, flammable or explosive materials, and similar harmful waste that requires special handling and that must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2)

(IAC, 567-102.13[2] and 400-27.14[2])

**105.10 WASTE STORAGE CONTAINERS.** Every person owning, managing, operating, leasing, or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. **Container Specifications.** Waste storage containers shall comply with the following specifications:
  - A. **Residential.** Residential waste containers shall be carts provided by hauler or designated collection bags. Disposable collection bags shall be securely fastened, and reusable carts shall be closed securely in order to be serviced.
  - B. **Commercial.** Every person owning, managing, operating, leasing or renting any commercial premises where an excessive amount of refuse accumulates and where its storage in one or two carts as required above is impractical, shall maintain bulk storage containers approved by the City and provided by the collector.
2. **Storage of Containers.** Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well-drained and fully accessible to collection equipment, public health personnel, and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.
3. **Location of Containers for Collection.** Carts or collection bags for the storage of solid waste awaiting collection shall be placed at the curb or alley line by the owner or occupant of the premises served. Carts, collection bags or other solid waste placed at the curb line shall not be so placed more than twelve (12) hours in advance of the regularly scheduled collection day and shall be promptly removed from the curb line following collection.
4. **Nonconforming Containers.** Solid waste placed in containers that are not in compliance with the provisions of this section will not be collected.

(Section 105.10 - Ord. 492 - Jan. 22 Supp.)

**105.11 PROHIBITED PRACTICES.** It is unlawful for any person to:

1. **Unlawful Use of Containers.** Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.
2. **Interfere with Collectors.** Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.

3. **Incinerators.** Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid, or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.
4. **Scavenging.** Take or collect any solid waste that has been placed out for collection on any premises, unless such person is an authorized solid waste collector.
5. **Landscape Waste.** Burn landscape waste within the City, except in an officially declared emergency condition.

**105.12 SANITARY DISPOSAL PROJECT DESIGNATED.** The sanitary landfill facilities operated by Winneshiek County are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City.

**105.13 YARD WASTE DISPOSAL SITE.** A yard waste disposal site has been established by the City for use by residents of the community. The Council shall adopt by resolution the rules and regulations for the disposal site. Such rules will include the operating hours of the site, the type and size of degradable bags, the size of tree limbs and the type and size of organic debris to be deposited at the site. The Council shall also adopt by resolution the fees to be charged to the residents and nonresidents of the City for depositing yard waste at the disposal site.

**105.14 RECYCLING PROGRAM.** The City shall provide for the collection of recyclable material in accordance with the provisions of the contract between the City and the collector. All recycling shall be comingled and shall not be separated by the use of paper sacks or plastic bags or other means. All food containers must be cleaned. Recyclables shall be collected once every two weeks. *(Ord. 492 - Jan. 22 Supp.)*

[The next page is 511]

## CHAPTER 106

# COLLECTION OF SOLID WASTE

106.01 Collection Service  
106.02 Collection Vehicles  
106.03 Loading  
106.04 Frequency of Collection  
106.05 Bulky Rubbish

106.06 Right of Entry  
106.07 Contract Requirements  
106.08 Collection Fees  
106.09 Lien for Nonpayment

**106.01 COLLECTION SERVICE.** The City shall provide by contract for the collection of all solid waste except bulky rubbish as provided in Section 106.05 within the City.

**106.02 COLLECTION VEHICLES.** Each household will be furnished one cart for comingled recycling and one cart for non-recyclable waste. Light commercial accounts, that do not require a dumpster, will be furnished one cart for non-recyclable waste. Property owners shall keep carts cleaned to prevent nuisances, pollution, or insect breeding, and maintained in good repair. Each cart will have a unique serial number which is assigned to the residential or light commercial account.  
(LAC, 567-104.9[455B]) (Ord. 492 - Jan. 22 Supp.)

**106.03 LOADING.** Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

**106.04 FREQUENCY OF COLLECTION.** All solid waste shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary, but not less than once each week.

**106.05 BULKY RUBBISH.** Bulky rubbish that is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures therefor established by the collector.

**106.06 RIGHT OF ENTRY.** Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

**106.07 CONTRACT REQUIREMENTS.** No person shall engage in the business of collecting, transporting, processing or disposing of solid waste for the City without first entering into a contract with the City. This section does not prohibit an owner from transporting solid waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project. Furthermore, a contract is not required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities, provided that all such materials are conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported is spilled upon any public right-of-way.

**106.08 COLLECTION FEES.** The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees therefor in accordance with the following:

*(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449)*

1. Fees. The fees for solid waste collection and disposal service, to any property where water service is turned on, are:

Effective January 1, 2022	
Solid Waste (Residential)	\$18.56 per month per dwelling unit*
Recycling (Residential)	\$5.14 per month per dwelling unit
Solid Waste (Light Commercial)	\$23.02 per month
* Where at least one resident residing in a dwelling unit is 65 years of age or older, the fee is \$17.85 per month.	

Effective Upon 65-Gallon Carts Furnished to All Accountholders	
Solid Waste (Residential)	\$21.35 per month per dwelling unit*
Recycling (Residential)	\$5.91 per month per dwelling unit
Solid Waste (Light Commercial)	\$26.47 per month
* Where at least one resident residing in a dwelling unit is 65 years of age or older, the fee is \$20.53 per month.	

Effective January 1, 2023	
Solid Waste (Residential)	\$22.21 per month per dwelling unit*
Recycling (Residential)	\$6.15 per month per dwelling unit
Solid Waste (Light Commercial)	\$27.53 per month
* Where at least one resident residing in a dwelling unit is 65 years of age or older, the fee is \$21.35 per month.	

Effective January 1, 2024	
Solid Waste (Residential)	\$23.09 per month per dwelling unit*
Recycling (Residential)	\$6.39 per month per dwelling unit
Solid Waste (Light Commercial)	\$28.63 per month
* Where at least one resident residing in a dwelling unit is 65 years of age or older, the fee is \$22.21 per month.	

Effective January 1, 2025	
Solid Waste (Residential)	\$24.02 per month per dwelling unit*
Recycling (Residential)	\$6.65 per month per dwelling unit
Solid Waste (Light Commercial)	\$29.78 per month
* Where at least one resident residing in a dwelling unit is 65 years of age or older, the fee is \$23.09 per month.	

Effective January 1, 2026	
Solid Waste (Residential)	\$24.98 per month per dwelling unit*
Recycling (Residential)	\$6.91 per month per dwelling unit
Solid Waste (Light Commercial)	\$30.97 per month
* Where at least one resident residing in a dwelling unit is 65 years of age or older, the fee is \$24.02 per month.	

*(Subsection 1 - Ord. 492 - Jan. 22 Supp.)*

2. Yard Waste. The fee for collection of yard waste is \$1.75 per month for each residential and commercial premises.

3. Commercial, Industrial and Institutional Premises. The fee for the collection of solid waste and recyclables for each commercial, industrial, and institutional premises shall be negotiated between the collector and the customer and billed by the City.

4. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.09 relating to lien notices shall also apply in the event of a delinquent account.

**106.09 LIEN FOR NONPAYMENT.** Except as provided for in Section 92.08 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

*(Code of Iowa, Sec. 384.84)*

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