

RESOLUTION NO. 22-12

A Resolution of the City Council of the City of Whitefish, Montana, adopting fees for solid waste disposal services.

WHEREAS, § 7-14-4105, MCA, grants the City the power to regulate the disposal of solid waste on any premises; and

WHEREAS, § 4-2-2 of the Whitefish City Code mandates the use of the City's solid waste hauling services; and

WHEREAS, § 75-10-112, MCA, allows a governing body of a municipality to enter into contracts to implement an effective solid waste program; and

WHEREAS, on January 20, 2021 the City entered into an agreement with Montana Waste Systems, d/b/a North Valley Refuse and locally referred to as Republic Services for solid waste hauling services; and

WHEREAS, on May 3, 2022, the City and Montana Waste Systems, d/b/a North Valley Refuse and locally referred to as Republic Services executed an amendment to the agreement requiring the use of animal resistant containers for all residential properties, adjusting the pricing charged to the City, and extending the term of the contract; and

WHEREAS, § 7-13-4108, MCA, provides that a governing body of a municipality operating a solid waste management system pursuant to § 75-10-112, MCA, may charge for services, such services to be fixed by resolution; and

WHEREAS, § 7-6-4013, MCA, provides when a governing body of a municipality has the power to regulate, establish and change fees, rates, and charges for services, such fees, rates and charges must be reasonable and related to the cost of providing the service; and

WHEREAS, the rates set forth in Exhibit A are based on the negotiated rates charged by Republic Services for solid waste hauling and the cost for the City to administer the monthly billing and customer service for customers; and

WHEREAS, a notice as required by § 7-1-4127, MCA was published in the Whitefish Pilot on June 8 and June 15, 2022; and

WHEREAS, at a lawfully noticed public hearing on June 20, 2022, after reviewing the written staff report, receiving an oral report, and inviting public comment, the City Council found the proposed fees set forth in Exhibit A to be reasonable and related to the cost of providing services, as well as nearly possible equitable in proportion to the services provided.

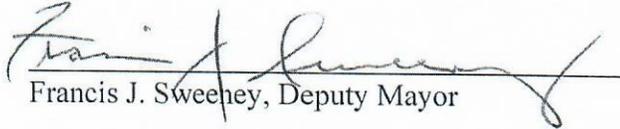
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Whitefish, Montana, as follows:

Section 1: The proposed fees set forth in Exhibit A are hereby approved.

Section 2: The proposed fees set forth in Exhibit A will become effective upon the delivery and completion of the transition to animal resistant carts for residential locations.

Section 3: This Resolution shall take effect immediately upon its adoption by the City Council and signing by the Mayor, or Deputy Mayor, thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS 20TH DAY OF JUNE 2022.


Francis J. Sweehey, Deputy Mayor

ATTEST:


Michelle Howke, City Clerk