

RESOLUTION 02-24

Resolution Consenting to Assignment and Assumption Agreement with Bi-County Disposal and Kluesner Sanitation, LLC

WHEREAS, the City previously authorized and entered into an original Residential Waste Collection Services Consisting of Trash, Recycling, and Yard Waste Agreement with Bi-County Disposal on or about December 17, 2012; and,

WHEREAS, the City entered into Amendment 3 Residential Waste Collection Services Consisting of Trash, Recycling, and Yard Waste Agreement with Bi-County Disposal on or about March 21, 2022; and,

WHEREAS, under the Agreement, the assignment of rights and responsibilities thereunder was made subject to prior consent of the contracting parties; and

WHEREAS, Bi-County Disposal has requested that the City consent to the assignment of all of its rights and responsibilities under the Agreement to Kluesner Sanitation, LLC; and

NOW, THEREFORE, It Is Resolved by the City Council of the City of Dyersville, Iowa, as follows:

Section 1. The City hereby consents to the request by Bi-County Disposal that all of its rights and responsibilities under the Residential Waste Collection Services Consisting of Trash, Recycling, and Yard Waste Agreement and its amendments be assigned to Kluesner Sanitation, LLC., and the assignment is hereby consented to and approved. The Assignment Agreement is hereby approved, and the Mayor and City Clerk are hereby authorized and directed to execute and deliver the Assignment Agreement in substantially the form and content in which the Assignment Agreement has been presented to this City Council. Such officers are also authorized to make such changes, modifications, additions, or deletions as they, with the advice of legal counsel, may believe to be necessary and to take such actions as may be necessary to carry out the provisions of the Assignment Agreement.

Section 2. Subject to due authorization, execution, and delivery of the Assignment Agreement, Bi-County Disposal is hereby released from all remaining duties to be performed under the Residential Waste Collection Services Consisting of Trash, Recycling, and Yard Waste Agreement and its amendments, and all remaining communications and payments to be made with respect to the Agreement shall exclusively be directed to Kluesner Sanitation, LLC.

Section 3. All resolutions or parts thereof in conflict herewith are hereby repealed.

Passed and approved this 15th day of January, 2024.

Jeff Jacque, Mayor

Attest:

Tricia L. Maiers, City Clerk