



Public Safety Building, 312 E. Fifth St.
Muscatine, IA 52761
(563) 263-9233
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FIRE DEPARTMENT

MEMORANDUM

TO: Mayor and City Council Members
Gregg Mandsager, City Administrator

FROM: Jerry Ewers, Fire Chief

DATE: March 15, 2011

SUBJECT: Council Agenda - Permit-Required Confined Space Resolution

INTRODUCTION:

During budget sessions it was discussed to review the permit-required confined space contract and resolution from FY 10/11 and make the necessary changes in order to eliminate the option of the “Per Call Service” fee for businesses.

BACKGROUND:

The Muscatine Fire Department (MFD) is trained and equipped to respond to confined space emergencies for rescue or recovery operations. Currently, local businesses are listing the Muscatine Fire Department as their rescue team in their confined space programs, which is required by OSHA. The MFD reviewed Fort Dodge, Iowa City, Cedar Rapids, and Dubuque as examples in regards to their resolutions, contracts, and associated fees.

Businesses with permit-required confined spaces have three options, which include providing their own rescue team, contracting with an outside agency for rescue, or contracting with the Muscatine Fire Department. Companies can decide not to enter into an agreement with the Muscatine Fire Department, but they will not be allowed to list the Muscatine Fire Department as their designated rescue team in their written confined space program. Also, if they chose not to enter into a contract with the Muscatine Fire Department they will be required to inform the fire department who they have listed in their written plan as their designated rescue team. In FY 10/11 it was anticipated that this would generate approximately \$ 25,000 in new revenue, but only created \$ 4,500. With this proposed change it is estimated to generate between \$ 15,000 and \$ 27,000 in revenue.

Annual Fees

1 -10 Permit-required confined space	\$ 1,500.00
Each additional permit-required confined space	\$ 300.00
Total fee not to exceed	\$ 4,500.00

RECOMMENDATION/RATIONALE:

It is our recommendation to approve the attached resolution authorizing contract, rates, and fees for permit-required confined space rescue by the Muscatine Fire Department.

ATTACHMENTS:

1. Resolution Authorizing Contract, Rates, and Fees for Permit-Required Confined Space
2. Permit-Required Confined Space Rescue Contract
3. Business Letter

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING CONTRACT, RATES AND FEES FOR
PERMIT REQUIRED CONFINED SPACE RESCUE BY THE MUSCATINE
FIRE DEPARTMENT.**

1. PURPOSE: The purpose of this resolution is to authorize the contracting for and the establishment of fees, with respect to "Permit Required" confined space rescue.
2. CONFINED SPACES. There are two types of confined spaces, "permit required" and "non-permit." The state law defines permit required confined spaces. It further provides the business and industry with permit required confined spaces must either provide in house personnel and equipment for the removal of personnel from permit required confined spaces or contract for such service with public or private agencies and companies staffed and equipped to provide such service.
3. CONTRACT SERVICE. Any company or business desiring to contract with the City of Muscatine, for the providing of "permit required" confined space rescue service, may do so upon compliance with State laws relating thereto, and the payment of the annual fee herein after established for such service.
4. FEE. There is hereby established an annual fee for "permit required" confined space rescue service contracts in the sum of \$ 1,500.00 per contract up to ten confined spaces, thereafter each confined space will be \$ 300.00, not to exceed \$ 4,500.
5. CONTRACT. Attached hereto and made a part hereof is a form contract for the contracting of such service as above set out and said contract shall be utilized by the department in effectuation of this resolution.
6. EFFECTIVE DATE. This resolution shall be in full force and effect from and after its passage and approval as by law required.
7. That all resolutions in conflict herewith are hereby repealed.

PASSED, APPROVED, and ADOPTED by the City Council for the City of Muscatine, Iowa, this 17th day of March, 2011.

Richard O'Brien, Mayor



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FIRE DEPARTMENT

PERMIT REQUIRED CONFINED SPACE RESCUE CONTRACT

This Contract entered into this _____ day of _____, 2011 by and between the City of Muscatine, Muscatine Fire Department, 215 Sycamore St., Muscatine, Iowa 52761, hereinafter referred to as the City and _____ of _____, Muscatine, Iowa hereinafter referred to as the Owner.

WHEREAS, the City maintains a confined space rescue service within its department and is willing to render confined space rescue to Owner with permit required confined spaces upon reasonable terms; and

WHEREAS, the Company is located at _____, Muscatine, Iowa and desires to have permit required confined space rescue services from the City and is willing to pay the sums hereinafter provided for;

NOW, THEREFORE, it is agreed between the parties as follows.

- 1) The City will furnish permit required confined space rescue services to the Owner, as it now furnishes for other confined space rescues within the City.
- 2) The permit required confined space rescue service is subject to prior service calls within the city. It shall not be a violation of this Contract if, in the judgment of the officer in charge of the department, a response pursuant to this Contract would jeopardize protection to the City as a whole. The City shall not be responsible for any loss which may result from failure to respond promptly or failure to respond to any call for service under this Contract from the Owner. In the event that the officer in charge makes such determination, the Owner will be promptly notified by the City of the temporary suspension of the Contract service.
- 3) The City is not responsible for any claims because of injuries to the public or damaged property which occur while the City is engaged in answering a call pursuant to this agreement. The owner agrees to indemnify the City for any judgment rendered against it or sums paid out by it in payment of any claims.

4) This Contract shall be limited to service at the Owner's present location and shall not be valid if the Owner moves from its present location or expands to other locations.

5) The Owner agrees to pay the sum of \$ _____ for up to _____ confined spaces and an additional sum of \$ _____ for each additional confined space. Payment shall be made upon the execution of this Contract and on the first day of each successive twelve month term. If payment is not made as herein provided the Contract shall be deemed terminated.

6) The term of this Contract shall be for twelve months from the date of execution of this Contract and shall be automatically renewed for additional twelve month terms thereafter until written notice of termination is served by either party on the other sixty days prior to the end of the term of the Contract. Service shall be on the party receiving the notice at the address above listed by certified mail, return receipt requested.

7) This Contract shall be binding upon the successors and assigns of the parties. The Owner shall not assign this Contract without the consent of the City.

City of Muscatine
Muscatine Fire Department

By _____
Jerry Ewers, Fire Chief

Owner _____

By _____

<Business Name>
<Contact Name>
<Address>
Muscatine, IA 52761

<Date>

Dear Mr. <Contact Name>,

The City of Muscatine passed a resolution authorizing contract, rates, and fees for permit-required confined space rescue by the Muscatine Fire Department on March 17, 2011.

According to our records and surveys, your facility has been identified as having permit-required confined spaces. According to OSHA 1910.146 you are required to have a designated Rescue Team that is competently trained and fully equipped to perform rescues from confined spaces.

As you may or may not be aware, the necessary equipment and training for this type of rescue service is very costly to purchase and maintain, which is why most businesses and industries contract out these services. The Muscatine Fire Department is highly trained in this area and has all the necessary equipment and atmospheric monitoring equipment to provide these services.

Basically, in order to meet the requirements you have three options:

1. Initiate and create your own internal rescue team, which includes purchasing all the necessary air monitoring and rescue equipment and perform initial and on-going training.
2. Contract rescue services with an outside company/vendor, which would be capable of meeting response time requirements to your facility for a rescue to be successful.
3. Contract with the Muscatine Fire Department for your designated Rescue Team.

If you decide to contract with Muscatine Fire Department, a fee schedule has been established for this specialty service that ranges from \$1,500.00 to a maximum of \$4,500.00 per annual contract depending on the number of spaces located in your facility.

1 – 10 spaces	\$ 1,500 annually
Each additional space over 10	\$ 300
Maximum fee for spaces	\$ 4,500 annually

Businesses are not allowed to list the Muscatine Fire Department as their designated rescue team in their written confined space program if they don't have a signed contract with us. Also, the

Muscatine Fire Department will require that you inform the City of Muscatine who is listed in your written plan as your designated rescue team.

Attached is the resolution that city council passed along with a permit required confined space rescue contract. If you have any questions, please contact Fire Chief Jerry Ewers or Captain Darrell Janssen at 563-263-9233 for any questions or clarifications.

Sincerely,

**Jerry Ewers, Fire Chief
Muscatine Fire Department**