


REQUEST FOR COUNCIL ACTION

Date: 11/18/13
Item No.: 10.a

Department Approval



City Manager Approval



Item Description: Receive Information on Organized Waste Collection Process Law Changes

BACKGROUND

The City Council has requested a discussion on the changes to the law governing organized waste collection. The Public Works, Environment, and Transportation Commission recently updated and passed a resolution requesting the City Council consider the organized collection issue. We have attached the law change summary information (attachment A) and the resolution (attachment B) and the most recent comprehensive PWETC discussion minutes (attachment C) on this topic.

The new law changes the process for considering organized collection allowing the haulers a 60 day period to negotiate and present their own proposal prior to the Council forming a committee to study and present information to the Council for consideration. The City Attorney and staff will discuss the changes with the Council at the meeting.

POLICY OBJECTIVE:

The city currently has an open system of waste collection allowing licensed haulers to solicit customers throughout the city. The regulation of haulers has been limited to licensing to ensure minimum levels of service throughout the City of Roseville.

FINANCIAL IMPACTS:

There is no financial impact at this time although other cities with organized collection claim savings to their residents with lower waste fees.

STAFF RECOMMENDATION:

Staff is presenting information on the law changes and seeking direction from Council on this issue.

REQUESTED COUNCIL ACTION:

Discuss organized collection law revisions and set date for consideration of the organized collection issue if desired.

Prepared by: Duane Schwartz, Public Works Director
Attachments: A: Statute information
B: PWETC resolution
C: PWETC minutes

Metro water group sunset extended

Chapter 19 (*HF834/SF515) allows the Metropolitan Council to continue to operate the Metropolitan Area Water Supply Advisory Committee through 2016, as described in MN Stat § 473.1565, subdivision 2. This applies only to the seven-county metro area. *Effective retroactively from Dec. 31, 2012. (CJ)*

180-day process for adopting organized collection replaced with 60-day negotiation period

Chapter 45 (*SF510/HF128) eliminates the cumbersome 180-day process for adopting organized collection, and replaces it with a 60-day negotiation period between a city and its licensed collectors. The new process is designed to give the current collectors the first chance to develop a proposal for organized collection. If the 60-day negotiation period ends without an agreement, a city can continue the process by adopting a resolution to form a committee to study organized collection and make recommendations. Cities that have already organized collection are exempt from the new law. Their current organized collection methods continue to govern.

The steps for adopting organized solid waste collection under the new law are as follows:

- **Notice to public and licensed collectors.** Before forming a committee to study organized collection, a city with more than one licensed collector must notify the public and its licensed collectors that it is considering organizing collection. The new law does not specify how notice should be provided. The League recommends providing both published notice and individual mailed notice to each licensed collector.
- **Sixty-day negotiation period.** After a city provides notice of its intent to consider organizing collection, it must provide a 60-day negotiation period that is exclusive between the city and its licensed collectors. A city is not required to reach an agreement during this period.
 - The purpose of the negotiation period is to allow licensed collectors to develop a proposal in which they, as members of an organization of collectors, collect solid waste from designated sections of the city. The proposal must address specific issues set out in the new law.
 - If an agreement is reached with a city's licensed collectors, it must be effective for three to seven years. The city must provide public notice and hold at least one public hearing before implementing the agreement. Organized collection cannot begin until at least six months after the effective date of the city's decision to implement organized collection.
- **Committee formation.** If a city does not reach an agreement with its licensed collectors during the negotiation period, it can form—by resolution—an “organized collection options committee” to study

various methods of organizing collection and issue a report. The city council appoints the committee members, and the committee is subject to the Open Meeting Law. The committee must examine different methods of organizing collection (two of which are specified in the law); establish a list of criteria for evaluating the different methods of collection; collect information from other cities and towns with organized collection; and seek input at a minimum from the city council, the local official responsible for solid waste issues, licensed solid waste and recycling collectors, and city residents.

- **Public notice, public hearing, and implementation.** A city must provide public notice and hold at least one public hearing before deciding to implement organized collection. Organized collection cannot begin until at least six months after the effective date of the city's decision to implement organized collection.

Effective May 8, 2013. (CJ)

Environment trust fund projects

Chapter 52 (*HF1113/SF987) is the annual package of projects funded from the environment and natural resources trust fund, which is funded through lottery proceeds. The Legislative Citizens Commission on Minnesota Resources (LCCMR) develops the recommendation for a wide range of research and projects related to the environment. Several of this year's approved projects are of interest to cities.

- **County geologic atlases.** Subd. 3(b) provides \$1.2 million to the University of Minnesota to continue to accelerate completion of county geologic atlases.
- **Specified county geologic atlases.** Subd. 3(c) provides \$1.2 million to the University of Minnesota for additional work on the county geologic atlases of Houston and Winona Counties.
- **Wetland inventory.** Subd. 3(d) provides \$1 million to the Department of Natural Resources for continued work on a statewide wetland inventory.
- **Hydrogen generation from wastewater.** Subd. 5(g) provides \$240,000 to the University of Minnesota to research uses of selected bacteria and polymer membranes being used to generate hydrogen from wastewater.
- **Emerald ash borer.** Subd. 6(c) provides \$600,000 to the University of Minnesota and the Department of Agriculture to evaluate and implement detection options for emerald ash borer.

Effective July 1, 2013. (CJ)

Omnibus lands bill

Chapter 73 (*HF740/SF886) is the omnibus lands bill. Legislative approval is needed to authorize the sale of tax-forfeited parcels bordering public waters. The bill also contains some policy changes related to the acquisition and

Minnesota Session Laws

Key: (1) ~~language to be deleted~~ (2) new language

CHAPTER 45--S.F.No. 510

An act

relating to solid waste; amending process for cities to implement organized collection of solid waste; amending Minnesota Statutes 2012, section 115A.94, subdivisions 2, 5, by adding subdivisions; repealing Minnesota Statutes 2012, section 115A.94, subdivision 4.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2012, section 115A.94, subdivision 2, is amended to read:

Subd. 2. **Local authority.** A city or town may organize collection, after public notification ~~and hearing~~ as required in ~~subdivision 4~~ subdivisions 4a to 4d. A county may organize collection as provided in subdivision 5. ~~A city or town that has organized collection as of May 1, 2013, is exempt from subdivisions 4a to 4d.~~

Sec. 2. Minnesota Statutes 2012, section 115A.94, is amended by adding a subdivision to read:

Subd. 4a. **Committee establishment.** (a) Before implementing an ordinance, franchise, license, contract, or other means of organizing collection, a city or town, by resolution of the governing body, must establish an organized collection options committee to identify, examine, and evaluate various methods of organized collection. The governing body shall appoint the committee members.

(b) The organized collection options committee is subject to chapter 13D.

Sec. 3. Minnesota Statutes 2012, section 115A.94, is amended by adding a subdivision to read:

Subd. 4b. **Committee duties.** The committee established under subdivision 4a shall:

- (1) determine which methods of organized collection to examine, which must include:
 - (i) a system in which a single collector collects solid waste from all sections of a city or town; and
 - (ii) a system in which multiple collectors, either singly or as members of an organization of collectors, collect solid waste from different sections of a city or town;
- (2) establish a list of criteria on which the organized collection methods selected for examination will be evaluated, which may include: costs to residential subscribers, miles driven by collection vehicles on city streets and alleys, initial and operating costs to the city of implementing the organized collection system, providing incentives for waste reduction, impacts on solid waste collectors, and other physical, economic, fiscal, social, environmental, and aesthetic impacts;
- (3) collect information regarding the operation and efficacy of existing methods of organized collection in other cities and towns;
- (4) seek input from, at a minimum:
 - (i) the governing body of the city or town;
 - (ii) the local official of the city or town responsible for solid waste issues;
 - (iii) persons currently licensed to operate solid waste collection and recycling services in the city or town; and
 - (iv) residents of the city or town who currently pay for residential solid waste collection services; and
- (5) issue a report on the committee's research, findings, and any recommendations to the governing body of the city or town.

Sec. 4. Minnesota Statutes 2012, section 115A.94, is amended by adding a subdivision to read:

Subd. 4c. **Governing body; implementation.** The governing body of the city or town shall consider the report and recommendations of the organized collection options committee. The governing body must provide public notice and hold at least one public hearing before deciding whether to implement organized collection. Organized collection may begin no sooner than six months after the effective date of the decision of the governing body of the city or town to implement organized collection.

Sec. 5. Minnesota Statutes 2012, section 115A.94, is amended by adding a subdivision to read:

Subd. 4d. **Participating collectors proposal requirement.** Prior to establishing a committee under subdivision 4a to consider organizing residential solid waste collection, a city or town with more than one licensed collector must notify the public and all licensed collectors in the community. The city or town must provide a 60-day period in which meetings and negotiations shall occur exclusively between licensed collectors and the city or town to develop a proposal in which interested licensed collectors, as members of an organization of collectors, collect solid waste from designated sections of the city or town. The proposal shall include identified city or town priorities, including issues related to zone creation, traffic, safety, environmental performance, service provided, and price, and shall reflect existing haulers maintaining their respective market share of business as determined by each hauler's average customer count during the six months prior to the commencement of the 60-day negotiation period. If an existing hauler opts to be excluded from the proposal, the city may allocate their customers proportionally based on market share to the participating collectors who choose to negotiate. The initial organized collection agreement executed under this subdivision must be for a period of three to seven years. Upon execution of an agreement between the participating licensed collectors and city or town, the city or town shall establish organized collection through appropriate local controls and is not required to fulfill the requirements of subdivisions 4a, 4b, and 4c, except that the governing body must provide the public notification and hearing required under subdivision 4c.

Sec. 6. Minnesota Statutes 2012, section 115A.94, subdivision 5, is amended to read:

Subd. 5. **County organized collection.** (a) A county may by ordinance require cities and towns within the county to organize collection. Organized collection ordinances of counties may:

- (1) require cities and towns to require the separation and separate collection of recyclable materials;
- (2) specify the material to be separated; and
- (3) require cities and towns to meet any performance standards for source separation that are contained in the county solid waste plan.

(b) A county may itself organize collection under ~~subdivision 4~~ subdivisions 4a to 4d in any city or town that does not comply with a county organized collection ordinance adopted under this subdivision, and the county may implement, as part of its organized collection, the source separation program and performance standards required by its organized collection ordinance.

Sec. 7. **REPEALER.**

Minnesota Statutes 2012, section 115A.94, subdivision 4, is repealed.

Sec. 8. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Presented to the governor May 3, 2013

Signed by the governor May 7, 2013, 10:57 a.m.

**EXTRACT OF MINUTES OF MEETING
OF THE
PUBLIC WORKS, ENVIRONMENT AND TRANSPORTATION
COMMISSION OF THE CITY OF ROSEVILLE**

* * * * *

Pursuant to due call and notice thereof, a regular meeting of the Public Works, Environment and Transportation Commission of the City of Roseville, County of Ramsey, Minnesota, was duly held on the 24th day of September, 2013, at 6:30 p.m.

The following members were present: Stenlund; DeBenedet; Gjerdingen; and Felice and the following members were absent: Vanderwall.

Commission member DeBenedet introduced the following resolution and moved its adoption:

**RESOLUTION RECOMMENDING CONSIDERATION OF ORGANIZED
TRASH COLLECTION**

WHEREAS, the City of Roseville has an interest in assuring efficient, cost effective, and environmentally friendly solid waste removal and recycling services are available to its residents;

AND WHEREAS, State statutes regulate the organizing of solid waste collection services and set forth a process to consider organization;

AND WHEREAS, The Public Works, Environment, and Transportation Commission has studied many facets of the organized solid waste collection issue for the past 18 months;

AND WHEREAS, organized waste collection is consistent with the 2030 Comprehensive Plan, including Chapter 8, and Policy Statements 6.1, 6.3 and 6.4; and sustainability goals of the Plan;

AND WHEREAS, the present waste collection system does not provide accurate information regarding uniform cost, quantity, and/or disposal sites;

NOW, THEREFORE, BE IT RESOLVED, that the City of Roseville, Public Works, Environment, and Transportation Commission hereby recommends to the Roseville City Council to consider implementation of organized solid waste collection in the City of Roseville with the consideration of the following goals:

1. Economic-ensure the lowest possible uniform rate structure for residents, transparency in rate structures, assurance that city costs will be revenue neutral, less

- wear and tear on residential streets thereby reducing city's maintenance requirements.
2. Environmental-ensure waste is directed to resource recovery facilities for highest and best reuse, to meet mandatory waste reduction goals, minimize noise and air pollution
 3. Service-Provide for a uniform range of collection options such as size of container and collection of large items and yard waste, credit for extended vacations or seasonal residency, maximize efficiency in solid waste collection, improved neighborhood aesthetics due to fewer waste collection days
 4. A better process for data collection allowing better management for the City, individuals, and haulers
 5. Safety-Fewer trucks on residential streets with less impact on neighborhood livability and safety
 6. Better Planning- collection of better and more uniform data on waste generation and service delivery
 7. Hauler Impact-consider existing market share to minimize impact to local haulers
 8. Quality of Service: A fair and open process for customer satisfaction

The motion for the adoption of the foregoing resolution was duly seconded by Commission member Felice and upon vote being taken thereon, the following voted in favor thereof: Stenlund; DeBenedet; Gjerdingen; and Felice and the following voted against the same: none.

WHEREUPON said resolution was declared duly passed and adopted.

Organized Collection Resolution

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

I, the undersigned, being the duly qualified Public Works Director of the City of Roseville, County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of said Public Works, Environment and Transportation Commission held on the 24th day of September, 2013 with the original thereof on file in my office.

WITNESS MY HAND officially as such this 24th day of September, 2013.

Duane Schwartz, Public Works Director

I, the undersigned, being the duly qualified Commission Chair of the Public Works, Environment and Transportation Commission of the City of Roseville, County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of said Public Works, Environment and Transportation Commission held on the 24th day of September, 2013 with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 24th day of September, 2013.

Jan Vanderwall, Commission Chair

Member Gjerdingen suggested that the PWETC become more proactive in providing the City Council with recommended motions on items moving forward, similar to that provided by staff in their reports to the City Council and action requests.

Member Felice stated that a lot of ground was covered during the joint meeting, and she appreciated the receptiveness of the City Council toward the PWETC and its accomplishments and upcoming work plan.

Chair Vanderwall noted that he left the meeting feeling that, even though the PWETC was a citizen volunteer group, the City Council considered recommendations of the group as meaningful and important to the work of the City Council.

6. **Final Vote on Organized Collection**

Member Felice opined that, with all the time spent on this issue to-date and hearing from all parties, it was time to move forward and achieve a positive potential outcome.

Chair Vanderwall expressed his regret that Member Stenlund was not in attendance for this vote; however, he noted that Member Stenlund had been a strong and consistent advocate in support of organized collection.

Member DeBenedet commented on one area of concern with the draft resolution on page 1 in the “NOW, THEREFORE, BE IT RESOLVED...” introductory statement; and suggested revised language to read as follows:

“NOW, THEREFORE, BE IT RESOLVED, that the City of Roseville, Public Works, Environment, and Transportation Commission hereby recommends to the Roseville City Council to *[begin the state-mandated process to implement]* organized solid waste collection in the City of Roseville with the consideration of the following goals:...”

Member DeBenedet opined that the actual PWETC recommendation is that the City Council begin the process, including the lengthy discussion between haulers and the City, and just recommending that the process be initiated, not whether it actually comes to fruition in the end.

Member Gjerdingen expressed concern in the PWETC appearing to make an actual commitment; with Chair Vanderwall clarifying that there was no commitment, just initiating a very lengthy process.

Member DeBenedet moved, Member Gjerdingen seconded, the adoption of a resolution entitled, “Resolution Recommending Consideration of Organized Trash Collection;” for formal recommendation to the Roseville City Council; *with page 1 amended to read as follows:*

“NOW, THEREFORE, BE IT RESOLVED, that the City of Roseville, Public Works, Environment, and Transportation Commission hereby recommends to the Roseville City Council to *[begin the state-mandated process to implement]* organized solid waste collection in the City of Roseville with the consideration of the following goals:...”

Chair Vanderwall opined that he liked the idea that the first goal was economic. Chair Vanderwall advised that he anticipated once the City Council received this resolution of recommendation they would return the issue to the PWETC to start the process as a commission, whether that included Public Hearings at the PWETC level or if those would be held at the City Council level. Chair Vanderwall opined that his perspective was that the PWETC should serve as the body for public comment via Public Hearings.

Member DeBenedet, referencing Goal #5 (page 2) suggested the need for caution related with statements about safety unless there was reliable evidence to support that statement. Member DeBenedet opined that, while the number of trucks on a road affecting safety may not have justifiable data to support it, obviously the more vehicles on a road, the more accidents occurring.

Chair Vanderwall, from his perspective with bus transportation and 1500 – 2000 bus stops in Roseville, advised that he frequently fielded questions from parents expressing concern with trucks going too fast on city streets; and other relevant pieces to this beyond trucks using city streets. On a related note, Chair Vanderwall noted that there are currently 3,600 kids in summer school in Roseville, making it a year-round issue, not just during the regular school year.

Member DeBenedet clarified that he was not asking that Goal #5 be struck at this point just cautioned the need for more research or specific evidence.

Member Felice opined that, while it may be harder to measure actual data, perceived security and safety was an important factor to consider in neighborhoods as well.

Chair Vanderwall noted that this was a significant step by the PWETC; however, he noted that it had been under discussion and analysis for a considerable time, and opined that it was now time to move forward.

Ayes: 4

Nays: 0

Motion carried.

7. Review DRAFT Comprehensive Storm Water Management Plan (CSWMP) Update Discussion

City Engineer Bloom briefly introduced this item subsequent to the discussion held at the last meeting, and comments incorporated into this updated draft.