



**Date:** October 10, 2023  
**To:** Mayor and City Council  
**Cc:** Scott Neal, City Manager  
**From:** Chad Millner, Engineering Director  
 Andrew Scipioni, Transportation Planner  
 Grace Hancock, Sustainability Manager  
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**Subject:** Organized Trash Collection on Single Family Dwellings

**Executive Summary**

This report is a summary of the analysis on organized trash collection (OTC) for single family dwellings only. It did not review apartments, condominiums, or other property classes. This analysis includes research from staff and resident Commissioners and input from garbage haulers, residents and legal professionals. Staff’s role on this topic is to synthesize input from these different stakeholders and provide information to City Council to make an informed decision on next steps. Staff are presenting the City Council with two possible options.

1. Status Quo – stay as an open collection system.
2. Begin the legal process to organize trash collection.

	<u>Positive Possible Outcome of OTC</u>	<u>Negative Possible Outcome of OTC</u>
<b>Staffing</b>		Major concern. The initiative would fail without proper staffing. Additional staffing is required. Fees can be added to contracts to cover cost.
<b>Green House Gas Reduction</b>	Some reduction in fuel use and GHG emissions, unable to quantify, most likely incremental reductions. Fuel use more related to engine hours versus miles traveled.	



<b>Equity</b>	Some customers may see reduction in garbage fees and all will see more transparency in pricing.	Some customers may see an increase in garbage fees.
<b>Quality of Life – Traffic Safety</b>	Neutral – Data does not support greater or lesser impacts on traffic safety.	Neutral – Data does not support greater or lesser impacts on traffic safety.
<b>Quality of Life – Noise</b>	Some reduction in overall noise generated by garbage operations.	
<b>Quality of Life – Customer Service</b>	Some customers will receive improved customer service.	Some customers may receive reduced customer service.
<b>Economic Development</b>		Does not support the City’s stated goal as it generally prevents or significantly limits business growth.
<b>Impacts to Roads</b>	Neutral – roads are designed for the impacts from garbage operations.	Neutral – roads are designed for the impacts from garbage operations.

**Background**

Minn. Stat. §115A.941 requires every city with a population of 1,000 or more to ensure that every residential household and business within the city has solid waste collection service. Cities have three options to comply with the statute:

1. Cities can require by ordinance that every household and business has a contract for collection services. This is often referred to as an open collection system. Edina City Code requires properties to utilize “a collector duly licensed by the City.” There are six licensed haulers that provide residential service in Edina; Aspen Waste Systems, Curbside Waste, Republic Services, Suburban Waste Service, Vierkant Disposal, and Waste Management.
2. Cities can organize collection pursuant to the procedures established by Minn. Stat. §115A.94. An organized collection system is one in which “a specified collector, or a member of an organization of collectors, is authorized to collect from a defined geographic service area or areas some of all of the solid waste that is released by generators for collection.” Bloomington, St. Louis Park,



Minneapolis and Richfield all utilize organized trash collection.

3. Cities can organize collection as a municipal service where city employees collect solid waste from a defined geographic service area or areas. Hopkins provides solid waste collection services for single family, duplex and triplex dwelling units (multi-family units, commercial and institutional buildings are required to contract for collection services).

In Edina, recycling and organics recycling have been organized since 1989 and 2020, respectively. These programs were easier to initiate because they are exempt from the requirements of Minn. Stat. §115A.94 since they meet of the definition of collecting recyclables.

#### Commission Initiative

As part of their 2021 work plan, the Transportation Commission investigated the impacts of organized trash collection, specifically related to traffic, the environment and damage to roadways. Their final report stated that the Commission “believes that there is sufficient evidence to support moving forward with establishing organized trash collection in Edina and recommends that City Council direct staff to create a plan to establish organized trash collection, including determining staffing/administrative costs, timeline and a communication plan to educate the community and solicit public input.” The Energy and Environment Commission reviewed and commented on a draft version of the ETC report at their September 9, 2021 regular meeting and voted in support of it.

At the time, staff did not support the Commission’s recommendation. Staff did suggest the following actions if City Council wished to move forward:

- Directing the City Manager to study the possible revision of Question 31 in future Quality of Life Surveys to accurately reflect the legal process for organizing trash collection. This suggestion was accepted and the Quality of Life Survey question was amended.
- Directing the City Manager to review staffing levels and administrative costs required if organized trash collection were to be implemented. This suggestion resulted in informational interviews between Edina staff and staff in cities with organized collection to understand staffing needs for such an initiative.
- Hosting a community forum on organized trash collection, including licensed haulers, city staff and subject-matter experts from other cities. This suggestion resulted in an informal roundtable hosted by City staff with representatives from all licensed haulers in Edina in attendance.

The Transportation Commission also submitted two advisory communications to City Council in 2022 related to organized trash collection.

#### **Procedural Requirements**

As previously noted, Minn. Stat. §115A.94 establishes the process for implementing organized collection. First, the City would have to give notice to the public and all licensed haulers that it is considering adopting



organized collection. From there, the City would enter into a negotiation period with the licensed haulers for at least 60 days. The goal of these negotiations is to create a proposal where each hauler is assigned a specific area of the City to collect from while maintaining their respective market share of business. Haulers may opt out from the proposal; the City would then reallocate their customers proportionately to the remaining participating haulers. If an agreement is reached as a result of negotiation, the City must again provide public notice and conduct a public hearing before officially deciding to implement organized collection. In this scenario, the initial agreement must be in effect for seven years.

If the City were not to reach an agreement with the licensed haulers, it may form a solid waste collection options committee to study additional methods of solid waste collection. Members of the committee would be appointed by City Council and their meetings would be subject to Open Meeting Law. The committee would have four primary duties;

1. Determine which methods of solid waste collection to examine, which must include the existing system, a single-collector system and a multiple-collector system.
2. Establish a list of criteria on which the collection methods selected for examination will be evaluated.
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) City Council, the city official responsible for solid waste issues, licensed haulers and residents.

The committee must then issue a report with its findings and recommendations to City Council. Again, the City must provide public notice and conduct at least one public hearing before deciding to implement organized collection. Cities can begin organized collection no sooner than six months after making the official decision.

Cities have been met with varying levels of community opposition when attempting to regulate trash collection, including lawsuits in the Cities of St. Paul and Bloomington. Both of these lawsuits related to resident's ability to petition for a ballot question in a home-rule charter city. Unlike St. Paul and Bloomington, Edina is a statutory city.

### **Considerations**

The arguments for and against organized collection relate to variety of strategic initiatives and goals, including staffing, sustainability, equity, quality of life, economic development, and asset management.

### **Staffing**

If this initiative were to move forward, staff does not have the capacity to implement, operate and provide the needed customer service. This work would be an extra burden on the Finance Department and Community Health Division. Richfield and Bloomington both hired an additional staff position when they



transitioned to organized collection. According to a legal review, if organized trash were to move forward, a fee could be added to the contracts to fund additional staff to handle the additional workload. It has been suggested by other agencies and waste haulers to have the person responsible for this initiative in place before starting the legal negotiation process.

### Sustainability

Supporters of organized collection claim that it reduces vehicle miles traveled (VMT) and therefore reduces greenhouse gas (GHG) emissions. According to the waste haulers its more about engine hours than miles traveled. The Climate Action Plan establishes goals for both decreasing VMT (7% by 2030) and reducing GHG emissions (45% below 2019 levels by 2030 and net zero emissions by 2050). A 2009 report published by the Minnesota Pollution Control Agency (MPCA) estimated changes in fuel consumption for five cities with open collection systems.

As the Transportation Commission noted in their 2021 report, there is potential for fuel reduction used for trash collection. However, the associated reduction in GHG emissions would likely have limited impact relative to Edina's emissions reduction goals (as a percentage of reduction from 2019 levels). It is also worth noting that waste management in Edina constitutes a small percentage of city-wide GHG emissions (1.7% of 2019 levels from the 2021 Community GHG Emissions Progress Summary dated December 2022).

### Equity

Organized collection also allows for price transparency, eliminating potential disparities among customers receiving the same level of service. In Richfield, it was discovered that some residents were paying different rates for similar service levels and that this disproportionately impacted residents that were elderly, on a fixed or low income, and those whose native language was not English. Richfield obtained this data by asking residents to share their recent invoices on the city's Facebook page. Licensed haulers in Edina were not willing to share their current prices with staff citing a desire to maintain competitive advantage, so staff is not able to ascertain whether similar inequities are occurring in Edina without asking customers directly. If these disparities exist, taking steps to eliminate them would support the goals of the City's Race and Equity Implementation Plan.

### Quality of Life

Improved quality of life is among the frequently cited advantages to organized collection. Though this is a difficult measure to quantify, there are three areas that are often discussed:

**Traffic Safety** – According to MnDOT's Crash Mapping Analysis Tool (MnCMAT2), 314 reported crashes since 2013 have involved a medium or large trucks (weighing over 10,000 lbs.) in Edina. This accounts for less than 5% of all reported crashes in the same time period. Due to the limitations of the dataset, it is not possible to determine what percentage of crashes specifically involved a garbage truck. While only eight reports specifically mention a garbage truck in the narrative, nine reports do not provide a narrative at all. At most, it could be estimated that 0.25%

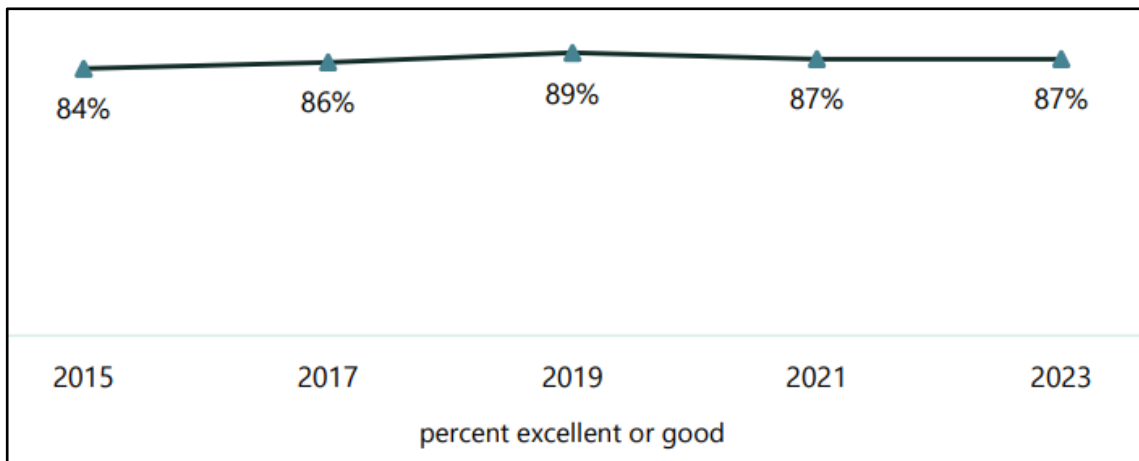


of reported crashes involve a garbage truck. Based on this data, a traffic safety issue does not exist with garbage trucks.

**Noise Pollution** – Garbage trucks and garbage collection operations create noise. The volume and duration of the noises vary by the type of truck, type of waste being collected, and duration of operation. Noise was not mentioned in ETC’s report. Other studies mention reductions in noise as a potential advantage but little to no data is available.

**Customer Service** – Proponents of organized collection note that it allows cities to establish consistent service requirements for different haulers and provides more accountability for complaints (since they would be submitted to one staff person rather than going directly to the haulers). The City has not specifically solicited public feedback on quality of garbage collection, but it has used the biennial Quality of Life Survey (QLS) as a proxy for public opinion.

The results of this survey demonstrate that residents are very satisfied with the quality of their current service. Between 2015 and 2023, nearly 9 in 10 respondents gave excellent or good ratings to the quality of garbage collection (see Figure 1). The survey has also noted similar results for recycling and organics. The results show high and stable ratings. According to Polco, the administrators of the survey, these ratings are comparable to Minnesota and national averages.



**Figure 1: Quality of Garbage Collection By Year**

Source: 2023 City of Edina Quality of Life Survey

The QLS also asks residents to rate their level of support for the City changing from the current open collection system to an organized collection system. Between 2015 and 2021, depending if “Don’t Know” answers are included or excluded from analysis, the range of support varies from 46% to 59% for organized trash collection and the range opposed varies from 32% to 40%.

In 2023, the wording of the question was adjusted based on the Transportation Commission’s recommendation (see Figure 2).

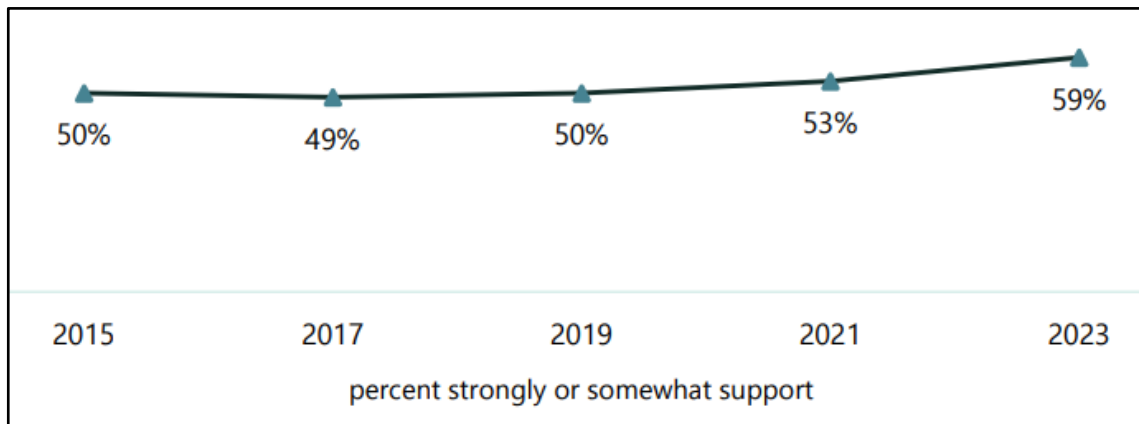


QLS Year	Question Wording
2015-2021	“Most communities have one of two systems for garbage collection. To what extent do you support the City changing from the current system in which residents may choose from several different haulers to a system where the City chooses one hauler for the whole community?”
2023	“Most communities have one of two systems for garbage collection: an open system or an organized system. An open system means all haulers serve all areas, resulting in many garbage trucks on neighborhood streets on garbage day. Residents choose their own haulers. An organized system means haulers are assigned to specific areas, resulting in only one garbage hauler on neighborhood streets on garbage day. The City organizes the haulers. To what extent do you support the City changing from the current open collection process to an organized collection system?”

**Figure 2: Organized Trash Collection Question Wording by Year**

Source: 2021-2023 City of Edina Quality of Life Surveys

That same year, about 6 in 10 respondents somewhat or strongly supported changing to organized trash collection if you remove the Don't Know responses (see Figure 3).



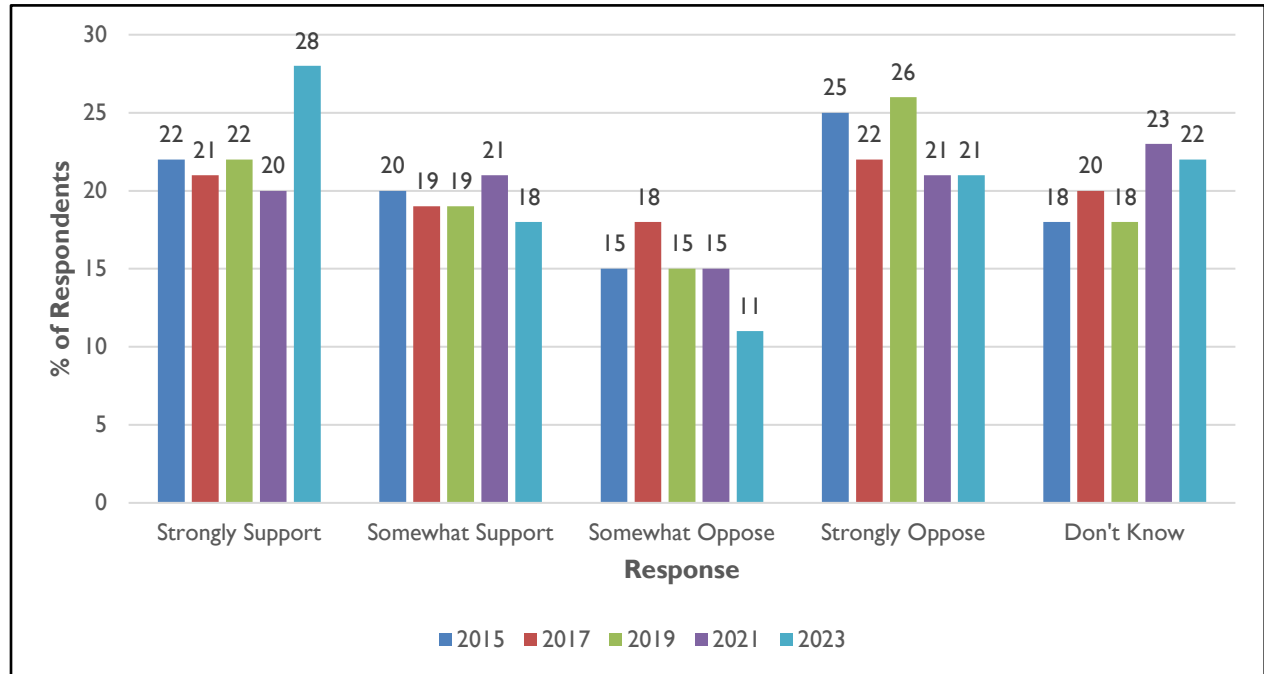
**Figure 3: Support for Change in Garbage Collection System by Year**

Source: 2023 City of Edina Quality of Life Survey

Polco noted several demographics who were more likely to support an organized trash collection system; these include renters (78%), residents living in southeastern Edina (68%), residents between the ages of 18 and 34 (86%) and those who have lived in Edina for five years or less (72%).



It should be noted that the percentages expressed in Figure 3 exclude respondents who answered, “Don’t Know,” which comprises about 20% of respondents, on average. Figure 4 shows a breakdown of all submitted responses.



**Figure 4: Support for Change in Garbage Collection System by Year**

*Source: 2015-2023 City of Edina Quality of Life Surveys*

Many haulers provide additional benefits such as backdoor service. This means they grab the container from a location that is not on the street. This builds rapport between customers and haulers. This service can still be provided with organized collection. Edina City Code requires this service at no additional cost.

Economic Development

Garbage haulers tend to be opposed to organized collection, especially smaller companies. One reason is that it limits opportunities for expansion to contract openings. In open collection, customers can “shop around” for companies that provide the level of service they require at a price that is reasonable to them. In organized collection, customers do not have the ability to select their own hauler as they are each assigned specific geographic areas within the city. Haulers also note that the procedures for organizing as prescribed by state statute can create a scenario where cities can consolidate collection to one hauler for the entire city at the end of the first negotiated contract.

According to the Economic Competitiveness chapter of the Comprehensive Plan, the City “strives to work with the local business community to sustain a regulatory environment that provides the necessary safeguards without stifling business growth and creativity.” To this end, organized collection does not support the City’s stated goal as it generally prevents or significantly limits business growth.





### Impacts to Roads

The impacts of trash operations on the life of street pavements has been referenced in various reports. In staff's opinion, there is little evidence to support the idea that reducing garbage trucks will improve quality of roadways. The majority of damage comes from moisture, oxidation, freeze-thaw cycles rather than vehicle loads. Edina streets are designed to handle the loading associated with garbage trucks.

### Summary of Feedback from Waste Haulers

The following points are staffs summary of the feedback received from the residential waste haulers from in person meetings, phone conversations, emails and letter.

- General opinion, OTC supports large haulers over small haulers and eventually shrinks the number of haulers. This contraction of haulers may be easier for large haulers to absorb. Large firms may have different agreements with disposal sites thus giving them an advantage.
- The city could legally consolidate the number of haulers after the first contract.
- Smaller, more local firms pride themselves on customer service and choice. This ability to provide a unique customer service model would be lost.
- May be difficult to detail and enforce the customer service standards in the contracts vs the open market where customers find the service they want.
- Noted very limited impacts to miles traveled and emissions because engine hours stay the same. Trucks still need to drive on each street and most of the mileage occurs when travelling to the waste disposal site.
- No noted traffic safety studies or impacts.

### **Appendices**

- A. League of Minnesota Cities Informational Memo, August 3, 2023
- B. Transportation Commission Report, October 28, 2021
- C. Letter from Suburban Waste Services, November 2, 2021
- D. Staff Report, December 21, 2021
- E. Studying Organized Collection Memo, January 20, 2022
- F. Transportation Commission Advisory Communication, January 20, 2022
- G. Transportation Commission Advisory Communication, December 15, 2022
- H. Letter from Curbside Waste, July 21, 2023
- I. Notes from Licensed Hauler Discussions, August 7 and 14, 2023

# Appendix A

League of Minnesota Cities Informational Memo  
August 3, 2023

## City Solid Waste Management

*Understand city authority and requirements to regulate the collection and disposal of solid waste and the roles of state and county oversight. Read about city licensing authority and permitted assessments and fees. Learn about open and organized systems of solid waste collection, including their advantages and disadvantages. Includes a flowchart showing the process for adopting organized collection.*

### RELEVANT LINKS:

[Minn. Stat. § 412.221, subd. 22 \(3\)](#), [Minn. Stat. § 410.33](#), *Troje v. City Council of City of Hastings*, 310 Minn. 183, 245 N.W.2d 596 (1976).

[Minn. Stat. § 443.18](#), [Minn. Stat. § 410.01](#).

See [Minn. Stat. §§ 443.18-443.35](#) for more information about first class cities' authority and restrictions regarding solid waste management.

See Information Brief, [Minnesota Solid Waste History](#), Minnesota House of Representatives.

## I. Authority, oversight, and definitions

### A. Authority to regulate

All cities are authorized to provide for or regulate by ordinance the disposal of sewage, garbage, and other refuse. This broad grant of police power authorizes cities to regulate the collection and disposal of solid waste.

### B. Authority to acquire, construct, and operate solid waste facilities—first class cities

First class cities (Minneapolis, St. Paul, Duluth, and Rochester) are authorized:

- To acquire by purchase or condemnation lands on which to build plants for the destruction of garbage and other refuse.
- To purchase, build, operate, and maintain such plants for the destruction of garbage and other refuse.
- To provide for the collection of all such garbage or refuse and its delivery to destruction plants or other places.
- To pay and contract to pay for the same in such annual installments and at such a rate of interest on deferred payments as the city council determines.

Each of these actions must be authorized by at least a three-fourths vote of all members of the city council. First class cities have additional authority and restrictions regarding solid waste management.

### C. State oversight

Before the 1970s, open burning and open dumping were the most common forms of solid waste management.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

## RELEVANT LINKS:

[Minn. Stat. § 115A.46. For Government and Partners: Materials and waste management, MPCA.](#)

[See Minn. Stat. ch. 115A.](#)

[Minn. Stat. § 115A.02.](#)

[Minn. Stat. § 115A.46. Minn. Stat. § 400.16. Minn. Stat. § 473.149. Minn. R. ch. 9215.](#)

[Minn. Stat. § 115A.46 subd. 5.](#)

[Minn. Stat. § 473.149. See Metropolitan Solid Waste Management Policy Plan 2016-2036.](#)

Beginning in the 1970s, the Minnesota Legislature adopted a variety of waste management regulations, and it gave the Minnesota Pollution Control Agency (MPCA) regulatory oversight over the management of solid waste and recycling.

The MPCA develops and enforces the state's solid waste management regulations. It also is responsible for approving the solid waste plans that counties must adopt. The MPCA offers a variety of tools to help counties, cities, and townships develop and support systems that recover resources and manage waste.

The Minnesota Legislature adopted the Waste Management Act in 1980. It establishes the following descending order of preference for waste management:

- Waste reduction and reuse.
- Waste recycling.
- Composting of source-separated compostable materials, including, but not limited to, yard waste and food waste.
- Resource recovery through mixed municipal solid waste composting or incineration.
- Land disposal that produces no measurable methane gas or that involves the retrieval of methane gas as a fuel for the production of energy to be used on-site or for sale.
- Land disposal that produces measurable methane and that does not involve the retrieval of methane gas as a fuel for the production of energy to be used on-site or for sale.

## D. County oversight

Minnesota counties have primary responsibility for solid waste management, including recycling. All counties are required to adopt a solid waste plan that must include waste reduction and recycling provisions, as well as provisions to minimize the amount of waste disposed of in landfills.

After the MPCA has approved a county's solid waste plan, a city located in that county may not enter into a binding agreement governing solid waste management activity or develop or implement solid waste management activity (other than activity to reduce waste generation or reuse waste materials) that is inconsistent with the county's plan without the county's consent.

Metropolitan counties must develop solid waste management plans that are consistent with the most recent "metropolitan long-range policy plan."

## RELEVANT LINKS:

[Minn. Stat. § 115A.03, subd. 21.](#)

[Minn. Stat. § 115A.03, subd. 31.](#) [Minn. Stat. § 116.06, subd. 22.](#)

[Minn. Stat. § 115A.951.](#)  
[Minn. Stat. § 115A.96.](#) [Minn. Stat. § 115A.03, subd. 17a.](#)  
[Minn. Stat. § 115A.9565.](#)  
[Minn. Stat. § 115A.931.](#)  
[Minn. Stat. § 115A.935.](#)  
[Minn. Stat. § 115A.932.](#)  
[Minn. Stat. § 115A.9155.](#)  
[Minn. Stat. § 115A.9157.](#)

## E. Definitions

### 1. Mixed municipal solid waste

Mixed municipal solid waste is defined as “garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection.” Mixed municipal solid waste does not include “auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed, and disposed of as separate waste streams.”

### 2. Solid waste

Solid waste is defined as “garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities.” Solid waste does not include:

- Hazardous waste.
- Animal waste used as fertilizer.
- Earthen fill, boulders, rock.
- Concrete diamond grinding and saw slurry associated with the construction, improvement, or repair of a road when deposited on the road project site in a manner that is in compliance with best management practices and rules of the agency.
- Sewage sludge.
- Solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents or discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows.
- Source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

State law specifically prohibits certain items from being included in mixed municipal solid waste or in solid waste, including: telephone directories, major appliances, electronic products containing a cathode-ray tube, yard waste, tires, motor and vehicle fluids and filters, mercury or mercury-containing devices or products from which the mercury has not been removed for reuse or recycling, fluorescent tubes, and certain batteries.

## RELEVANT LINKS:

[Minn. Stat. § 115A.03, subd. 38.](#)

[Minn. Stat. § 115A.03, subd. 25a.](#)

[Minn. Stat. § 115A.03, subd. 32b.](#)

[Minn. Stat. § 115A.03, subd. 32a.](#) [Minn. Stat. § 115A.93.](#)

[Minn. Stat. § 115A.94.](#) See Section IV, *Solid waste and recycling collection*, for more information about organized collection.

### 3. Yard waste

Yard waste is defined as “garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings.”

### 4. Recyclable materials

Recyclable materials are defined as “materials that are separated from mixed municipal solid waste for the purpose of recycling or composting, including paper, glass, plastics, metals, automobile oil, batteries, source-separated compostable materials, and sole sourced waste streams that are managed through biodegradative processes.” Recyclable materials do not include refuse-derived fuel or other material that is destroyed by incineration.

### 5. Source-separated recyclable materials

Source-separated recyclable materials are defined as “recyclable materials, including commingled recyclable materials that are separated by the generator.”

### 6. Source-separated compostable materials

Source-separated compostable materials are defined as materials that:

- Are separated at the source by waste generators for the purpose of preparing them for use as compost.
- Are collected separately from mixed municipal solid waste and are governed by the licensing provisions of section 115A.93.
- Are comprised of food wastes, fish and animal waste, plant materials, diapers, sanitary products, and paper that is not recyclable.
- Are delivered to a facility to undergo controlled microbial degradation to yield a humus-like product meeting the MPCA’s class I or class II, or equivalent, compost standards, and where process rejects do not exceed 15 percent by weight of the total material delivered to the facility.
- May be delivered to a transfer station, mixed municipal solid waste processing facility, or recycling facility only for the purposes of composting or transfer to a composting facility, unless the commissioner determines that no other person is willing to accept the materials.

### 7. Organized collection

Organized collection is defined as “a system for collecting solid waste in which a specified collector, or a member of an organization of collectors, is authorized to collect from a defined geographic service area or areas some or all of the solid waste that is released by generators for collection.”

## RELEVANT LINKS:

[Waste Management in Minnesota, Minnesota State Auditor.](#)

[Minn. Stat. § 115A.94, subd. 5.](#) See Section IV, *Solid waste and recycling collection*, for more information about organized collection.

[Minn. Stat. § 115A.94, subd. 5.](#)

[Minn. Stat. § 473.811, subd. 5\(b\).](#) [Minn. Stat. § 473.121.](#)

[Minn. Stat. § 115A.941.](#)

## 8. Open collection

Open collection is generally defined as a system for collecting solid waste or recyclable materials where individual residents and businesses are free to contract with any collector licensed to do business in the city.

## II. City regulation and licensing

### A. Required regulation

There are three situations where cities are required to regulate solid waste collection.

#### 1. County organized collection ordinance

Any county can adopt an ordinance requiring cities or towns within its boundaries to organize collection of solid waste. If a city does not comply with the county's organized collection ordinance, the county can organize collection itself.

A county's organized collection ordinance—in addition to requiring solid waste collection—may also require the separation and separate collection of recyclable materials, specify the material to be separated, and require cities to meet any performance standards for source separation contained in the county's solid waste plan.

#### 2. Cities in the metropolitan area

Cities in the metropolitan area must adopt an ordinance regulating the collection of solid waste within its boundaries. The metropolitan area includes the counties of Anoka, Carver, Dakota (excluding the cities of Northfield and Cannon Falls), Hennepin (excluding the cities of Hanover and Rockford), Ramsey, Scott (excluding the city of New Prague), and Washington. If a city is located in a metropolitan county that has adopted a collection ordinance, the city must adopt either the county ordinance by reference or a stricter ordinance. If a city is located in a metropolitan county that has adopted a recyclable-separation ordinance, the ordinance applies in all cities within the county that have failed to meet the local abatement performance standards stated in the most recent annual county report.

#### 3. Cities with a population of 1,000 or more

Any city, regardless of where it is located, with a population of 1,000 or more must ensure that every residential household and business in the city has solid waste collection service.

## RELEVANT LINKS:

[Minn. Stat. § 115A.941](#). See Section IV, *Solid waste and recycling collection*, for more information about organized collection.

[Minn. Stat. § 115A.941 \(b\)](#).

[Minn. Stat. § 115A.151](#).

[Minn. Stat. § 115A.93, subd. 1](#).

[Minn. Stat. § 115A.93, subd. 2](#). [Minn. Stat. § 115A.93, subd. 1\(a\)](#). *Troje v. City Council of City of Hastings*, 310 Minn. 183, 245 N.W.2d 596 (1976).

[Minn. Stat. § 115A.93, subd. 3\(a\)](#).

[Minn. Stat. § 115A.93, subd. 3\(d\)](#).

To comply with this requirement, cities are authorized to organize solid waste collection, provide collection by city employees, or require by ordinance that every household and business has a contract for collection services. An ordinance with such a requirement must also provide for enforcement. Cities must follow specific procedural requirements before adopting organized collection of solid waste.

A city with a population of 1,000 or more may exempt a residential household or business from the requirement to have solid waste collection service if the household or business ensures that an environmentally sound alternative is used.

## B. Recycling required at city facilities

All statutory and home rule charter cities are required to ensure that facilities under their control, from which mixed municipal solid waste is collected, have containers for at least three recyclable materials, such as, but not limited to, paper, glass, plastic, and metal. Cities also must transfer all recyclable materials collected to a recycler.

## C. Licensing

### 1. Solid waste collectors

State law prohibits any person from collecting mixed municipal solid waste for hire without a license from the jurisdiction where that waste is collected.

Cities are authorized to license solid waste collectors. If a city does so, it must submit a list of licensed collectors to the MPCA. County boards are required to adopt by resolution the licensing authority of any city that does not license solid waste collectors. If a city acts as a licensing authority, it may impose requirements that are consistent with the county's solid waste policies. In addition, state law establishes several requirements that must be imposed for any license issued to a solid waste collector.

First, a license must require collectors to impose charges for collection of mixed municipal solid waste that increase with the volume or the weight of waste collected. For example, a solid waste collector could charge fees that increase with the increasing volume of solid waste generated by customers. Garbage carts of different sizes, measured by their volume in gallons, could be issued to customers who can decide what size garbage cart best suits their disposal needs.

The commissioner of the MPCA may exempt a licensing authority from this requirement if the county in which the city is located has an approved solid waste plan that concludes that variable rate pricing is not appropriate for that jurisdiction because it is inconsistent with other incentives and mechanisms



## RELEVANT LINKS:

[Minn. Stat. § 115A.93, subd. 3a.](#)

[Minn. Stat. § 115A.93, subd. 3\(c\).](#)

[Minn. Stat. § 115A.553, subd. 2. Minn. Stat. § 115A.93, subd. 1\(b\).](#)

[Minn. Stat. § 115A.46, subd. 5.](#)

[Orr v. City of Rochester](#), 193 Minn. 371, 258 N.W. 569 (1935).

[Waste Systems Corp. v. County of Martin](#), 985 F.2d 1381 (8th Cir. 1993). [C & A Carbone, Inc. v. Town of Clarkstown, New York](#), 511 U.S. 383 (1994).

implemented that are more effective in attaining the goals of discouraging on-site disposal, littering, and illegal dumping. The commissioner may also exempt a collector from this requirement while revisions are being made to the county's solid waste plan if certain conditions are met. The exemption is only effective until the county solid waste plan is revised.

Second, a license that requires a pricing system based on volume instead of weight shall determine a base unit size for an average small quantity household generator of waste and establish, or require the licensee to establish, a multiple unit pricing system that ensures that amounts of waste generated in excess of the base unit amount are priced higher than the base unit price.

Third, a license shall prohibit collectors from imposing a greater charge on residents who recycle than on residents who do not.

## 2. Recycling collectors

Counties can require either county or municipal licenses for the collection of recyclable materials. A person may not collect recyclable materials for hire unless that person is licensed locally or is registered with the MPCA. Each county must ensure that materials separated for recycling are taken to markets for sale or to recyclable material processing centers. No county may prevent a person that generates or collects solid waste from delivering recyclable materials to a recycling facility of the generator's or collector's choice.

If a city acts as a licensing authority, it may impose requirements that are consistent with the county's recycling policies. A city can also impose requirements that are in addition to or different from the county's policies if the city's requirements are designed to reduce waste generation or promote the reuse of waste materials.

## 3. License fees

State law does not address the amount that cities can charge for licenses for collection of solid waste or recyclable materials. Generally, a license fee must be reasonable. It should not be viewed as a source of revenue and should be in an amount that is close to the direct and indirect costs in issuing the license and regulating the licensed activity.

## D. Requiring use of specific waste facility

Some municipalities have adopted ordinances that regulate the flow of solid waste, for example, by designating where it must be taken for disposal. This is generally done as a tool to achieve solid waste management goals.

## RELEVANT LINKS:

*Ben Oehrleins and Sons and Daughter, Inc. v. Hennepin County*, 115 F.3d 1372 (8th Cir. 1997).

*City of Philadelphia v. New Jersey*, 437 U.S. 617 (1978).  
*United Haulers Ass'n, Inc. v. Oneida-Herkimer Solid Waste Management Auth.*, 550 U.S. 330 (2007).

*LSP Transmission Holdings, LLC v. Sieben*, 954 F.3d 1018, 1026 (8th Cir. 2020).

*General Motors Corporation v. Tracy*, 519 U.S. 278, 306 (1997).

*Paul's Industrial Garage, Inc. v. Goodhue County*, No. 21-2614 (8th Cir. 2022).

Minn. Stat. §§ 115A.83-115A.86.

Minn. Stat. § 115A.83 subd. 2. Minn. Stat. § 115A.03, subds. 27 and 28.

Flow control ordinances may raise constitutional issues under the Commerce Clause of the United States Constitution if they interfere with the flow of interstate commerce.

Courts have recognized a distinction under the Commerce Clause that generally allows municipalities more authority to take actions affecting solid waste if they are acting as a “market participant” instead of as a government regulator. When a municipality is providing for or contracting for waste management services, it generally is thought to be acting as a market participant.

The dormant Commerce Clause prohibits states from implementing regulations that favor in-state economic interests by burdening out-of-state competitors. However, Courts have found that local governments may provide differential treatment to entities that perform different services in the same market as long as no actual or prospective competition exists. For example, a county ordinance that requires waste be made into refuse-derived fuel (RDF) and transferred to a state-run energy plant instead of contracting an out of state entity that transfers waste to a landfill does not violate the dormant Commerce Clause because the out-of-state entity performs a different service.

State law authorizes counties or sanitary districts to adopt a designation ordinance requiring that all solid waste generated within a specific geographic area must be delivered to a specific solid waste facility. A designation ordinance does not apply to the following materials:

- Materials separated from solid waste and recovered for reuse in their original form or for use in manufacturing processes.
- Materials that are processed at a resource recovery facility at the capacity in operation at the time that the designation plan is approved by the commissioner of the MPCA.
- Materials that are separated at a permitted transfer station located within the boundaries of the designating authority for the purpose of recycling the materials if either: (1) the transfer station was in operation on Jan. 1, 1991; or (2) the materials were not being separated for recycling at the designated facility at the time the transfer station began separation of the materials.
- Recyclable materials that are being recycled, and residuals from recycling if there is at least an 85 percent volume reduction in the solid waste processed at the recycling facility and the residuals are managed as separate waste streams.

## RELEVANT LINKS:

[Minn. Stat. § 115A.94, subd. 3.](#)  
[Minn. Stat. § 115A.86.](#)

[Minn. Stat. § 473.813.](#)  
[Minn. Stat. § 473.121.](#)

LMCIT staff can assist in reviewing city contracts, especially provisions related to insurance and liability. For more information, contact Chris Smith, Risk Management Attorney, at [csmith@lmc.org](mailto:csmith@lmc.org) or 651-281-1269.

[Minn. Stat. § 115A.93, subd. 5.](#)  
[Minn. Stat. § 13.02, subds. 9, 12.](#)

[Minn. Stat. § 443.015.](#) See [Adopting Assessments for Unpaid Charges for Garbage Collection and Disposal Services, LMC Model Resolution, and Providing for Assessment of Unpaid Charges for Garbage Collection and Disposal Services, LMC Model Ordinance.](#)

[Minn. Stat. § 443.29.](#)

If a city organizes collection, by contract or as a municipal service, it may include a requirement that all or any portion of the solid waste be delivered to a waste facility identified by the city. This requirement would not apply to recyclable materials and materials that are processed at a resource recovery facility at the capacity in operation at the time the requirement is imposed. In a district or county where a resource recovery facility has been designated by ordinance, organized collection must conform to the designation ordinance's requirements.

Cities in the metropolitan area have authority to directly negotiate and enter into contracts—for a term not to exceed 30 years—for the delivery of solid waste to a waste facility, and the processing of solid waste. Contracts made by direct negotiations shall be approved by resolution.

Before a city in the metropolitan area enters into a contract for a period of more than five years, it must submit the proposed contract and a description of the proposed activities under the contract to the commissioner of the MPCA for review and approval.

## E. Customer lists

Customer lists that solid waste collectors provide to cities are private data on individuals, or nonpublic data with regard to data not on individuals, under the Minnesota Government Data Practices Act.

## III. City assessments and fees

### A. Assessments for unpaid services

Any statutory city or city of the fourth class that provides, by contract or otherwise, for garbage collection and disposal may by ordinance require the owners of all property served to pay the proportionate cost of the service to their properties. The city council may annually levy an assessment equal to the unpaid cost as of Sept. 1 of each year against each lot or parcel of land. The assessment may include a penalty not to exceed 10 percent of the unpaid amount, and shall bear interest not exceeding 6 percent per year. Such assessments shall be certified to the county auditor and shall be collected and remitted to the city treasurer in the same manner as assessments for local improvements.

First class cities (Minneapolis, St. Paul, Duluth, and Rochester) have additional authority to collect unpaid charges for rubbish disposal in a civil action, or to assess them against the property receiving the service and collect them as other taxes are collected.

## RELEVANT LINKS:

[Minn. Stat. § 115A.921, subd. 1.](#)

[Minn. Stat. § 115A.921, subd. 1\(b\).](#)

[Minn. Stat. § 115A.921, subd. 2.](#) [Minn. Stat. § 115A.03, subd. 7.](#)

[Minn. Stat. § 115A.921, subd. 2.](#)

[Minn. Stat. § 115A.929.](#)

## B. City fees

### 1. Operators of disposal facilities

A city may charge a fee that cannot exceed \$1 per cubic yard of waste, or its equivalent, on operators of facilities for the disposal of mixed municipal solid waste located in the city. The fees must be credited to the city's general fund. Revenue produced by 25 cents of the fee must be used only for purposes of landfill abatement or for mitigating and compensating for the local risks, costs, and other adverse effects of the facilities.

Revenue produced by the balance of the fee may be used for any general fund purpose.

There is an exemption from this fee for waste residue from recycling facilities at which recyclable materials are separated or processed for the purpose of recycling, or from energy and resource-recovery facilities at which solid waste is processed for the purpose of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse if there is at least an 85 percent weight reduction in the solid waste processed.

A city also may charge a fee not to exceed 50 cents per cubic yard of waste, or its equivalent, on operators of facilities for the disposal of construction debris located within the city. The revenue from the fees must be credited to the city general fund. Two-thirds of the revenue must be used only for purposes of landfill abatement or for purposes of mitigating and compensating for the local risks, costs, and other adverse effects resulting from the facilities.

There is an exemption from 25 percent of this fee if the facility has implemented a recycling program that the county has approved, and 25 percent if the facility contains a liner and leachate collection system the MPCA has approved. Two-thirds of the revenue from this fee must offset any financial assurances required by the city for a construction debris facility. The maximum revenue that may be collected for this type of fee must be determined by multiplying the total permitted capacity of a facility by 15 cents per cubic yard. Once the maximum revenue has been collected for a facility, the fees in this subdivision may no longer be imposed.

### 2. Accounting for fees

Cities that provide for solid waste management shall account for all revenue collected from waste management fees, together with interest earned on revenue from the fees, separately from other revenue collected by the city.

## RELEVANT LINKS:

[Minn. Stat. § 115A.03, subd. 36.](#)

[Minn. Stat. § 115A.919.](#)  
[Minn. Stat. § 115A.921.](#)

[Minn. Stat. § 115A.923.](#)  
For more information about these fees see Section III. B., *City Fees*. [Minn. Stat. § 115A.929.](#)

[Minn. Stat. § 115A.945.](#)

[Analysis of Waste Collection Service Arrangements](#), Minnesota Pollution Control Agency, June 2009.

[Minn. Stat. § 115A.94, subds. 1, 3.](#) See Section IV.D., *Procedural requirements for adopting organized collection*, for more information.

Cities must report revenue collected from the fees and use of the revenue separately from other revenue and use of revenue in any required financial report or audit.

A city provides solid waste management and is subject to this requirement for a separate accounting and reporting if a city engages in any activities that are intended to affect or control the generation of waste, or engages in any activities that provide for or control the collection, processing, and disposal of waste. State law defines waste management fees as:

- All fees, charges, and surcharges collected under sections 115A.919, 115A.921, and 115A.923 of the Minnesota Statutes.
- All tipping fees collected at waste management facilities owned or operated by the city.
- All city charges for waste collection and management services.
- Any other fees, charges, or surcharges imposed on waste for the purpose of waste management, whether collected directly from generators, indirectly through property taxes, or as part of utility or other charges for city-provided services.

Any city that provides or pays for the costs of collection or disposal of solid waste must, through a billing or other system, make the prorated share of those costs for each solid waste generator visible and obvious to the generator.

## IV. Solid waste and recycling collection

### A. Types of collection systems—open collection and organized collection

The two main types of collection systems for solid waste and recycling are commonly referred to as “open collection” and “organized collection.” A 2009 study authorized by the MPCA estimated that the number of cities with open solid waste collection was between 65 to 80 percent, and the number of cities with organized solid waste collection was between 20 to 35 percent. The same study indicated that the number of cities with open recycling was estimated to be between 40 to 60 percent, and the number of cities with organized recycling was estimated to be between 50 to 60 percent.

Open collection is generally defined as a collection system where individual residents and businesses are free to contract with any collector licensed to do business in the city.

Organized collection is defined as a “system for collecting solid waste in which a specified collector, or a member of an organization of collectors, is authorized to collect from a defined geographic service area or areas some or all of the solid waste that is released by generators for collection.”

## RELEVANT LINKS:

[Minn. Stat. § 115A.94, subd. 3.](#)

[Minn. Stat. § 471.345. Minn. Stat. § 412.311. \*Schwandt Sanitation of Paynesville v. City of Paynesville\*, 423 N.W.2d 59 \(Minn. Ct. App. 1988\).](#)

[Minn. Stat. § 115A.94, subd. 3. Minn. Stat. § 115A.86.](#)

[Minn. Stat. § 115A.94, subd. 3.](#)

[Minn. Stat. § 115A.94, subds. 1, 3. Minn. Stat. § 115A.03, subds. 25a, 31. Minn. Stat. § 116.06, subd. 22.](#)

[Waste Recovery Coop. of Minn. v. Cnty. of Hennepin](#), 475 N.W.2d 892 (Minn. Ct. App. 1991).

A city must comply with certain procedural requirements in the organized collection statute before adopting organized collection of solid waste. There may be additional procedural requirements for home rule charter cities.

A city may organize collection as a municipal service where city employees collect solid waste from a defined geographic service area or areas. In the alternative, cities may organize collection by using one or more private collectors or an organization of collectors. The agreement with the private collectors may be made through an ordinance, franchise, license, negotiated or bid contract, or by other means.

The competitive bidding requirements in state law do not apply to city contracts for solid waste collection because a contract for these services does not meet the definition of a “contract” that is subject to the Uniform Municipal Contracting Law.

Organized collection accomplished by contract or as a municipal service may include a requirement that all or any portion of the solid waste—except recyclable materials and materials that are processed at a resource-recovery facility at the capacity in operation at the time the requirement is imposed—be delivered to a waste facility identified by the city. In a district or county where a resource-recovery facility has been designated by ordinance, organized collection must conform to the ordinance’s requirements.

Cities are prohibited from establishing or administering organized collection in a way that impairs recycling. Further, cities must exempt recyclable materials from organized collection upon a showing by the person who generates the recyclables or a collector of recyclables that the materials are or will be separated from mixed municipal solid waste by the generator, separately collected, and delivered for reuse in their original form or for use in a manufacturing process.

It is not absolutely clear whether a city that decides to enter into an agreement for the collection of recyclable materials, including source-separated compostable materials, with one collector or an organization of collectors is required to comply with the procedural requirements in the organized collection statute. The answer likely depends on whether the definition of “solid waste” referenced in the organized collection statute should be interpreted to include recyclable materials.

The Minnesota Court of Appeals, in a published opinion, considered a similar issue of whether telephone directories, which were collected for recycling, were subject to a county’s designation ordinance requiring mixed municipal solid waste to be disposed of at a county-designated facility. The court of appeals concluded that the telephone directories did not meet the definition of mixed municipal solid waste or of solid waste because they were being collected for recycling in a “separate waste stream” and were not being “discarded” as solid waste.

## RELEVANT LINKS:

[Minn. Stat. § 115A.94, subd. 6.](#)

[Minn. Stat. § 115A.03, subd. 4.](#) [Minn. Stat. § 115A.94.](#)

[Jennissen v. City of Bloomington](#), 913 N.W.2d 456 (Minn. 2018). [Clark v. City of Saint Paul](#), 934 N.W.2d 234 (Minn. 2019). [Jennissen v. City of Bloomington](#), 938 N.W.2d 808 (Minn. 2020).

[Analysis of Waste Collection Service Arrangements](#), Minnesota Pollution Control Agency, June 2009.

If a city is considering entering into an agreement for the collection of recyclable materials with one collector or an organization of collectors, it should consult its city attorney to determine whether it must follow the procedural requirements in the organized collection statute.

## B. Organized collection is generally optional

The organized collection statute provides that the authority to organize the collection of solid waste is optional and is in addition to authority governing solid waste collection granted by other law. The statute also provides that a city may exercise any authority granted by any other law, including a home rule charter, to govern collection of solid waste. A city would only be required to organize collection if the county in which it is located has by ordinance required cities within its jurisdiction to organize collection.

The Waste Management Act defines cities as “statutory and home rule charter cities authorized to plan under sections 462.351 to 462.364.” Therefore, both statutory and home rule charter cities may adopt organized collection using the procedures outlined in the organized collection statute.

The Minnesota Supreme Court has held that the Waste Management Act does not preempt home rule charter cities from regulating the process for organizing the collection of solid waste. Instead, the Supreme Court concluded that the Act establishes the minimum procedural requirements that cities must follow before adopting organized collection, and that home rule charter cities may be subject to additional procedural requirements, including those adopted through a citizen petition for a referendum or for a proposed charter amendment.

## C. Open collection versus organized collection: pros and cons

### 1. Open collection

There are several frequently cited advantages of open collection:

- Residents have more choice and are free to select a solid waste collector based on their preference.
- There is a direct relationship between the solid waste collector and its customers.
- There are minimal administrative costs for cities.
- Smaller solid waste collectors are better able to enter the market in an open collection system by servicing a portion of city residents.

## RELEVANT LINKS:

[Analysis of Waste Collection Service Arrangements](#), Minnesota Pollution Control Agency, June 2009.

The Benefits of Organized Collection, Minnesota Pollution Control Agency, Feb. 2012. [Analysis of Waste Collection Service Arrangements](#), Minnesota Pollution Control Agency, June 2009.

[Analysis of Waste Collection Service Arrangements](#), Minnesota Pollution Control Agency, June 2009.

[Minn. Stat. § 115A.94, 2013 Minn. Laws ch. 45.](#)

In contrast, there are several frequently cited disadvantages of open collection:

- Open collection generally results in a more expensive monthly cost for residents.
- Multiple collectors mean more truck traffic and the resulting negative side effects, including the potential for added street maintenance costs, and increased vehicle noise and emissions, fuel consumption, and vehicle accidents.
- There may be inconsistent charges for the same level of service in a city.
- Cities have reduced ability to manage solid waste collection.

## 2. Organized collection

There are several frequently cited advantages of organized collection:

- The price paid by households in an organized collection system is generally lower per month for similar service levels than in an open collection system due to increased efficiencies from serving every household or business in the community or on a particular route.
- Limiting the number of solid waste collectors allows cities to decrease the impacts of increased truck traffic, including the potential for added street maintenance costs, vehicle noise and emissions, fuel consumption, and vehicle accidents.
- Cities have greater ability to manage solid waste collection and can establish service requirements.
- Standardized service makes public education easier.
- Cities' ability to seek requests for proposals on a regular basis helps lower costs.

In contrast, there are several frequently cited disadvantages of organized collection:

- Households and businesses do not get to choose their collector.
- Cities have greater administrative involvement and costs.
- Small collectors have higher entry costs to get into the market and competitive opportunities are limited to contract openings.
- The statutory requirements for switching from open collection to organized collection are time consuming and can be difficult politically.

## D. Procedural requirements for adopting organized collection

There are several procedural steps a city must take before it is authorized to adopt organized collection of solid waste.



## RELEVANT LINKS:

See Appendix A, Organized Collection Flowchart.

[Minn. Stat. § 115A.03, subd. 4.](#) [Minn. Stat. § 115A.94.](#)

*Jennissen v. City of Bloomington*, 913 N.W.2d 456 (Minn. 2018). *Clark v. City of Saint Paul*, 934 N.W.2d 234 (Minn. 2019). *Jennissen v. City of Bloomington*, 938 N.W.2d 808 (Minn. 2020).

[Minn. Stat. § 115A.94, subd. 4d.](#) [Minn. Stat. § 331A.03.](#)

[Minn. Stat. § 115A.94, subd. 4d.](#)

[Minn. Stat. § 115A.94, subd. 4e.](#)

[Minn. Stat. § 115A.94, subd. 4d.](#)

The Minnesota Legislature adopted significant changes to the organized collection statute in 2013 that were designed to simplify the process for adopting organized collection. Any city that has adopted organized collection as of May 1, 2013, is exempt from the new requirements.

The Waste Management Act defines cities as “statutory and home rule charter cities authorized to plan under sections 462.351 to 462.364.” Therefore, both statutory and home rule charter cities may adopt organized collection using the procedures outlined in the organized collection statute.

The Minnesota Supreme Court has held that the Waste Management Act does not preempt home rule charter cities from regulating the process for organizing the collection of solid waste. Instead, the Supreme Court concluded that the Act establishes the minimum procedural requirements that cities must follow before adopting organized collection, and that home rule charter cities may be subject to additional procedural requirements, including those adopted through a citizen petition for a referendum or for a proposed charter amendment.

### **1. Notice to public and to licensed collectors**

A city with more than one licensed collector must first give notice to the public and to all licensed collectors that it is considering adopting organized collection. State law does not specify how notice should be provided. The League recommends providing both published notice and individual mailed notice to each licensed collector.

### **2. Exclusive negotiation period with licensed collectors**

After the city provides notice of its intent to consider adopting organized collection, it must provide a negotiation period that is exclusive between the city and all collectors licensed to operate in the city. This exclusive negotiation period must be at least 60 days, but it may be longer if the city chooses.

Before the exclusive meetings and negotiation, participating licensed collectors and elected officials must meet and confer regarding waste collection issues, including but not limited to road deterioration, public safety, pricing mechanisms, and contractual considerations unique to organized collection.

A city is not required to reach an agreement with the licensed collectors during this period. The purpose of the exclusive negotiation period is to allow the licensed collectors an opportunity to develop a proposal in which they, as members of an organization of collectors, will collect solid waste from designated sections of the city.

## RELEVANT LINKS:

[Minn. Stat. § 115A.94, subd. 4d.](#)

[Minn. Stat. § 115A.94, subd. 4d.](#)

[Minn. Stat. § 115A.94, subd. 4d.](#)

[Minn. Stat. § 115A.94, subd. 4c.](#)

LMCIT staff can assist in reviewing city contracts, especially provisions related to insurance and liability. For more information, contact Chris Smith, Risk Management Attorney, at [csmith@lmc.org](mailto:csmith@lmc.org) or 651-281-1269.

[Minn. Stat. § 115A.94 subd. 4a.](#) [Minn. Stat. ch. 13D.](#)

[Minn. Stat. § 115A.94, subd. 4b.](#)

[Minn. Stat. § 115A.94, subd. 4b.](#)

The proposal must contain identified city priorities, including issues related to zone creation, traffic, safety, environmental performance, service provided, and price, and must reflect existing collectors maintaining their respective market share of business as determined by each hauler's average customer count during the six months before the beginning of the exclusive negotiation period.

If an existing collector opts to be excluded from the proposal, the city may allocate its customers proportionally based on market share to the participating collectors who choose to negotiate.

If an organized collection agreement is established as a result of the exclusive negotiation period, the initial agreement must be in effect for seven years. Upon execution of an agreement between the participating licensed collectors and the city, the city shall establish organized collection through appropriate local controls. The city does not need to establish a solid waste collection options committee if it reaches an agreement with the licensed haulers during the exclusive negotiation period; however, the city must first provide public notice and a public hearing before officially deciding to implement organized collection. Organized collection may begin no sooner than six months after the effective date of the city's decision to implement organized collection.

### **3. Solid waste collection options committee**

If a city does not reach an agreement with its licensed collectors during the exclusive negotiation period, it may form by resolution a "solid waste collection options committee" to study additional methods of solid waste collection. The city council appoints the committee members. The committee is subject to the open meeting law and has several mandatory duties.

First, the committee shall determine which methods of solid waste collection to examine, which must include at least three methods of collection: (1) the existing system of collection; (2) a system in which a single collector collects solid waste from all sections of the city; and (3) a system in which multiple collectors, either singly or as members of an organization of collectors, collect solid waste from different sections of the city.

Second, the committee shall establish a list of criteria on which the organized collection methods selected for examination will be evaluated, which may include: costs to residential subscribers; the impacts on residential subscribers' ability to choose a provider of solid waste service based on the desired level of service, costs, and any other factors; the impact of miles driven on city streets and alleys and the incremental impact of miles driven by collection vehicles; initial and operating costs of implementing the solid waste collection system; providing incentives for waste reduction;

**RELEVANT LINKS:**

[Minn. Stat. § 115A.94, subd. 4b.](#)

[Minn. Stat. § 115A.94, subd. 4b.](#)

[Minn. Stat. § 115A.94, subd. 4b.](#)

[Minn. Stat. § 115A.94, subd. 4c.](#)

[Minn. Stat. § 115A.94, subd. 4c.](#)

[Minn. Stat. § 115A.94, subd. 3.](#)

[Minn. Stat. § 115A.94, subd. 7.](#)

impacts on solid waste collectors; and other physical, economic, fiscal, social, environmental, and aesthetic impacts.

Third, the committee shall collect information regarding the operation and efficacy of existing methods of organized collection in other cities and towns.

Fourth, the committee shall seek input from, at a minimum:

- The city council.
- The city official responsible for solid waste issues.
- Persons currently licensed to operate solid waste collection and recycling services in the city.
- City residents who currently pay for residential solid waste collection services.

Finally, the committee must issue a report on its research, findings, and any recommendations to the city council.

#### **4. Public notice and public hearing**

A city council shall consider the committee’s report and recommendations. A city must provide public notice and hold at least one public hearing before deciding to implement organized collection.

#### **5. Implementation**

A city can begin organized collection no sooner than six months after the effective date of the city’s decision to implement organized collection. A city may organize collection as a municipal service where city employees collect solid waste from a defined geographic service area or areas. In the alternative, cities may organize collection by using one or more private solid waste collectors or an organization of collectors. An agreement with private collectors may be made through an ordinance, franchise, license, negotiated or bidded contract, or by other means.

#### **6. Anticompetitive conduct**

A city that organizes collection is authorized to engage in anticompetitive conduct to the extent necessary to plan and implement its chosen organized collection system and is immune from liability under state laws relating to antitrust, restraint of trade, and unfair practices, and other regulation of trade or commerce.

**RELEVANT LINKS:**

[Minn. Stat. § 115A.94, subd. 4f.](#)  
[Minn. Stat. § 604.02.](#)

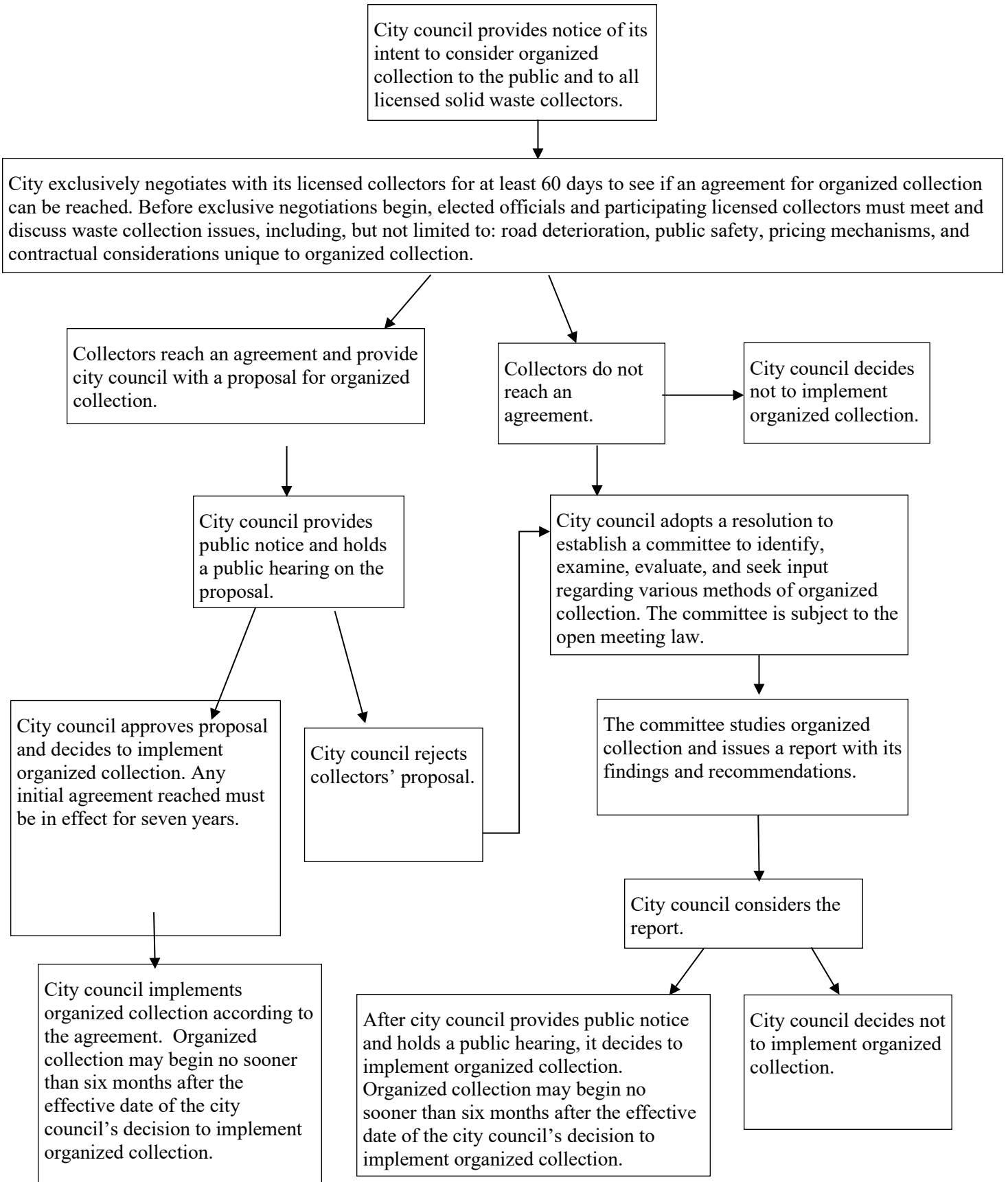
## **7. Joint liability limited**

An organized collection agreement must not obligate a participating licensed collector for damages to third parties solely caused by another participating licensed collector, notwithstanding section 604.02 of the Minnesota Statutes. The organized collection agreement may include joint obligations for actions that are undertaken by all the participating collectors.

## **V. Conclusion**

Cities have broad authority to regulate the collection and disposal of solid waste. Cities exercise this authority subject to state and county oversight. Cities should work closely with their city attorneys when exercising this authority by requiring licenses, imposing fees and assessments, entering into contracts, and adopting ordinances. Cities must comply with procedural requirements in the organized collection statute before they may adopt organized collection of solid waste.

# Appendix A: Organized Collection Flowchart



## Appendix B

Transportation Commission Report  
October 28, 2021

## Transportation Commission



**Date:** October 28, 2021 Amended: December 16, 2021  
**To:** Mayor and City Council  
**Cc:** Andrew Scipioni, Transportation Planner  
**From:** Transportation Commission  
**Subject:** Organized Trash Collection

**Initiative**

Investigate the impacts of organized trash collection while considering the travel demand management objectives, environmental goals, and reducing wear-and-tear on City streets.

**Recommendation**

The Transportation Commission believes that there is sufficient evidence to support moving forward with establishing organized trash collection in Edina and recommends that City Council direct staff to create a plan to establish organized trash collection, including determining staffing/administrative costs, timeline and a communication plan to educate the community and solicit public input.

**Background**

In organized trash collection (OTC), waste hauling services are organized by local government to achieve benefits for residents. This does not mean a city has just one hauler. Typically, OTC includes a consortium of garbage haulers who may contract with a city; wherein each hauler is assigned a geographic area equal to their market share.

In Minnesota, all haulers are legally allowed to negotiate and contract with a city under MN Statute 115A.94. This statute would require Edina to engage in contract negotiation with all current haulers leaving no option for one city-wide hauler.

**Benefits**

1. OTC significantly reduces miles traveled by each hauler contributing to both **environmental, quality of life, traffic safety,** and **economic benefits** (meaning lower costs for the residents and the city).
2. For Edina specifically, OTC aligns with the broader **sustainability goals** within the Transportation Chapter of the Edina Comprehensive Plan (mainly goals [3, 9 and 14](#)) along with the Climate Action Plan and Living Streets Plan.

**Current State**

The City of Edina has an open trash collection system in which residents choose from 6 city-licensed haulers for garbage collection. The summarized problem and opportunity are:



1. **Problem:** Open collection systems result in high truck traffic where Edina residents may experience a range of 6-9 garbage trucks traveling their street on a single day.
2. **Opportunity:** Reducing this type of traffic to just one garbage truck on a single day (once per week) would significantly lower greenhouse gas emissions, street maintenance costs, and improve neighborhood safety and livability.

### **Rationale for Recommendation:**

Data for this report was largely cited from the 2021 Quality of Life Survey Report, Minnesota Pollution Control Agency's (MPCA) 2009 report, *Analysis of Waste Collection Service Arrangements*, and 2012 report, *The Benefits of Organized Collection*.

Additional research support came from Minnetonka High School's advanced professional studies program VANTAGE - an academic program led by students to help solve real-world business problems via hands-on learning and project-based assignments.

Lastly, City Staff from Richfield and Bloomington provided input on their OTC transition process.

### **Resident Support**

In the 2021 Quality of Life Survey Report, residents were asked to rate the overall quality of garbage collection in Edina as well as the subsets of recycling, and organic recycling. (Question 14):

- 87% of residents gave excellent or good ratings in the overall quality of garbage collection
- 83% of residents gave excellent or good ratings for recycling
- 78% of residents gave excellent or good ratings for organics recycling  
([City of Edina, 2021, p. 28](#))

From this data, it is evident that Edina residents are comfortable with organized collection systems as both recycling and organics recycling services are organized collection systems run by the City of Edina. Each service has one city-contracted vendor. Both are exempt from Statute 115A.94 ([Minnesota Legislature, 2021](#)).

When looking at the organics recycling ratings by year, it suggests that Edina residents prefer an organized system:

- In 2021, 78% of residents gave excellent or good ratings for organics recycling
- In 2019, 52% of residents gave excellent or good ratings for organics recycling  
([City of Edina, 2021, p. 53](#))
- In early 2020, Edina converted to a city-wide, organized organics collection system. ([Wig, 2019](#))

Residents were also asked, 'to what extent do you support the City changing from the current system in which residents may choose from several different haulers to a system where The City chooses one hauler for the whole community?' (Question 31):

**Please Note:** This question states one hauler for the whole community and does not include the option for multiple vendors with a designated geography according to market share. The City choosing one hauler is not an option under MN Statute 115A.94.





- 53% of residents were strongly or somewhat supportive of changing to OTC, a slight increase from previous years. ([City of Edina, 2021, p. 30](#))
- When responses were analyzed by length of residency and age ([City of Edina, 2021, p. 165](#)):

Length of Residency		Age	
≤ 5 years	63%	18-34	58%
6-20 years	59%	35-54	62%
≥ 20 years	41%	55+	45%

**Key interpretive factor:** The results from Question 31 are without any public education on OTC prior to the survey distribution. The Transportation Commission suggests if Edina residents had been educated on the environmental and economic benefits of OTC, or if they knew their rates could be lower and have guaranteed fewer garbage trucks on their street, the results of this survey question would be significantly more in favor of OTC.

**Greater Community Support**

ETC and EEC commissioners connected with City Staff in both Richfield and Bloomington to get a better understanding of the transition and implementation process. Richfield’s OTC starts October 2021, and Bloomington’s started October 2016. Their experiences were dissimilar in that Bloomington was in a four-year court battle to bring OTC to the ballot. In November 2020, OTC went up for vote where 70% of residents voted to continue the organized collection system ([Hanks, 2020](#)).

Richfield had some resistance with residents not wanting to switch providers but experienced nothing like Bloomington. Both projected that as OTC continues to grow in the metro, the process will become easier as haulers are used to it. This could be true for Edina as **4 of 6 haulers already participate in OTC** in other cities. Suburban Waste Service is the only hauler that participates in Haulers for People’s Choice, an organization that opposes OTC.

Other take-aways from these meetings include:

- Bloomington gets fewer complaints with OTC.
  - The City does the billing through Utilities and fewer mistakes are made.
  - Missed pick-ups are less frequent as haulers must stop at every house in their zone.
  - There’s an accountability process and centralization for complaints not found in open systems.
  - Haulers are bound by service standards in their city-contract.
- Suggestions from Bloomington and Richfield City Staff:
  - Keep the public informed with mailers, newsletters, create an e-subscribe system just for garbage and recycling.
  - Know what haulers are charging in the open system before contract negotiations.

Full notes from these meetings can be found in Appendix A and Appendix B.



**Economic Benefits**

**Savings for Residents:**

With OTC, customers pay a flat rate based on garbage volume - a pricing system that has widely shown to reduce costs for customers. In the table below, the MPCA report shows that Open MSW (Municipal Solid Waste) has significantly higher rates than Organized MSW ([MPCA, 2012, p. 1](#)).

Collection System	Average Monthly Rate		
	30 Gallon	60 Gallon	90 Gallon
Open MSW	\$22.64	\$25.46	\$25.46
Organized MSW	\$14.83	\$16.98	\$22.23
Difference	\$7.81	\$8.48	\$3.23
% Change	+34.5%	+33.3%	+12.7%

With open systems, haulers may have a range of rates for identical, base service plans. Richfield found hauler billing rates fluctuated between \$200- \$1000/year. They also discovered that many residents with the largest can size (95 gallons) were being charged less than residents with smaller can sizes; hence, why some residents saw their rate increase with OTC. On average, residents are now saving around 15% (see Appendix A). The table below shows the OTC [pricing schedule for Richfield](#).

Service	Quarterly All-In Cost (including all taxes and fees)	Annual All-In Cost (including all taxes and fees)
35 Gallon Trash (biweekly)	28.17	112.68
35 Gallon Trash (weekly)	35.70	142.80
65 Gallon Trash (weekly)	45.09	180.36
95 Gallon Trash (weekly)	54.48	217.92

Open rates in Bloomington averaged \$26.72/month before OTC (see Appendix B). The table below shows the OTC [pricing schedule for Bloomington](#).

<b>Small cart</b> 30-38 gallons	\$12.12 / month, \$24.24 bi-monthly (including Solid Waste Management State tax & Hennepin County fee)
<b>Medium cart</b> 60-68 gallons	\$16.15 / month, \$32.30 bi-monthly (including State Solid Waste Management State tax & Hennepin County fee)
<b>Large cart</b> 90-98 gallons	\$20.19 / month, \$40.38 bi-monthly (including Solid Waste Management State tax & Hennepin County fee)
<b>Trash overflow</b>	\$5.34 / bag (including Solid Waste Management State tax & Hennepin County fee)

**Savings for the City:**

Edina is responsible for maintaining 27 million square feet of pavement with maintenance costs estimated to be \$5 to \$9 per square foot over a 60-year life span ([City of Edina, 2021, p. 2](#)). Based on axel load data, MnDOT formulates that the impact from a single garbage truck equates to the impact of 1,000 cars. 86% of road wear in alleys and 8% of road wear in high traffic areas comes garbage trucks ([MPCA, 2012, p. 1](#)).

As city streets last 5-10 years longer with an organized trash system ([MPCA, 2009, p. 40](#)), optimizing garbage routes would significantly reduce both the miles traveled and the quantity and frequency of trucks



on residential streets and alleys ultimately reducing the need for maintenance and maintenance costs.

Within the rankings of Quality of City Services in the 2021 Survey, Street Repair was found to be of 'lower quality' compared to other city services with 57% believing the service was excellent or good ([City of Edina, 2021, p. 27](#)).

### **Environmental Benefits**

Edina's Climate Action Plan goals include reducing citywide greenhouse gas emissions 30% by 2025, and 80% by 2050 ([City of Edina, 2021](#)). Garbage trucks average 3-5 miles per gallon and reducing the miles traveled reduces greenhouse gases.

Open cities studied in the MPCA 2009 report and compiled in the [MPCA 2012 report \(pg. 2\)](#) show the percentage of additional fuel used per year than if these cities were in an organized system.

- Eagan 216%
- Duluth 294%
- Rochester 250%
- Woodbury 355%
- St. Paul 437%

Converting fuel usage to carbon emissions, the City of St. Paul, alone, could have saved an estimated total annual 2,470,664 pounds of CO<sub>2</sub> if they were in an OTC system ([MPCA, 2009, p. 144](#)). In relatable terms, this amounts to:

- 2,816,476 miles traveled by an average passenger vehicle, or
- 45,813 propane cylinders used for home barbeques ([Environmental Protection Agency, 2021](#)).

St. Paul officially started OTC in October 2018, but the decision to do so without a vote was brought to court where it was ruled that OTC should be brought to ballot. In November 2019, 63% of residents voted to keep OTC. ([Walsh, 2019](#)).

**Key fact:** Both St. Paul and Bloomington had an established OTC before it went to ballot. After residents in these cities experienced the benefits of OTC, the majority voted to keep it.

Additionally, Hennepin County requires garbage trucks to deliver trash to the Hennepin Energy Recovery Center (HERC) for cities with OTC. This means that garbage refuse will go to a waste to energy facility where garbage metrics can be easily tracked. In an open system, the hauler can choose any landfill. According to Hennepin County:

- "Every ton of trash burned at HERC produces fewer tons of greenhouse gas emissions than if it were disposed of in a landfill because decomposing garbage in landfills produces methane. Methane is over 20 times more potent of a greenhouse gas than carbon dioxide over 100 years" ([Hennepin County, 2021](#)).



**Traffic Safety**

In May of 2021, the City installed a camera at the intersection of West Shore Dr and Dunberry Ln to collect traffic data on garbage pick-up day. This is the corner of two minor residential streets, which do not have pass-through traffic, i.e., garbage trucks at this corner are serving the residences in the neighborhood. Staff calculated the percentage of vehicles observed: garbage trucks, school buses, other large vehicles, and regular passenger vehicles. **50 garbage trucks** were recorded at this intersection on one pick-up day:

Total Entering Intersection <b>1215</b>	Large Vehicles / Contractors / Delivery Vehicles	School Buses	Garbage Trucks	Regular Vehicles
Totals	<b>95</b>	<b>15</b>	<b>50</b>	<b>1055</b>
Total %	<b>8%</b>	<b>1%</b>	<b>4%</b>	<b>87%</b>

Depending on the structure of the organized collection system, the number of trash trucks could be reduced to 3; 94% of the garbage truck traffic is potentially unnecessary.

Other Considerations:

- Due to the size and frequent stops of garbage trucks, reducing the quantity of trucks on any given street fosters safer travel for pedestrians, cyclists, and motorized vehicles alike.
- When one hauler services every house on a street, truck speeds are reduced, and stops are more predictable.



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**APPENDIX A: Meeting with City of Richfield, 8/27/21**

Rachel Lindholm, Richfield Sustainability Coordinator

Commissioners present: Jill Plumb-Smith, ETC; John Haugen, EEC

Current Haulers: Aspen, Republic, Waste Management

- Primary motivations to switch to OTC - Equity, Sustainability, Quality of Service
  - Equity: Residents were paying different rates for the same service. Through an invoice request via Richfield's Facebook page, it was found that yearly rates differed from \$200- \$1000 for the same service. ~100 invoices were received. In many cases, residents with 95-gallon containers were paying less than residents with smaller containers.
  - Sustainability: Richfield launched an organics drop-off program that became so popular residents requested curbside pick-up. Also, residents were dumping bags of household trash and household items around town. The problem needed to be systemically addressed.
  - Quality of Service: The City was receiving complaints regarding missed pick-ups, incorrect billing, and poor customer service. With an open system, the complaint is filed to the license where it may or may not be addressed by the hauler. In an OTC system, there is a better accountability for complaints.
- Hauler and Resident Feedback
  - Most of the hauler feedback was positive or neutral. They were used to it. Republic, Aspen and Waste Management had done it for other cities. There was some push-back during price negotiations, however.
  - A contingency of [Hands-Off Our Cans](#) and [Haulers for Choice](#) expressed that government regulation wasn't necessary and infringed on residents right to choose. Both groups were much less vocal than they were with Bloomington's OTC conversion.
  - Resident feedback was largely positive. Some were reluctant to the change as they had the same hauler for years and didn't want to switch. There was also a perception that the pricing would go up and level of service would go down.
- Establishing OTC
  - Followed the requirements of State Statute 115A.94 where city must work with all haulers who want to participate
  - Get market share data from haulers – 6 months prior data
  - Negotiated terms of 7-year contracts
  - Took about 6 months to negotiate contracts
- Outcomes
  - OTC begins October 4th, 2021
  - Prices lowered for all trash container sizes: 95 gal, 65 gal, 35 gal
  - 70-80% of residents will be paying less

**APPENDIX B: Meeting with City of Bloomington, 9/15/21**

Laura Horner, Bloomington Project Coordinator

Andrew Scipioni, Edina Transportation Planner

Commissioners present: Jill Plumb-Smith, ETC; Kirk Johnson, ETC

Current Haulers: Aspen, Republic, Vierkant, Waste Management, Netti, Randy's (since acquired by Republic)

- Motivation for moving to OTC
  - A group of Master Recyclers wrote a Citizens Request Letter to the City and laid out the benefits of OTC. Based on the letter, the City took formal action.
  - Hired Foth Consulting to create a more sustainable solid waste management plan. Recommendation was to move to OTC.
- Resident Feedback History
  - On October 2014, the process to move to OTC had begun.
  - A loud and vocal minority created a group call *Hands Off Our Cans*. The group started a petition and gathered the required number of signatures for OTC to go to ballot.
  - City Attorney believed a vote was not the right avenue to take and rejected the petition
  - The group filed a lawsuit against The City where it remained in the courts for 4 years. The State Supreme Court made the final ruling and determined that OTC should go to ballot.
  - A sustainability commission put together a public education website to talk about the advantages of OTC, in addition to going door to door and posting signs to educate residents.
  - In the November 2020 election, 70% voted to keep OTC. The program had been successfully running for 4 years.
- Establishing OTC
  - The City sent a survey requesting residents to mail in invoices with current rates. ~300 invoices were received. The overall average biweekly rate was \$26.72. Under OTC and a contracted rate its \$18.50.
  - Following Statute 115A.94, all haulers were allowed to bid and follow the negotiation process. Each hauler retained their same market share.
  - Negotiations required significant City Attorney time. Many committees were formed on a city level: A Solid Waste Working Group comprised of council members, the city manager and public works director plus public program coordinators. Others included a communication committee, a cart roll-out, committee, a legal and contract committee and an outreach community.
  - Bloomington does all the billing so Utility Billing software needed to be upgraded. This was considered a benefit for the haulers as The City handles the billing process. It's more accurate and they get fewer complaints.
  - Total time estimated to establish an OTC system – 2 years
  - Organized organics collection starts in March of 2022
- Comments from Bloomington about Richfield's conversion
  - Haulers were not as concerned about the process of moving to OTC. They had done it before.
  - Bloomington was a bigger system and had established a more-clear path for Richfield.
- Key suggestions for other cities moving forward with OTC
  - Go into it with eyes wide-open and message that to the residents.



- Keep the public informed with info mailers, newsletters, create an e-subscribe system just for garbage and recycling
- Know what haulers are charging in the open system
- Ask haulers where they are currently dumping
- Hennepin County ordinance requires haulers in OTC systems to use HERC facilities. This means that all refuse goes from waste to energy where garbage metrics can be easily tracked. In an open system, the haulers can choose any dump or landfill which makes tracking waste metrics much harder.



**APPENDIX C:** Energy and Environment Commission meeting minutes regarding first draft of OTC report, 9/9/21

Commissioner Haugen introduced the draft organized trash collection report from the Transportation Commission for comment.



EEC comments include:

- The state statute regarding requirement to keep number of haulers should be researched to figure out parameters, and make sure there is a proper system in place for bids if hauler shares are to be kept? We want to reduce emissions, but also keep cost down for residents.
- The final report should clarify and define meaning of organized trash collection.
- What does transition period look like for customers in Edina who must change their hauler?
- If they're not getting choice for vendors, customer service cannot drop and residents need to save money.
- Could city elect to have fewer licensed haulers than six?
- How does price reduction work for residents? Costs should be kept down for residents.
- Why can't we have one vendor for trash like recycling and organics?
- What can City do to ensure quality of service doesn't diminish if residents are unhappy with new vendor?
- Quality of Life survey respondents show majority support for this, higher level than before.

EEC moved to support this report. All members in attendance voted in favor, with the Commission's comments considered for the final report.

## Appendix C

Letter from Suburban Waste Services  
November 2, 2021

November 2, 2021

Andrew Scipione  
Transportation Planner  
City of Edina  
4801 West 50th Street  
Edina MN 55424

Dear Andrew,

On September 1, 2021, city staff provided me with a draft copy of a recommendation for government organized trash collection from the city's Transportation Commission. On September 28, 2021 an updated draft copy of the same document was approved at the Transportation Commission and sent off to city staff. I have been told that staff will assemble the information and present their findings to the City Council for their recommendation.

As a longtime licensed solid waste hauler in your community, my concern is that the report is improperly being framed as a factual analysis. A closer review shows that it is primarily an opinion based report that is unsupported by fact. The limited information that is cited is at best outdated, inapplicable, or unscientific in method or presentation.

I have attempted to address some of these concerns with the Transportation Commission at multiple meetings with little interaction.

If this issue is to be elevated to the City Council for review, I feel that information must be current, applicable to the issue, and scientific in collection and presentation.

I would like to touch upon some issues in the report that require further review or are in conflict with current information.

### **Number of Solid Waste Trucks**

In the Background section of the report, page 1, paragraph 1, it states that residents may have 6 to 9 solid waste trucks traveling their streets in a single day. As there is no data to support this claim, it requires further analysis.

While there are six licensed residential haulers in the city, a residential license is only required to collect residential solid waste. No residential license is required for a hauler

to drive on any street within the city limits either passing through town or to collect commercial solid waste, which would require a commercial license.

On the six days per week that a neighborhood would not have residential solid waste collected, there still may be a significant number of solid waste vehicles. Some of those vehicles may not have any business in the city, but may be either transiting through, servicing commercial customers, or may be servicing customers in a neighboring city.

### **Significant Reduction in Greenhouse Gas Emissions**

In the Background section of the report, page 1, paragraph 1, it states that reducing solid waste truck traffic would “significantly” reduce greenhouse gas emissions.

Several additional steps need to be addressed in the report before a determination of “significant” reduction can be stated. Most critical, is an agreed upon definition of what “significant” actually is. If a 50% reduction in greenhouse gasses is realized, likely all parties would agree that this is significant. Likely the reduction would be more modest and may not even exceed 5%.

Reductions would likely be minimal due to a number of reasons. The city is only able to regulate solid waste vehicles actually servicing residential properties as previously discussed. In addition, the solid waste trucks in use today are some of the cleanest burning vehicles on the road today due to the industry conversion to compressed natural gas.

Comparing a 50% reduction in solid waste trucks is significantly different than a 50% reduction in school district buses for example. Solid waste trucks in the Twin Cities are relatively newer in age and burn cleaner compressed natural gas vs. school district busses which are older and burn diesel fuel. Solid waste trucks service a neighborhood only on collection days, 52 days per year. School buses service a neighborhood at least 165 days per year, twice per school day, and for each school (elementary, middle, and high schools), for roughly 1000 trips per year.

With all of the vehicle miles accumulating in the city within a year, it may be difficult to actually find a measurable reduction in greenhouse gasses for school buses with all of their trips, and if so, it likely would be impossible to measure the minute impact on reducing a few vehicle trips by solid waste vehicles.

It should be noted that in the city’s 2021 Quality of Life Survey, page 60, 92% of residents rated the city’s air quality as Excellent or Good.

## **Significant Reduction in Street Maintenance Costs**

In the Background section of the report, page 1, paragraph 1, it states that reducing solid waste truck traffic would “significantly” reduce street maintenance costs.

The report references a City of Edina report from 2021 claiming that city streets will last 5-10 years longer with an organized trash system. While claims like this have been made by politicians in multiple cities, reductions in costs have never been realized and city streets simply do not have a 60-year lifespan.

There is no known city that has actually reduced their street maintenance budget, reduced their maintenance schedules, or made any reduction in the property tax levy as a result of instituting government managed trash collection.

In Maplewood, the city’s claim of a reduction in costs has never come to fruition. After government managed collection was instituted, theoretically saving the roads and reducing costs, the city instituted an additional utility franchise tax and increased property taxes for public works spending.

In Bloomington, the public works director discounted the claim that government managed trash collection would reduce road maintenance costs. He stated, “The reduction of garbage trucks realized by organized collection... would not likely have a noticeable impact on actual safety or result in the need for less road maintenance.” In the five years since they instituted government managed trash collection, the city has not knowingly adjusted their maintenance program.

In Fridley, the city claimed that road life was being reduced by 25%, a five year reduction on a twenty year road, due to the presence of extra garbage trucks. A professional government engineer who reviewed the report stated that the city lacked information to even conduct a reliable study due to an absence of knowledge of how most of their roads were initially constructed. He noted that their study assumed that trucks would be carrying a full load all the time, which did not reflect a real world scenario.

In Roseville, the public works engineer debunked road wear and tear as being caused by solid waste vehicles or any other vehicles. He highlighted the problematic seal coating problem causing delamination, or a peeling away of the top layer of the road, as the culprit. In 2020, under direct questioning from city council members, the city

engineer stated that there would be no savings in road maintenance due to a reduction in solid waste trucks on city streets.

If Edina believes that there will be “significant” savings in road maintenance costs, the city should provide a detailed report identifying the actual savings and modification in street maintenance programs and budgets. The city should also identify the annual amount that the property tax levy will be reduced if a change in the system is adopted.

### **Significant Improvement in Neighborhood Safety**

In the Background section of the report, page 1, paragraph 1, it states that reducing solid waste truck traffic would “significantly” improve neighborhood safety and livability. No factual information was provided to support these claims, likely because none exists.

On the point of safety, there will likely be zero safety benefit, because in order for there to be a benefit, there must be a safety problem. In Edina, no safety problem is known to exist.

In Bloomington, research showed that it would be impossible to reduce traffic accidents with solid waste trucks, because since 2004 (the start of electronically searchable records), there have been zero accidents.

Research showed that the safety problem in Bloomington was actually a city problem. Since 2004, city vehicles crashed into three bicyclists, crashed into over 100 other vehicles, crashed while employees talked on the phone, rear ended vehicles at red lights, and even crashed city vehicles into employee personal vehicles. City vehicles drove off the road, crashed into overhead lights, and crashed into anti-terrorism barriers.

For the report to stand on the claim that there would be a “significant” improvement of safety, a simple review of police department reports must be done at the very least. Perhaps as a comparison, the same review should also be applied to city vehicles, as was done in Bloomington. Furthermore, the report should also address the safety regulations that solid waste vehicle drivers must comply with, and compare this with the standards applied to the general public.

### **Significant Improvement in Neighborhood Livability**

On the point of “livability”, the report claims that there would be a “significant” improvement without providing any explanation as to how this would be possible. In

light of the city's recent survey, it seems that a "significant" improvement is not only unlikely, but is probably impossible to achieve.

In the city's 2021 Quality of Life Survey, page 55, 95% of residents rated the city's quality of life as Excellent or Good. The remaining 5% consisted of twenty-one people who rated it Fair, zero rated it as poor, and one said they did not know.

Further review of survey questions on pages 56-61, addressing "livability" issues, highlights problems that have nothing to do with the solid waste industry.

The survey, on page 56, states a concern of residents is the feeling of a "sense of community. On page 58, 11% feel somewhat unsafe in the greater Southdale area, and 38% do not believe the city is welcoming to those of lower income. On page 59, 7% state that traffic speed in neighborhoods is a major problem. It is indisputable that solid waste vehicles are some of the slowest traffic in neighborhoods as they are stopping at numerous residences.

Perhaps livability can be improved, though not significantly, if the city were to address issues concerning sense of community, safety near Southdale, welcoming those of lower income, and the speed of traffic in neighborhoods. There is no evidence that reducing a few solid waste trucks one day a week will have any measurable impact in future survey results.

### **Community Support**

The report's use of aggregated data from the 2021 Quality of Life survey is misleading. The community survey does not support a recommendation to switch to government managed trash collection.

On page 30 of the survey, figure 26, it states that 9 out of 10 have consistently given excellent or good ratings to the quality of garbage collection in the city. To reiterate, 90% are pleased with the service they are receiving from the hauler of their choice.

When reviewing the specific survey question data on page 65, it reveals that 97% rated the quality of garbage collection in the city as excellent, good, or fair.

The survey results clearly show that residents are highly satisfied with the hauler that they have selected. The report fails to acknowledge that this survey question exists.



Instead, the report rests solely on page 30 of the survey, figure 27, which indicates that for the past three surveys, approximately half of residents stated that they would support a change to the selecting one hauler for the entire community. Relying upon this simple overview without reviewing the detailed data is problematic.

When reviewing the detailed survey data on page 77, table 55, it states that strongly support is 20% and strongly opposed is 21%. These are the residents that likely cannot be swayed by any issues that might be raised, because their opinion is set.

Those who state that they are somewhat supportive, 21%, somewhat oppose 15%, and don't know, 23%, will be swayed by issues such as quality of service, hauler loyalty, value, support for local businesses. This constitutes the majority of city residents at 59%.

Why those who are somewhat supportive, somewhat opposed, and don't know, eventually change to strongly opposing government managed trash collection is due to factors that are not answered in citizen surveys.

In New Hope, residents stated that they would support a single hauler if it was the hauler they were currently using. Others stated that they would be supportive if they could pick from one of three companies, or if only locally owned companies would service the city. Some senior citizen supporters also thought they could continue to share service with their senior citizen neighbor or have their grandson take their small trash bag once a month.

When citizens realize that they may get a hauler they despise, may be forced to use a national company, will be prohibited from sharing, and will be forced to have service under a city contract, they quickly develop a strong opinion that is typically negative.

Also in New Hope and in Shorewood, some environmentalists soon opposed government managed collection. They wanted to see a system where recycling was picked up weekly and trash was picked up biweekly. They wanted special cutting edge environmental solutions. A city contract is one size fits all, and does not support innovative options that one hauler may be able to provide to their customer base.

Why one must combine the data in figure 26, 27, and the detailed data in table 55 in order to develop a true understanding of the opinion of the community, is likely partially due to the wording of the survey question which presents a scenario that would violate state law. There is no mechanism for the city to simply choose one hauler for the city. The process typically leads to a consortium where residents are forced to use a

company which may or may not be one they wish to do business with. If the process eventually leads to a competitive bid, the city cannot simply choose the bidder that it likes or feels it has a personal relationship with.

## **Economic Benefits**

The report's claim that there will be an economic benefit by changing to government managed trash collection is highly flawed. It is solely based upon Minnesota Pollution Control Agency (MPCA) data that is a decade old and unfortunately was collected in a completely unscientific manner. The now discredited MPCA report conducted a study based upon employees bringing in their solid waste bills, half coming from the City of St. Paul in Ramsey County.

To put this in perspective, the Edina quality of life survey was based on 581 resident responses in a city of approximately 20,000 households. The MPCA's survey was based on 151 resident responses in a state with 2,000,000 households or a metro area of 1,000,000 households. Scientifically conducted city surveys by professional companies such as Morris-Leatherman typically have 400-500 data points to be statistically accurate.

Beyond the lack of data points, the MPCA survey was also flawed due to inaccurate analysis of data. Some bills included yard waste and others did not. No accounting was made for the different tax and tipping fees that change from county to county. For example, accurate comparisons cannot be made between an open market system in one county and government managed system in another when there is a 10% difference in the county's tax rate.

On the issue of the economic benefit and road maintenance, the report cites a second discredited document from the MPCA that includes a claim that a local university professor determined that a single garbage truck equates to the impact of 1000 cars.

In the March 5, 2018 New Hope city council packet, the city manager reports contacting Dr. W. James Wilde P.E., who is erroneously credited with making the 1:1000 claim in the MPCA report. The city manager's report states:

In response to the inquiry from staff, Dr. Wilde stated, "about the question regarding 1 truck equivalent to 1,000 cars, I don't know where that one came from either, but it is quoted in the Foth report, published about 5 years before my report was finished. I quoted their report in mine." Dr. Wilde is now teaching in Texas and is unable to attend a city meeting; however, did call city staff to discuss his model.

He explained that in order to utilize the model, the city must collect and input data into a spreadsheet related to pavement structure, traffic, pavement condition, construction, cost, and additional heavy vehicle information. The goal of the spreadsheet is to provide information that will be helpful in making decisions related to roadways.

As has been previously stated, no city has modified their street maintenance programs or found any other known measurable savings.

### **Environmental Benefits**

The report states the lauded goal of reducing greenhouse gas emissions in the city by 2025 and 2050, but fails to place any measurable number on how government managed trash collection would help achieve the goal. Claiming that any reduction in mileage by any amount will reduce greenhouse gas emissions, is an attempt to grossly oversimplify a complex issue.

The report's quote of an MPCA report from a decade ago, claiming a reduction of fuel by switching to an organized system, is completely inapplicable today. There has been a significant reduction in the number of providers in the solid waste industry due to the high costs of disposal, equipment, and human resources. In addition, most haulers in competitive open markets have switched from diesel to compressed natural gas for competitive and environmental reasons.

The report provides no data to support any measurable greenhouse gas emission reduction or any measurable reduction in fuel consumption in a government managed trash collection system.

### **Congestion Reduction**

It is puzzling how any report can call the installation of a video camera for one day at one intersection as any sort of analysis that passes even the lowest of scientific standards. How one can reach any conclusion is troubling.

Setting aside the fact that one would need to analyze traffic from multiple intersections, one would also need to separate traffic that is the result of licensed residential activity vs. other activity. This single day study claims 50 garbage trucks were seen. No one has a clue how many were licensed, how many were servicing commercial properties, or how many were simply passing through to do business in another city. The report's claim that 94% of the garbage truck traffic is "potentially" unnecessary is morally flawed.

No city has provided any data to suggest that the reduction of a few solid waste trucks one day a week will provide any measurable reduction in traffic congestion.

Actually if you use the city's data from the study, it will show that if Organized Collection was implemented it would bring a .04% reduction in traffic at the same intersection. I don't think most people would think this is a measurable reduction in traffic congestion.

### **Traffic Safety Benefits**

As previously stated, solid waste trucks do not present a safety hazard, therefore any reduction will not provide a safety benefit.

The report is also morally flawed by citing statewide traffic accident statistics and deaths, and then implying that this is to be attributed to the solid waste industry. As was demonstrated in Bloomington and likely in Edina or any other city, an elimination of all city vehicles would result in 1000% improvement in pedestrian, cyclist, and motorized vehicle safety vs. eliminating all solid waste trucks.

### **Input from Surrounding Communities**

The report's attempt at gathering information from a city that has changed to government managed trash collection without gathering information from cities that rejected this option could be considered unbalanced or political in nature.

A balanced and non-partisan report would gather information from cities that selected and rejected government managed trash collection. It would also conduct a review of the decision makers and their actions to address to what extent political viewpoints vs. public policy viewpoints were involved in the process.

### **Conclusion**

I would request that the City look at all views of the Organized Collection process, and not only the input from the commission that looks at the data from a one sided perspective. Therefore, I would encourage the City to engage in an open process to explore all aspects of Organized Collection.

1. Meet with all of the haulers independently to identify concerns they have with the process and with the report. We care about providing great service to the residents of Edina and Organized Collection could drastically affect customers/residents.
2. Seek input from the public through an open house, public forums or other public input processes to gauge interest.
3. Create a report to the City Council that will take into account the perspective of all affected parties.

Thank you for your time and attention to this matter. I look forward to working with the City of Edina and all interested parties.

Thank you,

Paul Rosland  
Suburban Waste Services

cc: Scott Neal - City Manager

# Appendix D

Staff Report  
December 21, 2021



**Date:** December 21, 2021

**To:** Mayor and City Council

**From:** Andrew Scipioni, Transportation Planner

**Subject:** Transportation Commission Report on Organized Trash Collection

## **Background**

Organized collection is defined as a system for collecting waste in which one hauler or a consortium of haulers are authorized by a local government agency to collect from a defined geographic service area. In the City of Edina, recycling has been organized since 1989 and organics recycling has been organized since 2020. Solid waste collection is not organized; residents and businesses privately contract with one of six licensed haulers. Among the six neighboring cities, only Minnetonka and Eden Prairie also do not participate in organized trash collection.

## **Transportation Commission Recommendation**

As part of their 2021 work plan, the Transportation Commission investigated the impacts of organized trash collection, specifically related to traffic, the environment and damage to roadways. The Commission reviewed existing City goals and objectives, analyzed the results of the City's 2021 Quality of Life Survey, met with city staff from Richfield and Bloomington, and reviewed relevant resources prepared by various government and environmental agencies. As stated in their final report, "the Transportation Commission believes that there is sufficient evidence to support moving forward with establishing organized trash collection in Edina and recommends that City Council direct staff to create a plan to establish organized trash collection, including determining staffing/administrative costs, timeline and a communication plan to educate the community and solicit public input." The Energy and Environment Commission reviewed and commented on a draft version of the report at their September 9 regular meeting and voted in support of it.

## **Strategic Objectives**

Although organized trash collection is not specifically identified in the Comprehensive Plan, it relates to several objectives across multiple City departments;

Travel Demand Management/Traffic Safety – The Commission contends that organizing trash collection would support the City's travel demand management objectives by reducing traffic on local roadways. The Commission's report references an intersection study at West Shore Drive and Dunberry Lane, where 50 garbage trucks were observed within a single day. This number included recycling and organics recycling

trucks in addition to garbage trucks, and is not truly representative of the percentage of traffic generated by garbage trucks. The same study found that a higher percentage of traffic was comprised of contractor/delivery/other large vehicles (95 vehicles or 8% of total traffic), and the vast majority (1,055 or 87% of total traffic) was comprised of regular passenger vehicles. While organized trash collection can reduce the number of garbage trucks on the roadways, it would be more effective to reduce the number of regular passenger vehicles (many of which have a single occupant).

At this time, the City does not have sufficient evidence to suggest that accident rates are higher among garbage trucks than other vehicles.

Sustainability/Climate Action – The Commission report also notes that organized trash collection supports the City’s greenhouse gas emissions reduction goals and objectives in the draft Climate Action Plan (CAP). In the Waste Management chapter, one goal involves decreasing total per capita municipal solid waste handled 5% by 2030. As the Commission notes, Hennepin County currently requires haulers collecting from cities with organized collection to deliver solid waste to the Hennepin Energy Resource Center (HERC) rather than a landfill. This would not only reduce harmful emissions, but would provide the ability to better track tonnage and emissions.

It is also worth noting that while the Commission recommends creating a plan to establish organized trash collection, the CAP recommends “exploring options for waste hauling improvements...including modifications to City’s existing licensure process and requirements as well as organized waste hauling strategies”.

Economic Development – Locally-operated waste hauling services frequently express opposition to organized trash collection. Among their concerns is a fear of losing business to larger waste hauling businesses. The experiences of other cities provide some basis for this concern, and it is an important factor to consider given the Comprehensive Plan objectives to support locally-owned small businesses.

Equity – In the City of Richfield, it was discovered that some residents were paying different rates for the same level of service. This disproportionately impacted residents that were elderly, on a fixed or low income, and those who’s native language was not English. While it is not known if this same problem is occurring in Edina, organizing trash collection may increase equity within the community through price transparency.

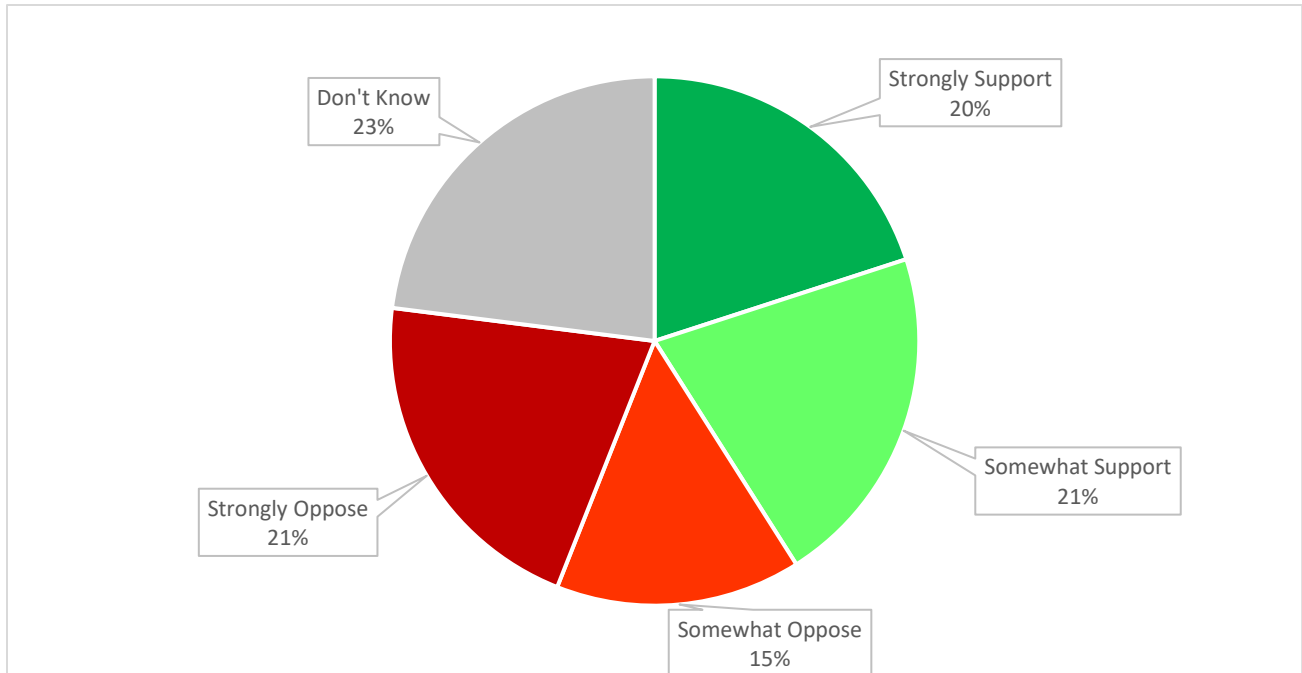
### **Resident Support**

Since 2011, the City has included in its biennial Quality of Life Survey (QLS) questions about garbage collection. Between 2015 and 2021, an average of 87% of respondents gave good or excellent ratings to the quality of current garbage collection in Edina. Additionally, Question 31 asked respondents “to what extent do you support the City changing from the current system in which residents may choose from several different haulers to a system where the City chooses one hauler for the whole community?” Respondents have consistently been evenly divided on this question. In 2021, 53% of respondents (excluding Don’t Know responses) expressed support for a single-hauler system, a slight increase from previous years.



Figure I shows the distribution of responses to the same question including the Don't Know responses. In total, 41% of respondents somewhat or strongly supported a single-hauler system, 36% somewhat or strongly opposed it, and 23% were uncertain of where they stood.

**Figure I. Question 31 Responses from 2021 Quality of Life Survey**



This suggests that a significant portion of the community is unclear on what organized collection is or how it could impact them. The City may benefit from engaging in a broader community conversation on the subject, if only to obtain a clearer understanding of the specific questions and concerns residents may have.

### **Procedural Requirements**

The Commission also noted in their report that the premise of Question 31 is not reflective of the legal process for organizing trash collection. First, the City would have to give notice to the public and all licensed haulers that it is considering adopting organized collection. From there, the City would enter into a negotiation period with the licensed haulers for at least 60 days. The goal of these negotiations is to create a proposal where each hauler is assigned a specific area of the City to collect from while maintaining their respective market share of business. Haulers may opt out from the proposal; the City would then reallocate their customers proportionately to the remaining participating haulers. If an agreement is reached as a result of negotiation, the City must again provide public notice and conduct a public hearing before officially deciding to implement organized collection. In this scenario, the initial agreement must be in effect for seven years.

If the City were not to reach an agreement with the licensed haulers, it may form a solid waste collection options committee to study additional methods of solid waste collection. Members of the committee would

be appointed by City Council and their meetings would be subject to open meeting law. The committee would have four primary duties;

1. Determine which methods of solid waste collection to examine, which must include the existing system, a single-collector system and a multiple-collector system.
2. Establish a list of criteria on which the collection methods selected for examination will be evaluated.
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) City Council, the city official responsible for solid waste issues, licensed haulers and residents.

The committee must then issue a report with its findings and recommendations to City Council. Again, the City must provide public notice and conduct at least one public hearing before deciding to implement organized collection. Cities can begin organized collection no sooner than six months after making the official decision.

Cities have been met with varying levels of community opposition when attempting to regulate trash collection, including lawsuits in the Cities of St. Paul and Bloomington. Both of these lawsuits related to resident's ability to petition for a ballot question in a home-rule charter city. Unlike St. Paul and Bloomington, Edina is a statutory city.

### **Staff Recommendation**

At this time, staff does not support the Transportation Commission's recommendation to move forward with organized trash collection in Edina. Without consensus from the public, the City's efforts are better spent on other actions recommended in the Comprehensive Plan and Climate Action Plan related to traffic congestion, sustainability, economic development and equity. However, if Council wishes to move forward, it could consider;

- Directing the City Manager to study the possible revision of Question 31 in future Quality of Life Surveys to accurately reflect the legal process for organizing trash collection.
- Directing the City Manager to review staffing levels and administrative costs required if organized trash collection were to be implemented.
- Hosting a community forum on organized trash collection, including licensed haulers, city staff and subject-matter experts from other cities.

## Appendix E

Studying Organized Collection Memo  
January 20, 2022

## MEMORANDUM

To: Chad Millner, Director of Engineering

From: Dave Kendall and James Monge, City Attorneys

Re: Studying Organized Collection

Date: January 20, 2022

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### QUESTION PRESENTED

What activities can a city engage in to study implementing organized solid waste collection without formally starting the statutory process for organized collection?

### DISCUSSION

Cities in Minnesota must ensure that every residential household and business in the city has solid waste collection service. Minn. Stat. § 115A.941. Cities may provide for solid waste collection by using organized collection, city-provided collection, or requiring by ordinance that every household and business has a contract for collection services. *Id.*

Minn. Stat. § 115A.94 sets out the process for implementing organized collection. The Minnesota Supreme Court has recognized that Minn. Stat. § 115A.94 provides “municipalities with considerable flexibility, should they wish to explore organizing collection of solid waste.” *Jennisen v. City of Bloomington*, 913 N.W.2d 456, 462 (Minn. 2018). The statute neither requires nor prevents organized collection. Minn. Stat. § 115A.94 subd. 6. Organized collection is optional. *Id.* Even if a city initiates a statutory process to implement organized collection, the city is not required to establish organized collection. *Jennisen*, 913 N.W.2d at 461. The City can terminate the process and choose not to proceed with organized collection.

The city shall invite and employ the assistance of interested persons, including persons licensed to operate solid waste collection services in the city, in developing plans and proposals for organized collection and in establishing the organized collection system. *Id.* subd. 3(c). Nothing in Minn. Stat. § 115A.94 prevents a city from researching issues related to organized collection, including meeting with licensed collectors.

The Minn. Stat. § 115A.94 process requires several steps before a city can organize collection. First, a city must meet and confer with participating licensed collectors. *Id.* subd. 4e. Second, a city with more than one licensed collector must provide a period of at least 60 days in which meetings and negotiations shall occur exclusively between licensed collectors and the city to develop a proposal in which interested licensed collectors, as members of an organization of collectors, collect designated waste from designated areas of the city. *Id.* subd. 4d. If an agreement cannot be reached after the exclusive negotiation period, and if the city is still

interested in pursuing organized collection, then the city council must establish a solid waste collection options committee to identify, examine, and evaluate various methods of solid waste collection. *Id.* subd. 4a. The solid waste collection options committee issues a report with recommendations to the city council. *Id.* subd. 4b. The city council considers the report and recommendations of the solid waste collection options committee when deciding whether to implement organized collections. *Id.* subd. 4c. These steps are discussed in more detail below.

### **Meet and Confer Period**

The city's elected officials must meet and confer with participating licensed collectors regarding waste collection issues including but not limited to road deterioration, public safety, pricing mechanisms, and contractual considerations unique to organized collection before entering into exclusive meetings and negotiations with licensed collectors to develop a proposal in which interested collectors collect solid waste from designated sections of the city. *Id.* subd. 4e. There is no time limit on the meet and confer period and nothing locks the city into taking any further steps to implement organized collection beyond the meet and confer period.

### **Exclusive Negotiation Period**

If the city is interested in implementing organized collection after the meet and confer period and the city has more than one licensed collector, the next step is to notify the public and all licensed collectors in the community and to provide a period of at least 60 days in which meetings and negotiations shall occur exclusively between licensed collectors and the city 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. *Id.* subd. 4d. The proposal must include identified city priorities, including issues related to zone creation, traffic, safety, environmental response, 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 exclusive negotiation period. *Id.* If the licensed collectors are unable to develop a proposal, or the proposal is not acceptable to the city, and the city is still interested in implementing organized collection, then the city must move to establish a solid waste options committee. *Id.* However, nothing in Minn. Stat. § 115A.94 prevents the city from abandoning the process for organizing collection at this point.

### **Establish a Solid Waste Collection Options Committee**

The city council establishes the solid waste collection options committee by resolution to identify, examine, and evaluate various methods of solid waste collection. *Id.* subd. 4a. The solid waste collection options committee must determine which methods of solid waste collection to examine, which must include: (i) the existing system of collection, (ii) a system in which a single collector collects solid waste from all sections of the city, and (iii) a system in which multiple collectors, either singly or as members of an organization of collectors, collect solid waste from the city. *Id.* subd. 4b. The solid waste collection options committee shall establish a list of criteria on which the solid waste collection methods selected for examination will be evaluated, which may include: costs to residential subscribers, impacts on residential subscribers' ability to choose a provider of solid waste service based on the desired level of service, costs and other

factors, the impact of miles driven on city streets and alleys and the incremental impact of miles driven by collection vehicles, initial and operating costs to the city of implementing the solid waste collection system, providing incentives for waste reduction, impacts on solid waste collectors, and other physical, economic, fiscal, social, environmental, and aesthetic impacts. *Id.* The solid waste collection options committee shall seek input from: (i) the city council, (ii) the city staff member responsible for solid waste issues, (iii) license collectors, and (iv) residents. *Id.* The solid waste options committee issues a report on the committee's research, findings, and any recommendations to the city council. *Id.* The city council considers the report and recommendations of the solid waste options committee. *Id.* subd. 4c. Nothing in Minn. Stat. § 115A.94 obligates the city to implement organized collection at this point in the process. *Jennisen*, 913 N.W.2d at 461.

Before implementing organized collection after either negotiation with licensed collectors or examination of solid waste collection by a solid waste collection options committee, the city must provide public notice and hold at least one public hearing. Minn. Stat. § 115A.94 subd. 4c. Organized collection may begin no sooner than six months after the effective date of the city council's decision to implement organized collection. *Id.*

A city that follows the statutory process for organizing collection is immune from liability under state laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce. Minn. Stat. § 115A.94 subd. 7(a).

## CONCLUSION

Studying organized collection, including having discussions with licensed collectors, will not lock the city into the statutory process outlined in Minn. Stat. § 115A.94. Even if the city starts the process for organizing collection under Minn. Stat. § 115A.94, it can choose to stop the process and not organize collection at any time.

## Appendix F

Transportation Commission Advisory Communication  
January 20, 2022

# ADVISORY COMMUNICATION



**Date:** January 20, 2022  
**To:** Mayor and City Council  
**From:** Transportation Commission  
**Subject:** Organized Trash Collection

**Situation:** The Edina Transportation Commission has completed its 2021 work plan item to determine the impacts of organized trash collection. In light of that work, the ETC has found significant potential benefit and recommended further study in order to obtain other necessary information including the perspective of the haulers and the public.

**Action Requested:** The Commission recommends the City Council continue the investigation of organized trash collection consistent with the statutory requirements set out by the State of Minnesota.

**Background:** This work plan item for the Transportation Commission was appropriately limited to investigating the impacts of OTC. More work needs to be done, including conducting public education, assessing costs and administration, and further engagement with the haulers. This information is necessary for the City Council to make a decision.

**Support:** If the City Council agrees to continue the investigation of the viability of OTC, the Transportation Commission would support this process by participating in public education regarding OTC.



## Appendix G

Transportation Commission Advisory Communication  
December 15, 2022

# ADVISORY COMMUNICATION



**Date:** December 15, 2022  
**To:** Mayor and City Council  
**From:** Transportation Commission  
**Subject:** 2023 Quality of Life Survey Question 31

**Action Requested:** The Transportation Commission emphatically recommends that the wording of Question 31 for the City's 2023 Quality of Life Survey be corrected to accurately reflect the differences between organized and open trash collection systems.

Below is an example wording:

“Most communities have one of two systems for garbage collection; an open system or an organized system. An open system means all haulers serve all areas, resulting in many garbage trucks on neighborhood streets on garbage day. An organized system means haulers are assigned to specific areas, resulting in only one garbage hauler on neighborhood streets on garbage day.

To what extent do you support the City changing from the current open collection system to an organized collection system?”

## Appendix H

Letter from Curbside Waste  
July 21, 2023

Subject: Counter Argument Against Organized Trash Collection in Edina, MN

Dear Members of the City Council,

I am writing this letter on behalf of Curbside Waste, INC., a local minority family-owned business since 2012. Our family has had numerous refuse businesses since the 1980's which have been passed down from generation to generation. Curbside Waste has been an integral part of the Edina community. As the proud owner of Curbside Waste, INC., I would like to respectfully express our concern regarding the proposal for organized trash collection and advocate for the opportunity to continue providing our essential services to the residents of Edina.

For over a decade our family has been in business and dedicated to serving the waste disposal and management needs of the Edina community. We take immense pride in being a staple in your city, offering reliable and affordable trash hauling services that have garnered immense support from our neighbors. Recently, we were honored to receive the 2023 Neighborhood Fave award, a testament to the deep-rooted appreciation and trust that the locals have in our company.

We firmly believe that the strength of our community lies in supporting local businesses, particularly minority-owned enterprises like ours. Our operations have not only provided gainful employment for local residents but have also allowed us to give back through various community initiatives and partnerships. The continuity of our business ensures the preservation of these contributions, fostering a strong sense of unity and cohesion among Edina's residents.

Moreover, our personalized approach to waste disposal has enabled us to tailor our services to suit the unique needs of our customers. This level of care and attention sets us apart from larger, standardized waste collection entities. With us, residents have the assurance that their concerns will be heard, and their feedback will be implemented promptly.

We understand that the proposal for organized trash collection aims to streamline waste management operations, but we firmly believe that it is crucial to preserve the autonomy and diversity of small family businesses like ours. By allowing Curbside Waste, INC., to continue its services, the City of Edina can uphold its commitment to supporting minority-owned businesses, fostering economic growth, and maintaining a strong sense of community pride.

In conclusion, we kindly request that you reconsider the implementation of organized trash collection in Edina, MN, and grant Curbside Waste, INC., the opportunity to continue serving our beloved community. Our decade-long presence, the Neighborhood Fave award, and the overwhelming support of our neighbors are all indicators of our commitment and dedication to this city. We believe that by preserving the presence of family-owned minority businesses, Edina will flourish as a vibrant and inclusive community.

Thank you for your time and consideration.

Sincerely,

Chad Master  
Owner, Curbside Waste, INC.



CURBSIDE WASTE, INC.  
P.O. Box 43067  
Brooklyn Park, MN 55443

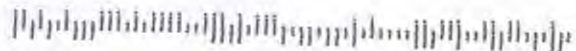
MINNEAPOLIS MN 553

21 JUL 2023 PM 5 L



Attention Chad Miller  
7450 METRO BLVD.  
EDINA, MN 55439

55439-909750



# Appendix I

Notes from Licensed Hauler Discussions  
August 7 and 14, 2023



## Organized Trash Collection (OTC)

### Licensed Hauler Discussion

**DATE/TIME:** August 7, 2023 @ 1 PM Conference Room A, Public Works Facility & Virtual Teams Option

#### ATTENDEES:

##### Hauler Representatives

- Paul Rosland, Suburban Waste Service
- Justin Vierkant, Vierkant Disposal
- Emily Newcomer, Ridwell, Inc.
- Jenny Parkos, Curbside Waste
- ~~Chad Master, Curbside Waste~~
- Deborah Gatz, Republic Services
- Jason Hartman, Waste Management
- Thor Nelson, Aspen Waste Systems
- Stacy Sanders, Aspen Waste Systems
- David Pool, Aspen Waste Systems

##### City of Edina Staff

- Scott Neal, City Manager
- Grace Hancock, Sustainability Manager
- Solvei Wilmot, Environmental Health Specialist I/Recycling Coordinator
- Courtney Roth, Community Health Intern
- Chad Millner, Director of Engineering
- Andrew Scipioni, Transportation Planner
- Twila Singh, Organics Recycling Coordinator
- Heidi Blum, MN GreenCorps Member

##### Other

- John Haugan, Energy and Environment Commissioner

#### INTRODUCTION:

- Resident feedback (Quality of Life Survey)
- Commission feedback
- Council Feedback to Date
- Climate Action Plan
- Economic Development
- Equity and Prices
- Schedule/Next Steps

#### DISCUSSION TOPICS:

- A. Initial Comments/Have you been part of organizing before?
- Most haulers have been a part before in either St. Paul, Bloomington or Richfield
  - Republic: Richfield model is good (general agreement by haulers on this) because the city held each individual contract, City allowed more collaboration.
  - The consortium model is not preferred. St. Paul demanded this type of model.
  - **City could “legally take our routes” after the first initial contract (HOW CAN WE NOT DO THIS?)** City could do an RFP for 1 hauler city wide with the 2<sup>nd</sup> contract.

- Concern about hauler consolidation over time.
  - Large haulers own landfills, which lowers their rates and makes it hard to compete for small haulers.
  - Concern about “admin overload” if haulers have to do “customized billing” – staff wonders, don’t they already have customized billing with customers receiving a variety of different rates?
  - SWS – opposed to OTC, small hauler, prides itself on service and choice, doesn’t want city to decide, doesn’t want to limit business opportunities or lose current customers.
  - Aspen – likes to compete on service. This would go away with OTC. Small haulers can’t go as low as big haulers on a citywide contract. St Paul went from 15 haulers to 6 – city requirements drove them out. The landfill and dumping costs are higher for small firms. The large ones may own the landfills.
- B. What are the impacts to rates? With other OTC, has it included properties up to a specific unit count? What would they be?
- 1-4 units or properties with individual carts. If they have dumpster service, typically not part of OTC.
  - Richfield surveyed residents to estimate rates
  - Aspen says they studied this in St. Paul and found that the poorest neighborhoods had the lowest prices. They ask staff to refine any assumptions that there is an equity issue in current conditions.
  - Noted that Edina City Code requires, if requested, the haulers provide walk-up service. Walk-up service would be included in the contract.
  - Service standards are tough to include in contracts – damages leads to corrections?
- C. What would be the impacts on customer service? Is this more impactful to elderly or low-income customers? How about walk-up service vs. curbside service?
- Staff wonders if residents have complained about OTC in other cities?
  - Small haulers feel they offer better service (Aspen, SW, Curbside)
  - Haven’t seen service standards in a contract that have been enforceable.
  - There is a worker injury risk with the high levels of service. i.e. hauler hand-throwing waste instead of using a picker may injure themselves.
  - Staff should investigate how much back door service is in place in Edina currently.
  - Edina gets the best drivers because our residents are generous (gifts / tips)
  - Standard pricing in St. Paul – they were actually shopping for service (what does this mean?)
- D. What would be the impact on vehicle miles traveled? Would it reduce? Ties directly to emissions. Do you know how many miles are traveled today on your routes in Edina?
- SW says maybe small reduction 5-10%. Still running trucks 9 hours/day.
  - City would gain some efficiency organizing, but not as much as you’d think.
  - Garbage truck miles are a very small fraction of the overall miles traveled.
  - SW says OTC could impact noise and pollution concerns
  - Vierkant says they run ~400 hrs/qtr
  - Engine hours stay approximately the same. A better metric of emissions than miles in their opinion.
- E. What is your average truck fuel efficiency (3-5 miles per gallon?) Do you use compressed natural gas trucks?
- Mix of truck fuels across haulers. Some CNG, no electric yet. No need for fueling stations in Edina for any kind of fuel. Big haulers have greater ability to switch truck fuel types.
  - Vierkant: 2-3 MPG, newer models are less efficient.
  - Haulers stated CNG trucks are less efficient than diesel.
  - If type of truck are specified in contract – larger haulers have an advantage
  - Electric trucks in New York City with some issues



- 2 and 3-axle trucks are used with an extra pusher(?) for heavier weights
  - Trucks typically haul 10-tons when full. This takes approximately 500 homes and a full day to fill. Running partially full most of the day.
- F. How would OTC impact your revenue and expenses?
- Not asked
- G. What is the average size, weight, and number of axles on your typical truck? What is the truck weight empty vs. full? Are they adding waste until max capacity? How many households per truck (500?) Who operates across city boundaries?
- 3 axles or 2 with pusher
  - 10 tons weight when full
  - One trip to landfill per day
  - ~500 households per truck
- H. Any traffic safety stats? Are accidents in neighborhood common? Property damage or personal injury?
- Staff to check PD reports for property or personal injury
  - Safety is a priority. CDL and drug testing required. Tough to find enough drivers. Walk-up service is hard on the body.
  - Haulers did not have data on safety. Rare case incidents happen. Smaller property damage occurs but not often.
- I. More or less waste after organizing? Are carts more or less tidy? Are customers recycling more or less after organizing?
- Haulers say maybe more since the homes they serve change pre and post-OTC. Mostly don't notice much change, though.
  - Haulers say they offer "unlimited service as far as how many carts are available" for recycling at least
  - They do not see any changes in recycling rates after OTC. Also don't see any changes if recycling was offered every week.
- J. Where do you deposit waste? Will this change? Does it change?
- County requires HERC disposal first, then at hauler discretion
  - City could require a location in the contract if there is space. Some are at capacity and not accepting more waste.
- K. What do you need from the city to be successful if OTC moves forward?
- Haulers' impression is that they receive zero complaints about service now, but **complaints would go up with OTC.**
  - There is a rapport between truck drivers and the residents they serve.
  - Staff rapport with haulers should be strong.
    - "haulers should feel respected"
  - Haulers are concerned about council volatility, restricting contracts to fewer haulers in future years for instance.
  - Communication with and between haulers and residents is mandatory. This is a big political issue.
  - Haulers want 1 point of contact with the City. **Some customers will pay more** so haulers need support from the council. Council needs to respect the price negotiations that occurred before it went in front of them.
  - Can't compare prices in a vacuum. Every community expects different levels of service.
  - Backdoor Service – what happens? This will drive up cost because each hauler does not know how many there will be.
    - Residents will need to sign up
    - With disability – haulers do it for free today
    - Each city price is different

- ASL Truck is faster and more automated. There are more injuries w/o automated trucks. Haulers are trying to go more towards automated vs rear loaders. They have limited options for drivers and ASL trucks are better for hiring.

## **FOLLOW-UP MEETING**

**DATE/TIME:**        **August 14, 2023 @ 3 PM Virtual Teams Meetings**

### **ATTENDEES:**

#### **Hauler Representatives**

- Matt Herman, Republic Services

#### **City of Edina Staff**

- Solvei Wilmot, Environmental Health Specialist I/Recycling Coordinator
- Twila Singh, Organics Recycling Coordinator
- Chad Millner, Director of Engineering
- Grace Hancock, Sustainability Manager

### **DISCUSSION TOPICS:**

Supports OTC -

Small haulers are going to lose their business – it doesn't remove their business – you have the business that you have.

- 7-yr contract is more common – gives more time to finance more carts and other stuff
- No consortium has un-winded thus far, consolidation occurs.
- Provided small haulers an option to sell to someone or stay in the business.
- Has never happened to go from multiple haulers to 1.

Paid on customer service survey results

Big haulers own landfills and always win in a bid scenario – feels this is not true.

Residents like current haulers and do not want to change. People do not like changes.

Backdoor service – “OTC would take it away”, not true it is still offered and it could be required in the contract.

Not saving wear and tear on the streets – not a major issue

Haulers won't save money – reduce expenses – there is some savings by servicing a neighborhood instead of an entire city. 30-40 sec per stop – could be some saving by stopping at each house – laor hours – engine hours.

Market favors active customers, there will be winner and losers

Who are not active customers – people with language barriers or no time.

Pricing has to make sense for the haulers – they work together to ensure all can do business with the offer back to the city or llc.

Where does the waste go? When city becomes involved, it is supposed to go to a facility per state law.

In most cases, HERC provides each hauler a quota – HERC would update the quotas and would be worked out in the contract and pricing would reflect that.

What do you need to be successful? Richfield example, clear direction from City, enough time to do it, when developing pricing we need space to do the negotiations, State Law provides anti-trust protections. First haulers negotiate rates and then come back to the City. What does the City value and

what does the City like to have? Republic collected data from haulers in Richfield to determine neighborhoods for each vendor.

Perception that a vendor needs growth to survive vs running the existing

Billing – Summary billing – does the city bill each customer? Or does the haulers bill each customer?

Could have 4-5 service levels – walk-up versus automated and all between.