



# City of Lake Elmo

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3800 Laverne Avenue North / Lake Elmo, MN 55042

City of Lake Elmo  
City Council Workshop  
Lake Elmo City Hall  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

May 12, 2009

6:30 p.m.-8:30 p.m.?

1. AGENDA
2. Overview of Highway 36 Corridor – Washington County, MnDOT, City Engineer
3. Organized Refuse Collection
4. Adjourn



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## MEMORANDUM

**TO:** City Council  
**FROM:** Craig W. Dawson, Interim City Administrator  
**DATE:** May 7, 2009  
**SUBJECT:** Organized Refuse Collection -- May 12 City Council Work Session

At the April 14 work session, the Council indicated it would like to visit the matter of organizing refuse collection at its May work session. The topic was prompted during its discussion of the draft Transportation chapter for the update to the Comprehensive Plan, as one of the concerns of the Council was the possibility of changes that might lengthen the life of the City's streets. There are a number of other issues related to organized collection, which will be discussed below.

The City last visited the organized collection matter during 2005-06. The matter was on the agenda for a few meetings of the Environmental Commission. Much of the public discussion focused on residents' desires to choose service from several refuse haulers; residents were concerned that organized collection would take choice away. At some point, it was decided not to pursue organized refuse collection.

The City currently has an "open collection" system. There are five firms currently licensed to provide residential refuse collection services. The City's license also requires that a licensed hauler collect and market recyclables from its customers. State law requires haulers to follow volume-based pricing. In Lake Elmo, monthly prices for collection, recycling, state and county fees range from \$10.95 to \$31.63 for low-volume (30-40 gallons) customers; from \$11.95 to \$33.00 for medium-volume (60-70 gallons); and \$13.95 to \$34.47 for large-volume (90+ gallons). Haulers may collect from their customers on any weekday.

**Organized Refuse Collection:** Organized refuse collection is covered in §115A.94 of Minnesota Statutes. The definition of organized collection and the process to follow to implement it are summarized below. When cities have organized refuse collection, they have done so for what the industry considers to be residential customers (single-family through four-unit housing).

**Definition:** "... a system for collecting solid waste in which a specified collector, or a member of an organization of collectors, is authorized [by a city] to collect from a defined geographic service area or areas some or all of the solid waste that is released by [refuse] generators [i.e., customers] for collection."

Organized collection is often thought to mean that a city will contract with one or more haulers to collect refuse from the whole city or from certain districts within the city. Organizing collection need not include a contract for collection; for example, refuse collection may be "organized" so that haulers may collect trash only on a certain day of the week for all or parts of the city.



Potential Benefits of Organizing Collection: Several benefits are typically cited for organized collection. They include:

- Through a contract, prices are generally lower for customers than in an “open” system (analogous to the City being a bulk purchaser)
- City enforces a contract on behalf of the customers (causing less hassle for residents than disputes they may have in a private collection system)
- Fewer trucks on streets reduces wear and tear on them
- Environmental benefits of efficiencies a trash vehicle servicing all houses along a street, rather than having to service customers scattered through the city
- Public health is enhanced by having trash placed on the curb only one day per week
- Aesthetics are enhanced having trash placed on the curb only one day per week
- Through a contract, a city *may* direct where the refuse is taken (e.g., a refuse processing facility, instead of a landfill)

Potential Benefits of Retaining Open System: ...and several benefits are typically cited for keeping an open system of private subscriptions for refuse collection services. They include:

- Residents are able to choose their refuse collector, and do so on any number of criteria that are important to them
- Haulers are more responsive and flexible in the services they can provide their customers; with a contract, the services to be provided are only those defined in the agreement
- Staff involvement is limited to licensing; with a municipal contract, the city staff will have more involvement in handling residents’ concerns and complaints, and in contract administration and enforcement
- A single trash truck will get heavier and thus may cause more damage to streets along its route than several trucks with lighter loads due to serving fewer customers along a given street

One potential drawback to the organized collection system has appeared in recent sessions of the Legislature. Legislation has moved, but not successfully enacted, that would require a city to compensate haulers for any business that they lost due to a city’s organizing collection.

**Statutory Process for Organizing Collection:** The statute lays out a lengthy process to follow before a city may decide on how refuse collection is finally organized.

Throughout the process, the city must “invite and employ the assistance of interested persons,” and specifically calls for licensed refuse collectors to be included in developing plans and proposals “for organized collection and in establishing the organized collection system.”

The process itself will take longer than 180 days:

- 1) The Council must give at least two weeks' notice to the public and licensees for a public hearing on a "resolution of intent" to organize collection.
- 2) Planning Period: During a 90-day period following the resolution of intent, the city develops or supervises the development of plans or proposals for organized collection. The city must "invite and employ the assistance" of licensees. As a practical matter, the licensees are integral participants in the development of plans or proposals.
- 3) Negotiation Period: Another 90-day period follows the planning phase. In this period, the city discusses possible organized collection arrangements with licensees who have expressed interest. If the city is unable to agree on an arrangement with a majority of the licensees who have expressed interest during those 90 days, the city may propose to implement an alternate method.

In evaluating the method proposed for implementation, the city must make findings how it:

- achieves the stated organized collection goals of the city
- minimizes displacement of collectors
- ensures participation of all interested parties in the decision-making process
- maximizes efficiency in solid waste collection

The Council may wish to consider whether to involve the Environmental Commission to make a recommendation whether the City should undertake the organized collection process and, if the Council pursues it, whether the Environmental Commission should be involved in the 180+-day statutory process.

# 2008 Minnesota Statutes

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## 115A.94 ORGANIZED COLLECTION.

Subdivision 1. **Definition.** "Organized collection" means 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.

Subd. 2. **Local authority.** A city or town may organize collection, after public notification as required in subdivision 4. A county may organize collection as provided in subdivision 5.

Subd. 3. **General provisions.** (a) The local government unit may organize collection as a municipal service or by ordinance, franchise, license, negotiated or bidded contract, or other means, using one or more collectors or an organization of collectors.

(b) The local government unit may not establish or administer organized collection in a manner that impairs the preservation and development of recycling and markets for recyclable materials. The local government unit shall exempt recyclable materials from organized collection upon a showing by the generator or collector 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.

(c) The local government unit shall invite and employ the assistance of interested persons, including persons licensed to operate solid waste collection services in the local government unit, in developing plans and proposals for organized collection and in establishing the organized collection system.

(d) Organized collection accomplished by contract or as a municipal service may include a requirement that all or any portion of the solid waste, except (1) recyclable materials and (2) materials that are processed at a resource recovery facility at the capacity in operation at the time that the requirement is imposed, be delivered to a waste facility identified by the local government unit. In a district or county where a resource recovery facility has been designated by ordinance under section 115A.86, organized collection must conform to the requirements of the designation ordinance.

Subd. 4. **Cities and towns; notice; planning.** (a) At least 180 days before implementing an ordinance, franchise, license, contract or other means of organizing collection, a city or town, by resolution of the governing body, shall announce its intent to organize collection and invite the participation of interested persons, including persons licensed to operate solid waste collection services, in planning and establishing the organized collection system.

(b) The resolution of intent must be adopted after a public hearing. The hearing must be held at least two weeks after public notice and mailed notice to persons known by the city or town to be operating solid waste collection services in the city or town. The failure to give mailed notice to persons or defect in the notice does not invalidate the

proceedings, provided a bona fide effort to comply with notice requirements has been made.

(c) During a 90-day period following the resolution of intent, the city or town shall develop or supervise the development of plans or proposals for organized collection. During this 90-day planning period, the city or town shall invite and employ the assistance of persons licensed as of the date of the resolution of intent to operate solid waste collection services in the city or town. Failure of a licensed collector to participate in the 90-day planning period, when the city or town has made a bona fide effort to provide the person the opportunity to participate, does not invalidate the planning process.

(d) For 90 days after the date ending the planning period required under paragraph (c), the city or town shall discuss possible organized collection arrangements with all licensed collectors operating in the city or town who have expressed interest. If the city or town is unable to agree on an organized collection arrangement with a majority of the licensed collectors who have expressed interest, or upon expiration of the 90 days, the city or town may propose implementation of an alternate method of organizing collection as authorized in subdivision 3.

(e) The city or town shall make specific findings that:

(1) describe in detail the procedures it used to plan and to attempt implementation of organized collection through an arrangement with collectors who expressed interest; and

(2) evaluate the proposed organized collection method in light of at least the following standards: achieving the stated organized collection goals of the city or town; minimizing displacement of collectors; ensuring participation of all interested parties in the decision-making process; and maximizing efficiency in solid waste collection.

(f) Upon request, the city or town shall provide mailed notice of all proceedings on the organization of collection in the city or town.

(g) If the city or town and all the persons licensed to operate mixed municipal solid waste collection services and doing business in the city or town agree on the plan, the city or town may implement the plan without regard to the 180-day period specified in paragraph (a).

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

(1) require cities and towns to require the separation and separate collection of recyclable materials;

(2) specify the material to be separated; and

(3) require cities and towns to meet any performance standards for source separation that are contained in the county solid waste plan.

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

Subd. 6. **Organized collection not required or prevented.** (a) The authority granted in this section to organize solid waste collection is optional and is in addition to authority to govern solid waste collection granted by other law.

(b) Except as provided in subdivision 5, a city, town, or county is not:

(1) required to organize collection; or

(2) prevented from organizing collection of solid waste or recyclable material.

(c) Except as provided in subdivision 5, a city, town, or county may exercise any authority granted by any other law, including a home rule charter, to govern collection of solid waste.

Subd. 7. **Anticompetitive conduct.** (a) A political subdivision that organizes collection under this section 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, unfair trade practices, and other regulation of trade or commerce.

(b) An organization of solid waste collectors, an individual collector, and their officers, members, employees, and agents who cooperate with a political subdivision that organizes collection under this section are authorized to engage in anticompetitive conduct to the extent necessary to plan and implement the organized collection system, provided that the political subdivision actively supervises the participation of each entity. An organization, entity, or person covered by this paragraph is immune from liability under state law relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.

**History:** 1987 c 348 s 27; 1989 c 325 s 26,27; 1990 c 600 s 1,2; 1991 c 337 s 46; 1993 c 249 s 20,21



## Public Works Department

Donald J. Theisen, P.E.  
Director/County Engineer

Wayne H. Sandberg, P.E.  
Deputy Director/Assistant County Engineer

### Lake Elmo City Council Workshop May 12, 2009

## AGENDA

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|---|-------------------|
| • Introductions                                   | Everyone          |
| • Goals of the Meeting                            | Everyone          |
| ○ Transportation Planning Principals              |                   |
| ○ MnDOT and County Access Management Principles   |                   |
| ○ Review Agency responsibilities / who does what? |                   |
| ○ Proposal to Move Forward                        |                   |
| ○ Answer Questions of Council                     |                   |
| • General Transportation Planning Principals      | Washington County |
| • Access Management                               | MnDOT             |
| • Review Current Corridor Management Plan         | MnDOT             |
| ○ Review Flexibility and Options                  |                   |
| ○ Status of CSAH 17 & TH 36 Intersection          | Washington County |
| • Review Funding Costs / Cost Splits              | Everyone          |
| • Conclusion / Summary – Moving Forward           | Everyone          |

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