Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

STATE OF MINNESOTA

COUNTY OF RAMSEY

DISTRICT COURT

SECOND JUDICIAL DISTRICT

Case Type: Civil Other/Ballot Omission Declaratory Judgment

Bruce Clark, Peter Butler, and Ann Dolan,

Petitioners,

v.

City of Saint Paul, Minnesota;

and

Shari Moore, in her official capacity Saint Paul City Clerk;

and

Joseph Mansky, in his official capacity Ramsey County Elections Manager,

Respondents.

Honorable Leonardo Castro

Case No. 62-cv-19-857

AFFIDAVIT OF MEGAN D. HAFNER

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Megan D. Hafner, being first duly sworn, deposes and states as follows:

1. I am an Assistant City Attorney for the City of Saint Paul representing Respondents in the above-captioned matter.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

2. Attached as Exhibit A is a true and correct copy of the report entitled, City of Saint Paul Recycle it Forward, a comprehensive assessment of recycling and waste management.

3. Attached as Exhibit B is a true and correct copy of the report entitled, Taking Out the Trash, an Investigation Into Trash Collection in St. Paul, Macalester-Groveland Community Council, 2015.

4. Attached as Exhibit C is a true and correct copy of RES 16-337, dated February 26, 2016, directing Public Works to solicit input from residents to develop draft goals and objectives for implementing a system of organized trash collection.

5. Attached as Exhibit D is a true and correct copy of RES 16-174, accepting Organized Trash Collection in Saint Paul: Report on Community Input and Draft Goals and Objectives from the Saint Paul Department of Public Works.

6. Attached as Exhibit E is a true and correct copy of the RES 16-174 Organized Trash Collection Report on Community Input and Draft Goals.

7. Attached as Exhibit F is a true and correct copy of RES 16-1300, Establishing the 60-day negotiation period between the City of Saint Paul and licensed residential trash collectors as per Minn. Stat. § 115A.94 Organized Trash Collection.

8. Attached as Exhibit G is a true and correct copy of RES 17-203, authorizing staff to begin final contract negotiations with the currently licensed residential trash collectors and suspending the Organized Collection Options Committee.

9. Attached as Exhibit H is a true and correct copy of RES 17-1776, approving the final contract between the City of St. Paul and the Consortium.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

10. Attached as Exhibit I is a true and correct copy of the Exhibits that are an attachment to the Contract executed by the City of Saint Paul and the Consortium (The Contract without exhibits is attached to Petitioners' Initial Petition as Ex. E).

11. Attached as Exhibit J is a true and correct copy of Chapter 220. – Residential Coordinated Collection.

12. Attached as Exhibit K is a true and correct copy of sample pages from the petition that was submitted on Ordinance 18-39.

FURTHER YOUR AFFIANT SAYETH NOT.

s/ Megan D. Hafner
MEGAN D. HAFNER

Subscribed and sworn to before me
on May 6, 2019

s/ Julie L. Tinkham
Julie L. Tinkham

Notary Public
My commission expires on January 31, 2020

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

City of Saint Paul *Recycle it Forward*

A comprehensive assessment of recycling and waste management

Executive summary

Most Saint Paul residents would like a single-sort recycling system that accepts more plastics, a curbside or alley collection system for organic waste, and more convenient disposal options for their unwanted bulky items like furniture and appliances. Two-thirds of residents are willing to pay more for these new services. These are some of the key findings of a recent assessment conducted by Wilder Research for the City of Saint Paul to better understand resident perceptions, needs, and preferences related to recycling, trash, organics, and bulky waste. The City is working to significantly reduce landfilled waste as the state of Minnesota aims to recycle 60% of waste and divert 15% of waste for organics recycling by 2030.

This assessment included a mailed survey of 1,285 Saint Paul residents, six resident focus groups, and interviews with 13 experts in the field.

Findings point to six recommendations to reinvigorate Saint Paul's recycling and waste management system:

1. Launch a major educational and promotional campaign to inform residents and reinvigorate their enthusiasm around recycling, composting, and waste reduction.
2. Expand and simplify the selection of plastics collected for recycling.
3. Transition to a single-sort recycling collection system with wheeled, lidded carts.
4. Transition to a source-separated organics (SSO) collection system (curbside or alley), paired with expanded education on food waste prevention and backyard composting.
5. Diversify bulky waste management to offer more convenient reuse and disposal options.
6. Coordinate trash collection to lower costs, reduce truck traffic, and design trash pricing to incentivize recycling.

The recommendations for new services echo the expressed preferences of residents, most of whom would like to see additional plastics collected (90%), curbside/alley collection of bulky items (84%), single-sort recycling (77%), and curbside/alley collection of organics (73%). Key stakeholder insights also strongly support these recommendations.

While each recommendation carries significant potential to help Saint Paul residents to reduce landfilled waste in Saint Paul, these recommendations are best adopted as a full package – a holistic, system-wide overhaul. The synergy and complementary efficiencies in the recommended system are key to meeting the City's ambitious long-term waste reduction and diversion goals.

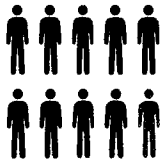
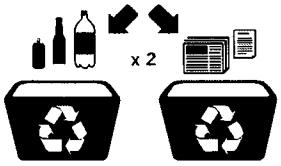
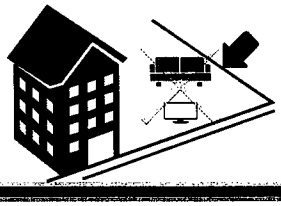
AUGUST 2013

RECYCLE IT FORWARD

Wilder Research
Information. Insight. Impact.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

City of Saint Paul *Recycle it Forward*

CURRENT STATUS	RESIDENT RESPONSE	RECOMMENDATION
35% of residents in Saint Paul are unclear about the recycling program[1]	Current recycling education materials are informative, clear, and translated into many languages but many residents never see them	Launch an educational campaign to inform and reinvigorate enthusiasm for recycling, composting, and waste reduction
Saint Paul currently only accepts #1 and #2 plastic bottles with necks and many residents are confused about which plastics can be recycled	 **9 in 10** residents want to recycle more plastics	Expand and simplify the selection of plastics collected for recycling
2010 Twin Cities waste[2] **60%** of waste not recycled **40%** of recycled waste was recycled	Sorting requirements, lack of bins, and bin capacity present significant barriers to recycling  3 in 4 residents want single-sort recycling	Transition to a single-sort recycling collection system with wheeled, lidded carts
Backyard composting rates have remained stagnant in Ramsey County and many residents do not have this option[1]	**Three-quarters** of residents want curbside or alley collection of organic waste	Transition to a source-separated organics collection system (with curbside or alley pick-up)
Improper disposal of bulky items is common in Saint Paul 	**9 in 10** residents are willing to use a curbside or alley collection service for bulky items and half are willing to pay more for it	Offer more convenient reuse and disposal options for bulky waste
Saint Paul residents pay more for trash than residents in neighboring communities with coordinated collection[3]	**More than half of residents** • think they pay too much for their trash hauling services • report problems with street wear and tear, noise, and air pollution from garbage trucks	Coordinate trash collection to lower costs, reduce truck traffic, and incentivize recycling

All statistics are based on the 2013 Saint Paul resident survey unless noted otherwise.

1 *Solid waste management in Ramsey County: a report for Saint Paul – Ramsey County Public Health. Wilder Research, March 2013.*

2 *Metropolitan Solid Waste Management Policy Plan 2010, prepared by the Minnesota Pollution Control Agency in consultation with the Metropolitan Counties. Available at: http://www.pca.state.mn.us/index.php/view-document.html?gid=15714.*

3 *Analysis of Waste Collection Service Arrangements. Minnesota Pollution Control Agency, June 2009 (Foth Infrastructure & Environment). Available at: http://www.pca.state.mn.us/index.php/view-document.html?gid=4514.*

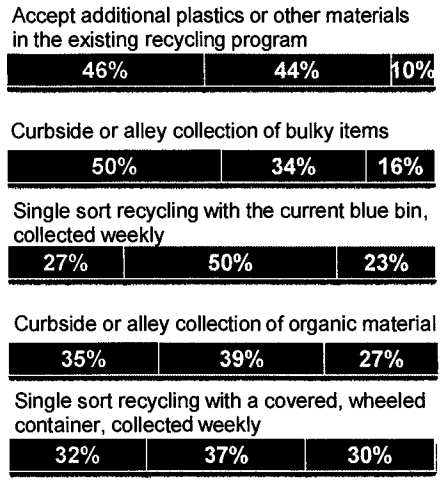
Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Service priorities

Residents' top priorities for new services are recycling additional plastics, curbside/alley collection of bulky items, single-sort recycling, and curbside/alley collection of source-separated organics.

Two-thirds of residents are willing to pay more for these new services, including 22 percent who say they will pay $4-6 more per month for them and 45 percent who say they will pay $1-3 more per month for them.

Interest in, and willingness to pay more for, new services

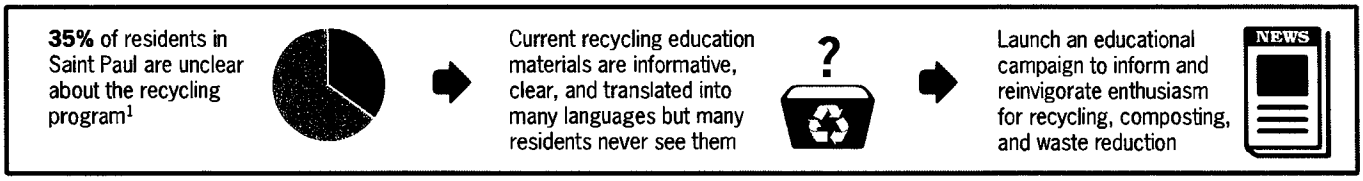


Education and communication

Key stakeholders emphasized the strength of Saint Paul's current recycling education, with clear, high-quality recycling guides printed in multiple languages. Most residents say those guides are their primary source of information about recycling. Still, study findings indicate some key shortfalls in recycling education:

- Residents in immigrant communities express significant confusion about recycling, and most have not seen written recycling guides in their home languages.
- Knowledge and information about recycling presents a significant and frequently cited barrier to recycling for Saint Paul residents, especially residents in multi-family housing.
- 3 in 10 residents do not know that they can recycle linens and pizza boxes in Saint Paul, and 1 in 10 do not know they can recycle juice boxes and milk cartons, suggesting that newer additions to the recycling program have not been communicated effectively to all residents.

Recommendation **Launch a major educational and promotional campaign to inform residents and reinvigorate their enthusiasm around recycling, composting, and waste reduction.**



[1] *Solid waste management in Ramsey County: a report for Saint Paul – Ramsey County Public Health. Wilder Research, March 2013.*

A time of program change represents a significant opportunity to excite residents about the new program vision and inform them about new and existing waste management programs and services. A dedicated educational campaign, launched within the strong educational infrastructure already established in Saint Paul's recycling program, could greatly improve participation in these programs and services.

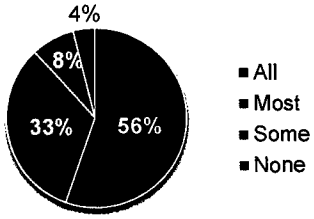
Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Recycling

Current system strengths

Nearly all Saint Paul residents surveyed (96%) said they recycle at least some of their household's recyclable waste.

What proportion of your household's recyclable waste do you recycle?

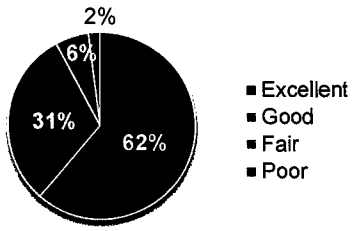


Key stakeholders say the greatest strengths of Saint Paul's recycling system are:

- A uniquely effective recycling education program (compared to other communities) that reaches many residents with high-quality educational materials.
- A historically strong partnership with the hauler toward a shared zero waste goal.

More than 9 in 10 residents rated their curbside recycling service as excellent (62%) or good (31%).

Overall, how would you rate the curbside recycling service that your household receives?

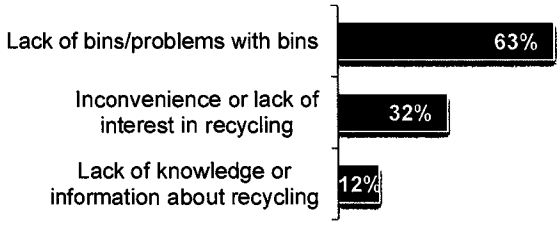


Barriers to recycling

Problems with recycling bins present the most significant barriers to recycling for residents in both single- and multi-family housing. Residents noted:

- Limited bin capacity
- Difficulty acquiring bins
- Usability challenges, such as the exposure to wind and rain and the difficulty of carrying them
- Particularly significant problems accessing and using bins for residents in small multi-family buildings without their own recycling services

Barriers to recycling (open-ended)



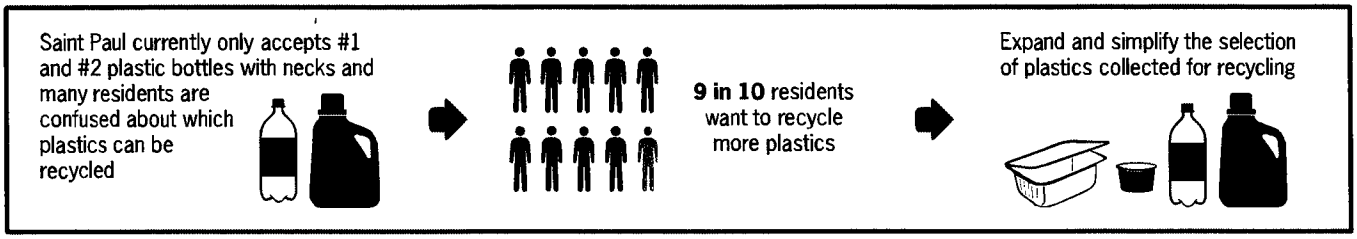
Seventy-one percent of residents in multi-family housing said their buildings have enough recycling carts, but recycling cart availability and adequacy varies across the city.

Some residents also noted that recycling is inconvenient and that they do not know enough about how to recycle. Residents found the two-sort system to be inconvenient and were confused about the distinctions between recyclable and non-recyclable plastics. These challenges are particularly significant for residents in immigrant communities.

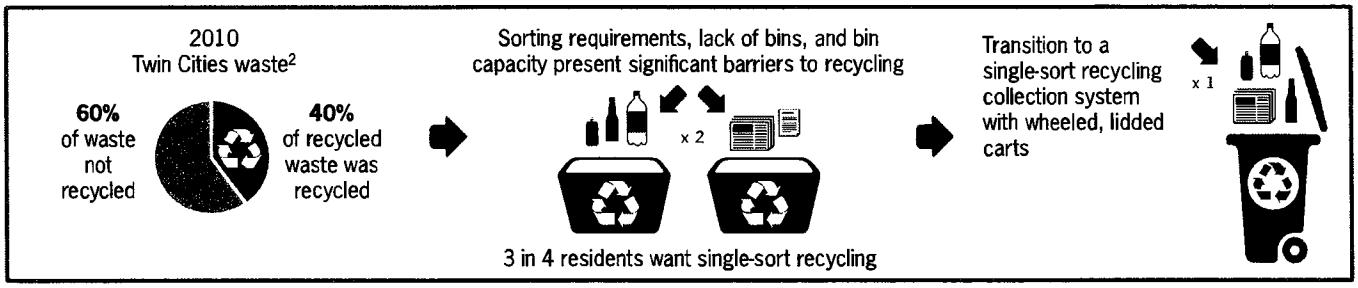
Problems with bins, sorting challenges, and distinctions between recyclable and non-recyclable plastics are particularly significant barriers for low-income residents, residents of color, and immigrant communities.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Recommendation Expand and simplify the selection of plastics collected for recycling.



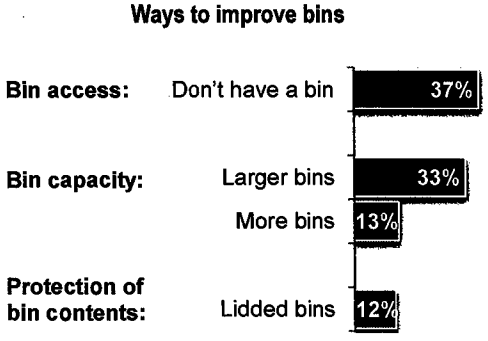
Recommendation Transition to a single-sort recycling collection system with wheeled, lidded carts.



[2] *Metropolitan Solid Waste Management Policy Plan 2010, prepared by the Minnesota Pollution Control Agency in consultation with the Metropolitan Counties. Available at: http://www.pca.state.mn.us/index.php/view-document.html?gid=15714.*

Residents' top suggestions to improve the curbside recycling program

- ***Accept more plastics:*** 9 in 10 residents would like to recycle more types of plastics, and almost half (46%) are willing to pay more to do so.
- ***Single-sort recycling:*** 3 in 4 residents would like single-sort recycling, and 1 in 3 are willing to pay more for single-sort recycling in wheeled, lidded carts.
- ***Improve recycling bin:*** Residents suggested several improvements, shown at right.



Residents' suggestions to improve bins align well with a recommendation for wheeled, lidded recycling carts (with greater capacity than the current blue bins) that are distributed to all households.

Single-sort recycling and expanded and simplified plastics collection make recycling easier for all residents. Focus group participants from diverse communities suggest that these changes would be particularly effective in promoting equity and more universal recycling in Saint Paul.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Recycling in a diverse Saint Paul

To increase our understanding of recycling and waste management needs, preferences, and barriers among Saint Paul's diverse communities, the study included four culturally specific focus groups with residents (in their native languages): recent Karen immigrants, Hmong homeowners, recent Latino immigrants, and Somali renters.

Unique barriers in immigrant communities

Focus group participants from each of these immigrant communities expressed concern for the environment and interest in recycling and proper waste disposal, but said they do not have the information or tools to recycle properly. While these barriers are also faced by some residents who speak English as a first language, many residents in immigrant communities lack the connections and English skills needed to gain access to the necessary resources.

Theme: Recycling is confusing

- Focus group participants reported significant confusion about which items are recyclable, especially milk containers, pizza boxes, and different plastics.
- Many focus group participants believed that all trash is sorted for recycling at the disposal facility, i.e., they had a misconception that the recyclable items they throw in the trash get recycled.

Theme: Recycling is inconvenient

- Recycling bins and carts are not easily accessible, especially to immigrant communities:
  - In multi-family housing, 12 percent of residents live in buildings with no recycling carts, and immigrant communities face language barriers to requesting carts from landlords.
  - In single-family housing, residents must pick up bins and this process can be confusing or difficult for residents with limited English skills.

  We can't recycle because we don't have containers; there's nowhere to recycle!

- Curbside recycling bins are too small for the volume of recycling produced by large families.
- Recycling sorts increase both the inconvenience and the confusion of recycling. Residents in immigrant communities say they are less willing to sort out their organics because they already manage two recycling sorts.

To improve recycling participation in immigrant communities:

Communicate clearly and creatively

- Use pictures on bins and in all written materials to illustrate which items are recyclable.
- Conduct community classes or workshops in multiple languages, with incentives for attendance.
- Communicate with diverse residents through employers, landlords, and children in schools.

Make recycling easy

- Bins must be easily accessible and large enough to accommodate the amount of recyclable waste from large families.
- Single-sort recycling improves convenience and may increase willingness of residents to also sort out their organic waste.

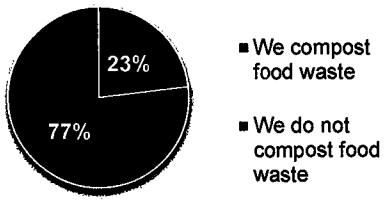
Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Organics

Current barriers to composting

About one-quarter of Saint Paul residents compost their food waste. The most popular composting method is with a backyard bin, and some use worm bins and drop-off sites.

Resident composting

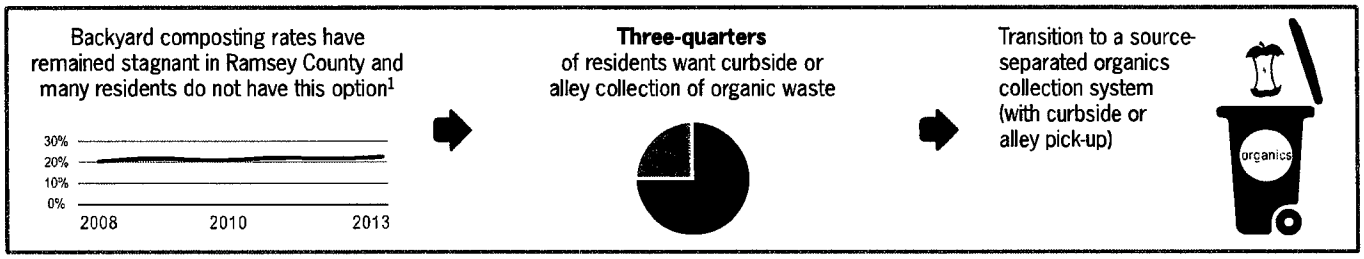


The most significant barriers to composting were:

- Lack of outdoor space (especially residents in multi-family housing) – 38%
- Lack of time or interest – 19%
- Limited knowledge/information about composting – 16%
- Inconvenience – 15%
- Unpleasant perceptions of composting – 14%

To alleviate these barriers, organics recycling must be simple, convenient, and clearly explained to residents.

Recommendation **Transition to a source-separated organics (SSO) collection system (curbside or alley), paired with expanded education on food waste prevention and backyard composting.**



Collection of source-separated organics

- Though only 1 in 4 residents currently compost, 2 in 3 residents are willing to separate their organic waste from their household's trash.
- Though many residents (26%) said they were unsure of their willingness to separate their households' organic waste, most of these residents said they would like curbside or alley collection of organics.
- Overall, 3 in 4 residents said they want curbside or alley collection of organics, and 1 in 3 are willing to pay more for it.

Willingness to separate organic waste from household trash

- Very willing or willing
- Unsure
- Unwilling or very unwilling

Key stakeholders recommended citywide source-separated (curbside or alley) organics collection, co-collected with trash or recycling, as the most cost-effective and efficient way to divert organics from the waste stream.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

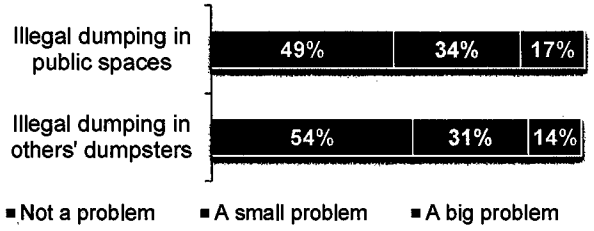
Bulky waste

Current bulky waste disposal methods

Most residents properly dispose of their bulky items, TVs, and appliances by selling them, donating them, or taking them to disposal facilities. However:

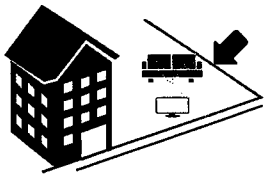
- About half of residents described illegal dumping as a problem in their neighborhood, both in public spaces and in others' dumpsters.
- About 1 in 10 residents admit (on this self-administered survey) leaving their bulky items, TVs, and appliances in public places like curbs or others' property, and 15 percent said they throw their unwanted TVs, appliances, and electronics in the trash (improper disposal).
- One-third of residents were unaware of community clean-up events as an outlet for bulky items, while 43 percent had used this disposal option.

Resident perception of illegal dumping



Recommendation **Diversify bulky waste management to offer more convenient reuse and disposal options.**

Improper disposal of bulky items is common in Saint Paul

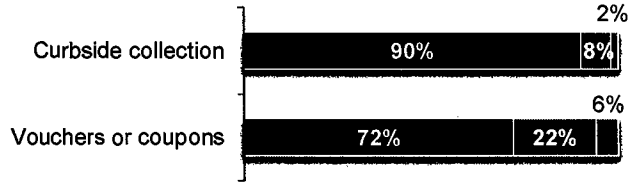


9 in 10 residents are willing to use a curbside or alley collection service for bulky items and half are willing to pay more for it

Offer more convenient reuse and disposal options for bulky waste

- 7 in 10 residents were very willing (40%) or willing (32%) to use a voucher or coupon system to dispose of their items without paying fees at a disposal site.
- 9 in 10 residents were very willing (69%) or willing (21%) to use a curbside collection program to dispose of their unwanted bulky items.
- Key stakeholders believe existing reuse options are limited, insufficiently promoted, and underused.

Willingness to use these possible bulky waste disposal programs to dispose of your unwanted bulky items?



Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Trash collection

Saint Paul residents are served by 15 trash haulers in an open hauling system without zoned collection days, and each household must select and contract with their hauler independently. Key stakeholders described the system as inefficient, leading to high trash collection fees and excessive truck traffic.

About half of residents reported problems with air pollution (51%), noise (56%), and street wear and tear (58%) related to trash and recycling truck traffic in their neighborhoods. Less than half (47%) of residents said their trash cost is reasonable (39% were unsure). Residents in Minneapolis (which has organized trash collection coordinated by the City) pay less for more services than the average Saint Paul resident.

Twin Cities trash and recycling collection fees and services

	Saint Paul, 2009	Maplewood, 2013	Minneapolis, 2013
Total monthly fee	$30.46 (average)	$15.73	$23.66
Trash system type	Open	Organized	Organized
Trash service	90-gal cart	95-gal cart	94-gal cart
Recycling sorts	2	1	1
Recycling freq.	Weekly	Weekly	Biweekly
Recycling bin	14- to 18-gallon bin	18-gallon bin	90-gallon wheeled, lidded cart
Other services included in fees	Recycling drop-off site	N/A	• Yard waste removal • Alley plowing • Bulky waste removal • Graffiti removal

Notes: *Saint Paul fees and services based on the MPCA's 2009 "Analysis of Waste Collection Service Arrangements," completed by Foth Infrastructure & Environment. Minneapolis information from the Minneapolis Public Works website, accessed 6/10/13. Maplewood information from the Maplewood City website, accessed 8/5/13*

Recommendation **Coordinate trash collection to lower costs, reduce truck traffic, and design trash pricing to incentivize recycling.**

Saint Paul residents pay more for trash than residents in neighboring communities with coordinated collection[3]

More than half of residents

- think they pay too much for their trash hauling services
- report problems with street wear and tear, noise, and air pollution from garbage trucks

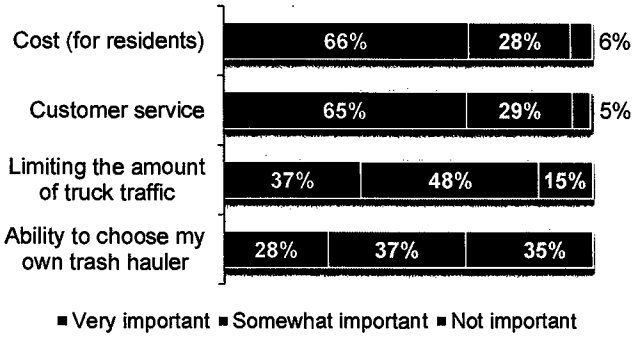
Coordinate trash collection to lower costs, reduce truck traffic, and incentivize recycling

[3] *Analysis of Waste Collection Service Arrangements. Minnesota Pollution Control Agency, June 2009 (Foth Infrastructure & Environment). Available at:* http://www.pca.state.mn.us/index.php/view-document.html?gid=4514.

Residents' highest priorities in choosing a trash hauler are cost and customer service. Limiting truck traffic is important to more residents than choosing their own hauler.

Key stakeholders recommended that the City of Saint Paul assume a coordinating role in trash collection to secure fairer pricing, increase efficiency, and reduce truck traffic.

Priorities in trash collection



Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

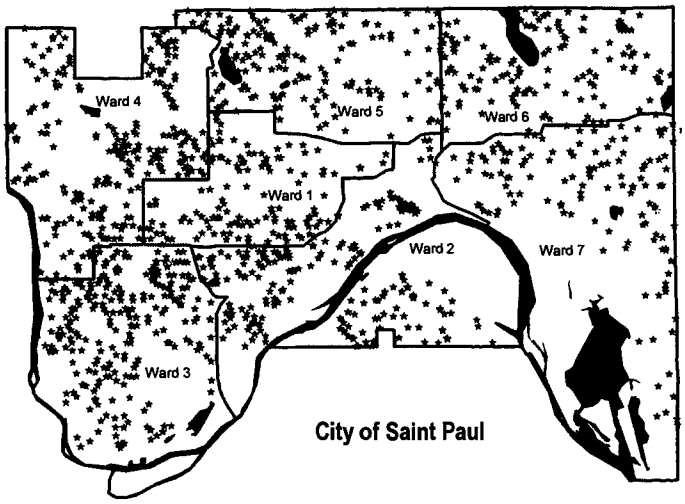
Methods

Resident survey

In February-March 2013, self-administered surveys were completed and returned by 1,285 residents across Saint Paul's seven City Council wards (see map at right). To ensure that the survey data are representative of the Saint Paul population, the data were adjusted using post-stratification and design weighting.

Survey respondent demographics

	Survey respondents (weighted)	City population
Housing type		
Single-Family	49%	50%
Multi-Family	51%	50%
Household income		
Under $25,000	31%	28%
$25,000 – $74,999	43%	44%
$75,000 or more	27%	28%
Race/ethnicity		
White or Caucasian (non-Hispanic)	80%	68%
All people of color	20%	32%
Age		
18-44	41%	50%
45-64	40%	35%
65+	19%	15%
All households	**1,285**	**111,882**



Key stakeholder interviews

To gather the perspectives of experienced professionals in the fields of recycling, composting, bulky waste, and trash collection, Wilder Research conducted 13 semi-structured key informant interviews with a variety of key stakeholders that were identified by the City of Saint Paul. In addition to being highly knowledgeable in their field, half of these key stakeholders are also residents of Saint Paul.

Focus groups

Wilder Research conducted a series of six focus groups, one with representatives of the Saint Paul District Councils, and five with different groups of Saint Paul residents. These focus groups were conducted with the help of four partner organizations (shown in parentheses).

Hmong homeowners (Hmong American Partnership)

Somali renters (CommonBond)

Recent Latino immigrants (Our Lady of Guadalupe)

Recent Karen immigrants (Karen Organization of Minnesota)

English-speaking renters

Wilder Research
Information. Insight. Impact.

451 Lexington Parkway North
Saint Paul, Minnesota 55104
651-280-2700
www.wilderresearch.org

AMHERST H. WILDER FOUNDATION
ESTABLISHED 1906
Here for good.

For more information

This summary presents highlights of the *City of Saint Paul* Recycle it Forward: *A comprehensive assessment of recycling and waste management.* For more information about this report, contact Cael Warren at Wilder Research, 651-280-2066 or cael.warren@wilder.org.

Author: Cael Warren August 2013

This study was made possible by a Ramsey County Public Entity Innovation grant.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Taking Out the Trash

An investigation into trash collection in St. Paul

Macalester-Groveland Community Council

2015

Macalester Groveland
COMMUNITY COUNCIL

Minnesota Pollution
Control Agency

320 South Griggs St. | St. Paul, MN | 55105 | 651-695-4000 | mgcc@macgrove.org

EXHIBIT B

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Contributing Authors:

Sarah Baumann
Nicole Emanuel
Kayla Walsh

MGCC Staff:

Liz Boyer
Jennifer Wustmann

Environment Committee:

Johanna Anderson
Melanie Peterson-Nafziger
Maddie Hansen
Erik Riesenberg
Craig Skone
David Soll
Sheila Sweeney

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Table of Contents

COMMUNITY AND DECISION-MAKING RESOURCE AND INFORMATION GUIDE 4

EXECUTIVE SUMMARY 5

I. INTRODUCTION 7
ABSTRACT 7
MACALESTER-GROVELAND COMMUNITY COUNCIL'S ROLE 7
CURRENT TRASH SYSTEM 8

II. COMMUNITY FEEDBACK AND RAISED ISSUES 9
METHODOLOGY SUMMARY 9
Community Meetings 9
Hauler Meeting 10
Survey 10
Interviews 11
MAJOR THEMES 12
Cost 13
Environmental Concerns 14
Quality of Service 16
Services Provided 16
Local/Small Business and Fair Pay 17
Neighborhood Disturbances 19
Transparency and Accountability 21
Government Presence 21
Volume Based Pricing 22
FURTHER SURVEY INSIGHTS 23
HAULER PERSPECTIVES 24

III. RESEARCH SUMMARY 26
WEAR AND TEAR 26
COSTS 27
RESOURCE RECOVERY FACILITY IN NEWPORT 29
EMISSIONS/FUEL 29

IV. HISTORY OF TRASH COLLECTION IN ST. PAUL 30

V. OTHER COMMUNITIES 31
MINNEAPOLIS 32
VADNAIS HEIGHTS 33
MAPLEWOOD 33
ST. ANTHONY VILLAGE 34
FRIDLEY 35
BLOOMINGTON 36

VI. POTENTIAL COLLECTION OPTIONS 36
TRASH COLLECTION: MOVING FORWARD 36
Trash Collection System Options 37
City-wide Competitive Bidding 37

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Consortium 37
Zoning (Grid with RFPs) 38
Open 39

VII. RECOMMENDATIONS AND NEXT STEPS **40**
MN § 115A.94 Organized Trash Collection Statute for the State of Minnesota 40
Priorities 40
Recommendation 42
ADDITIONAL NEGOTIATION CONSIDERATIONS 43
Additional Solid Waste Services 43
Opt-out 43
Fair Labor Clause 44
Billing and Complaints 44
Bins 44
Conclusion 44
Acknowledgements 46
Appendix A: MGCC Organized Collection Survey ..... **i**
Appendix B: 1989 Contract with St. Paul Refuse Inc. ..... **vi**
Appendix C: Minnesota State Statute 115A.94 ..... **xxviii**

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Community and Decision-Making Resource and Information Guide

How to Read this Report

A Letter from the Authors:

The following document is a defining resource on the topic of organized trash collection (OTC) in St. Paul. It is a culmination of research conducted by the Macalester-Groveland Community Council's (MGCC) Environment Committee. MGCC serves as a community voice, seeking changes that will benefit the well-being of the community as a whole. For that reason, MGCC tasked themselves with investigating how to devise a more efficient, less intrusive, and environmentally efficient trash collection system than what is currently in place in the City.

MGCC took multiple steps to ensure a thorough report. Trash collection in St. Paul is an expansive topic with a rich history and (at times) polarizing viewpoints. Thus, we carefully investigated the history of St. Paul trash collection, interviewed other communities with organized trash collection, hosted community meetings, talked with haulers, surveyed city residents, and interviewed a range of stakeholders.

In so doing, MGCC solidified their position of favoring a move towards organized collection. Nonetheless, this report aims to present data empirically. It recognizes the advantages and disadvantages of opposing systems of trash collection, allowing the reader to interpret the facts as we first saw them in our project development and information gathering. Although we do make a formal recommendation at the end of the report, we intentionally present our work as an informational guide, helpful to multiple audiences.

> This document is for **St. Paul residents,** to help them understand their neighbors' perspectives and learn about the effects and consequences of the current system. This document is for **City Councilmembers and City Officials,** and it will provide them with the necessary tools with which to accept or decline OTC. In moving forward, this report will allow both parties to engage with details of alley wear and tear, billing, and topics of concern to citizens including cost, the environment, and small/local business.

It is our sincere hope that this report will be intuitive, guiding, empirical, and influential. It identifies the path to organized collection as laid out by MN § 115A.94, potential road-blocks in this process, and best practices in moving forward. Please make use of the table of contents to find your area of interest, or read the full report for a comprehensive overview of OTC in relation to St. Paul.

> Thanks for your continued interest and support,
>
> MGCC Environment Committee

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

EXECUTIVE SUMMARY

This comprehensive report—authored by the Macalester-Groveland Community Council (MGCC) Environment Committee—provides an overview and analysis of the current trash collection system of St. Paul. It is a decision-making resource and information guide for contemplating St. Paul's potential move towards a form of organized trash collection (OTC). Based on our analysis, MGCC finds that OTC is entirely within reach for the City of St. Paul. Our research indicates there is the community support, the resources, and the political will necessary to achieve this transition.

Methods

Methods used to create this document include: meetings with haulers and community members, a city-wide survey with 2,000 responses, and one-on-one interviews with haulers, city officials, City Councilmembers, citizen activists, and residents. We integrated perspectives from our interviews, survey, and community meetings into the report as a whole. We also compiled an extensive section of the report focused on the collection systems of other Minnesota communities, based on our interviews with city officials from those communities.

Conclusions

The feedback we recorded indicates that a majority of citizens are open to the idea of OTC, although opinions on what an "ideal trash collection system" entails differ widely. Discussions with those employed in the refuse hauling industry confirm that hauler opinions are also divided. While many haulers worry that organization could restrict their business' growth, others see OTC as a chance to secure their current market value and/or improve their working conditions thanks to a fair labor clause and/or the benefits of increased efficiency. Our survey findings reveal that cost and environmental sustainability are prioritized by a majority of residents. A minority of respondents prioritize the ability to independently choose a hauler and have a personal connection with their hauler, though such preferences were vocally cited by some individuals in community forums.

Recommendations

Our report outlines the advantages and disadvantages of various types of collection systems (Open; Grid System with Zoning; Consortium; Single Hauler) and recommends that the City adopt some form of a Consortium Model, should it choose to pursue OTC. In accordance with MN § 115A.94, haulers can first attempt to self-negotiate an appropriate contract with the City during an initial 60-day period. If this fails, then "before implementing an ordinance, franchise, license, contract, or other means of organizing collection, a city or town, by resolution of the governing body, must establish an organized collection options committee to identify, examine, and evaluate various methods of organized collection."

We highlight notable considerations in our section titled *Additional Negotiation Considerations.* These include: the incorporation of yard waste and bulky item pick-up, the ability to opt-out of service, a fair labor clause for haulers, volume-based pricing, and the handling of billing and complaints. For each section, we explain multiple options or give a recommendation, recognizing that the subject of trash collection is made up of various moving parts which are interdependent and subject to change. However, we hope our insights will help the City devise "best practices" moving forward.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Limitations

While the broad inclusivity of sources and research tactics that went into this report constitutes one of its strengths, it must be noted that there are still some limits to its scope. For instance, a preference for or against having an open system was not easy to assess in survey. The survey is not demographically representative (majority of responses came from Mac-Grove, though respondents were recorded from every ZIP code within the City of St. Paul). The lessons learned from other communities can only serve as examples, not prescriptions of OTC for St. Paul, given St. Paul's size and other variables. These and other limiting factors are thoroughly explained wherever relevant in the body of the report.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

I. Introduction

Abstract

This document is a compilation of community outreach and analysis in regards to organized trash collection in the City of Saint Paul, culminating in a recommendation for implementing a new system of trash collection. According to Minnesota state statute (MN § 115A.94), organized collection is,

> *"...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."*[1]

This report is broken into six key sections: 1) *Community Feedback and Raised Issues*, which includes a summary of MGCC's methodology, along with an overview of the main issues surrounding organized trash collection (OTC); 2) *Research Summary*, in which some of the claims and concerns brought up in Community Feedback are investigated in further detail; 3) *History of Trash Collection in St. Paul*; 4) *Other Communities* in Minnesota that have studied and/or adopted OTC; 5) *Potential Collection Options* that St. Paul might take into account as it considers some form of OTC; 6) *Next Steps* that St. Paul will face as the City pursues improvements to trash collection.

MGCC recommends a thoughtful move towards organized collection, taking steps as outlined by MN § 115A.94 and considering the outcomes of specialized services, opt-out abilities, fair labor clauses, and the handling of billing and bins. See more under *VI. Potential Collection Options.*

Macalester-Groveland Community Council's Role

MGCC functions as a community sounding board. It listens, inquires, plans and acts on a wide range of matters, including zoning and land use, traffic and parking, and capital spending. MGCC also is a vehicle for area residents, businesses and institutions to identify, plan, and address community goals. Created to facilitate communication between the residents of the area and elected officials, MGCC's mission is to foster citizen participation in government and community decisions.

MGCC's organized trash collection project is part of a long history of spearheading innovative initiatives that benefit our neighborhood and the City of St. Paul. Examples of these include a recycling program which was developed and implemented in Macalester-Groveland and eventually adopted by the City. MGCC also began an Organics Recycling program in 2012 after repeated requests from residents. Organics recycling is now available county wide, using a similar model. After hearing citizen interest in organized trash collection, MGCC secured a grant through the Minnesota Pollution Control Agency (MPCA) to investigate the potential for the City to transition to OTC.

Recognizing that organized collection is a multifaceted topic with a complex history in St. Paul, MGCC approached its work on this grant as an opportunity to draw from a wide range of perspectives and learn from a large base of experiences. The Council's goal throughout this process was to synthesize these

[1] Mn. Organized Collection §115A.94 (2014)

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

disparate sources, resulting in a more unified, holistic view of OTC. Practically speaking, this aim helped MGCC to craft a multi-phase plan for its work:

- **Phase 1: Gather Community Input**
  - Hosted community meetings throughout the City of Saint Paul in partnership with other District Councils
  - Facilitated a meeting with refuse haulers
  - Conducted a survey assessing views on OTC

- **Phase 2: Collation of Specialized Knowledge**
  - Approached individuals with expertise in OTC as interview subjects, including:
    - Professionals in other Minnesota communities where OTC has been studied
    - Current City Councilmembers
    - City staff in departments responsible for implementation of the plan
    - Individuals involved in the business of trash collection
  - Assembled findings with additional research, outlining various collection systems with respective pros and cons of each

This report is the culmination of Phase 2. The findings that MGCC identified in Phases 1 and 2 are presented in this overview of information and opinions essential to understanding how organized trash collection can be achieved. This material on barriers and solutions is compiled into a recommendation with action steps tailored to St. Paul, presented in the final sections of this document (*Potential Options* and *Next Steps*).

- **Phase 3: Presentation of Results and Advocacy**
  - Share results through standing meetings of community organizations and board meetings of watershed organizations, faith communities and/or other nonprofits
  - Promote report findings and advocate for implementation through print and online communications
  - Present results at relevant conferences as opportunities arise

Current Trash System

Currently, St. Paul has an "open" collection system, in which each household is legally obligated to contract its own trash collection. As of 2015, St. Paul has 19 active licensed residential haulers. This multitude of companies operating without any level of coordination leads to great inefficiencies. Given that the customer base for each of these 19 haulers is scattered across the municipality—and collection days are not regulated—garbage trucks from any of these companies may be navigating St. Paul streets and alleys at any time, on any day of the week. This inefficiency makes the current system of trash collection in the City of St. Paul unsustainable in several regards: it is environmentally unsound, costly, and inequitable.

The current system results in unnecessary fuel consumption, air pollution, and greenhouse gas production, negatively impacting the environment. Longer routes under an open system result in greater fuel consumption for more vehicles. The open system also does little to encourage the environmentally

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

friendly practice of reducing waste because the cost differentials between small bins and large bin sizes aren't great enough to incentivize significant reduction in trash production. Additionally, the current system does not easily allow for a transition to increased recycling or an innovative compost curbside pick-up program. Most trucks and most companies are not equipped to handle both waste streams in one pick-up route, and RFP's for both recycling and trash are separate.

As for economic issues, the inefficiency of the open system leads to more expensive collection rates due to the increased costs haulers must shoulder. Other cost concerns for haulers include extra fuel expenditure and equipment wear and tear due to needlessly long routes. In addition, streets and alleys suffer needless wear and tear, which residents pay for either through increased taxes (to cover street repair) or directly, in the case of alley damage (it is the resident's responsibility in St. Paul to pay for their alley's repairs).

Finally, there are equity issues with St. Paul's current trash system. It is entirely the homeowner's responsibility to research haulers, sign up for collection, and negotiate deals on rates and services. This type of interaction is difficult or nearly impossible for non-English speaking community members, those who work long hours, and those unfamiliar with St. Paul's system. Additionally, in some areas of St. Paul, there are concerns of illegal dumping. When citizens can't afford garbage pick-up or are unsure of how the system works, they are more likely to dispose of their trash at undesignated sites. If trash collection were coordinated by the City, illegal dumping would likely decrease.

Organizing trash hauling throughout the City would result in greater efficiency, reduced fuel consumption, reduced greenhouse gas emissions and reduced wear and tear on roadways. An increased efficiency results in an economic benefit to residents in the form of lower, more stable fees and/or increased services. Consistent rates and a more transparent system would also be more equitable for St. Paul residents who are less able to negotiate with haulers. MGCC is developing an implementation path for achieving a more environmentally, economically, and socially sustainable method of collecting trash.

II. Community Feedback and Raised Issues

Methodology Summary

To collect community feedback on the topic of OTC, MGCC held community meetings, conducted a survey, hosted a meeting with haulers and discussed organized trash collection with various stakeholders.

Community Meetings

MGCC held five community meetings—open to the public—in an effort to gather the opinions and preferences of St. Paul citizens on the subject of trash collection. The first of these meetings occurred within the Macalester-Groveland District; the others were held throughout the City in partnership with different District Councils (notably Frogtown and Hamline-Midway). By hosting meetings in different locations around St. Paul, MGCC hoped to gain awareness of perspectives from residents city-wide, given that changes to the trash collection system will affect all residents. In addition, the primary issues related to trash collection varied across the City.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

In the community meetings facilitated by MGCC, a wide range of reactions to organized trash collection were voiced. MGCC asked three questions to spark conversation in small groups:

1) "Describe your ideal trash system: what components are included?"

2) "What stands in the way of organized trash collection?"

3) "If you don't support organized trash collection, what would it take to change your position?"

Residents brought up a diverse array of questions, comments, and concerns. However, some consistent themes did emerge. When it came to describing their ideal trash system, residents' responses could be sorted into the following categories: cost, environmental concerns, quality of service, services provided, local/small business and fair pay, neighborhood disturbances, transparency and accountability, government presence, and status quo. We will expand on each theme in the following sections.

Hauler Meeting

In addition to the open community meetings hosted by MGCC, the Council also facilitated a meeting specifically for residential trash haulers licensed in St. Paul. By hosting a conversation with this group, MGCC sought to understand how OTC was viewed by individual businesses directly involved in and impacted by changes to the trash collection system. Representatives from 9 of the 19 licensed haulers attended. They were given a brief introduction to the nature of MGCC's project and split into three groups. Within each group, a MGCC member asked attendees to consider three questions:

1) "What is your ideal trash system?"

2) "What are the pros and cons of various trash systems?" [Grid System, Consortium, Market Share]

3) "What else would you like us to know?"

MGCC analyzed the responses to these questions and integrated them into this report.

Survey

MGCC conducted a survey available online and in print from February 2015 to June 2015 (see appendix A to view the full survey). MGCC received 1,951 completed voluntary responses from every zip code in St. Paul (see Figure 1). In an effort to obtain input from all areas in St. Paul, MGCC asked other District Councils to advertise the survey in their respective newsletters and provide it in paper format at their offices.

It is crucial to note that the survey is not demographically representative of St. Paul, but it can be used qualitatively to inform our recommendations.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

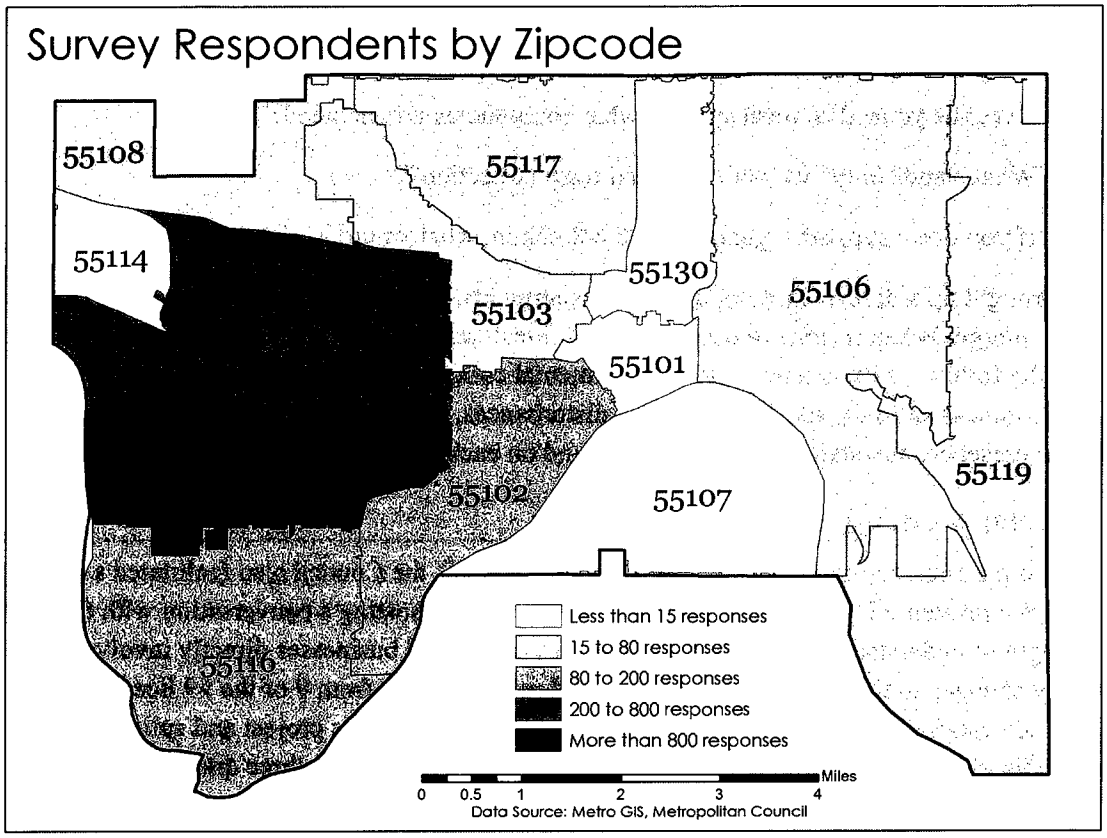


Figure 1. Survey respondents by ZIP code

Survey Considerations:

1) Participants commented that there was no direct question in which they could easily declare their preference for or against an open trash system. We addressed this by scheduling interviews with stakeholders (such as Councilmembers) from underrepresented districts.

2) It is demographically unrepresentative, using non-random sampling techniques and asking for only "ZIP code" as an identifier.

3) One flaw, inherent in most surveys, is that the multiple choice questions omitted prominent answer options that participants mentioned in the "other" category, i.e. there was no given answer for 'noise' yet noise was frequently mentioned in the 'other' category.

Despite these limitations, the MGCC survey clearly depicts community views. Though it may not be exhaustive in its scope, it is rich in information and provides an adequate sample size. It is synthesized as one piece of information among many.

Interviews

MGCC conducted 25 official one-on-one interviews with potential stakeholders such as City Councilmembers, city officials, public works employees, haulers, city managers from organized and open cities, and experts in billing, licensing, and hauling operations. Our goal was to integrate the nuances,

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

perspectives, and unique suggestions from all interviewees into this document, as they helped guide our approach.

Major Themes

The following section presents community input on OTC in the form of nine themes: cost, environmental concerns, quality of service, services provided, local/small business and fair pay, neighborhood disturbances, transparency and accountability, government presence, and volume based pricing. These themes were reflected in all of the previously stated methodologies, i.e. community meetings, the hauler meeting, the survey, and interviews. Quotes were derived from the "open comments" section of the survey.

When asked how they chose their hauler, residents replied with a variety of responses (see Figure 2). "Cost Considerations" and "Neighborhood Using" were each selected by more than half of respondents. One fourth of respondents said "Customer Service" was influential in making their choice.

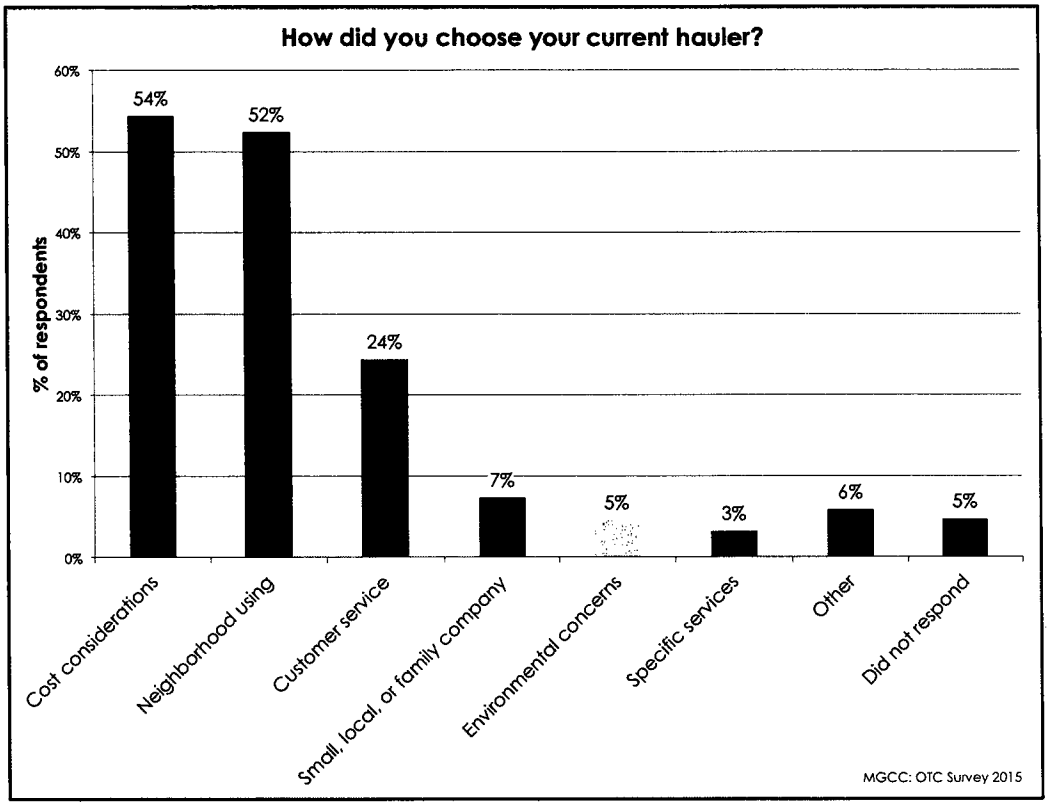


Figure 2. How did you choose your current hauler?

Full question read: "How did you chose your current hauler? Check all that apply." The question allowed each respondent to select multiple options, including an open response option. Responses have been consolidated into the themes seen on this graph. "Cost Considerations" encompasses 'Cost,' 'Sign-up promotion,' and open responses. "Neighborhood Using" encompasses 'Neighbors using already,' 'Continued service from previous homeowner' and open responses. "Customer Service" encompasses 'Phone/personal solicitation,' 'Personal connection to hauler,' 'Customer service reputation' and open responses. The other three themes came from open response comments.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Cost

Community feedback indicated that residents value more affordable cost for service and stability in pricing (no more negotiating terms and no "hidden" fees such as tipping costs which are confusing to the consumer). Volume-based pricing was also a common request. (See Volume Based Pricing theme below)

Survey Quotes

"I would cost control for hauling. I switch haulers every 3 or 4 years because they have c'mon deals...but after awhile prices go up and up and up. A group negotiation would probably result in more stable and reasonable costs."

"Price needs to come way down."

"The system arrived at last time this discussion came up, to ostensibly charge differentially by volume, is a joke. Three times the volume costs you about 4-6 bucks more per month with most haulers. Talk about perverse incentives...people who want to reduce their waste have little economic incentive, are still schlepping bins and bags to the curb, and have to drive their stinking compost halfway across town, not to mention yard waste and other items that many municipalities pick up curbside...Use economies of scale to reduce trash hauling fees and reward people as they truly reduce their waste."

The survey shows that residents believe they are not getting the best price. When asked if the current garbage hauling system provides services at the best possible cost, only 25% say it does (Figure 3).

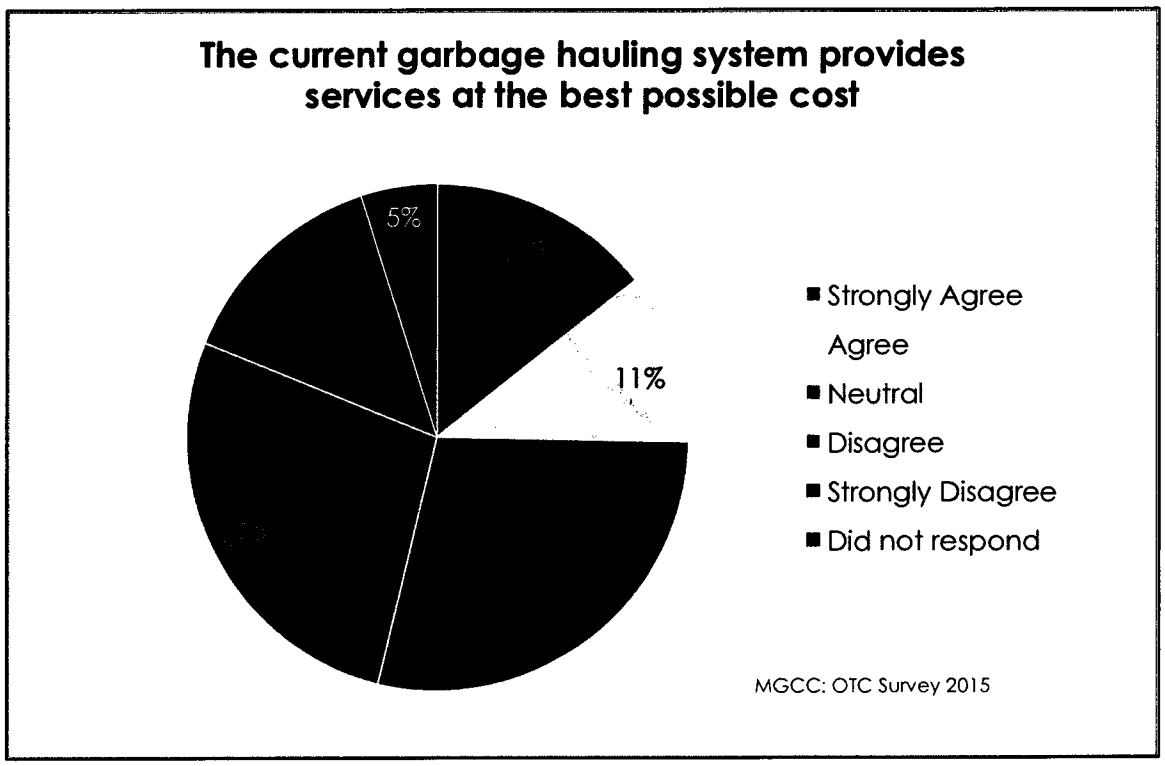


Figure 3. Does the current garbage hauling system provide services at the best possible cost?

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Additionally, the survey asked if participants would support organized trash collection if their rate increased, remained the same, or decreased (Figure 4). Of approximately 2,000 responses, 33% said they would support OTC no matter how their price changed. A majority would support OTC if their rate remained the same (69%) or decreased (74%).

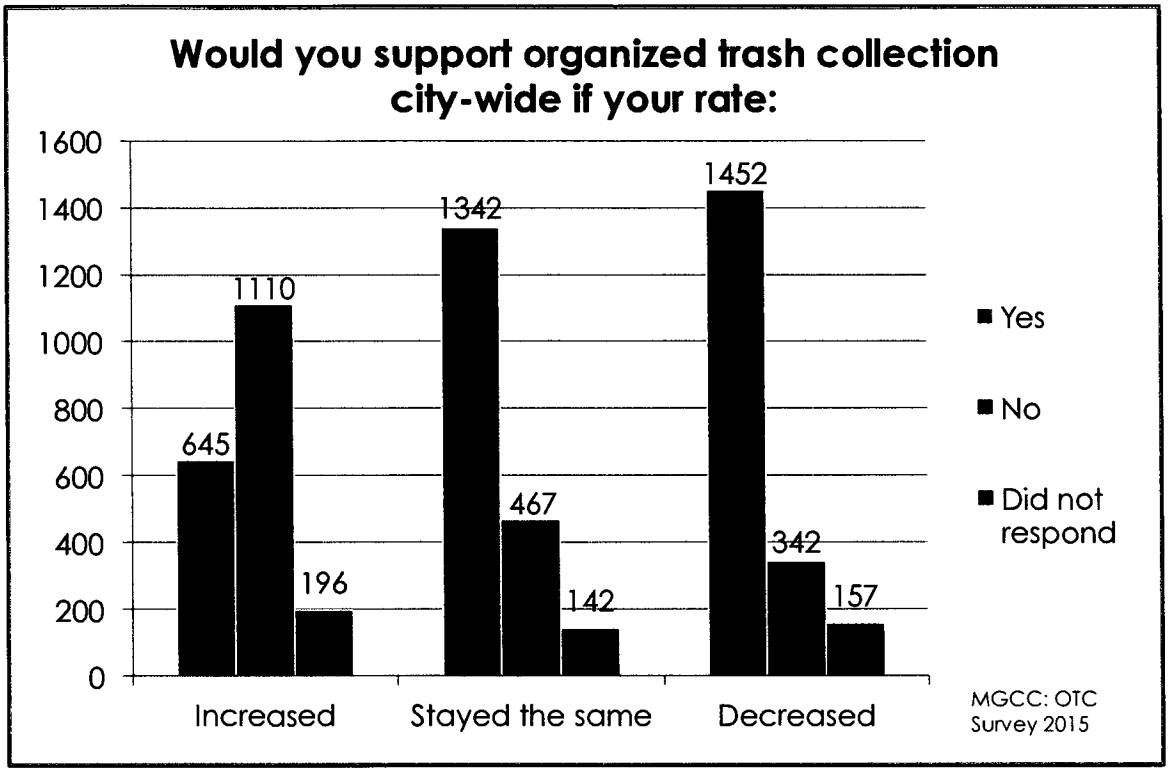


Figure 4. Rate changes and Organized Collection

Environmental Concerns

There are numerous concerned citizens who wish for incentives for fuel efficiency and trash reduction. They claim that incentives for reducing trash production are imperative along with including the possibility for recycling and curbside composting. Some would also like a way to monitor the overall impact of trash hauling i.e. the effects of air pollution or the measurement of how much trash vs. compost is collected (to calculate diversion rates).

Survey Quotes

"[P]eople who refuse to reduce the amount of trash they create must pay for it—it is unconscionable to make their environmentally responsible fellow citizens pay for their profligacy"

"I feel strongly that there should be the ability to share a trash container with neighbors as we produce so little actual trash. That should be the goal for all."

"I do everything I can to minimize waste. Residents should be rewarded for doing so. My small garbage can is emptied once a month, on average. It is very important to me to be able to continue this."

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

A majority of respondents believe that the current collection system impacts air quality and climate change. When asked, 61% agreed that the system negatively impacts air quality (Figure 5) and 52% believe it contributes to climate change (Figure 6).

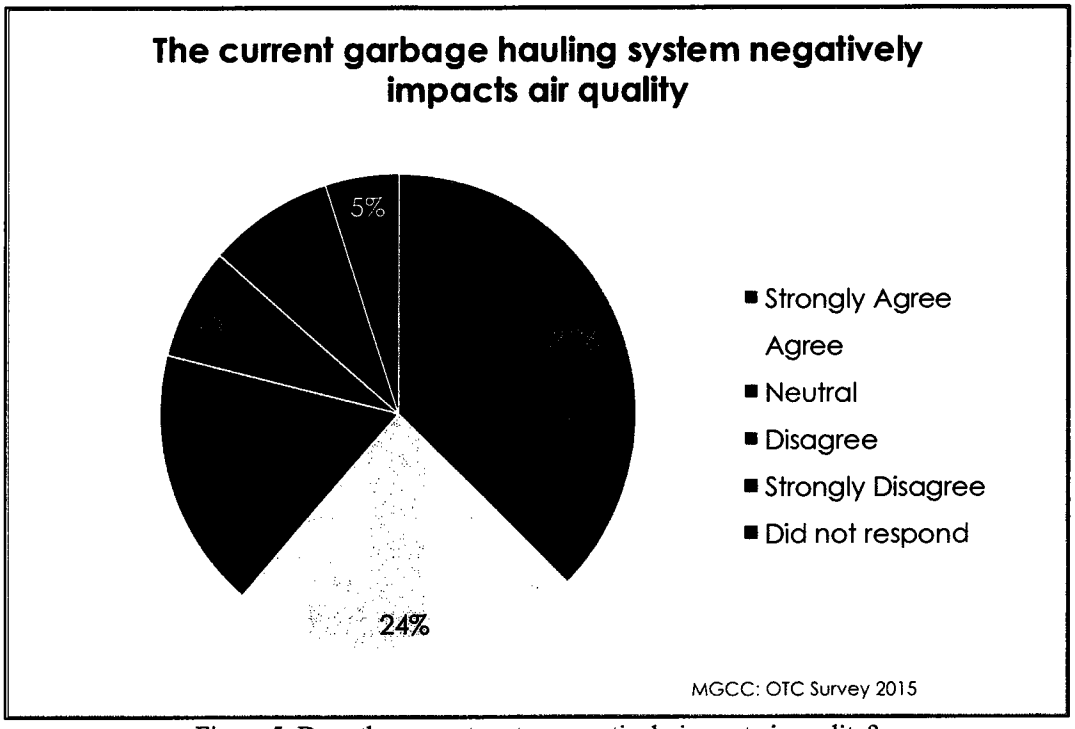


Figure 5. Does the current system negatively impact air quality?

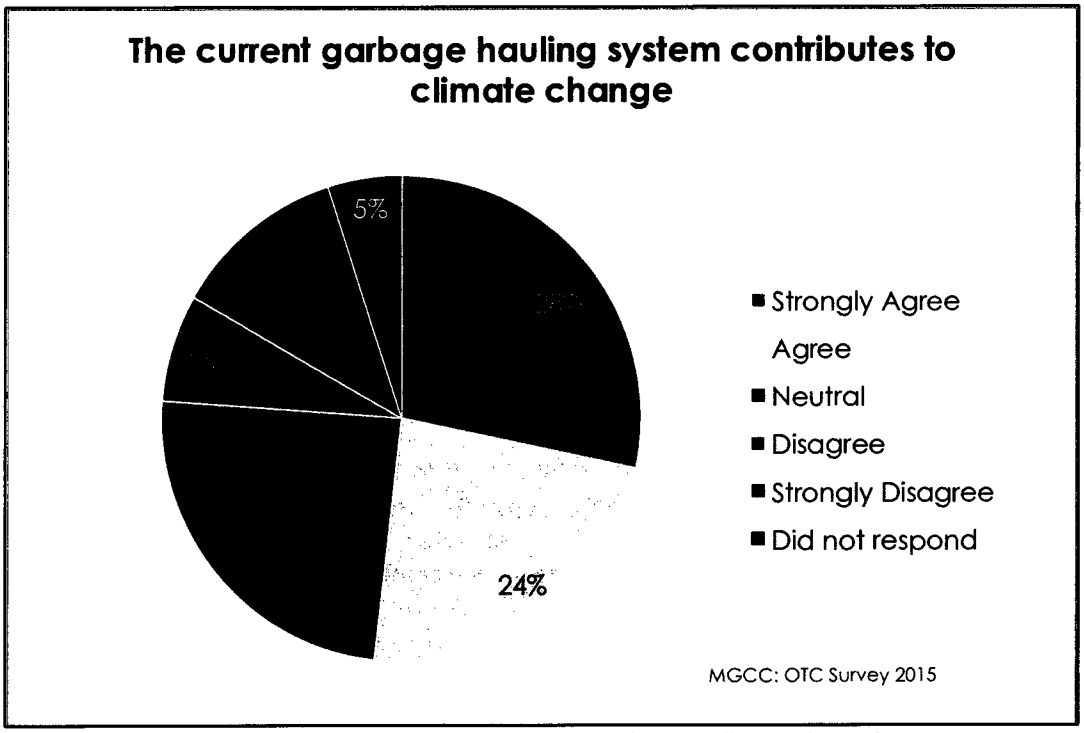


Figure 6. Does the current system contribute to climate change?

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Quality of Service

In community meetings and on the survey, residents expressed their concerns about quality of service. Some fear that an organized system would lead to customer dissatisfaction, because residents would be unable to switch to a new hauling company if service were subpar. Thus, many citizens expressed an interest in an efficient system of redress to ensure high quality of service.

Survey Quotes

"I cannot emphasize how important it is to me to be able to talk to a real person when I have a question for my garbage hauler or any other service...I will pay more for good service."

"Freedom of choice is the most powerful position of leverage households have in the marketplace. If a customer becomes dissatisfied with their trash service, they have the freedom to change providers and deliver a message to the inadequate service provider...."

Currently, many see their close connection to their hauler and ability to call and advocate for themselves as the best method to get a better price or an improvement in service. At community meetings, residents voiced their concerns over not having a personal connection with a hauler and the quality of service that accompanies it. However, survey results revealed that many people prioritize customer service rather than an actual connection with their hauler. Customer service ranked high in respondents priorities (40% had it in their top three) while relationship with hauler was not a priority for many (10% ranked highly).

Services Provided

Preferences about what/how services are offered (recycling, organics, bulk items, plowing, etc.) and ability to suspend or opt out of service were expressed through community outreach. Survey responses indicate that most people prefer the consolidation of trash and recycling along with the inclusion of bulky items, organics, and plowing (often citing the City of Minneapolis' system). Individuals expressed dissatisfaction with the current non-standardized approach to bulky item disposal along with the belief that illegal dumping is the result of not having regular curbside handling of such items.

Some residents hope that their personalized services will continue under an organized collection plan. For instance, residents would like the option of a valet service where haulers retrieve the trash bin from near the house or garage for those who are unable to transport the bin themselves. Another example is flexibility of service frequency for those residents who produce very little trash. Residents also expressed their hopes that any new system could be run with more consistent pick-up times.

Survey Quotes

"[O]rganized bulky item pickup is a must."

"I wish St Paul could do the same collaborating with alley snowplowing. It is the same issue only more difficult to find reliable contractors!"

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

"I would like city composting to [be] picked up along with trash and recycling"

"I would like to see a hazardous waste/electronics and appliance pickup for a small fee."

"I would really like to see a system that picked up recycling and trash at the same time, AND that used the alley for these purposes."

"I would want outdoor waste (leaves, etc.) and large item removal included in the trash plan, or at least an option for those."

"It would [be] fantastic if the recycling and garbage were collected from the same location."

"[G]ive the option of on-request pick up with cost savings as an option"

Local/Small Business and Fair Pay

Community members wished for their haulers to earn a living wage and work under the best possible conditions. The majority of members also wanted to support small and local haulers instead of large corporate monopolies.

Survey Quotes

"I prefer small/local haulers for the following reason: Any questions or concerns can be discussed with one phone call, and a live individual on the other end that understands what I have to say. That means a lot and is very important to me."

"Any organized collection contract should require -all- employees be paid a living wage, and have a labor peace agreement to support organizing."

"My worry with organized collection is that the national providers use it to undercut the local, small business collectors...While so many garbage trucks is tough on the roads, the local owners support our communities through taxes and wages."

The survey shows that more than half of St. Paul residents believe the current system provides support for local haulers, but they would also approve of organized collection if it sustained small or local haulers. When asked, 51% of respondents said the open system supports small/local haulers (Figure 7) and 81% of respondents would favor organized collection if it supported small or local haulers (Figure 8).

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

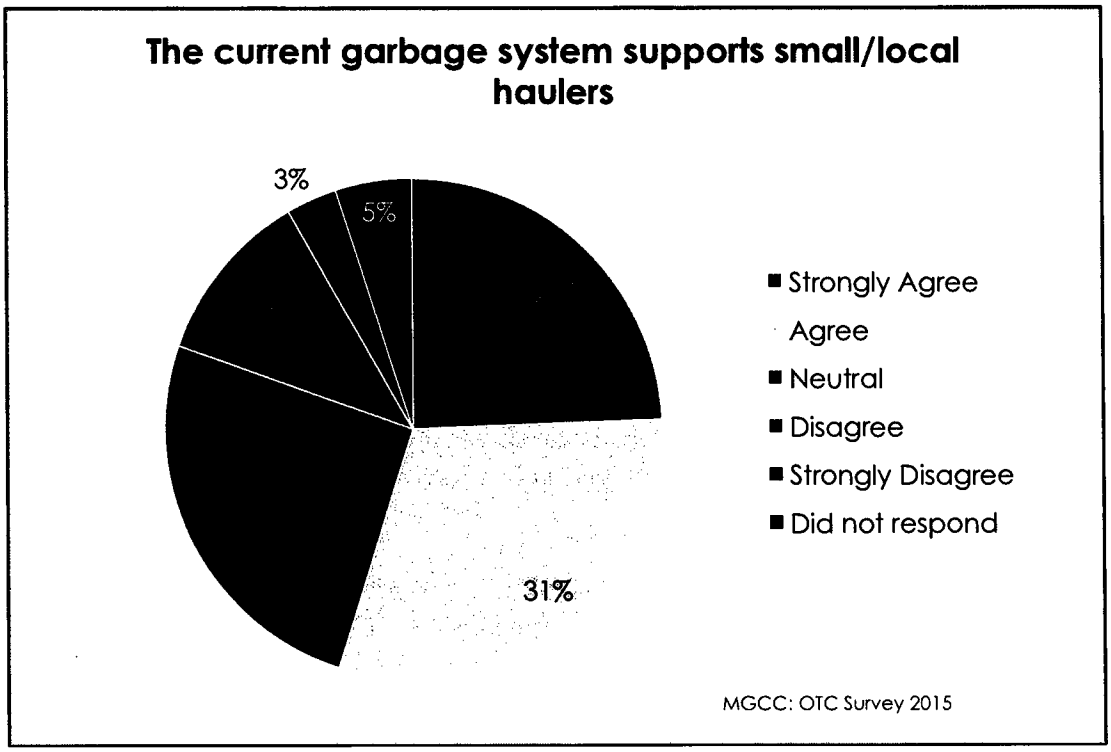


Figure 7. Does the current system support small/local haulers?

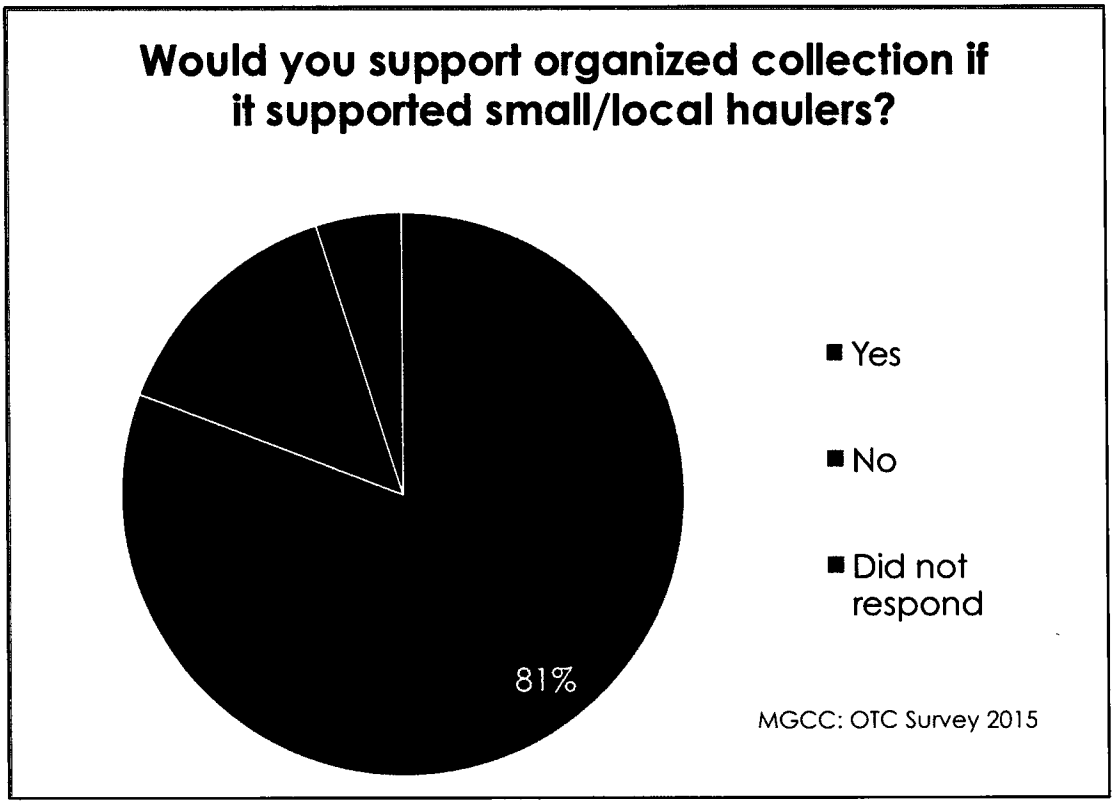


Figure 8. Would you support organized collection if it supported small or local haulers?

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Neighborhood Disturbances

At the community meetings and in survey responses, many residents expressed concern over safety in alleyways, excessive noise (especially early in the morning), destruction to private property (such as alleys and driveways by garbage trucks) and illegal dumping of waste.

Survey Quotes

"[W]e have concerns about the air quality and safety impacts of having so many garbage trucks drive through our alleys. We have two young children who frequently play in the back yard/alley."

"MY DRIVEWAY HAS BEEN COMPLETELY RUINED BY GARBAGE TRUCKS. It's a problem for several of my alley neighbors and the haulers are completely unresponsive...If there were fewer, or smaller, trucks collecting, they wouldn't have to drive over my driveway...and I wouldn't have rubble for a driveway."

"What's that you say? I can't hear you over the din of 8 trucks idling in my alley—jockeying for pole position in this week's dump derby. Joking aside...inconvenience & alley traffic...are by far the biggest problems with the current system, in my view."

"[A]lley repairs are up to neighbors—so less wear and tear will be savings to homeowners, even if individual hauling rates increase a small amount."

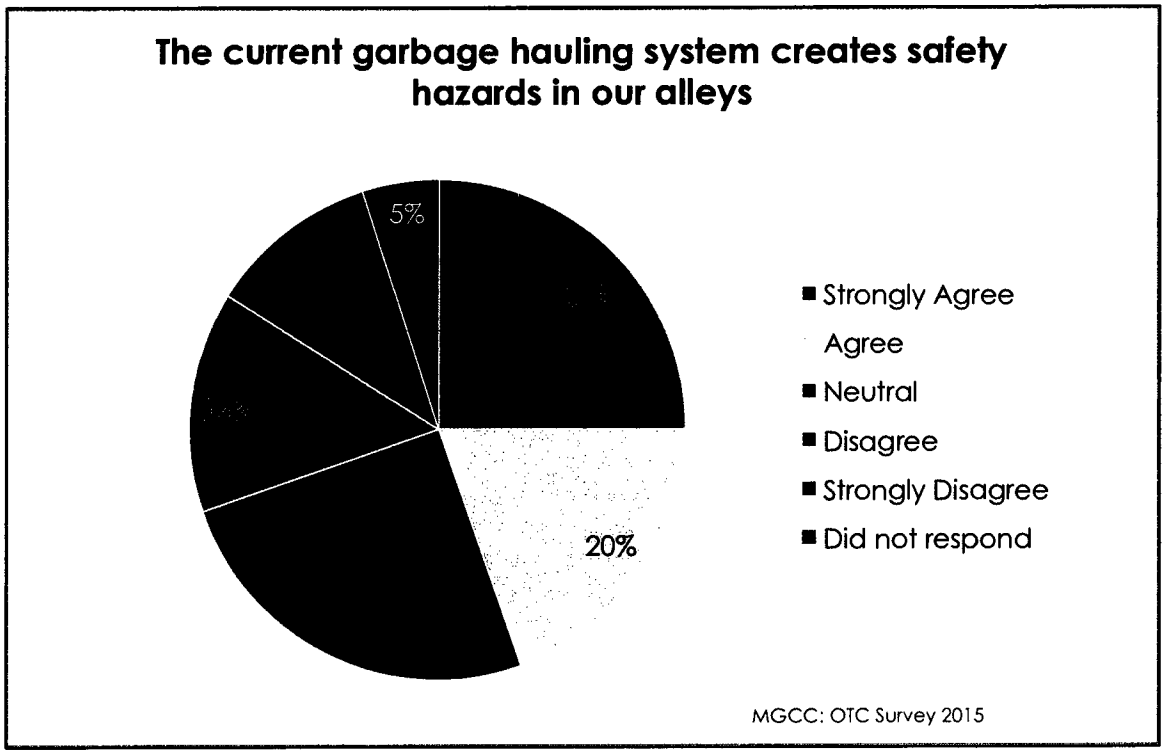


Figure 9. Does the current garbage system create a safety hazard in our alleys?

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Residents answered whether or not they believed the current garbage hauling system creates safety hazards and wear and tear on the roads. About half (45%) of respondents believe it creates a safety hazard (Figure 9) and a majority (69%) believe it creates unnecessary wear and tear on roads and alleys (Figure 10).

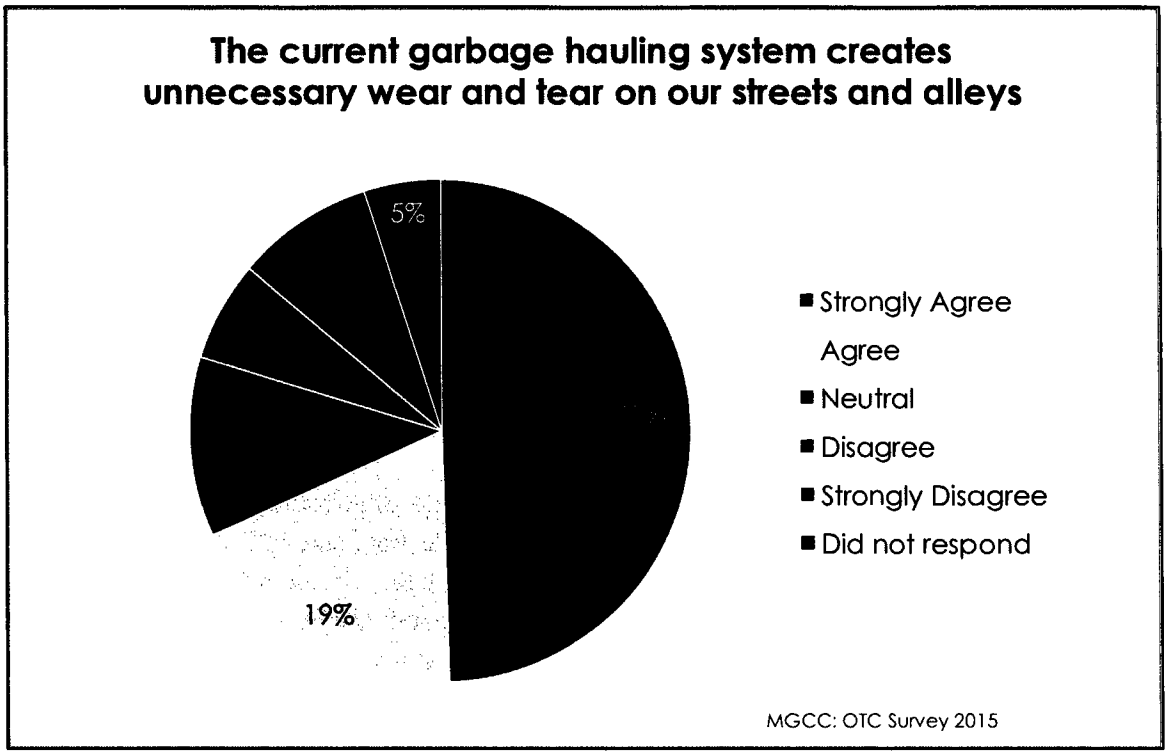


Figure 10. Does the current hauling system create unnecessary wear and tear on our streets and alleys?

Illegal dumping was another concern, particularly for residents and community leaders in Ward 1. This concern was predominantly expressed in interviews and community meetings. Illegal dumping occurs when residents deposit their trash in an undesignated area. Residents said that illegal dumping is an eyesore which makes their communities feel undervalued and ultimately less safe. It is difficult to verify that homeowners have contracted with a hauler or are employing another legal disposal method. With organized collection, residents would automatically have a contract with a hauler for their waste removal and thus be more likely to use it.

Often, items dumped illegally are large, bulky items such as mattresses or furniture. Under the current system of trash collection, disposal of bulky items is not standardized. Some haulers will pick up bulky items for an additional fee. The City of Saint Paul, through the District Council system, offers multiple annual "Clean-Up" events where residents can dispose of a wide variety of items, most of which require a cash fee payment at the time of drop-off. These events require individuals to be available during a short time window, have access to a truck or trailer as well as the physical ability to lift items and the means to pay the required fees. Removal of some or all of these obstacles to disposing bulky items, such as standardized curbside pick-up and/or inclusion of bulky items in a base fee, would reduce the incentive for illegal dumping.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Transparency and Accountability

Transparency of waste destination and environmental impact were highlighted by many residents at community meetings and in the survey. Residents expressed their legal right to know how and where their trash is disposed of for financial and environmental reasons.

Survey Quotes

"Please also consider where the waste is going—landfill vs. incinerator—and publicize advantages/disadvantages of each."

"I would like some way of certifying that companies are going beyond the letter of the law in the responsible disposal or reuse/recycling of waste—a rating system of some kind."

"Also, haulers should be required to report accurately and regularly on where the materials are ending up, and incentivized to push toward zero waste strategies."

Government Presence

At many of the community meetings, discussions focused on the role of government. A vocal minority of residents expressed deep concern about any form of organized collection, fearing interruptions to the free-market. This group desires a choice in vendor. Some people believe that not all districts have the same political representation or investment in this issue. Others prefer that the city determine the boundaries for zones because they are a neutral overseer. Others do not believe that it is within the city's jurisdiction to create city zones. There are the same conflicting views about government handling of billing.

Survey Quotes

"Collection should remain privatized. Let us choose who we want. Government should not be involved."

"We need city-wide municipal pickup. No more profit motive driven, fake competition. One truck per alleyway, per neighborhood. Combined recycling/composting/trash. These are basic municipal services that should never have been privatized in the first place."

"A fundamental role of government is to provide services when they can be provided more efficiently and effectively than when done by a group of individuals. Our current system of individual choice is incredibly inefficient and results in added wear and tear on our alleys and roadways, air and noise pollution, and a waste of time and resources."

"Government has enough on its plate. Let private interprise [sic] stay in place."

"An important factor in trash collection that is not included in your list is equity for low income communities where many residents have no garbage hauler at all. Most sizeable cities around the country have garbage removal as a city service, like Minneapolis. The lack of city garbage removal is the one single biggest disappointment with the City of St. Paul. Can we really be the Most Livable City in America when we don't provide trash removal?"

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Volume Based Pricing

Current legislation mandates that residential haulers must offer multiple options for the size of trash collection containers they supply, priced at varying levels accordingly.[2] However, from the comments collected in interviews, community meetings, and survey responses, it appears that very few (if any) St. Paul haulers currently offer rates that make producing smaller volumes of trash significantly more affordable. The survey indicates that an overwhelming majority (74%) would be in favor of a system with significant rate differences based on the amount of trash an individual produces. (Figure 11)

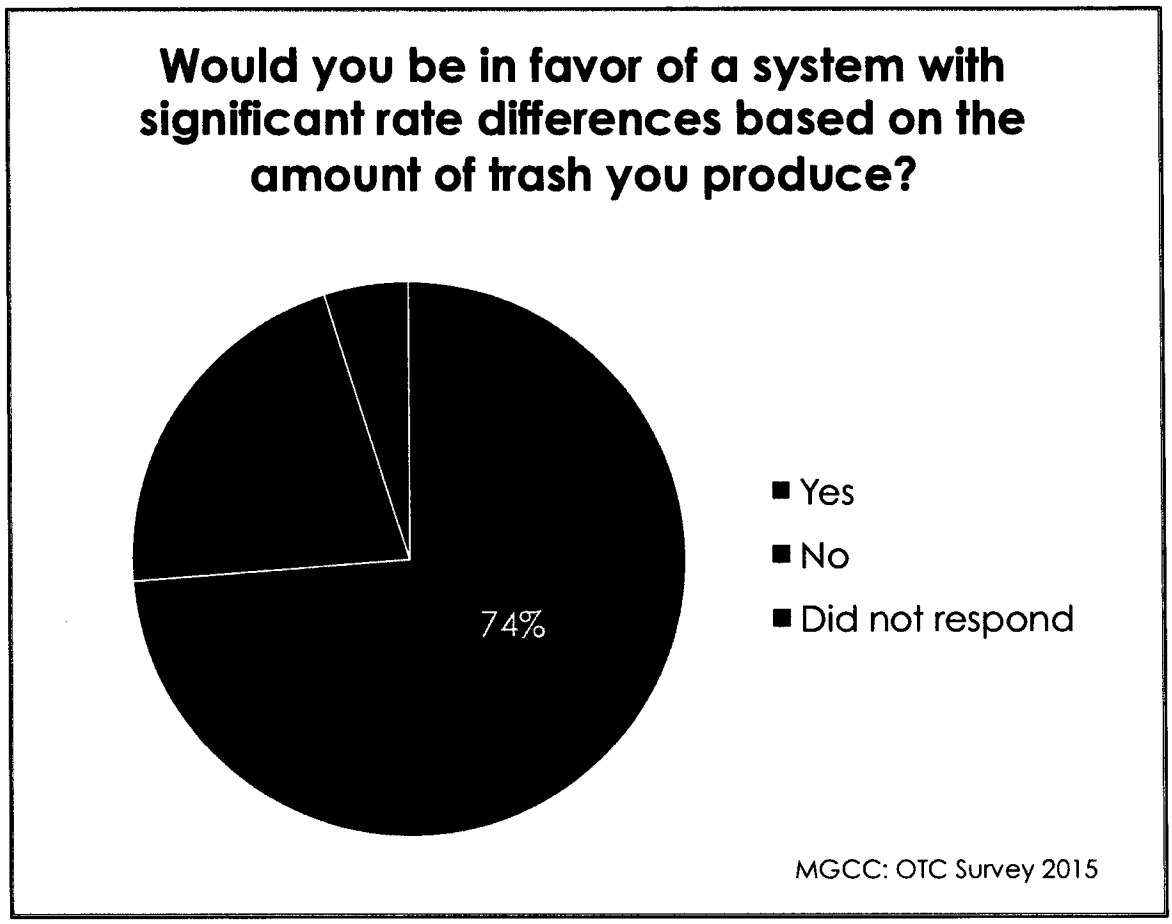


Figure 11. Would you be in favor of a system with significant rate differences?
Full question read "Would you be in favor of a system with significant rate differences based on the amount of trash you produce? Reductions could be achieved through methods such as recycling or composting."

[2] Mn. Licensing of Solid Waste Collection § 115A.93

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Further Survey Insights

The following section describes findings from survey questions which were not related to any of the aforementioned main themes, but are still useful to understanding community opinions.

One finding was that 94% of survey respondents were homeowners. Of the remaining renters, only 27% arrange and pay for their own trash removal. While the survey includes the views of a small population of renters, it also calls attention to the lack of control that renters have over their trash in the current system.

Additionally, relatively few respondents have had their hauler for only one or two years. (Figure 12) While there is no indication that this is because they are new residents or because they have recently switched, it suggests that people don't change haulers often. People expressed that they like to be able to switch for better customer service and price, but the longevity seen in this particular survey implies relatively few households partake in this strategy. From our survey, it seems that ease of staying with a hauler is a larger priority than negotiating to get the best price for most residents.

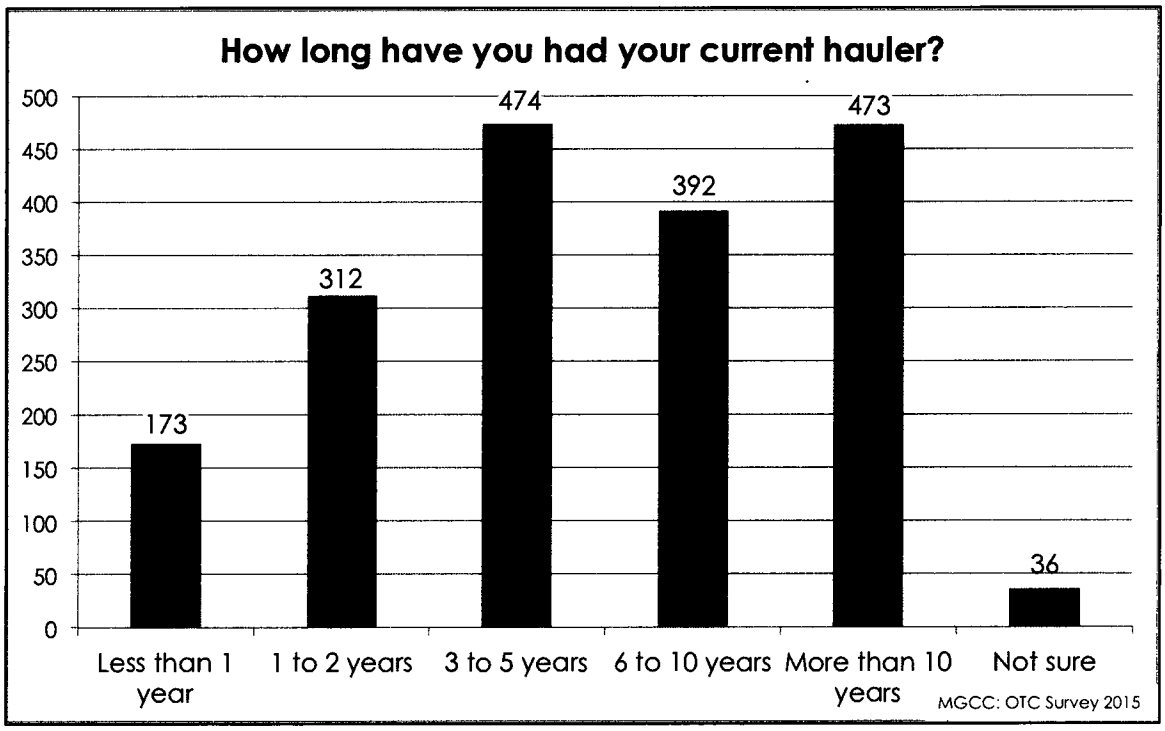


Figure 12. How long have you had your current hauler?

The following figure, Figure 13, describes the relationship between respondents' answers to "Would you support organized collection if your rate increased, decreased or remained the same?" (Figure 4), with their ranking of important priorities. Those who are in support of organized collection regardless of whether the price increased, decreased, or stayed the same tend to prioritize environmental sustainability. Survey respondents who would not support organized collection if their rates increased, decreased, or stayed the same, reportedly prioritize individual choice, customer service, small/local businesses and cost (Figure 13). These two groups of respondents are polarizing (they answered yes or no to all three cost options). However, these data allow us to speculate that those persons who are most strictly opposed to

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

OTC are worried about individual choice and customer service, whereas people who would support OTC at any cost are most concerned about the environment.

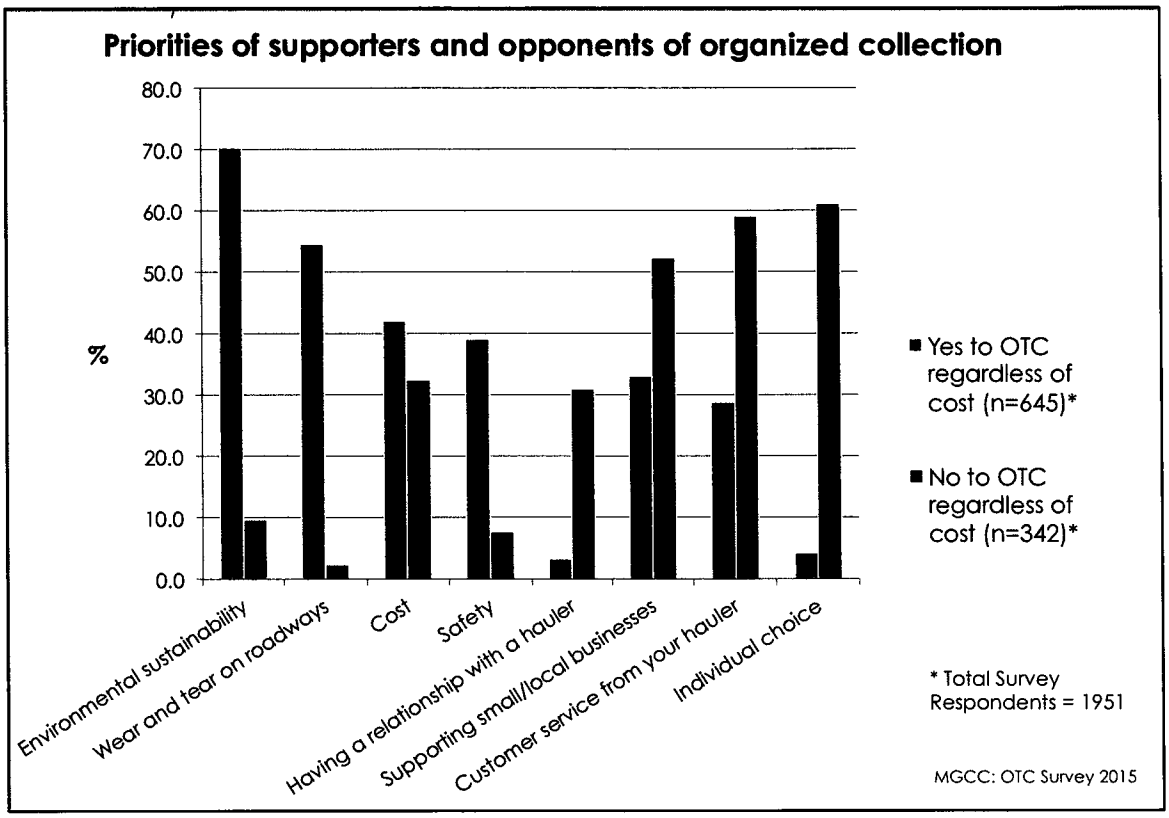


Figure 13. Priorities of supporters and opponents of organized collection.

This graph is a combination of question 13, "Would you support organized trash collection city-wide if your rate: increased, decreased, stayed the same?" and question 11, "Please rank the following priorities for our City's trash collection system according to how important each is to you: (1 is most important, 8 is least important)." The "Yes to OTC regardless of cost" bars represent the priorities of those who answered "yes" for all three rates in question 11. The "No to OTC regardless of cost" bars represent the priorities of those who answered "no" for all three rates in question 11. Each bar is representative of the percentage of people who ranked each priority in their top three. This data therefore compares what is important to respondents who said "yes" to OTC no matter the price, with what is important to respondents who said "no" to OTC no matter the price.

Hauler Perspectives

Just as the residents who engaged with MGCC in meetings and through the survey expressed diverse and even conflicting opinions about trash collection, the individuals associated with the business of refuse hauling who communicated with MGCC also shared diverging views on the topic.

Haulers voiced concerns about how a switch to organized collection might negatively impact their business. One fear is that OTC may limit the ability of refuse hauling companies to grow their businesses. Under an open system, haulers may continually attempt to reach out to new customers and/or extend their business into new neighborhoods. Under an organized system, this practice would necessarily change, since a hauler's customers and area of operation would be set (either by bid or by negotiation between city and consortium). Another worry is that small or local waste hauling companies would be negatively

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

affected by OTC. Though the terms "small" and "local" are highly subjective, a fear has been vocalized by both haulers and concerned citizens that some firms might be unable to compete with national or multinational hauling companies, whether that means being underbid for RFPs or being bought out by larger companies.

These apprehensions about OTC are certainly important, but other refuse haulers suggested that the benefits haulers reap under an organized system might outweigh the drawbacks. Some companies hauling in organized cities said that they did indeed have opportunities to grow their business under. Other growth models include entering the field of traditional recycling or organics recycling, expanding into new geographic regions outside the City, and creatively seeking other ways to reshape business. Regarding the fear that small or local companies could suffer under OTC, businesses with experience in OTC communities have stated that there are methods to protect the interest of smaller haulers, such as through contract stipulations or through the power of collective bargaining afforded by a consortium.

There are many benefits haulers stand to gain from OTC. One hauler, who operates outside of St. Paul, witnessed firsthand a shift from an open system to a consortium and noted that the hours haulers are required to work to maintain a given market share are much more reasonable under an organized system; with the open system these haulers worked from early in the morning to late at night, but as a consortium they were able to finish the same amount of work by noon. This was due to the increased efficiency of organization and the physical proximity of stops. Haulers also reaped other benefits of efficiency, such as reduced wear on equipment and decreased fuel expenditure. Those who have transitioned into organized collection also say that they are more likely to take pride in their designated neighborhood(s) and feel more responsible for keeping them clean. This loyalty is a product of having a long-standing working relationship in a particular place, rather than scattered customers (as is typically the result with open collection).

In addition to the conveniences of working in a defined region, the handling of billing and complaints also has the potential to offer advantages to haulers. Billing and complaint-handling by necessity fall to hauling companies under an open system, but OTC introduces the possibility of city government taking on these responsibilities, which can free up the time, money, and resources of the hauling companies. What's more, under a consortium or RFP, haulers may reap the significant advantage of guaranteed payment from the city for any delinquent accounts. Of course, billing and complaint-handling varies from community to community depending on regional size and many other factors; in some areas it may be advantageous for haulers to take care of these issues themselves.

Haulers also cite variations in neighborhood demographics and waste generation levels as cause for hesitation in a transition towards OTC. Haulers are worried that they might be assigned routes in which residents tend to produce less trash or conversely, unmanageable quantities of trash. As business practitioners, haulers also expressed concerns over servicing a neighborhood that might be notorious for late payments. However, it is the intention that (under the negotiation process outlined by MN § 115A.94) haulers will be able to self-arrange equitable routes, assigning select areas and varying numbers of houses based on previous experience and record-keeping.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

In the words of one hauler working in a consortium, the threat of change which often goes along with organized collection is something no one wants, "But for me, it [OTC] makes my day shorter. My trucks drive 20 miles per day."

III. Research Summary

This section provides background information and research findings relevant and useful in thinking about a transition towards organized trash collection—even if they were not outlined specifically as major themes from community outreach.

Wear and Tear

The MGCC survey, community meetings, and interviews revealed a concern for wear and tear on roads and alleyways. Roads are built to withstand the tonnage and traffic of garbage trucks. Roads may be minimally impacted, but many neighborhoods in St. Paul rely on alleys for garbage collection and garage access. Alleys are not constructed as durably as roads, and residents are fully responsible for paying for alley maintenance, including re-pavement.

Alleys in St. Paul can be paved, oiled, made from gravel, or made from dirt. Thus, many alleys were not built to sustain heavy traffic and are missing the underlying layers of a typical road. Falcon Heights estimated that even a single garbage truck may account for over half of wear on a low-traffic alley.[3] Several trucks going down an alley on the same day, which is typical in St. Paul, would increase the wear and tear on an alley and result in maintenance costs to residents. According to the St. Paul Public Works Street Engineering and Design Division, repaving an alley can cost approximately $30,000-$50,000 or up to $80,000 if the alley has storm sewers. This can be a long, arduous process, requiring a petition to the City Council.

Truck type, tire build and number, maximum axle load, pavement thickness, and changing weather are the main drivers of road deterioration. Refuse trucks are under particular scrutiny because of their daily use, weight, and axle load. A garbage truck (typically 32 tons) outweighs the average car (1 - 2 tons)[4]. It even outweighs school buses and other trucks which are closer to 15-20 tons.[5][6] It is also crucial to note that buses and other trucks are not driving through poorly constructed alleys; they are driving on roads which are designed to withstand their weight.

The method most commonly used to calculate the impact of a vehicle is the equivalent single axle loading (ESAL) factor (See Table 1). This factor compares the impact of a any vehicle to the impact of a single-axle vehicle with dual tires loaded to 9 tons. According to the *City of Chanhassen Organized Collection*

[3] City of Falcon Heights Final Report on Organized Collection – Appendix E (2004)
[4] Gillespie et al. (1992)
[5] All Thomas Buses
[6] Gillespie et al. (1992)

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Study, "[Mixed Solid Waste] collection vehicles have road impacts equivalent to 1,125 automobiles."[7] MnDOT concurs that one refuse truck is equivalent to 1,500 automobiles.[8] This impact can be higher if trucks are operating with heavier loads. Due to the multitude of variables, it is important to note that studies provide slightly varying results.

Comparison of Garbage Truck and Other Vehicle Impacts			
Vehicle Type	Number of Axels	ESAL Factor	Passenger Car Equivalents
Passenger Car	2	0.0008	1
2-Axle/4-Tire Truck	2	0.0052	7
Panel and Pickup Truck	3	0.0122	15
3 or More Axle Truck	3	0.1303	163
2-Axle/6-Tire Truck	2	0.1890	236
Residential Recycling Truck	2	0.2190	274
Bus	2 or 3	0.6806	851
Residential Garbage Truck	3	1.0230	1,279
Long Haul Semi- Trailers	3 - 5+	1.1264	1,408

Table 1. Comparison of garbage truck and other vehicle impacts[9]

Costs

There is no current standardization of trash rates or bills in St. Paul—haulers are free to set their own rates and may divide their bills into various sections at their own discretion. Figure 14 shows the self-reported rate-per-month of survey respondents. In addition to the actual charge for waste collection and/or disposal, a typical trash bill may include such things as a container fee, fuel surcharge, account start-up/cancellation fees, or administrative charges. In general, "Cities in the Twin City Area with organized trash hauling showed a lower cost per month across the 30 to 90 gallon levels of service... approximately 37 to 57 percent less than cities with open trash hauling systems."[10] MGCC acknowledges that cost discrepancies exist even between cities with similar collection plans. This is due to the aforementioned separate county-mandated tipping fees, environmental fees, and even the distance to the waste recovery center. For these reasons, it is important to view any trash cost-reporting as a general estimate, rather than an exact price.

[7] R3 Consulting Group, Inc. (2008)
[8] City of Falcon Heights Final Report on Organized Collection – Appendix E (2004)
[9] R3 Consulting Group, Inc. (2008)
[10] City of Maplewood, 2010

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

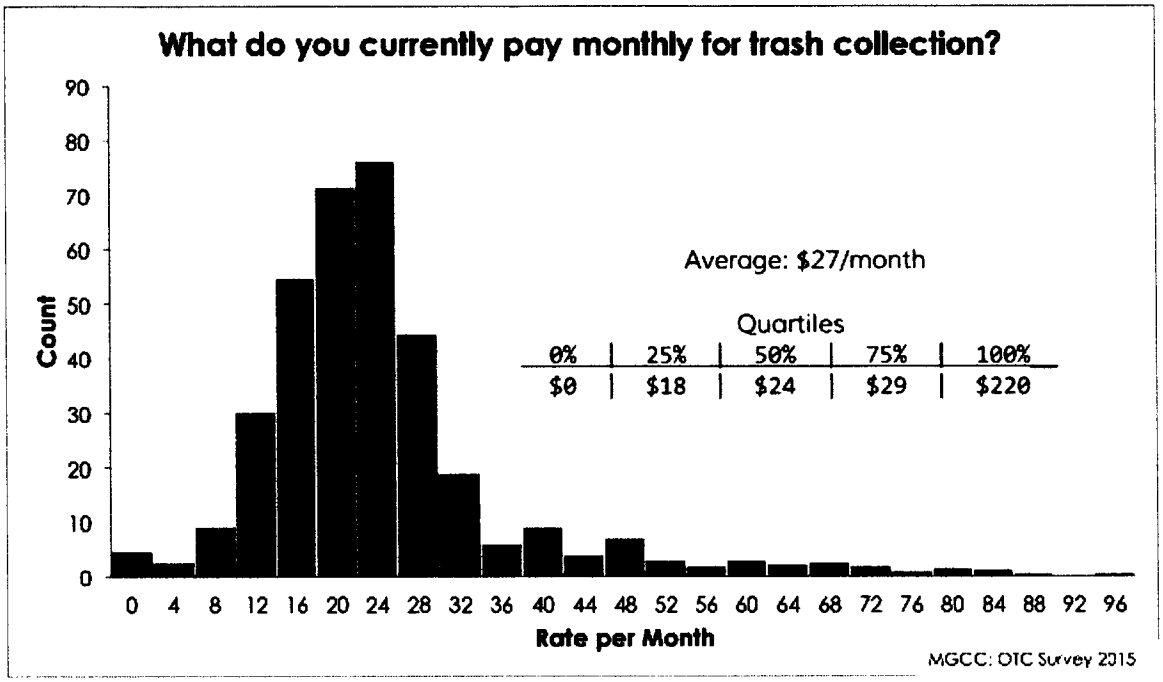


Figure 14. What do you pay for trash collection?

Respondents selected if they paid monthly or quarterly and were given the option to report the amount they pay. All quarterly values were divided by three to represent a monthly payment. Several answers were excluded (those above 100 for graphing purposes and those above $220 for calculation purposes).

In addition to these charges which may be set by any given hauler, a typical St. Paul residential trash bill also reflects two costs which are based on a rate set by the county and state. The first is a County Environmental Charge (CEC) collected by Ramsey County on a yearly basis. This fee is set at 28%[11] of the amount a given hauler is charging a residential customer, which is added to the bill and remitted to the County by the hauler. The second is a State Solid Waste Management (SWM) Tax, which accounts for 9.75%[12] of the sales price charged by a given hauler, not including the CEC. The SWM Tax is primarily applied to the environmental fund created in the state treasury, with the rest deposited into the treasury's general fund.[13] The CEC functions as a "funding tool that also serves as an incentive for waste to be managed higher on the waste management hierarchy [recycled or composted first and foremost]."[14] In practice, this funding tool is applied toward various waste reduction and recycling programs, the maintenance of organics/yard waste drop-off sites, and rebates to incentivize haulers' use of the Resource Recovery Technologies (RRT) Resource Recovery Facility in Newport, MN. The application of this fee toward waste reduction, recycling, and resource recovery is in accordance with the 1980 Waste Management Act which identified these three areas as the top priorities in waste management (in descending order).[15]

[11] County Environmental Charge (CEC)
[12] Solid Waste Management Tax Fact Sheet
[13] 2014 Minnesota Statutes (2014)
[14] Beyond the Garbage Can Ramsey County's Solid Waste Master Plan (2012)
[15] Information MEMO City Solid Waste Management (2015)

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Resource Recovery Facility in Newport

Choosing a waste management facility is an important environmental concern which must be addressed in forming a new trash collection system. Understanding waste management — and legal jurisdiction of waste management—is necessary to making informed choices about trash collection in St. Paul.

Under current Minnesota state law, counties are responsible for most waste management dealings. Each county is required to have a Solid Waste Master Plan in place, which is approved by the Commissioner of the Minnesota Pollution Control Agency. Ramsey County's Solid Waste Master Plan was approved in 2012. Ramsey County's plan specifies that the county will be responsible for planning and ensuring disposal, but it is typical for cities to take on trash collection. Nonetheless, a city's chosen system must still be in accordance with the Ramsey County Solid Waste Master Plan. Choices made at the state or county level will shape St. Paul's decisions on OTC; the Newport facility in particular is a prime example of this. State law mandates that public entity trash generated in Minnesota must be handled as directed in the county master plan. In Ramsey County, waste from public entities, including waste collected pursuant to organized collection, is to be delivered to the Newport facility, with only the waste that cannot be processed at Newport going elsewhere. In St. Paul, this requires public—but not private—waste to go to Newport; this means that by law, all trash collected from public areas such as libraries, parks, etc. is sent to the recovery facility. For trash generated by citizens and collected privately, the final dump-site destination is not legally dictated, but the vast majority of this "private trash" still goes to the Newport facility (of the 400,000 tons of trash produced yearly in Ramsey County, about 330,000 goes to Newport). However, this is prescribed through contracts between the individual St. Paul hauling companies and the facility, not by state law.

In organized communities, by contrast, all trash is sent to Newport; all trash in such communities is considered public and is thus required to be processed at the Resource Recovery Facility. Thus, if St. Paul decides to proceed with OTC, one impact of the decision will be that all (not just most) of residents' trash will be hauled to the Newport facility.

However, OTC is not the only way that such a mandate might come about. A recent U.S. Supreme Court decision says that, if a government entity owns and operates a waste facility, the government entity can require that all trash be delivered there, whether collected as public entity waste, or private waste.[16] If Ramsey and Washington Counties decide to purchase and operate the Newport facility, it is likely that all St. Paul haulers would be required to use it, regardless of whether OTC is approved or the system remains open.

Emissions/Fuel

MGCC outreach also revealed community concerns about the inefficiency of trash hauling routes resulting in high fuel expenditures. This is not only expensive for haulers, but results in unnecessarily high green house gas and other pollutant emissions which are detrimental to human and environmental health. Firstly, the majority of refuse haulers use diesel fuel. "Garbage trucks consume an average of 8,600 gallons of fuel per year—more than any other kind of vehicle except tractor trailers and transit

[16] United States Supreme Court, 2007.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

buses."[17] Additionally, the average refuse vehicle in the United States travels 25,000 miles annually [and] gets less than 3 miles per gallon."[18] Therefore, garbage trucks are major contributors to air pollution and greenhouse gas emissions. Health effects are especially potent for the haulers themselves. A consolidated route would reduce the amount of fuel necessary for operation, mitigating emissions and fuel expenditures for haulers. This would address the concerns that residents broached in meetings, as it would mitigate environmental impacts, air pollution and its health impacts, as well as wear and tear and noise.

IV. History of Trash Collection in St. Paul

St. Paul has considered organized collection multiple times since the 1970s. The earliest discussion was in 1972, during an era when the city competed against private haulers to collect trash. The largest attempts occurred in 1979-80 and 1989-90. The St. Paul City Council has briefly discussed organization since then, but taken no steps forward.

In 1969, the state of Minnesota banned the burning of household garbage,[19] significantly increasing the need for collection. The city of St. Paul offered refuse collection services for approximately ten years, competing with private collection firms from 1971 to 1980. Many residents who struggled to make payments, like low-income and elderly residents, used the municipal services, resulting in many delinquent accounts for the city.[20] Eventually, high costs made it impossible to continue with municipal collection.

As the city involvement in hauling came to a close in the late 1970s, Councilmember Showalter and the Residential Refuse Collection Task Force investigated alternative systems. After determining that any "duplication of effort (of city hauling)" was unnecessarily costly, the committee recommended ending city hauling and requiring mandatory, organized collection.[21] Their recommended ordinance included a contract with haulers, weekly collection on a single day, allowance for unlimited refuse, and also required consumers to be responsible for buying their own trash containers. City officials held community meetings, which were met with opposition, and the *St. Paul Dispatch* conducted a survey which showed that 61% of respondents were against organization.[22] Beyond ending city collection, no changes were made to St. Paul's system.

The unofficial policy of the city from 1980 to 1990 was to "allow the continuation of the existing open collection system, with haulers making their own modifications through exchange of customers…to make the system more efficient."[23] To some extent this worked; the number of haulers dropped from 60 to 33 in that decade, although it is unclear why.[24] Interest resurged in 1987 and the Citizens Solid Waste Task

[17] City of Falcon Heights Final Report on Organized Collection – Appendix E (2004)
[18] City of Falcon Heights Final Report on Organized Collection – Appendix E (2004)
[19] Information MEMO Open Burning In Cities (2012)
[20] Ramsey County Cities and Townships History of Public Collection (2001)
[21] Proposed Collection Plan (1979)
[22] St. Paul Dispatch, "Trash Proposal not too popular" (1978)
[23] An Integrated Solid Waste Management System for the City of Saint Paul (1990)
[24] An Integrated Solid Waste Management System for the City of Saint Paul (1990)

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Force was formed by City Council. The Task Force concluded that the city needed a more comprehensive collection plan to meet requirements from the city and county, so the city passed a resolution of intent to organize collection. While a Public Works report concluded organization was not necessary, the city persisted and held meetings in each District Council as well as with haulers. A survey of 141 residents conducted at public meetings showed 53% supported the current open hauling system. St. Paul Refuse Inc., a consortium of St. Paul haulers constructed a contract with the city (see appendix B) but the proposal lost the support of the City Council and of the mayor due to resident opposition and minimal savings.[25][26]

Since then, several minor attempts have taken place to organize collection. In 1998 Councilmember Blakey—provoked by the illegal dumping in his ward—introduced resolutions (#98-478, #98-480) to create single day collection zones and ensure residents had trash removal, but these fizzled out.[27] Councilmembers Thune, Helgen and Stark spearheaded a resolution in 2009 (#09-875) which called for a study of organized collection in St. Paul,[28] but no further action was taken.

V. Other Communities

As part of our research process, we interviewed multiple city officials in the metro area whose cities have explored organized collection. The following cities are only examples to inform our suggestions for St. Paul. Due to differences in politics and scale, we recognize that St. Paul may not have the capacity to emulate the following systems. However, we have the advantage of learning from their mistakes and successes.

Open	Organized (consortium)	Organized (single)
Burnsville	Bloomington	Blaine
Brooklyn Park	Little Canada	Maplewood
Coon Rapids	Minneapolis*	North St. Paul
Eden Prairie	St. Anthony Village	White Bear Lake
Eagan	Vadnais Heights	
Falcon Heights		
Fridley		
Maple Grove		
Plymouth		
Saint Paul		
Woodbury		

*municipal hauling and consortium

Table 2. Trash Systems for communities in Twin Cities Metro Area

[25] Lonetree, "Scheibel..." (1990)
[26] Lonetree "Council..."(1990)
[27] Laszewski (1998)
[28] Thune (2009)

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Type of System	Twin Cities Metro	Nationwide Cities
Organized	21%	38%
Open	77.5%	16%
Municipal	2%	33%
Combination	N/A	12%
Other	N/A	1%
Total	100%	100%

Table 3. Trash collection system in the Twin Cities Metro Area and nationwide as of 2002[29]

The following sections will describe in detail, alternative trash collection systems in cities near St. Paul.

Minneapolis

Population 400,070

The City of Minneapolis began its organized collection program in 1971. At that time, they had 47 haulers. There are currently 11 private operational haulers and the city also provides municipal hauling.

The switch to OTC in 1971 was spurred by the garbage burning ban. Prior to this ban, many residents privately burned their own trash, and haulers would pick up the ashes. According to haulers, the following negotiation period between private haulers and the city was an experimental and trying time. The private sector was hauling 70% of the city, but agreed to reduce their market share to 50% in order to share equal responsibility with the city. The fact that the private haulers and the city had to compete kept both parties honest and accountable (if not after initial disagreements). Today, half of the city has municipal hauling and the city provides all bins. Large garbage carts hold 94 gallons and small garbage carts hold 26 gallons.[30]

There are trucks to collect trash, organics, recycling, bulky items, and hazardous materials. All of these services are included in the price for trash pick-up in Minneapolis. Minneapolis will officially begin its new curbside organics program in September 2015. If residents have complaints, they can call one number for the city. The city records their information and alerts the hauler who is responsible for that address. This holds haulers accountable; many reportedly take pride in the cleanliness of their own route. The city also handles the billing and cases of bad debt.

Haulers did voice concerns over restriction of growth within the organized system. However, many companies have been able to grow by buying out other companies and adding services like recycling.

[29] Miller et al. (2002)

[30] Garbage Carts (2015)

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

The group of private haulers in Minneapolis is known as Minneapolis Refuse Inc. (MRI). As private haulers, they must renegotiate with the city every 5 years. They have been up for bid twice against large corporations, but have regained the contract in both instances by bidding as a consortium.

Vadnais Heights

Population 12,800

Vadnais Heights organized in January 1991, making it one of the earliest communities to do so.

Eight licensed haulers operating in the area joined together to form the consortium, VHG, Inc., and used a zoned system to work together on collection for the area. Following years of company buy-outs, mergers, and retirements, two of the original eight haulers remain: Waste Management and Republic Services. City officials feel that these consolidations were natural, and would have happened whether they switched to an organized system or not.

The push for organized collection was inspired by safety concerns and environmental plans (including recycling aspirations), but one of the biggest motivators was wear and tear on roads.

Vadnais Heights had six goals when they began working on organized collection:

1. Effectively comply with laws
2. Minimize cost to residents
3. Collection system based on volume
4. Reduce number of trucks on the streets
5. Facilitate monitoring and reporting of trash collection
6. Prevent abuses of the system

A zoned consortium method was decided to be the best means for reaching these goals. The contract was written up by the VHG, Inc. consortium and is renegotiated every 5-7 years. Initially, the city planned to take care of billing, but they found this system to be chaotic. Today, customers contact and pay haulers directly, but the city takes care of delinquent payments on behalf of haulers.

Waste collection at Vadnais Heights currently includes three different bin sizes and two different senior rates, as well as a townhouse rate. The system also features single-sort recycling, one free bulk pick-up per year, and a seasonal yard waste service which residents can opt into for $48/year. A county organics drop-off site exists in the city. Residents can opt out of Vadnais Heights' system by filling out a form to prove that they have alternative means of disposal.

Maplewood

Population: 39,700

When Maplewood organized in 2011, it was the first city in Minnesota to organize in 20 years, but the last to organize under the old statute. The difficulties that Maplewood faced in their 2011 implementation strategies spurred the creation of the revised statute on organized collection. After bidding, Maplewood

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

went from 13 haulers to a single hauler. Currently, Republic Services handles trash collection and Tennis Sanitation handles recycling. The city's priorities were cost, service, and environment (listed in order of priority). One of the roadblocks they faced was not knowing how to interpret the old statute. There was a 60-day resolution of intent to organize, giving haulers time to campaign. They never achieved a cooperative negotiation among haulers.

The city bought all new carts and accepted joint proposals to make it more affordable for small haulers to put in a bid. Even so, the city chose a single hauler. Maplewood residents saved an estimated $1.6 million per year from the actual trash hauling rates by organizing their collection system. After 5 years, in 2017, the contract will be up for bid again. The city is hoping to combine trash and recycling contracts and to offer yard waste pick-up at opt-in cost. Residents are allowed to opt out of the trash service if they have proof of an alternate disposal mechanism (approximately 200 people have chosen to do so). Billing is handled by Republic Services. They also provide walk-up service for residents who request it and offer five different bin options. The smallest is a 20 gallon bin picked up every other week for $7.02/mo. The largest, a 95 gallon bin, can be picked up weekly for $13.62/mo.[31] This is subject to change and may not include tipping fees or environmental fees.

St. Anthony Village

Population 9,000

St. Anthony Village instituted their organized trash collection model in spring of 2015. Prior to this, St. Anthony had 3 licensed haulers (Allied Waste, Waste Management, and Walters) which operated independently in approximately 2 square miles. All of the collected waste goes to Hennepin Energy Recovery Center (HERC). St. Anthony was the first city to organize under the new statute, 115A.94 (see appendix C).

The city conducted a market share analysis by visually tallying the number of bins belonging to each company outside of homes. The haulers initially denied the City access to their own formally conducted market share analysis, but eventually conceded if they were to treat it as a "trade secret."

Before establishing a plan, St. Anthony outlined 16 priorities:

1. Allocate Adequate Staff Resources
2. Assure All Residents Have Adequate Trash and Recycling Services
3. Enhance Coordination Among Government Agencies
4. Public Education and Awareness
5. Improve Hauler Reporting Systems
6. Improve Recycling, Composting and Waste Reduction
7. Improve Safety
8. Improve Standardization of Service Options
9. Improve Value of Services
10. Increase Use of Resource Recovery Facilities

[31] Maplewood, MN. (2015)

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

11. Lessen Environmental Impacts
12. Minimize Disruption to Residents
13. Minimize Impacts on Licensed Solid Waste Collectors
14. Optimize Administrative Efficiency
15. Promote Local Economic Development
16. Reduce Road Wear Impacts

The three haulers worked together to establish a redistribution of stops in which each hauler kept a fair market share. Under St. Anthony's organized collection system, approximately 10 to 15% of people are paying more. However, each home pays the same price and there is a cap on fees such as "environmental fees or fuel surcharges." The plan was met with surprisingly little backlash likely due to its attention to community needs and consumer protection.

The city fields complaints about trash collection and included a 5-year mediation provision in their contract with the haulers detailing how to field such complaints and ensure customer service. Haulers still collect the bill, but St. Anthony annually assesses any bad debt to property taxes.

Bulky item pick-up prices are determined by haulers. Yard-waste is picked up weekly, on the same day as trash and recycling, based on an "opt-in" system. There is no opt-out option for homes who don't produce trash. There is a senior discount and three different sized bins available for homeowners. All cans are placed on the same side of the alley so only one trip down the alley is necessary. Areas with more trash collection occurring in alleys are picked up first, so that trucks are lighter and cause less wear and tear. The ability to handle organics recycling is also a discussion point in the city's contract with the haulers.

Fridley

Population 27,208

In January of 2015, the Fridley City Council decided on a 3-2 vote to *not* move forward with the agreement negotiated between their hauler consortium and city staff over the previous 8 months. They have 6 haulers that operate under an open system.

Instead of determining priorities and asking haulers to develop a proposal to meet those priorities, the city decided to enter into joint conversations to develop a win-win solution. The top factors considered by the group were to reduce wear and tear and increase environmental sustainability. Additionally, they were able to negotiate a substantial price decrease for the majority of the city. In attempts to implement OTC, the city hired Bolton and Menk, an engineering and surveying consultant, to do a study following the methodology of a study done by MnDOT and Mankato State University[32] to evaluate the impact of heavy trucks on roadways. This study helped to spur action toward organizing, but haulers refused to reveal their list of accounts, impeding negotiations. Haulers wanted to control the billing instead of letting the city do it; the city conceded. Haulers felt it was "relationship building" to maintain the billing.

[32] Minnesota Department of Transportation (2014)

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

The city also held several public information meetings. At these meetings there was a small group of vocal residents who had been very successful in negotiating with the haulers to receive low prices. These residents would have ended up paying higher fees after organization. The vast majority of the community would have saved money with organized collection, but this small group was able to change the opinion of the Council. Reportedly, it was this—not the "free choice" argument—that turned out to be the most influential, leading to the failure of organized trash collection attempts.

Bloomington

Population 86,314

Bloomington is the most recent Minnesota city to undergo the process of organized trash collection. After OTC failed in the City Council in 1998, Bloomington finally passed a plan in 2015 which will save the city 30% in waste collection costs. This successful second effort was inspired by an activist citizen group that spurred renewed interest in the council. Foth Infrastructure & Environment, LLC was hired to research plausibility of OTC.

Previously, 7 haulers serviced 26,000 households. Eventually, in 2015, the 7 haulers were able to self-negotiate. They came up with 8 proposals before arriving at one that was acceptable to the city. The OTC consortium system allows all 7 to remain in operation, keeping their respective market shares. Licenses were capped.

The next steps for Bloomington, at the time of this report, are to negotiate and finalize the official contract between the city and the haulers. Billing will be handled through the city, attached to the water or sewer bill once every two months. The contract spans 5 years with a possible 5-year extension.

The city asked that haulers clean and use their own bins for redistribution processes. Households will be charged a one time fee for this process. A sticker with information about Bloomington Public Works will also be applied to all resident's trash receptacles, to provide consistency and relevant information. Bloomington also plans to expand to include organics recycling collection starting spring 2016.

VI. Potential Collection Options

This section outlines different types of trash collection, highlighting the advantages and disadvantages of each. MGCC then provides information on additional considerations which are essential to include in the negotiation processes. The entire process of transitioning to OTC according to the recently revised statute (MN § 115A.94) is also outlined in the following section.

Trash Collection: Moving Forward

St. Paul's current trash system is classified as an open system. According to the MPCA, "In an **open collection system**, individual customers choose their own waste hauler. In an **organized system**, waste hauling services are coordinated by a public entity through a competitive bidding process. Nearly 30

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

percent of the communities in Minnesota have organized MSW [municipal solid waste] and recycling collection systems compared to 72 percent nationally."[33] In any of the following systems, the city may specify services or mandate practices (many of which are outlined in the "Additional Negotiation Considerations" section).

Bearing in mind that MN § 115A.94 is prescriptive of the exact steps to take in moving forward with organized collection, the following system comparisons will describe the nuances between types of organized trash collection. We have outlined multiple, community-based advantages and disadvantages of each system.

Trash Collection System Options

The following subsections will explore the inherent advantages and disadvantages of separate trash collection systems. MGCC examines *Competitive Bidding, Consortium, Zoning, and Open* systems, ultimately recommending the consortium model.

City-wide Competitive Bidding

In this system, the city puts out an RFP for trash collection for St. Paul. Individual haulers who are licensed with the city are allowed to bid. Small haulers are allowed to bid as a consortium.

Advantages:

- More efficient than current system
- Best price
- Easily manageable and negotiable for the city
- Easy billing and complaint handling
- Less fuel expenditure and less pollution
- Reduces wear and tear
- Stable and uniform rates
- Potential reduction in illegal dumping
- Reduction in noise/alley traffic
- Increases alley safety
- Accessible for minority/immigrant groups; new residents do not have to negotiate with hauler

Disadvantages:

- Monopolized areas
- Residents can't negotiate cheaper rates
- City oversight to ensure hauler competence
- Small haulers are unable to bid individually, but a consortium could bid

Consortium

This system is generally hauler-negotiated. Instead of a bidding process, haulers have a period of negotiation as defined by § 115A.93 (see appendix C) in which they can use their current market shares to fairly rearrange new routes. Any plan that the haulers agree on must be approved by the city.

[33] The Benefits of Organized Collection (2012)

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Advantages:

- More efficient than the current system
- Still likely a lower price than current system
- Small haulers are guaranteed a market share
- Cost-effective for haulers
- Haulers set the terms; city agrees to terms
- Less fuel expenditure and less pollution
- Reduces wear and tear
- Stable and uniform rates
- Potential reduction in illegal dumping
- Reduction in noise/alley traffic
- Increases alley safety
- Accessible for minority/immigrant groups; new residents do not have to negotiate with hauler

Disadvantages:

- Harder to monitor than having a single hauler
- City has less involvement than if they had a single hauler
- Haulers only gain market share through company buy-out, consolidation, retirement, or pursuing other revenue streams
- Customers don't get to decide their hauler

Zoning (Grid with RFPs)

Under this system, the City of St. Paul would be divided into several districts (perhaps using the 17 districts) and haulers could bid competitively on each route. Zoning is most-often city-managed, as the City prescribes the zones of operation. The number of RFP's per hauler could be limited in order to prevent monopolization of service by large corporations.

Advantages:

- More efficient than the current system
- (likely) A lower price than current system- on par with consortium but higher than a single hauler selected by the city
- Allows local haulers autonomy and continuance of competitive bidding
- More opportunity for resident involvement
- City sets the terms, haulers agree to terms
- Less fuel expenditure and less pollution
- Reduces wear and tear
- Stable and uniform rates
- Potential reduction in illegal dumping
- Reduction in alley noise/traffic
- Increases alley safety
- Accessible for minority/immigrant groups; new residents do not have to negotiate with hauler

Disadvantages:

- Large companies could outbid small haulers if small haulers didn't form a consortium
- Small haulers feel it's unfair to bid on customers they already have, whereas with the consortium they have a guaranteed market share
- Longer process

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Open

This St. Paul's current system. Individuals contract with haulers licensed by the city.

Advantages:

- Residents feel autonomy when choosing their own hauler
- Residents expressed that they feel like they can build better personal relationships with their haulers
- Some residents can negotiate less expensive rates

Disadvantages:

- Too many trucks in each alley leading to excessive wear and tear
- Unsafe alley conditions for kids
- Noise and disturbances
- Wasteful, excessive fuel usage resulting in high costs and environmental harm
- Inconsistent rates; not volume-based
- Unfavorable for minority/immigrant/other groups less able to negotiate for low price
- Inefficient overall

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

VII. Recommendations and Next Steps

Macalester-Groveland Community Council advises the St. Paul City Council to move forward with the goals of Organized Trash Collection. In order to do so, there must first be a thorough understanding of the Statute for Organized Trash Collection (MN § 115A.94) outlined below. MGCC suggests following the guidelines put forth by this Statute, but also highlights important considerations prior to and during the negotiation period. To encourage productive hauler negotiations, the city should make a list of priorities that any OTC program is required to meet. This was exemplified by St. Anthony who reportedly found their priorities list to be a useful tool, referred to throughout the process. Under "Additional Negotiation Considerations" we will also discuss the nuances of additional services, an opt-out clause, a fair-labor contract, billing considerations, and bin selection.

MN § 115A.94 Organized Trash Collection Statute for the State of Minnesota

The process of transitioning to organized trash collection was made easier by Minnesota Statute § 115A.94 which clearly defines the process for implementing a change to the current hauling system. Unlike in the previous law, this statute first gives haulers the opportunity to work with local government officials to jointly form the new system.

According to MN § 115A.94, haulers can first attempt to self-negotiate an appropriate contract with the city during an initial 60-day period after the city publicly announces their intent to organize. If this process fails, then "before implementing an ordinance, franchise, license, contract, or other means of organizing collection, a city or town, by resolution of the governing body, must establish an organized collection options committee to identify, examine, and evaluate various methods of organized collection. The governing body shall appoint the committee members."

The hauler meetings taking place during the initial 60-day period must have at least one city representative present and (at least the first meeting) must be open to the public. During this time, haulers can propose multiple deals, which the city can deny if they do not meet the previously agreed upon criteria (find more about these possible criteria under *Additional Negotiation Considerations* and review subsection 7 of MN § 115A.94 for more details on anti-competitive conduct). If all parties agree, this negotiation period can be extended.

If hauler negotiations cannot adhere to City conditions or priorities during this negotiation period, then the matter will be settled in the options committee, formed by the governing body. Duties of the options committee include finalizing a list of criteria, researching multiple options of collection, and providing stipulations for the negotiation process. Much of this research should be performed prior to pursuing OTC. The duties of the options committee are clearly defined by the statute.

Priorities

As outlined in Subd. 4d of MN § 115A.94 and previously stated, the governing body must determine priorities prior to engaging in the OTC process. Examples given in the statute are "issues related to zone creation, traffic, safety, environmental performance, services provided, and price." In developing these

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

priorities, MGCC recommends that the City reference the priorities and preferences identified through our survey and community meetings.

To find OTC priorities, we first examine responses to question 11 of our survey which asked respondents to rank their priorities for the City trash system. Respondents were given the following eight priorities: cost, environmental sustainability, customer service, supporting small/local businesses, wear and tear on roadways, safety, individual choice, and having a relationship with a hauler. Figure 15 below shows the percentage of respondents who ranked each priority within their top 3 most important concerns.

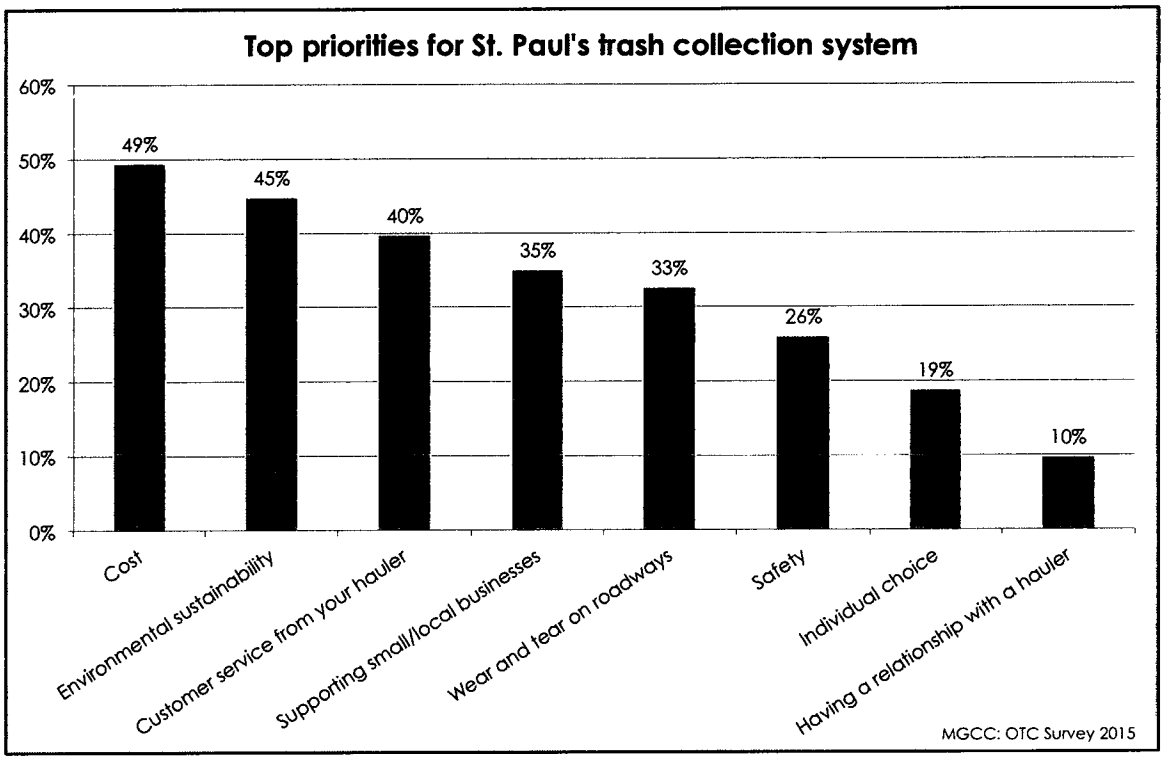


Figure 15. Priorities for St. Paul's trash collection system.
Full question read: "Please rank the following priorities for our City's trash collection system according to how important each is to you: (1 is most important, 8 is least important)." Each bar is representative of the percentage of people who ranked that priority in their top three.

Having a relationship with a hauler only ranked in the top three of 10% of respondents while customer service was prioritized in the top three by 40% of respondents. Supporting small/local business also emerged as a higher priority than having a relationship with a hauler.

While it is useful to reference these priorities, we must acknowledge that there are limits to what can be inferred from the analysis of this survey question. Respondents were given eight priorities to rank and were not allowed to add additional priorities or contextualize their responses. Further, respondents were not allowed to give equal weight to multiple priorities.

Therefore, we offer the following additional insights provided by other modes of outreach. As previously described, in addition to the survey, we held five community conversations throughout the City of St Paul, one meeting with haulers, dozens of interviews and scores of individual conversations. Based on

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

what we heard from these community sources, the following factors of a trash collection system should be highly prioritized. Please note, these features are in no particular order and are not ranked in any way.

OTC priorities as identified through community conversations, to be contemplated in tandem with MGCC survey priorities.

- **Cost:** minimize costs for haulers and establish stable, affordable rates for customers while maintaining customer service
- **Small/Local/Current Haulers:** minimize negative effects on haulers perceived as small/local businesses
- **Fair-Labor:** provide worker benefits and pay a living wage
- **Customer Service:** maintain high levels of customer service and attention to individuals' needs with effective modes of complaint-handling
- **Illegal Dumping:** address issues of illegal dumping by providing easy, affordable and convenient disposal methods through OTC
- **Safety**: minimize truck traffic in alleys to foster a safe "play-space" for children and encourage community-building neighborhood activities
- **Range of Services:** include a broad range of services such as yard waste pick-up, bulky item pick-up and trash pick-up only every other week
- **Equity**: develop a simpler, more equitable system that encourages equal participation in the market, instead of disadvantaging immigrants, non-English speakers, and residents who do not wish to (or do not have the ability to) negotiate or navigate complex systems
- **Waste Reduction:** incentivize the overall reduction of waste through volume-based pricing as well as working to increase participation in recycling programs and promoting methods to reduce waste generated in the home
- **Wear and Tear:** minimize wear and tear on roadways and alleys; maximize public and private investment into roads and alleyways by minimizing heavy truck traffic
- **Sustainability**: address economic, environmental, and equitable sustainability practices as demonstrated broadly by the more efficient OTC model

Repeatedly, MGCC community outreach revealed the importance of these themes couched in disenchantment with the current system. To many residents, the open hauling system reportedly falls short; it results in alley traffic, is noisy and disruptive, is notably inefficient and doesn't equitably keep costs down. By contrast, all of the organized systems have the virtue of organization: one alley, one truck, one pickup, and the corresponding efficiencies. Haulers participating in our outreach process expressed an ardent desire to maintain their current level of service in the City of Saint Paul and, thus, we have every confidence that the consortium negotiations would be successful.

Recommendation

Based on the entirety of our research, MGCC recommends that the City of St. Paul implement organized trash collection through a consortium of haulers currently operating in the City. The process of transitioning to organized trash collection was made easier by statute Mn § 115A.94, which requires that the process begin with a 60-day negotiation period exclusively with the existing residential refuse

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

collectors to develop a hauler-negotiated proposal for the collection of waste. If this negotiation is unsuccessful, the City is given the authority to move forward with alternative methods as described in Section VI of this report (*Potential Collection Options*). However, based on the number of smaller haulers operating in the City that have expressed a desire to continue providing this service to St. Paul residents, we believe that a consortium contract can be negotiated that will provide all the benefits of organized collection while better supporting valued small businesses.

Additionally, MGCC recommends that the city identify relevant stakeholders that would form the membership of the options committee as described in the Statute and compile research for creating an ideal trash system prior to the commencement of the 60-day negotiation period. The following section, *Additional Negotiation Considerations,* identifies a series of variables which should be carefully considered by the City.

MGCC also recommends constant outreach and communication throughout the process. Other cities have recommended that St. Paul should have a complete plan before presenting their intent to organize or initiating the negotiation period. After the plan is publicized, communication with haulers and residents must continue.

Additional Negotiation Considerations

There are multiple important aspects that need to be negotiated in any contract regardless of which collection system is chosen. The following topics should be addressed in any trash collection contract in the City of Saint Paul.

Additional Solid Waste Services

Through all modes of outreach, MGCC identified residents' desire to maintain existing specialized services as well as adding additional services. Some communities have negotiated contracts that include some of these services, while others have them as an opt-in fee or pay-per-item.. These additional services include:

- Valet service (retrieving bins from residents' doors)
- A variety of rate categories including senior rates, less frequent pick-up rates, shared bin rates and/or townhome rates
- Yard waste pick-up
- Bulky item pick-up
- Occasional extra garbage pick-up.
- Ability to add services in the future as needed/appropriate

Opt-out

Some residents have requested the ability to opt out of any collection system. Currently, people might share with neighbors, haul their own trash to a disposal site, or bring it to their business based on business-employer agreements. Communities typically require those who are interested in opting out to document or otherwise verify their alternative method in order to prevent illegal dumping.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Fair Labor Clause

MGCC also suggests including a fair labor contract clause in negotiations to ensure fair wages and benefits for haulers and their employees. This could be a requirement in order for haulers to take part in negotiations.

Billing and Complaints

As haulers negotiate with the city to form an organized system, billing must be taken into account. MGCC has identified three billing options; billing could take place through the city, the haulers, or Saint Paul Regional Water Supply (SPRWS). If SPRWS handled billing, it would appear as a line-item on residents' water bills. SPRWS currently shuts off water supply if bills are too large, so the additional garbage charge may therefore necessitate monthly billing instead of quarterly billing. However, SPRWS has the institutional ability to handle another line-item. The city could handle billing if they so chose, but would need to determine existing capacity and likely an expansion of capacity. The city would have to commit staff-time to coordinating this effort, but it is a popular choice among other, smaller cities with OTC. Lastly, the haulers could handle billing. Some communities found this option more feasible, and some haulers prefer to keep their established billing system coordinated between several communities. Many of the haulers that spoke with MGCC expressed a desire for the city to take over billing because, in an organized collection system where haulers contract directly with the city, the city compensates haulers for delinquent accounts. In order to have a significant impact on illegal dumping and payment delinquency, we recommend that the City of St. Paul bill for trash collection via an existing city-provided service - the primary option being the St. Paul Regional Water Services (SPRWS).

To maintain a personal connection with a hauler, service complaints could still go through the haulers. This makes it more difficult for the city to oversee quality of service from haulers, but provides the personal connection that some citizens and haulers reportedly value. Alternatively, there could be one city-wide phone number that residents could call to complain about service or a missed pick-up. Then, the city would contact the resident's hauler. This way, a third party can protect the resident from receiving poor service, while maintaining a connection between resident and hauler.

Bins

Considering who will own, provide, and distribute bins for garbage collection will be a necessary component of changing St. Paul's current trash system, regardless of the direction or scope of the change. As indicated earlier in this report (*Other Communities*), handling of this question has been dependent on factors such as community size, financial capacity, geographic distribution and the goals of that community's trash system.

Conclusion

In conclusion, the feedback we recorded in community meetings indicates that a majority of citizens are in favor of OTC, although opinions on what an "ideal trash system" entails differ widely. Discussions with multiple stakeholders in the refuse hauling industry confirm that opinions are also divided amongst this group. While many haulers worry that organization could restrict their business' growth, others see OTC as a chance to secure their current market value and/or improve their working conditions thanks to a fair labor clause and/or the benefits of increased efficiency or predictability. Our survey findings reveal

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

that cost and environmental sustainability are prioritized by a majority of residents. Through this project and report, the Macalester-Groveland Community Council strives to supply St. Paul residents and decision-makers with the knowledge and background that they need in order to proceed with a community decision on implementation of organized trash collection. We hope that all of these perspectives and variables are taken into account if/when St. Paul pursues OTC.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Acknowledgements

Macalester-Groveland Community Council would like to thank several organizations and individuals for their involvement in shaping this report. Without their expertise, knowledge, and interest in our work, this report would not be possible. We would like to extend our gratitude to the MPCA for their continued support and for awarding MGCC the grant which funded our OTC research in St. Paul.

Thank you to the community members who voiced their opinions through community meetings, the survey, and other venues. We extend our thanks to over 25 interviewees: experts in their fields of trash collection, members of St. Paul government, authorities on trash organization law, members of St. Paul Public Works, trash haulers, and others.

Thank you to the multiple city managers who graciously met with us and shared trials and tribulations regarding the transition from an open to an organized trash collection system.

We would also like to thank the academic advisors of the Educating Sustainability Ambassadors program at Macalester College, especially Professor Michael Zis and Dr. Christine Manning.

Finally, thank you to Sarah Baumann, Nicole Emanuel, and Kayla Walsh, affectionately known as the "Trash Team". Without your time, talent and dedication, this report would not be what it is. We have been privileged to work with you!

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Bibliography

"2014 Minnesota Statutes." 297H.12 INFORMATION REGARDING THE SOLID WASTE MANAGEMENT TAX. 2014. https://www.revisor.mn.gov/statutes/?id=297h&view=chapter#stat.297H.12.

"All Thomas Buses - Thomas Built Buses." Daimler Trucks North America LLC. http://www.thomasbus.com/bus-models/all-buses.asp.

"An Integrated Solid Waste Management System for the City of Saint Paul". Saint Paul (Minn.). Dept. of Public Works. August 1990. Published Records and Reports. Minnesota Historical Society. State Archives.

"Analysis of Waste Collection Service Arrangements: Project I.D.: 08M081." Minnesota Pollution Control Agency. Foth. June, 2009. http://www.pca.state.mn.us/index.php/view-document.html?gid=4514.

"Approaches to the Analysis of Survey Data." The University of Reading Statistical Services Centre. March 1, 2001. http://www.ilri.org/biometrics/TrainingResources/Documents/University%20of%20Reading/Guides/Guides%20on%20Analysis/ApprochAnalysis.pdf.

"Beyond the Garbage Can Ramsey County's Solid Waste Master Plan 2011 - 2030." March 20, 2012. http://www.co.ramsey.mn.us/NR/rdonlyres/24829318-773F-4A1E-99C7-0532B1A5B7A7/27768/solid_waste_master_plan.pdf.

Bull, Mike, and Karen Baker. "Minnesota Solid Waste History Major Milestones." INFORMATION BRIEF Minnesota House of Representatives Research Department. 2002. http://www.house.leg.state.mn.us/hrd/pubs/solwaste.pdf.

" City of Falcon Heights Final Report on Organized Collection – Appendix E." Appendix E; Truck Traffic Issues. October 13, 2004. http://archive.ci.falcon-heights.mn.us/gov/sw/AppendixE.pdf/ https://www.co.ramsey.mn.us/NR/rdonlyres/909B52B9-D2FE-42E4-A9E4-4EC6F91B11E8/5510/PC_Traffic_Issues.pdf

Collection System Analysis- A Review of the City's Trash Collection System. City of Maplewood, 2010. http://www.ci.maplewood.mn.us/DocumentCenter/View/1765

"County Environmental Charge (CEC)." Ramsey County PH. http://www.co.ramsey.mn.us/ph/rt/CEC.htm

" Facts on Greening Garbage Trucks: New Technologies for Cleaner Air." INFORM; Building Environmental Literacy. 2012. http://www.informinc.org/pages/research/sustainable-transportation/reports/119.html.

"Focus on New Laws: Organized Solid Waste Collection." Focus on New Laws: Minnesota League of Cities. September 16, 2013. http://www.lmc.org/page/1/fonl-trashcollection.jsp#sthash.qENWN58q.dpuf.

"Garbage Carts." City of Minneapolis. March 24, 2015. http://www.ci.minneapolis.mn.us/solid-waste/garbage/solid-waste_garbage-carts.

Gillespie, Thomas D., Steven M. Karamihas, David Cebon, Michael W. Sayers, Mohammad Asghar Nasim, Will Hansen, and Nadeem Ehsan. "Search Deep Blue." Effects of Heavy-vehicle Characteristics on Pavement Response and Performance. August 1, 1992. http://deepblue.lib.umich.edu/handle/2027.42/996.

Gordon, Deborah, Juliet Burdelski, and James Cannon. "Greening Garbage Trucks: New Technologies for Cleaner Air." INFORM, Inc. 2003. http://www.informinc.org/reportpdfs/st/GreeningGarbageTrucks.pdf.

Kimball, Joe, and Paul Gustafson. "St. Paul Weighs Plan to Simplify Trash Pickup." *Star Tribune*, January 15, 1988. Accessed June 15, 2015.

Kotz, Mark. "Metadata: Counties and Cities & Townships 2010, Twin Cities Metropolitan Area." Metadata: Counties and Cities & Townships 2010, Twin Cities Metropolitan Area. August 9, 2011. http://www.datafinder.org/metadata/Census2010CountiesAndCTUs.html.

Laszewski, Charles. "St. Paul Plan Aims to Quiet Din of Multiple Trash Pickups." *Saint Paul Pioneer Press*, May 30, 1998. Accessed June 5, 2015.

League of Minnesota Cities"Information MEMO City Solid Waste Management." February 2, 2015. http://www.lmc.org/media/document/1/citysolidwastemanagement.pdf.

League of Minnesota Cities"Information MEMO Open Burning In Cities." April 30, 2012. http://www.lmc.org/media/document/1/openburning.df?inline=true

Lien, Dennis. "Lower Cost, Greater Efficiency Benefits of Trash Proposal." *Saint Paul Pioneer Press*, May 21, 1979.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Lien, Dennis. "No Organized Collection - Yet." *Saint Paul Pioneer Press*, August 20, 1980.

Lonetree, Anthony. "Council May Kill Garbage Proposal // Few Support Zoning Haulers." *Star Tribune*, August 30, 1990. Accessed June 5, 2015.

Lonetree, Anthony. "Scheibel Says Residents Should Retain Right to Choose Their Garbage Haulers." *Star Tribune*, August 14, 1990. Accessed June 5, 2015.

Lonetree, Anthony. "St. Paul Council Taking Fresh Look at Trash-hauling // Panel Revives Twice-rejected Plan to Assign Collection Service Areas."*Star Tribune*, October 4, 1989. Accessed June 5, 2015.

Lonetree, Anthony. "Trash-collection Study Expected in St. Paul." *Star Tribune*, September 21, 1989.

"Mission Statement." Garbage Haulers for Citizen Choice. 2011. http://www.haulersforchoice.com/.

Mason, Clark. "Garbage Trucks Weigh Heavily on Street Budgets." Santa Rosa Press Democrat. May 15, 2011. http://www.pressdemocrat.com/csp/mediapool/sites/PressDemocrat/News/story.csp?cid=2299353&sid=555&fid=181.

Miller, Tom et al. "Solid Waste Policy Report." Minnesota Office of Environmental Assistance. April 1, 2002. http://www.pca.state.mn.us/index.php/view-document.html?gid=4754.

"MNDoT Pavement Design Manual." October 13, 2014. http://www.dot.state.mn.us/materials/pvmtdesign/docs/newmanual/Pavement_Design_Manual_10-31-14.pdf.

Mn. Licensing of Solid Waste Collection § 115A.93, Subd. 3a.Volume requirement (2014; ed. 2015) https://www.revisor.mn.gov/statutes/?id=115A&view=chapter#stat.

Mn. Organized Collection §115A.94 (2014) https://www.revisor.mn.gov/statutes/?id=115A.94.

Mn. Waste Management Act §115A (2014) https://www.revisor.mn.gov/statutes/?id=115a&view=chapter.

Montgomery, David. "How Does Minnesota Maintain Its Roads?" TwinCities.com. February 14, 2015. http://www.twincities.com/transportation/ci_27524853/how-does-minnesota-maintain-its-roads.

"More Value Less Trash." RSS. Accessed July 29, 2015. http://morevaluelesstrash.com/#/puttingtrashtouse/.

"Organized Collection in Bloomington." City of Bloomington. January 8, 2015. https://www.bloomingtonmn.gov/organized-collection-bloomington.

"Organized Solid Waste Collection" St. Anthony. http://www.ci.saint-anthony.mn.us/inde x.asp?Type=B_BASIC&SEC={9A78F64C-746C-4E09-8BFC-E226DCC30073.

R3 Consulting Group, Inc. "Trash Services Study Final Report." Presented to City of Fort Collins, CO. July 1, 2008. http://www.fcgov.com/recycling/pdf/Trash_Services_Study_Final_Report_2008.pdf.

"Ramsey County Cities and Townships History of Public Collection." 2001. https://www.co.ramsey.mn.us/NR/rdonlyres/CF1C6263-5870-4339-A81F-AE968860F762/18033/Ramsey_CityTown_histories.pdf.

Reinan, John. "Single-hauler Trash Pickup Plan Rouses Bloomington Residents." Star Tribune. May 10, 2015. http://www.startribune.com/single-hauler-trash-pickup-plan-rouses-bloomington-residents/303233391/.

Rich, John I. "Creating a Safer Waste Truck Environment." September 1, 2013. http://www.nationalinterstate.com/articles/CreatingSaferWasteTruckEnvironment.pdf.

Saint Paul Dispatch. "Open the Lid on New Garbage Pickup Plan." May 21, 1979.

Saint Paul Dispatch, "Trash Proposal Not Too Popular." June 8, 1979.

Schwarz, Norbert. "Self-Reports: How the Questions Shape the Answers." American Psychologist. February 1, 1999. http://pages.ucsd.edu/~cmckenzie/Schwarz1999AmPsychologist.pdf.

"Solid Waste and Recycling Historical Highlights." - City of Minneapolis. November 14, 2013. http://www.ci.minneapolis.mn.us/solid-waste/about/solid-waste_aboutus-history.

"Solid Waste Ordinance." Board of Ramsey County Commissioners. October 20, 2009. http://www.co.ramsey.mn.us/NR/rdonlyres/02A28C59-45BB-4434-92BA-F1DFFB621079/17990/solid_waste_ordinance_2009.pdf.

"Solid Waste Management Tax Fact Sheet; Solid and Hazardous Waste Management." Minnesota Revenue. http://www.revenue.state.mn.us/businesses/solid_waste_management/Documents/swmfs1.pdf.

Showalter, Joanna; Chairperson Citizens' Solid Waste Committee & Nygaard, Donald; Director Department of Public Works. "Proposed Collection Plan." *Mandatory/Organized Residential Solid Waste Collection Implementation Plan*, April, 1979.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

"The Benefits of Organized Collection; Waste Collection Service Arrangements." Minnesota Pollution Control Agency. February 1, 2012. http://www.pca.state.mn.us/index.php/view-document.html?gid=17347.

"The Pothole Report: Can the Bay Area Have Better Roads?" June 1, 2011. http://www.mtc.ca.gov/library/pothole_report/Pothole_Report_2011.pdf.

Thune, Dave. "Organized Solid Waste Collection in St. Paul." Dave Thune Ward 2. August 18, 2009. Accessed July 17, 2015. http://davethuneward2.blogspot.com/2009/08/organized-solid-waste-collection-in-st.html.

Udell, Brian. "Twin Cities 7 County ZIP Codes." Metadata: Twin Cities 7 County ZIP Codes. June 25, 2012. http://www.datafinder.org/metadata/ZipCodesMNRev.html.

United States Supreme Court. *United Haulers Assn. V. Oneida-Herkimer Solid Waste Management Authority*. 550 US 330 (2007).

Warren, Cael. "City of Saint Paul Recycle It Forward; A Comprehensive Assessment of Recycling and Waste Management Prepared for the City of Saint Paul." Wilder Research. August, 2013. http://www.wilder.org/Wilder-Research/Publications/Studies/City%20of%20Saint%20Paul%20Recycle%20it%20Forward/City%20of%20Saint%20Paul%20Recycle%20it%20Forward%20-%20A%20Comprehensive%20Assessment%20of%20Recycling%20and%20Waste%20Management,%20Full%20Report.pdf.

"Welcome to an Engaged Community." Maplewood, MN. 2015. http://www.ci.maplewood.mn.us/index.aspx?nid=1021.

Wilde, W. James. "Assessing the Effects of Heavy Vehicles on Local Roadways." Minnesota Department of Transportation. August 1, 2014. http://www.lrrb.org/media/reports/201432.pdf.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Appendix A

Macalester-Groveland Organized Trash Collection Survey

Macalester Groveland
COMMUNITY COUNCIL

Please take this brief, anonymous survey to share your thoughts about the trash collection system in the City of Saint Paul. By completing the survey, you will have a chance to enter yourself in a prize drawing for a $50 gift card to Mississippi Market or the grocery store of your choice.

Currently, each household is responsible for contracting with a trash hauling company individually. An alternative system of "organized collection" would allow the City of Saint Paul to negotiate contracts with haulers on behalf of residents. Organized collection does not necessarily mean just one trash hauler for the entire City. There are several ways that this system could work, including supporting multiple hauling companies. Cities that have implemented organized collection have found that this system can result in greater efficiency, increased services and/or decreased costs.

After completing the survey, be sure to enter yourself in the prize drawing for a $50 gift card to Mississippi Market or the grocery store of your choice.

1. **What is your zip-code?**

_____

2. **Do you own your home, or do you rent?**

   - Homeowner (skip to #4)
   - Renter

3. **As a renter, please select one of the following:**

   - My landlord pays for trash hauling, I put my trash in an individual receptacle (skip to #8).
   - My landlord pays for trash hauling, I put my trash in a dumpster (skip to #9).
   - I pay and arrange for trash hauling myself

4. **What do you currently pay for trash collection (in US dollars)?**

   - Monthly

_____

   - Quarterly

_____

   - Not sure

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

5. **Has this cost increased, decreased or remained the same in the time you have been using your current hauler?**

   - Increased
   - Decreased
   - Remained the same
   - Not sure

6. **How long have you had your current hauler?**

   - Less than 1 year
   - 1-2 years
   - 3-5 years
   - 6-10 years
   - More than 10 years
   - Not sure

7. **How did you chose your current hauler? Check all that apply.**

   - Cost
   - Neighbors using already
   - Sign-up promotion
   - Phone/personal solicitation
   - Personal connection to hauler
   - Customer service reputation
   - Continued service from previous homeowner
   - Other (please specify):

_____

_____

_____

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

8. Do you fill your trash can most weeks?

- Yes
- No
- Not sure

9. Do you reduce the amount of trash going into your trash can through any of the following activities? Check all that apply.

- Recycle
- Backyard composting
- Off-site composting
- Reuse
- Donate
- Participate in neighborhood cleanups
- I don't use any of the above methods to reduce trash
- Other (please specify):

_____

_____

_____

10. Please rate how strongly you agree with the following (please circle your answers):

a) The current garbage hauling system creates unnecessary wear and tear on our streets and alleys.

Strongly Agree Agree Neutral Disagree Strongly Disagree

b) The current garbage hauling system supports small/local haulers.

Strongly Agree Agree Neutral Disagree Strongly Disagree

c) The current garbage hauling system creates safety hazards in our alleys.

Strongly Agree Agree Neutral Disagree Strongly Disagree

d) The current garbage hauling system negatively impacts air quality

Strongly Agree Agree Neutral Disagree Strongly Disagree

e) The current garbage hauling system provides services at the best possible cost.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Strongly Agree Agree Neutral Disagree Strongly Disagree

f) The current garbage hauling system contributes to climate change.

Strongly Agree Agree Neutral Disagree Strongly Disagree

11. Please rank the following priorities for our City's trash collection system according to how important each is to you: (1 is most important, 8 is least important).

__ Having a relationship with a hauler

__ Supporting small/local businesses

__ Individual choice

__ Wear and tear on roadways

__ Safety

__ Environmental sustainability

__ Cost

__ Customer service from your hauler

12. Would you be in favor of a system with significant rate differences based on the amount of trash you produce? Reductions could be achieved through methods such as recycling or composting.

- Yes
- No

Why or why not?

_____

_____

_____

13. Would you support organized trash collection city-wide if your rate (please circle your answer):

Increased? Yes No

Stayed the same? Yes No

Decreased? Yes No

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

14. Would you support organized collection if it supported small/local haulers?

- Yes
- No

15. Is there anything else you would like to share?

_____

_____

_____

_____

_____

_____

Thank you for your input! Remember to enter yourself into the prize drawing!

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Appendix B 1989 unsigned contract with Saint Paul Refuse Inc.

Saint Paul Refuse, Inc. Proposal

Saint Paul Refuse, Inc. (SPRI) is a consortium of approximately forty independent haulers who presently provide residential hauling services in the City of St. Paul. SPRI is pleased to submit this proposal for the development and implementation of organized collection in St. Paul. The attached proposal is submitted in response to your November 9, 1989 request.

SPRI supports the recommendations and findings of both the St. Paul Elder Council and the St. Paul Citizen's Solid Waste Task Force that the City of St. Paul implement an organized collection system. As noted by the Task Force in its' February 1989 report to the City Council, organized collection has the following advantages:

1. Orqanized collection is more efficient than open haulinq. Organized collection can provide haulers with increased efficiency in terms of lower maintenance costs, increased productivity, less fuel consumption and less vehicle pollution.

2. Orqanized collection will promote achievinq abatement qoals better than open haulinq. The simultaneous implementation of organized collection and volume based fees will encourage residents to increase their participation in recycling activities in the City of St. Paul.

3. Orqanized collection will reduce the number of trucks on a qiven street or alley thus producinq savinqs on city street maintenance costs. In some parts of St. Paul today, there are six or more refuse haulers serving a single city block. Organized collection will decrease truck traffic by assigning specific hauling districts to individual haulers. This district concept will reduce noise, pollution and wear and tear on city streets.

4. Compared to open haulinq orqanized collection will reduce liter illegal dumping summary abatements.

In addition to the advantages of organized collection noted by the Elder Council and Citizens Solid Waste Task Force, SPRI ' s proposal offers the City efficiency and flexibility in implementing organized collection in St. Paul. SPRI members presently serve St. Paul residents and are knowledgeable about residents' waste collection needs. SPRI provides a central point of contact for customer or city concerns associated with waste collection in St. Paul.

As noted in our proposal, SPRI believes the best way to implement organized collection is through a negotiated contract between the City of St. Paul and SPRI. A negotiated contract provides an excellent vehicle for addressing, in detail, each of the issues raised in our proposal for organized collection. SPRI is ready and willing to assist the City in any fashion as it further explores organized collection. SPRI representatives are willing to appear at community meetings to explain organized collection and assist in educating St. Paul residents about changes in the city waste collection process.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Please contact Mr. Michael Hinz or any member of the SPRI board to further discuss our proposal. We look forward to hearing from you and working with the City of St. Paul.

Introduction

St Paul Refuse, Inc ("SPRI") is a consortium of approximately forty independent refuse haulers who presently provide residential refuse hauling services in the City of St. Paul. A list of the Board of Directors of SPRI is attached as Appendix A. SPRI offers this proposal for the discussion, development and implementation of organized collection for residential units in the City of St. Paul. This proposal very briefly lists the topics of and procedures to be addressed more completely in a negotiated contract to implement organized collection. SPRI believes that a long term negotiated contract between the City of St. Paul and SPRI offers the best method for implementing organized collection in the City. A negotiated contract would be developed by a team of representatives from the City and SPRI and would address, in detail, each of the subjects listed below.

Collection and Hauling Services

SPRI will supply all equipment, labor and materials necessary to make complete collection of all refuse and yard waste from all St. Paul residential dwelling units. The City will be divided into geographic zones or hauling districts. All residential dwelling units within a hauling district will be serviced by a single vehicle for refuse and a single vehicle for yard waste. Collection within a hauling district will take place on a specified, assigned day. This specified hauling district date will reduce wear and tear on City streets and alleys and reduce neighborhood congestion and noise associated with multiple haulers and hauling dates in a single neighborhood.

SPRI will work to enhance and promote existing recycling programs in the City of St. Paul. SPRI's implementation of volume based waste collection fees will encourage residents to increase their recycling efforts.

Yard Waste Collection

Yard waste collection services will be available to all St. Paul residents. Yard waste will be collected separately from refuse on a designated collection date. Yard waste will be collected more frequently during the summer growing season.

Volume Based Pricing

The charges for refuse and yard waste collection will be based on the volume of waste generated by each household. These volume based rates will encourage residents to recycle and recognize that St. Paul residents have varying refuse collection needs. Residents will pay only for waste collected. Special consideration and lower rates will be given to low volume waste generators such as elderly St. Paul residents.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Appendix B 1989 unsigned contract with Saint Paul Refuse Inc.

Centralized Customer Service

Customer service issues will be handled in a central office developed and staffed by SPRI. This central office will assure that all St. Paul residents have a single number to contact with any waste hauling questions, complaints or special service requests. Records of all customers complaints and responses will be available for review and inspection by the City of St. Paul.

Central Billing Office

All billing and collection for refuse and yard waste collection could be processed through a SPRI central billing office or a city billing office. Customers will be billed for all SPRI collection services. Each bill would indicate that costs are directly related to the volume of waste collected at each household. All questions and complaints concerning bills will be handled through the central billing office. Billing information and rates would be available to the City at any time.

Customer Education

SPRI will assist the City of St. Paul in notifying and educating St. Paul residents about organized collection and volume based pricing of waste collection services. SPRI members will appear before the St. Paul District councils or any other interested community groups to discuss organized collection.

Special Services

SPRI will offer special collection services to St. Paul residents including walk up service, special container location or services to meet specific needs of elderly or disabled St. Paul residents.

Upon request of St . Paul residents, SPRI will provide special pick up services for large items such as used appliances and furniture. SPRI will also, assist with the collection of hazardous household waste as required by the Minnesota Pollution Control Agency.

SPRI is prepared to discuss in further detail all portions of this proposal with the City staff and officials as soon as possible. All inquires of SPRI should be addressed to members of the Interim Board of Directors of SPRI listed in Appendix A.

SPRI Interim Board of Directors:

Michael Hinz
Gopher Disposal
4264 Woodland Drive
Newport, MN 55055
459-6377

James Berquist
Ken Berquist & Sons Disposal Service

Gene Wegleitner
Gene's Disposal Service

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Appendix B

1989 unsigned contract with Saint Paul Refuse Inc.

8579 Bower Court
Inver Grove Heights, MN 55075
699-2442

6808 117th Avenue
White Bear Lake, MN 55110
426-1224

J. John Wynne, III
Wynnes Rubbish Removal
746 Hyacinth Avenue East
Saint Paul, MN 55106
774-8386

James Cashill
668 Victoria Street South
Saint Paul, MN 55102
738-3053

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Appendix B 1989 unsigned contract with Saint Paul Refuse Inc.

TABLE OF CONTENTS

		Page
1.	Term	1
1.1.	Five Year	1
1.2.	Renewal	1
2.	General Description of Services	1
2.1.	Services	1
2.2.	Route	1
3.	Definitions	2
3.1.	Collection Service	2
3.2.	Container	2
3.3.	Day-Certain Collection	2
3.4.	Compost	2
3.5.	Garbage	2
3.6.	Independent Contractor	2
3.7.	Price	2
3.8.	Recyclables	2
3.9.	Refuse	2
3.10.	Residential Dwelling Unit	3
3.11.	Rubbish	3
3.12.	Toxic and Hazardous Wastes	3
3.13.	Waste Materials	3
3.14.	White Goods	3
4.	Basic Collection Service	3
4.1.	Service	3
4.2.	Exclusions	4
4.3.	Container	4
4.4.	Frequency	4
4.5.	Supply Necessary Items	4
4.6.	No Claims	4
4.7.	Indemnification	5
5.	Additional Collection Service	5
5.1.	Description	5
5.2.	Location	5
5.3.	Frequency	5

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

6. City Undertakings 5

6.1. License Limits 5
6.2. Ordinances 5
6.3. Name and Address Lists 6
6.4. New Residence 6
6.5. Weight Permits 6

7. Service Schedule 6

7.1. Hours 6
7.2. Collection Days 6
7.3. Holidays 7
7.4. Street Improvements 7

8. Administration 7

8.1. Offices 7
8.2. Complaint Logs 7
8.4. Billing 7 8.5.
Change in Ownership 7

9. Fees 8

9.1. Basic Collection Service 8
9.2. CPI Revisions 8
9.3. Taxes and Other Charges 8
9.4. Additional Collection Services 8

10. Liability Insurance 9

11. Worker's Compensation Insurance 9

12. Equipment 9

12.1. Vehicle Protection 9
12.2. Cleaning 9
12.3. Painting 9
12.4. Maintenance 9

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Appendix B 1989 unsigned contract with Saint Paul Refuse Inc.

Page

13. Personnel Requirements 10

13.1. Responsibility 10
13.2. Driver 10
13.3. Collector 10

14. Supervision 11

15. Title 11

16. Subletting or Assignment of Contract 11

17. Non-Discrimination 11

18. Health Regulations and Ordinances 11

19. Dispute Resolution 11

20. Governing Law 11

21. Notice 12

22. Severability 12

23. Termination 12

24. Performance Assurance 12

25. Independent Contractor 12

26. Entire Agreement 12

EXHIBIT A -- List of Holidays

EXHIBIT B -- Route Map

EXHIBIT C -- Pricing

EXHIBIT D -- Operating Costs

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

SAINT PAUL REFUSE SERVICE CONTRACT

THIS CONTRACT, made and entered into this_____day of, _____ 1989, by and between the CITY OF SAINT PAUL, a municipal corporation in the county of Washington, herein referred to as "City," and SAINT PAUL REFUSE, INC., a Minnesota Cooperative, herein referred to as "SPRI."

R E C I T A L S:

WHEREAS, City requires the collection and disposal of garbage and rubbish, compost, and recyclables (collectively hereafter identified as "Waste Materials") from residences in the city of Saint Paul;

WHEREAS, SPRI is engaged in the business of collecting and disposing Waste Materials; and

WHEREAS, the City desires to hire the services of SPRI and SPRI desires to provide the services to the City;

NOW, THEREFORE, it is agreed by and between the parties:

1. Term.

1. 1. Five Years. Subject to Paragraph 1.2 hereafter, this Contract shall be in full force and effect for the period beginning , _____ 19_____ and ending _____, 19_____.

1 .2. Renewal. At the conclusion of this period, it is expected that the parties will wish to renew this Contract for additional five (5) year terms. Negotiation for said renewal shall begin six (6) months prior to the end of the term set forth in Paragraph 1.1.

2. General Description of Services.

2. 1. Services. SPRI shall supply all labor, materials, and equipment necessary to make a complete collection of Refuse from all Residential Dwelling Units as defined hereinafter in the City of Saint Paul at least once in each calendar week during the term of this Contract and convey the waste Materials to a Minnesota Pollution Control Agency approved disposal facility.

2. 2.__Route. Collection service shall be provided over the agreed-upon routes shown on Exhibit B hereto. These routes are designed to provide an efficient system and to minimize multiple vehicle movement along city streets.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

3. Definitions. For purposes of this Contract, the following terms shall have the following meanings:

3. 1. Collection Service. Collection Service is a private operation engaged in collection and transportation of Waste Materials.

3. 2. Container. Container means the can or cart or bin in which Refuse are placed by residents.

3. 3. Day-Certain Collection. Day-Certain Collection is a city-approved plan for weekly Collection Services by an established day-certain schedule. This schedule requires that a route must be collected on the same day of each week and is based on a five (5) day, Monday through Friday, working week. The only exceptions to the "day-certain" plan shall be during those weeks in which occur legal holidays.

3. 4. Compost. Compost includes grass clippings and leaves, and specifically excludes brush and limbs, Recyclables, and Refuse.

3. 5. Garbage. Garbage is organic waste, including discarded material resulting from the handling, processing, storage, preparation, serving and consumption

3. 6. Independent Contractor. Independent Contractor means person or persons authorized by SPRI to perform refuse collection services on a prescribed route within the City of Saint Paul.

3. 7. Price. All costs of service.

3. 8. Recyclables. Recyclables are reusable or reprocessable materials approved and agreed to by the parties hereto. Recyclables may include such items as newsprint, ledger paper, tin cans, aluminum, used motor oil, glass and other metal goods and other materials if markets develop. Recyclables specifically exclude Refuse and Compost.

3. 9. Refuse. Refuse is putrescible and nonputrescible solid waste from Residential Dwelling Units including Garbage and Rubbish, and specifically excluding Compost, Recyclables, and Toxic and Hazardous Wastes. Refuse further excludes industrial, commercial, agricultural, and construction garbage or rubbish and wastes.

3. 10. Residential Dwelling Unit. A Residential Dwelling Unit is any habitable room or rooms located within a single building of four units or less used as

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

a habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

3. 11 Rubbish. Rubbish is inorganic solid waste, including ashes, consisting of both combustible and noncombustible wastes, such as wood, bedding, crockery, and other nonreuseable waste. Rubbish also includes nonrecyclable types of glass, paper, cardboard, and metal cans.

3. 12. Toxic and Hazardous Wastes. Toxic and hazardous wastes are waste materials including but not limited to poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar harmful chemicals and wastes which require special handling and must be disposed of in a manner to conserve the environment and protect the public health and safety.

3. 13 Waste Materials. Waste Materials are collectively the items described in definitions 3.5, 3.7, 3.8 and 3.10 herein.

3. 14 White Goods. Large household items including refrigerators, stoves, dishwashers, washers and dryers, water heaters, carpeting and padding, mattresses, chairs, couches, tables, and other such items of furniture.

4. Basic Collection Service.

4. 1. Service. Basic Collection Service shall include the curbside or alley collection of Refuse for Residential Dwelling Units. To assure Day-Certain Collection and a designation Collection Service, SPRI **will provide a means for** call-back service on any Residential Dwelling Unit missed on the scheduled day of collection. This call-back service will be performed by SPRI within twenty-four (24) hours (excluding Saturdays, Sundays, and holidays) after SPRI has received notice that a Residential Dwelling Unit has been missed.

4.1.1 If materials are improperly prepared for collection at a Residential Dwelling Unit, Independent Contractor shall collect if possible and leave a written indication to the generator describing the problem. In the event that materials are thereafter improperly prepared by 'that same generator, Independent Contractor may avoid collection and give notice to the City that the generator has failed to prepare materials correctly.

4. 2. Exclusions. Basic Collection Service shall not include the collection of:

4.2.1. Recyclables.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

4.2.2. Toxic, Hazardous Wastes and paint in liquid form..

4.2.3. Items on Exhibit C hereto.

4.2.4. Animal waste and solid waste materials resulting from industrial, commercial and agricultural operations, and from community activities.

4.2.5. Earthen fill, boulders, rock and other materials normally handled in construction operations, solids or dissolved material in domestic sewage or other significant pollutants in waste resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows; or other common water pollutants.

4. 3. Containers. Collection shall be from approved Refuse containers with a maximum 33 gallon capacity and 40 pound weight per Residential Dwelling Unit.

4. 4. Frequency. Each Residential Dwelling Unit shall have its Refuse collected once per week.

4. 5. Supply Necessary Items. SPRI shall supply all labor, material, and equipment necessary for the carrying out of this Contract.

4. 6. No Claims. SPRI agrees to pay all persons doing work or furnishing skill, tools, machinery, or materials or insurance premiums or equipment or supplies and all just claims for such work, material, equipment insurance, and supplies in and about the performance of this Contract.

4. 7. Indemnification. SPRI further agrees to take all precautions to protect the public against injury and shall save the City harmless 'from all damages and claims of damages that may arise by reason of any negligence of SPRI or SPRI's agents, or employees which engaged in the performance of this Contract, and will indemnify the City against all claims, liens, expenses, and claims for liens, for work, tools, machinery, materials, or insurance premiums or equipment or supplies, and against all loss by reason of the failure of SPRI in any respect to fully perform all obligations of this Contract.

5. Additional Collection Service.

5. 1. Description. Additional Collection Service shall include (i) the collection of additional items listed on Exhibit C hereto.

5. 2. Location. Residential Dwelling Units, unless Additional Service has been requested by the resident owner, shall have their Additional Items located at designated point of collection.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

5. 3. Frequency. Additional Items shall be collected from Residential Dwelling Units upon request by the resident, made to SPRI.

6. City Undertakings .

6. 1. License Limits. The City shall limit Residential Dwelling Unit Refuse and Recycling collection to members of SPRI.

6.2 Ordinances. The City shall adopt appropriate ordinances to allow SPRI to complete its obligation under this contract, including:

6.2.1. Ordinance allowing organized solid waste collection to be negotiated with SPRI.

6.2.2. Ordinance permitting curbside or alley pickup of all solid waste

6.2.3. Ordinance requiring alley addresses for all Residential Dwelling Units.

6.2.4. An ordinance mandating that every residence receive and pay for refuse collection service. Guaranteed certification shall be assured through City tax rolls. An annual submittal of uncollectible debts shall be furnished to the City for certification on or before September 1, of each year.

6.2.5. An ordinance preventing SPRI from collecting Refuse which contains any Recyclables.

6. 3. Name and Address List. The City shall provide SPRI with a complete list of resident names and addresses for purposes of billing, and on the fifteenth day of each month during the term of this Contract, the City shall provide SPRI with a name and address list containing all new residents.

6. 4. New Residents. The City shall provide new residents of the City with the proper information for contacting SPRI in order to establish Basic Collection Service.

6. 5. Weight Permits. The City shall provide SPRI with weight permit during months of year that weight restrictions apply.

7. Service Schedule.

7. 1. Hours. SPRI shall perform all Collection Services between the hours of 6:30 a.m. and 6:00 p.m., on Monday through Friday, except when an emergency shall exist, at which time WRI shall notify the City of such emergency. WRI may perform collection services on Saturday when a holiday falls on a weekday.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

7.2. Collection Days. SPRI shall provide Day-Certain Collection. Unless otherwise agreed to by the parties hereto, Collection Services will be on Monday, Tuesday, Wednesday, Thursday and Friday. Prior to_____, 19_____, SPRI will notify each resident of the day of Collection Service.

7.2.1 SPRI may request a change in the day of pickup by requesting such change in writing to the City at least thirty (30) days from the proposed date the requested change is to take effect. A change shall be effected only upon authorization from the City and fourteen (14) day notice to the resident.

7.2.2. SPRI shall bear all costs involved in notifying residents of approved schedule changes.

7. 3. Holidays. SPRI will observe all legal holidays, described on Exhibit A hereto, ,on which their offices and operations will be closed. When holidays fall on a weekday, the collection for each day of that week after the holiday shall be made one (l) working day later.

7. 4. Street Improvements. The City reserves the right to improve any street or alley which may prevent SPRI from traveling its accustomed route or routes for collection.

8. Administration.

8 . 1. Offices. SPRI shall maintain an of f ice equipped with telephones and staffed with sufficient personnel to handle complaints, orders for special service, and/or to receive instructions.

8.1.1. The office shall be staffed from 7:30 a.m. to 4:00 p.m., Monday through Friday (except holidays).

8. 2. Complaint Logs. SPRI shall maintain a monthly written log of all complaints, the date thereof and the action taken pursuant thereto or the reason for non-action. A copy of each monthly log shall be provided to the City Administrator upon request.

8. 3. Records. SPRI shall keep complete and accurate records in accordance with generally accepted accounting practices and shall make available for inspection by the City any and all of such records upon request by the City.

8. 4. Billing. SPRI shall bill and collect monies due from residents for Collection Service.

8. 5. Change in Ownership. SPRI shall provide notice to the City of any change of stock ownership of SPRI and SPRI shall provide the City with an affirmative undertaking regarding this Contract by the buyer of the SPRI stock.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

9. Fees.

9. 1. Basic Collection Service. SPRI shall charge prices for Basic Collection Service according to the schedule on Exhibit C hereto.

9.1.1. Each customer shall select a desired service level and may change level of service upon payment of an administrative charge as shown in Exhibit . There shall be no charge for any changes of service occurring during the first six (6) months of the term of this Contract.

9. 2. CPI Revisions. The Price shall be subject to automatic revision effective the first day of September of each year, being increased or decreased by the annualized rate of change in Price Index, during the eleven (11) month period next preceding the first day of September each year of this Contract. The Price established after each such automatic revision shall be the price on which the next subsequent revision shall be based.

9. 3. Taxes and Other Charges. The parties further agree that the prices stated herein shall be automatically adjusted for all changes of disposal (or tipping) fees and all existing and subsequently imposed federal, state, local, or other governmental agency excise taxes, sales taxes, surcharges, abatement fees or other charges imposed on the Basic Collection Service provided herein or the disposal costs of SPRI during the term of this Contract or any renewal term thereof.

9. 4. Additional Collection Services. Charges for pickup of Additional Items and for Additional Service shall be made directly to the resident owner by SPRI or the hauler at the prices stated in Exhibit C hereto. Said prices shall be subject to change from time to time by SPRI based on changes in Disposal Fees; provided that SPRI shall notify the City in writing of any changes under this Paragraph 10.4.

9. 5. Disposal Fees. The Price contemplates that SPRI will pay all disposal fees for Basic Collection Service. If the City begins paying disposal fees directly to the landfill, the Residential Dwelling Unit Price shall be reduced accordingly.

10. Liability Insurance. SPRI shall perform under this Contract in a clean, neat manner and shall operate such trucks and motor vehicles as are reasonably necessary and suitable to the rendering of such services and shall keep the same insured with a minimum public liability insurance of $300,000 for any one person; $600,000 for any one accident; $50,000 for property damage, together with Contractor's public liability insurance of $300,000 for any one person, $600,000 for any one accident; and property damage of $50,000. Certificates of Insurance shall be provided to the City by WRI or haulers upon request of the City.

11. Worker's Compensation Insurance. SPRI shall at all times keep fully insured, at its own expense, all persons employed by it in connection with the performance of this

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Contract as required by the laws of the State of Minnesota relating to Workers' Compensation Insurance and shall hold the City free and harmless from all liability from any cause that may arise by reason of injuries to any employee of the Contractor who may be injured while performing work or labor performed to carry out the provisions of the Contract.

12. Equipment. SPRI shall provide necessary collection equipment including back-up vehicles to cover breakdowns or missed stops.

12.1. Vehicle Protection. All trucks or motor vehicles used by SPRI shall be covered to prevent the scattering of its contents upon the public streets or private properties in the City. Should any garbage be dropped or spilled in collecting or transporting, it shall be immediately cleaned up.

12.2. Cleaning. All vehicles shall be kept in a clean and sanitary condition.

12.3. Painting. The packer body shall be painted and numbered, and shall have the hauler's name and telephone number painted in letters of a contrasting color, at lease three inches (3") high, on each side of the vehicle and the number painted or decayed on the rear.

12.4. Maintenance. The trucks shall be maintained in good working order. They shall be equipped to meet all federal, state, and municipal regulations concerning vehicles used on public roads and maintained to meet these standards.

13. Personnel Requirements.

13.1. Responsibility.

13.1.1. There shall be no limitation on the size of the hauler's collection crew, so long as they are sufficient to fulfill the requirements of the specifications and contract.

13.1.2. Each collection crew shall adhere to all applicable Ordinances of the City of Saint Paul and all of those rules, regulations, and conditions for Refuse collection as established by the City Administrator.

13.2. Driver.

13.2.1. The driver must have a valid Minnesota Chauffeur's License.

13.2.2. The driver must obey all traffic laws.

13.3. Collector.

13.3.1. The driver and collector(s) shall at all times have a courteous attitude toward the general public.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

13.3.2. The driver and collector(s) shall be of sound character, competent, and sober throughout the entire work day.

13.3.3. The driver and collector(s) shall have the ability to remember the order of collection and location of all containers on the assigned routes.

13.3.4. The driver and collector(s) shall make a concerted effort to have at all times a presentable appearance.

13.3.5. The members of each crew shall be physically able to perform their duties and at least eighteen (18) years old except as otherwise provided by the laws of the State of Minnesota.

13.3.6. SPRI shall perform its work in a neat and a quiet manner and clean up all Refuse Compost spilled in collection under any circumstance.

13.3.7. Damage to containers or other property shall be avoided.

13.3.8. Consumption of any beverages containing alcohol or use of prohibited substances shall be forbidden during or before work hours of any collection day.

13.3.9. Before the start of each collection day, the collection crew shall check to see that the collection vehicle is equipped with at least one broom and shovel for use in cleaning up Refuse or Compost.

14. Supervision. All services to be performed for the City by SPRI pursuant to the terms of this Contract shall be supervised by such employee, agent, or officer of the City.

15. Title. Title to all collected Waste Materials shall remain vested in SPRI until all said materials are delivered to a proper disposal facility.

16. Subletting or Assignment of Contract. No assignment or sublettinq of this Contract, all or in part, will be permitted without authorization of City. SPRI alone will be held responsible for full and faithful performance of this Contract.

17. Non-Discrimination. SPRI agrees that, during the life of this Contract, SPRI will not, within the State of Minnesota, discriminate against any employee or applicant for employment because of race, color, creed, sex, national origin, or ancestry, and will include a similar provision in all subcontracts entered into for the performance thereof.

18. Health Regulations and Ordinances. The Contractor shall acquaint itself with all pertinent City Ordinances and shall comply with all health regulations and Ordinances of the City of Woodbury, County of Washington, and the State of Minnesota in effect at this time or hereafter adopted.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

19. Dispute Resolution

20. Governing Law. This Contract is governed in all respects by the laws of the State of Minnesota, and all obligations are enforceable in accordance therewith; and SPRI, where required, must obtain all licences or permits to transact a Refuse collection business in the City.

21. Notice. Except as otherwise herein provided, all notices required to be served by either party on the other shall be in writing and forwarded by certified mail to the principal office of the party to which notice is given as follows:

To the City of Saint Paul:

To SPRI:

Saint Paul Refuse, Inc.
(address)

With a copy to:

John A. Cairns
Briggs and Morgan, P.A.
2400 IDS Center
Minneapolis, Minnesota 55402

All such notices shall be effective when received.

22. Severability. All parts and provisions of this Contract are severable. If any part or provision shall be held invalid, the remainder of this Contract shall remain in effect.

23. Performance Assurance. In a manner acceptable to the City, SPRI shall provide cash or equivalent surety in an amount to be negotiated in the event SPRI is unable for whatever reason to perform its obligations hereunder.

24. Independent Contractor. SPRI is declared to be an independent contractor, and nothing in this Contract shall be construed to create the relationship of employer and employee between the City and SPRI or its agents, or make SPRI, its agents, or employees, subject to City Civil Service rules.

25. Entire Agreement. This Contract, along with attachments and exhibits hereto which are incorporated herein by reference, is the entire agreement between the parties. No modification of this Contract shall be valid or effective, unless made in writing and signed by the parties hereto.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Appendix B 1989 unsigned contract with Saint Paul Refuse Inc.

IN WITNESS WHEREOF, the parties hereto have set their hands on this____ day of_____, 1989.

IN THE PRESENCE OF:

CITY OF SAINT PAUL,
A MUNICIPAL CORPORATION

____
_____

By: _____
Mayor

_____

By: _____
City Administrator

Approved as to Form:

_____
City Attorney

SAINT PAUL REFUSE, INC.

By:_____

_____:

_____
Secretary

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Appendix B 1989 unsigned contract with Saint Paul Refuse Inc.

EXHIBIT A

LIST OF HOLIDAYS

1. New Year's Day (January l)
2. Memorial Day
3. Independence Day (July 4)
4. Labor Day
5. Thanksgiving Day
6. Christmas Day (December 25)

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Appendix B 1989 unsigned contract with Saint Paul Refuse Inc.

EXHIBIT B

ROUTE MAP

(To Be Provided)

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Appendix B 1989 unsigned contract with Saint Paul Refuse Inc.

EXHIBIT C

PRICING

A) Basic Collection Service:

One container (not to exceed 33 gallons in capacity)	$ /Mo./Residential Dwelling Unit
Two containers or 60 gallons	$ /Mo./Residential Dwelling Unit
Three containers or 90 gallons	$ /Mo./Residential Dwelling Unit

B) Change of Service Charge: First change -

(For number of changes during Subsequent -

C) Property owners who have more trash than the limit they have subscribed to may leave extra containers one time only at a cost of $_____ per extra container, such charge being added to the next monthly bill.

D) Property owners may request service by SPRI for special collection. A service charge of $_____ will be assessed in addition to the charges set forth n Paragraph F.

E) Additional Services

1. Compost/Yard Waste
2. Walk-up Service
3. Clothes washer
4. Clothes dryer
5. Refrigerator
6. Freezer
7. Dishwasher
8. Carpet - 12X12 Room*
9. Carpet pad - 12X12 Room*
10. Tires - Auto
    Auto with Rim
    Truck
    Truck with Rim
11. Mattresses - King or Queen*
    Double*

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Single*

12. Box spring - King or Queen
    Double
    Single
13. Sofa
14. Love seat
15. Overstuffed chair
16. Kitchen chairs or armchair
17. Remodeling materials Weight dependent _____ per 100 lbs.
18. Items such as batteries, tires, construction material and motor oils.
19. Water heater
20. Stove
21. Brush (in bundles less than 4 feet in length and 2 feet in diameter) _____ per bundle

(Prices subject to change as set by resource recovery plant)

---

* All carpets and mattresses dry.

EXHIBIT D
OPERATING COSTS

Refuse Collection Costs
Recyclable Collection Costs
Office Costs
Total Operating Costs

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

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 and hearing as required in subdivisions 4a to 4d. A county may organize collection as provided in subdivision 5. A city or town that has organized collection as of May 1, 2013, is exempt from subdivisions 4a to 4d.

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. [Repealed, 2013 c 45 s 7]

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

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

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

(1) determine which methods of organized collection to examine, which must include:

(i) a system in which a single collector collects solid waste from all sections of a city or town; and

(ii) a system in which multiple collectors, either singly or as members of an organization of collectors, collect solid waste from different sections of a city or town;

(2) establish a list of criteria on which the organized collection methods selected for examination will be evaluated, which may include: costs to residential subscribers, miles driven by collection vehicles on city

Copyright © 2014 by the Revisor of Statutes, State of Minnesota. All Rights Reserved.

streets and alleys, initial and operating costs to the city of implementing the organized collection system, providing incentives for waste reduction, impacts on solid waste collectors, and other physical, economic, fiscal, social, environmental, and aesthetic impacts;

(3) collect information regarding the operation and efficacy of existing methods of organized collection in other cities and towns;

(4) seek input from, at a minimum:

(i) the governing body of the city or town;

(ii) the local official of the city or town responsible for solid waste issues;

(iii) persons currently licensed to operate solid waste collection and recycling services in the city or town; and

(iv) residents of the city or town who currently pay for residential solid waste collection services; and

(5) issue a report on the committee's research, findings, and any recommendations to the governing body of the city or town.

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

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

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

Copyright © 2014 by the Revisor of Statutes, State of Minnesota. All Rights Reserved.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

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

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; 2013 c 45 s 1-6*

Copyright © 2014 by the Revisor of Statutes, State of Minnesota. All Rights Reserved.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

City of Saint Paul

Signature Copy

Resolution: RES 16-337

City Hall and Court House
15 West Kellogg Boulevard
Phone: 651-266-8560

File Number: RES 16-337

Directing the Public Works Department to solicit input from residents to develop draft goals and objectives for implementing a system of organized trash collection.

WHEREAS, the Saint Paul City Council and Mayor Chris Coleman are dedicated to making Saint Paul one of the most sustainable cities in the United States and are committed to protecting the environment and public health, reducing greenhouse gas emissions and conserving energy and natural resources; and

WHEREAS, Minnesotans produce, on average, more than one ton of garbage per person each year - more than 6 million tons annually, a substantial amount of which is placed into landfills or incinerated, resulting in wasted resources; and

WHEREAS, in the last ten years, mixed municipal solid waste (MMSW) generation has grown by 8 percent and recycling tonnage have remained essentially flat; and

WHEREAS, waste sent to landfills and incinerators generates substantially more carbon emissions relative to waste that is recycled or composted; and

WHEREAS, in 2009 the Minnesota Pollution Control Agency (MPCA) commissioned a study (*Analysis of Waste Collection Service Arrangements*) and surveyed 50 Minnesota cities comparing open and organized MMSW as well as recycling collection systems which revealed that organized collection systems consistently result in lower overall costs (16-34%) to consumers; recycling rates were typically higher; and there was a reduction in noise pollution, road wear, air emissions and fuel consumption; and

WHEREAS, in Minn. Stat.115A. subds. 1, 3 Section IV. D. open collection is 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 and 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"; and

WHEREAS, Minnesota Statutes authorizes that a city may organize collection of trash, as a municipal service, where by city employees collect solid waste from a defined geographic service area or areas or 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; and

WHEREAS, the Minnesota Legislature adopted significant changes to the organized collection statute in 2013 that were designed to simplify the process for adopting organized collection; and

WHEREAS, the City of Saint Paul has a long-standing and innovative recycling program serving residents in single-family and multi-unit dwellings, municipal facilities and public spaces and has

EXHIBIT C

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

collected 100,745 tons of recyclable material in the last 5 years and reduced 218,409 metric tons of carbon dioxide (CO2) equivalent; and

WHEREAS, the City of Saint Paul is committed to reinvigorating recycling participation, educating the community about all the opportunities to reduce waste, recycle more, and divert organic materials from the waste stream and, currently, has an open collection trash hauling system; and

WHEREAS, in 2013, the City of Saint Paul contracted with Wilder Research to conduct a study to identify the most effective strategies to meet the needs of the community and reach waste reduction and diversion goals. The study was conducted with surveys, focus groups and one-on-one interviews. *The Recycle it Forward: A comprehensive assessment of recycling and waste management* report recommended that the City: 1) launch a major educational campaign to inform residents and reinvigorate their enthusiasm around recycling; 2) expand the number of plastic materials collected for recycling; 3) transition to single-sort recycling collection system with wheeled, lidded carts; 4) transition to a source-separated organics collection system; 5) diversify bulky waste management to offer more convenient disposal and reuse options; 6) coordinate (organize) trash collection to lower costs, reduce redundant truck traffic, and design trash pricing to incentivize recycling; and

WHEREAS, the Wilder Research study found that Saint Paul residents pay more for trash that residents in neighboring communities with organized collection and that more than half of residents surveyed think that they pay too much for their trash hauling services and report problems with street wear and tear, noise and air pollution from garbage trucks; and

WHEREAS, in 2014 the City increased recycling education and efforts to boost recycling in low participating neighborhoods and in multi-unit dwellings, expanded the number of plastic materials collected in the residential recycling program, and implemented single-sort recycling; and

WHEREAS, the City continues to collaborate with Ramsey County to support source-separated organics drop off opportunities within the City; and

WHEREAS, the Saint Paul City Council adopted resolution 14-519 establishing overall residential waste diversion goal of: 35% by 2016; 40% by 2020; 65% by 2025 and 80% by 2030; and

WHEREAS, the Saint Paul City Council adopted resolution 15-2093 reaffirming Saint Paul's commitment to reducing greenhouse gas emissions and pledging to meet Compact of Mayors milestones; and

WHEREAS, over the past year, the Macalester-Groveland Community Council in *Taking Out the Trash: An investigation into trash collection in St. Paul* researched trash collection in Saint Paul through surveys, community meetings and interviews and urges that the City adopt organized trash collection using the consortium model; and

WHEREAS, the City spends an estimated $250,000 annually collecting and disposing of trash and debris (illegal dumping) in the public right-of-way and in municipal parks; and

WHEREAS, in November 2015, the City released a request for proposals for collection, processing and marketing of recyclable materials from all residential dwellings and designated city locations to expand recycling opportunities; to increase participation; to make recycling more convenient; and more cost effective for residents and the City intends to make changes to the program in 2017 that includes implementing wheeled, lidded carts and moving collection to the same location as garbage that will result in an estimated 35 percent in the amount of recyclable material collected; and

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

WHEREAS, while the City is transforming other elements of the recycling and waste management system, it makes senses to examine the benefits of an organized trash collection system in Saint Paul; and

WHEREAS, the Saint Paul City Council is considering organized trash collection system and set aside resources in the 2016 budget to examine the process and to develop educational material regarding organized trash collection system; and

WHEREAS, the City places a priority on maintaining opportunities for small, local, minority and women owned garbage haulers, supporting living wage jobs and labor peace agreements, and is interested in: 1) providing consistent, quality customer service; 2) providing stable and uniform rates for residents throughout the city; 3) improving the understanding of and access to garbage service for new residents and non-English speakers; 4) improving efficiency and reducing the wear and tear on city streets and alleys by eliminating the need for several garbage haulers to be operating on any given residential block; 5) improving the quality of life in neighborhoods by reducing noise, pollution, litter and traffic and improving safety on city streets and alleys; 6) improving options for convenient and proper disposal of bulky items such as appliances, mattresses, tires etc. to reduce illegal dumping; 7) exploring the interest in and need for additional services for yard waste and organic material; 8) reducing costs for the majority of residents; 9) exploring the need, cost, and benefit of cleared and plowed alley access for trash-removal services, emergency vehicles, pedestrian mobility, and public safety ~~reducing wear and tear on city streets and alleys~~; and 10) providing financial incentives to residents to recycle more and divert organic material from the waste stream;

NOW, THEREFORE BE IT RESOLVED, that the City Council directs the Public Works Department to solicit input from residents utilizing community meetings, Open Saint Paul, Pop Up meetings, and other methods; to develop draft goals and objectives for implementing a system of organized trash collection; and report back to the City Council in May 2016.

At a meeting of the City Council on 2/24/2016, this Resolution was Passed.

Yea: 7 Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker, and Councilmember Prince

Nay: 0

Vote Attested by Council Secretary Trudy Moloney — **Date** 2/24/2016

Approved by the Mayor Melvin Carter III — **Date** 2/26/2016

Clerk Shari Moore — **Date**

Filed in District Court
esota
9 PM

RES PH 16-174 - ORGANIZED TRASH COLLECTION REPORT ON COMMUNITY INPUT AND DRAFT GOALS

Saint Paul Public Works

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Organized Trash Collection in Saint Paul Report on Community Input and Draft Goals and Objectives

On February 24, 2016, the Saint Paul City Council passed a resolution directing the Saint Paul Department of Public Works to solicit input from residents using a variety of techniques in order to develop draft goals and objectives for implementing a system of organized trash collection (OTC) within the city of Saint Paul.

In its most simple terms, organized trash collection is a system for collecting trash in which one or multiple trash haulers are authorized to collect trash from a specific service area or collection zone. In an organized system, the city negotiates and ultimately holds a contract with one or multiple haulers. A designated hauler would pick up the trash from a neighborhood on a set day, for a set price.

Currently, Saint Paul has an open system of trash collection resulting in the need for individuals to contract with their own hauler. With no designated collection days or zones, this results in many haulers servicing each neighborhood across the city

This report describes the methods that Public Works employed to solicit feedback; summarizes the feedback received; and offers draft goals and objectives to the City Council should they decide to proceed forward with implementing an organized trash collection system.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

History and Background

In 2011, the Minnesota Pollution Control Agency (MPCA) adopted the *Metropolitan Solid Waste Management Policy Plan 2010 – 2030* which set aggressive objectives for local governments for waste reduction, recycling, and organics recovery. These services are important components of the solid waste system to improve public health, reduce reliance on landfills, conserve energy and natural resources, and reduce pollution and greenhouse gas emissions.

In response to these new objectives, in 2013 the City of Saint Paul contracted with Wilder Research to conduct a study to identify the most effective strategies to meet the needs of the community and reach waste reduction and diversion goals. The study was conducted with surveys, focus groups and one-on-one interviews. The *Recycle it Forward: A Comprehensive Assessment of Recycling and Waste Management* report recommended that the City: 1) launch a major educational campaign to inform residents and reinvigorate their enthusiasm around recycling; 2) expand the number of plastic materials collected for recycling; 3) transition to single-sort recycling collection system with wheeled, lidded carts; 4) transition to a source-separated organics collection system; 5) diversify bulky waste management to offer more convenient disposal and reuse options; 6) coordinate (organize) trash collection to lower costs, reduce redundant truck traffic, and design trash pricing to incentivize recycling.

The Wilder Research study initiated a review of all city solid waste services. In 2014, in order to address the needs of the community and the recommendations within the report, the city initiated program improvements allowing residents to commingle materials and recycle more types of plastic items. In addition the city launched the All In Program brand to increase education and outreach.

Also in 2014, the Saint Paul City Council adopted waste diversion goals for the city, calling for a 50% waste diversion goal by 2020 and an 80% diversion goal by 2030. The establishment of these solid waste diversion goals cemented the city's commitment to improving and expanding opportunities in the community to reduce waste, recycle more and divert more organics from the waste stream.

Continuing on the trajectory of program change, in November 2015, the city released a Request for Proposals (RFP) for collection and processing of recyclables in an effort to expand recycling opportunities and make recycling more convenient and cost-effective for Saint Paul residents. The successful responders will begin their operations in January of 2017 with wheeled, lidded carts collected in the same location as trash. The city is also working in conjunction with Ramsey County to study methods for the collection of organic materials from residential properties.

While the recycling and organics programs can result in increased participation and a reduction in materials going to incinerators or landfills, a holistic system-wide approach to solid waste, including residential trash collection, is considered the key to meeting waste reduction and diversion goals.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

The city is also responding to the interests and concerns about solid waste issues that have been expressed by our residents. In addition to the Wider Research study, a recent study completed by the Macalester Groveland Community Council with grant assistance from the Minnesota Pollution Control Agency, *Taking Out the Trash: An Investigation into Trash Collection in St. Paul* (2015) has indicated that residents are looking for the benefits that an organized trash collection system can provide.

The Department of Public Works employed four key methods to solicit feedback and information from residents regarding their priorities around trash collection:

- A survey asking residents to tell the city how important various aspects of trash collection are to them;
- Comments collected through Open Saint Paul, mailed surveys, e-mail, phone calls and letters;
- Face to face interactions at neighborhood meetings, local events, and with specific stakeholder groups; and
- The collection of residential trash collection bills in order to collect baseline information about what Saint Paul residents are currently paying for trash collection service.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Resident Survey

A survey of residents soliciting their opinions about which features of trash service are important to them was conducted over the months of March and April 2016. Residents could respond to the survey using either of two methods: 1) a written questionnaire that could be sent to Public Works via regular mail or turned in to staff at community meetings or events; 2) an electronic questionnaire available through the city's Open Saint Paul discussion site.

Both versions of the questionnaire asked the same questions requesting residents to rank several aspects of trash collection on a 1 to 5 scale (with 1 being least important and 5 being most important). At the request of the city council, the questionnaire also included questions related to alley plowing.

A public information campaign was utilized to encourage residents to complete the survey and also to send in their trash collection bills. The campaign included:

- General information posted on the city's Organized Trash Collection web page;
- Notice to traditional, local media outlets with newspaper articles appearing in the major daily newspapers and several community newspapers;
- Advertising through free social media including the city's Facebook page and Twitter account;
- Paid social media to target specific zip codes and demographics (generating 25,793 impressions and over 1,000 connections to the information web page)
- Articles on city council and district council websites and in district council news outlets;
- Printed informational brochures (including the written survey) that were made available in each of the city council offices, district council offices, all city library buildings, and at several neighborhood events;
- A direct mail piece that was sent to 4000 households in areas of the city where the initial response rate was lower;
- Direct outreach and focus groups through trusted, multi-cultural community organizations; and
- One-on-one conversations at several community meetings and events.

This outreach resulted in 147 written responses to the survey and 1,836 responses through Open Saint Paul, the largest community response on Open Saint Paul to date. The written responses were added to the Open Saint Paul format for tabulation and analysis.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Of those who provided optional demographic information on Open Saint Paul, 51% were female; 49% were male. Those who provided demographic information also hailed from each of the city's 7 wards:

Ward 1	47
Ward 2	51
Ward 3	94
Ward 4	103
Ward 5	43
Ward 6	35
Ward 7	32

The following are the key items residents consider when choosing a trash hauler as collected through the community survey. The items are ranked by the percentage of respondents considering it important or very important. The full survey results are available at www.stpaul.gov/open.

Rank	Item	High or Very High	Neutral	Low or Very Low
1	Consistent, Quality Customer Service	89.9%	6.3%	3.1%
2	Stable, Uniform Rates	81.5%	11.5%	9%
3	Reasonable, Low Cost	79.7%	14.6%	4.8%
4	Reduction in Illegal Dumping	61.4%	19.1%	17.8%
5	Financial Incentives to Recycle More	61%	17.9%	19.5%
6	Reducing Wear & Tear From Truck Traffic	60.3%	16.8%	21.3%
7	Pollution Concerns Related to Trucks	58.7%	16.1%	24.2%
8	Options for Convenient Disposal of Bulky Items	58.1%	23.2%	17.6%
9	Opportunities for Small, Local & Minority Owned Trash Haulers	58%	22.7%	18.2%
10	Noise Concerns Related to Trucks	52.1%	17.3%	29.1%
11	Safety Concerns Related to Trucks	42.2%	20.4%	35.1%
12	Easy Access for New Residents & Non-English Speakers	41.4%	28.5%	27.6%
13	Individual Choice of Hauler	33.9%	13.1%	51.8%

When asked to further identify which aspects of customer service were important, the following aspects of customer service are listed in rank order by the percentage of respondents considering them important or very important.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Rank	Item	High or Very High	Neutral	Low or Very Low
1	Ability to Talk to a Person	74.9%	16.8%	11.3%
2	Ability to Set Out Extra Bags with No Additional Charge	55.9%	22.3%	21.6%
3	Ability to Pay Extra for Large, Special Clean Out Service	52.1%	27%	19.5%
4	Carts Left in Same Location After Pickup	50.3%	25.5%	23.7%

Residents were also asked questions about alley snow plowing.

When asked if their alley gets plowed, the respondents answering the question responded:

YES	67.9%
NO	32.1%

A significant number of respondents (863 or 43.5% of total respondents) did not answer the question. Many of those respondents indicated that they did not have an alley.

Those who responded YES to the question were asked to identify who plows the alley. They responded:

You/Your Neighbor	10.6%
Private Company	58%
I Don't Know	9.1%
Other	22.3%

Those who responded NO were asked to check off barriers to having the alley plowed. They responded:

I Don't Understand the System or How it Works	11.9%
No One Has Asked Me to Contribute	24.6%
I Am Unable to Pay For the Services	8.5%
Other	70.5%

When asked to provide comment about other reasons the alley does not get plowed, the most common comments related to the difficulty of organizing neighbors and receiving payment. Others indicated that they didn't want or need alley plowing. A tally of the comments related to alley snow plowing is included in the Resident Comments section of this report.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

When asked how important it is for residents to have their alleys plowed for personal vehicle accessibility, trash removal services, emergency service vehicles, and pedestrian mobility, respondents indicated:

Very Important	56%
Important	11.8%
Neutral	9.1%
Less Important	3.8%
Least Important	19.3%

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Resident Comments

In addition to the survey information, residents offered comments on organized trash collection through a variety of methods including:

- Phone calls
- E-mails
- Letters
- Tweets
- Through the Open Saint Paul Survey
- Notes on the bottom of mailed surveys
- Notes on mailed bills

Public Works did not specifically request comments, so not all respondents provided them. However, the following is an attempt to capture a number of the major sentiments expressed through the public commentary received. The number following the topic area is the number of comments received on that topic.

Overall Sentiment Regarding OTC	**# of Comments**
I support organized trash collection	76
I oppose organized trash collection	44
I want to have a choice of hauler	37
I oppose city/government mandate	36
Competition is good/less competition is bad	15
OTC has environmental benefits	13
Compare/miss OTC from another city	11
Regarding Trash Haulers	
I like my current hauler	75
I want to support local, small, independent hauler(s)	42
OTC will put small, local, independent haulers out of business	17
OTC will create a monopoly of large, national haulers	15
Our block/neighbors have organized for a hauler	12
I have had bad experience with a previous hauler	10
Like that hauler takes garbage to burner/Newport	7
Cost	
OTC will cost me more	30
I want cheaper service/not pay more for service	18
OTC will cost me less	11
I want to see as part of property taxes or ROW assessment	5
I want a consistent cost	3
Charge for individual trash bags	3
Concern will have to pay whether or not needed	2

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Container Size-Frequency of Service	**# of Comments**
I want option for shared/low volume/on-call service	53
I only generate a small amount of trash	40
Want option to take own trash	13
Want different size containers (larger or smaller)	7
Want option to suspend service if out of town	7
Want option to opt out	6
Want options for every-other week/less frequent service	5
Additional Services Important/Want to See	
Yard waste collection	23
Incentives to reduce waste	15
Organics collection	6
Bulky or special items	8
Like current ability to add items	5
Coordination of trash and recycling days	4
Special arrangements for less able-bodied	3
Want pick up from alley	3
Senior discount	2
Customer Service	
My current hauler has excellent customer service	10
OTC will mean less customer service	7
Encourage good customer service	7
Issues with current open system	
Too many trucks in alley or streets	42
Noise	9
Dumping	5

Single residents commented on arbitration clauses, didn't know they could find a better price, service areas should be equitable for haulers, don't like contracts, want city employees to pick up, prefer pickup from street not alley.

In addition to comments from residents on OTC, Public Works received a number of comments on alley snow plowing. The following is an attempt to capture the sentiments expressed by residents on alley snow plowing.

Would like to see city organized alley plowing	25
It is difficult to organize and collect payment for alley plowing	25
Don't want or need alley plowing	14
Current system is unrealistic/unworkable	11
I (or my neighbor) do our alley plowing	6
I can't afford to pay for alley plowing	2
I would like to see garbage service and alley plowing combined	2
Don't like my current snow removal service	2

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Single residents commented that organized alley plowing would be too slow, want alley plowing for no charge, and asked why alley plowing isn't included in the city's Right of Way assessment services.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Community Outreach

Public Works staff participated in a series of community outreach activities to answer questions related to OTC, solicit feedback from residents, and encourage completion of the survey. Invitations to meet were extended to all of the district councils and to several community organizations. Language specific focus groups and meetings were offered through community trusted, multi-cultural partners. Below is a list of the larger meetings and presentations that have taken place to date.

Date	Time	District	Event	Outreach Strategy
2/23/2016	6:30 PM	District 15	Highland District Council Community services Committee	Presentation/ Q A
3/6/2016	2:00 PM	District 7	Frogtown Green Gathering	Tabling
3/7/2016	6:30 PM	District 6	District 6 Board meeting	Presentation/ Q A
3/26/2016	12:30 - 3:30 pm	District 13	Fix-It Clinic	Tabling
3/28/2016	6:30 PM	District 11	Environment Committee Meeting	Presentation/ Q A
4/4/2016	6:00 PM	District 6	Taste of North End Annual Meeting	Tabling
4/6/2016	7:30 PM	District 13	Union Park Board Meeting	Presentation/ Q A
4/14/2016	6:30 PM	District 14	Board Meeting	Panel Discussion
4/17/2016	1:00 PM	District 10	Sunday Series - Recycling, organized trash, organics, etc.	Panel Discussion
4/19/2016	6:30 PM	District 5	Environment Committee Meeting	Presentation/ Q A
4/20/2016	6:00 PM	City Wide Participants	Focus Group @ CLUES	Focus Group Discussion plus survey
4/23/2016	9 am - 2pm	DISTRICTS 15 & 14 +	Home Improvement Fair	Tabling
Multiple Dates	Multiple Times	City Wide Participants	Hmong American Partnership	Connection with Established Homeowner Groups, Surveys

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Trash Hauler Meetings

Public Works staff also requested meetings with each of the city's currently licensed, residential trash haulers in order to get their feedback regarding OTC. Staff met with 12 of the 14 licensed, residential haulers. Some of these meetings occurred in groups, some were with individual haulers.

Saint Paul currently has 14 licensed, residential haulers. Four of the haulers are considered to be National/Regional haulers. Ten are considered to be Local/Independent haulers.

Many of the sentiments expressed about OTC are similar for both the local and national haulers. However, there are some aspects of OTC that are more concerning to one group or the other. Below is a summary of the major comments that came out of the hauler meetings.

Concerns

- **Lack of ability to expand or grow business** was a concern expressed by both the local/independent and national/regional haulers. If the city proceeds forward with a consortium model, as described in Minnesota Statute 115A.94, the current market share held by each of the current haulers would remain static for the length of any agreement with the city. While this secures an account base during the term of the contract, it does not allow for any business expansion.

- **Speed of the process.** Some of the haulers expressed concern that the 60 day process required by Minnesota Statute 115A.94 would not provide adequate time for the consideration of a consortium model. There was concern that the city might speed through this process in order to put OTC out to bid.

- **Larger companies are in a better position to absorb lower rates.** The local/independent haulers expressed concern that national/regional haulers can absorb lower rates more easily. They also know that the national/regional haulers hold a larger portion of the market share in Saint Paul. The local/independent haulers are concerned that if a process is established that apportions votes by market share, the national/regional haulers may hold out for lower prices in order to drive OTC out to bid.

- The potential inclusion of a city requirement for **Labor Peace Agreements** was a concern to the national/regional haulers. Local/independent haulers were less concerned that as an issue or barrier. There were questions about what might be required under a labor peace agreement and what the city would consider as a "living wage" salary.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

- Some haulers indicated that the inclusion of **performance bonds and/or high insurance requirements** could present a hardship for smaller, local/independent haulers.

- Some haulers indicated a concern about potential **Hauling Routes.** There was recognition that some areas of the city present more difficulties for haulers than others (more/less dense, narrower alleys, more large or bulky items, higher volumes of trash, etc.). Several indicated concern about working within the current recycling routes and days for collection. They suggested adjusting recycling routes to coincide with trash collection.

- Haulers had a number of questions regarding how the city plans to address **organics collection** and expressed concerns about the lack of infrastructure such as a transfer station.

- **Transfer station capacity** could be an issue if all haulers would be required to use a single location within the city.

- With the Ramsey Washington Energy Board now owning the **Recycling and Energy Center** in Newport, building renovations, upgrades and timing for new tip fees are uncertainties that could be problematic for setting a price for a consortium model.

Other feedback

- Most of the haulers agree that there can be **increased efficiency** for them in having an organized route(s) within the city. Several of them have made efforts to consolidate their business within certain neighborhoods in the city to reduce costs.

- Some haulers indicated that **City owned carts** would be a preference under an organized system. Others were concerned about the amount of investment that had been made in existing carts.

- Several haulers indicated that there would be a preference for the **City to handle customer billing.** They indicated that this would provide more reliable income for the haulers and may help lower prices, as they would be less concerned about delinquent customers.

- As a rule, the haulers indicated the need for maintaining **high quality hauling service and high quality customer service.**

- One hauler indicated that the **fees charged in the Saint Paul market are artificially low** due to the large number of haulers operating within the city. They suggested a cap on the number of haulers operating.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

- Some of the haulers have indicated that **the industry is changing** and that there is a need to be adaptable to keep up with those changes.

- In general, the **trash haulers take great pride** in the work that they do, many of them being in the second or third generation of business ownership.

- The haulers wanted to see the **alleys** plowed but were not necessarily interested in providing that service.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Trash Bill Analysis

Public Works staff requested that residents send copies of their trash bills to the City for review. This exercise was undertaken to get an understanding of the average fee for trash collection within the city and to develop an awareness of the range of fees residents are charged.

Public Works Staff were fortunate to have the assistance from a cohort of University of Minnesota's Humphrey School of Public Affairs Policy Fellows who were interested in learning about the policy creation and public information aspects of OTC. The fellows entered all of the data collected from resident bills and provided the initial analysis of the information. In addition, the fellows created a trash bill information sheet for the Public Works website and conducted interviews with City of Minneapolis staff about the inclusion of Labor Peace Agreements within their trash collection contracts.

Data analyses were conducted on trash invoices and bills sent to city staff from residents. These data summaries and analyses are based only from a snapshot of residents who sent their bills to the city. There is not enough data to claim statistical significance on any metric or to show true representation of all city residents. The information should be viewed as "snapshots of those invoices submitted voluntarily." At least one bill was received for all 14 haulers and from 10 different zip codes.

Data Transfer Process
City staff sent the invoices received from residents to the data analysts. The data from the files were manually transferred to a spreadsheet for analysis. When possible, city staff contacted residents to request missing data elements, such as zip code and size of trash can.

Overview of Data Processed
As shown in Table 1, from the 274 invoices processed, analyses were conducted based on the respective number of invoices that contained the relevant data points. In some cases, invoices were not processed because the data was not comparable. For example, in some cases the cost for trash was combined with a yard waste service. In other cases, an irregular can size was used so the invoices was not included for processing.

Sample Size Totals and Missing Data Elements Overview (Table 1)

	Invoices processed	All data elements present	Missing zip code only	Missing can size only	Contain regular can size, frequency, and amount	Contain regular can size, frequency, amount, and zip
Number of invoices	274	210	17	37	241	199

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Terms

Total Cost represents the total price the customer paid including all taxes, net discounts, and additional surcharges from the hauler. Taxes included on all bills include: 1. Minnesota State Tax (9.75%) credited to the State Environmental Fund and 2. County Environmental Charge (CEC). The CEC rate is 28% for residential customers and funds the Ramsey Washington Recycling and Energy Board's Recycling and Energy Center and supports Ramsey County's household hazardous waste, yard waste and organic waste collection programs. The tax is applied to trash collection and disposal service, fuel surcharges, account start-up or cancellation fees and any other administrative fees.

Surcharges represent any additional fees or surcharges as set by the hauler. Some haulers do not charge additional fees. Surcharges are most often described as environmental fees, admin fees, and fuel surcharges. Added charges do not include county and state taxes.

Weighted Average Price is the average adjusted price figure for can size. Calculations were made on the assumption of 78,200 dwellings. We understand that the weighted average price is an industry standard calculation.

Primary Findings

Figures 2-4 are based on 214 invoices that contained the critical data elements of 1) a regular can size, 2) frequency, and 3) amount.

Invoice breakdown by Can Size (Table 2)

	Small (30-38 gallons)	Medium (50-68 gallons)	Large (90-96 gallons)
Number of invoices	118	68	28

Monthly Price Breakdown Table (Table 3)

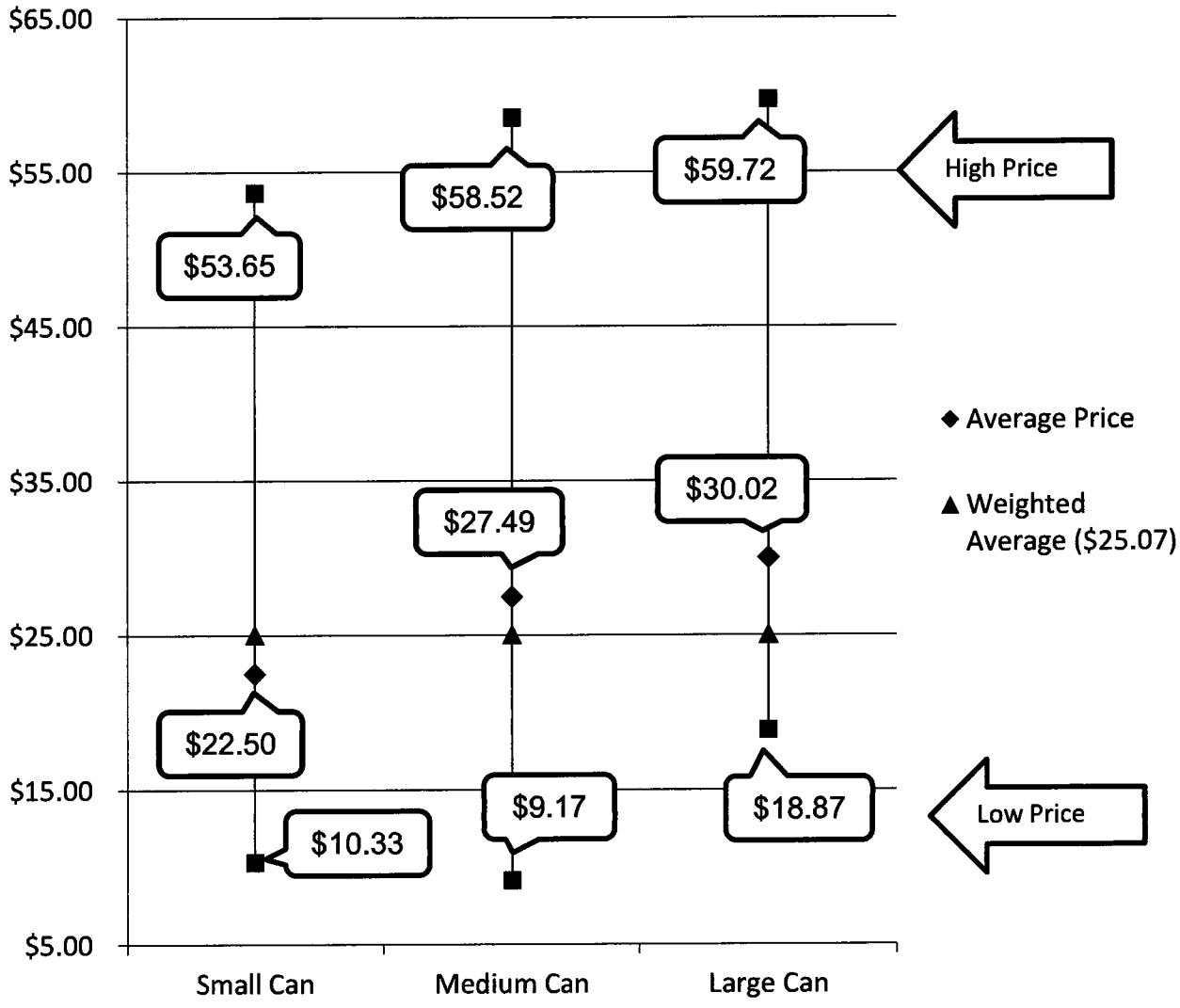
	Small (30-38 gallons)	Medium (50-68 gallons)	Large (90-96 gallons)
High monthly price	$ 53.65	$ 58.52	$ 59.72
Average monthly price	$ 22.50	$ 27.49	$ 30.02
Low monthly price	$ 10.33	$ 9.17	$ 18.87
Median price	$ 22.00	$ 27.19	$ 27.23

High Price to Low Price Differential (Table 4)

	Small (30-38 gallons)	Medium (50-68 gallons)	Large (90-96 gallons)
Difference	$ 43.32	$ 49.35	$ 40.85

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Monthly Price Range and Average Breakdown Chart (n=214 invoices) (Figure 1)



Secondary Findings

The following graphs and calculations used bills that contained required data elements. See respective sample size used for each figure.

Count of Submitted Invoices by Zip Code (total=199) (Table 5)

	Total	Small Can	Medium Can	Large Can
55102	10	4	3	3
55103	20	13	6	1
55104	28	14	9	5
55105	39	22	11	6
55106	29	14	11	4
55107	3	3	0	0

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

55108	10	5	3	2
55116	15	9	3	3
55117	32	15	14	3
55119	17	10	4	3
55124	1	0	1	0

Average Price for Small Can with Minimum of 10 Invoices (Table 6)

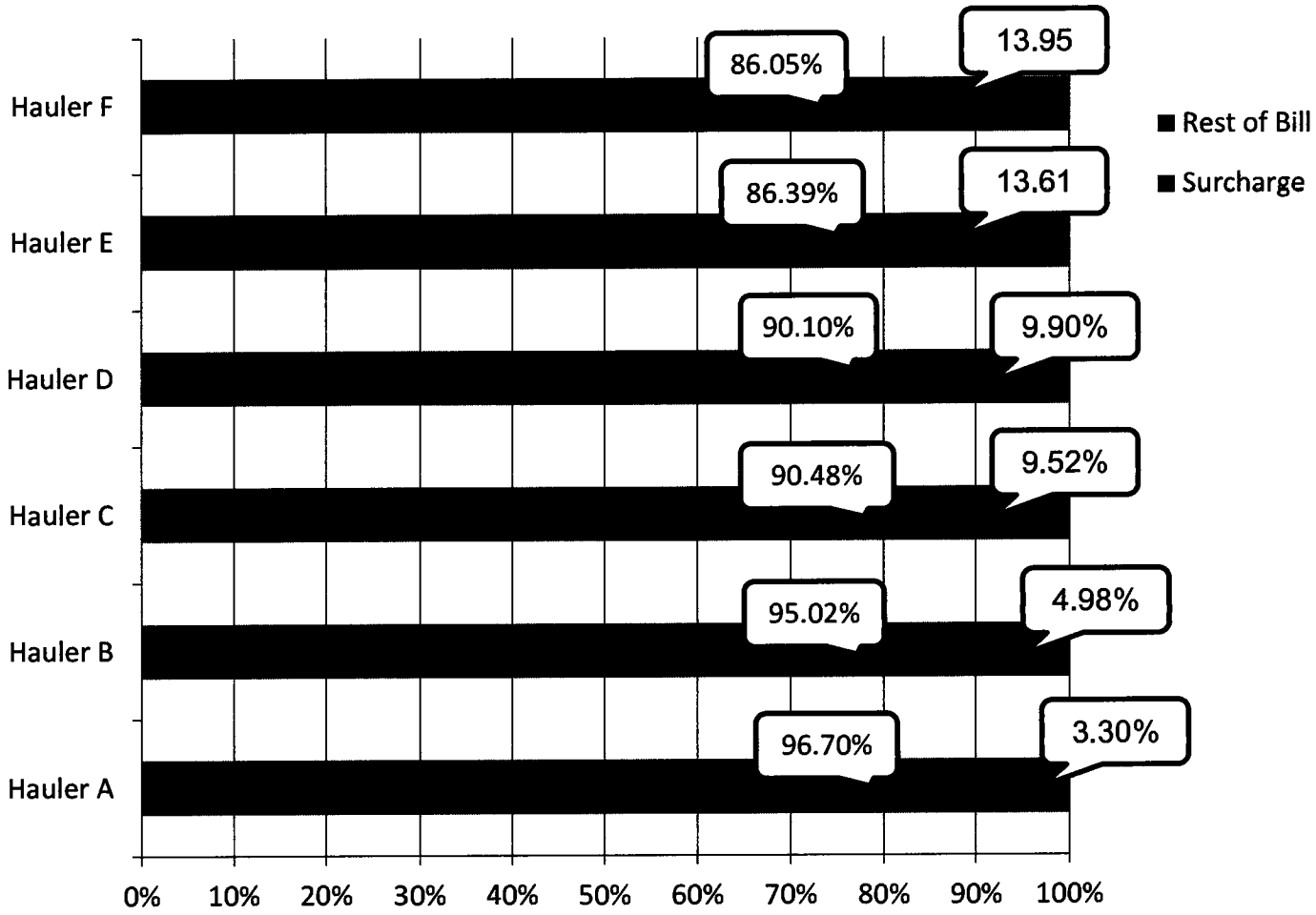
	Number of Invoices	Average Price for Small Can
55103	13	$ 22.25
55104	14	$ 23.96
55105	22	$ 22.63
55106	14	$ 22.23
55117	15	$ 21.94
55119	10	$ 21.80

Surcharges by hauler as represented as a share of total bill (total invoices=135) (Table 7)

	Count of invoices	Average Percent Surcharge as a Portion of Total Bill
Hauler A	17	3.30%
Hauler B	20	4.98%
Hauler C	30	9.52%
Hauler D	26	9.90%
Hauler E	20	13.61%
Hauler F	22	13.95%

Surcharges by hauler as represented as a share of total bill (total invoices=135) (Figure 2)

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM



Summary of Observations

The most notable characteristic is the range in pricing for the same can size. As shown in Figure 1, customers paying the lowest price submitted paid $40.85-$49.35 per month less than the highest paying prices submitted, depending on can size. While the high and low prices are anomalous, it does demonstrate the potential for great variation. The median price was not included on Figure 1 as it was so close to the average, the markers overlapped. For reference, the median is listed in Table 3.

Variation also exists both among haulers who itemize a surcharge on the invoices (6 haulers apply surcharges and 8 do not) and within the amount (see Table 7 and Figure 2). Among haulers listing a surcharge, the percentage share of the bill ranges from 3.30% to 13.95%.

No notable differences (Table 6) were evident among average prices for small cans when broken down by zip codes from which at least 10 invoices were present. The sample sizes of invoices were quite low after sorting by zip code and can size, as seen in Table 5.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Irregular Charges

There an additional 20 invoices of irregular charges, often as one-time pickup. Most bills were from $3.00-$35.00 for miscellaneous pickups such as an appliance. But the exceptions we noticed were some high charges for annual yard pickup of $97.00-$257.00. This made analysis difficult, but would translate to an additional charge of $8.09-$21.42 per month for some residents.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Goal Recommendations

There are several procedural steps a city must take before it is authorized to adopt organized collection of solid waste. These procedures are spelled out in Minnesota State Statute 115A.94 Organized Collection.

Subdivision 4d of the statute requires that a city or town with more than one licensed collector must notify the public and all licensed collectors in the community of the city's intent to consider organized collection. The city must also provide a 60-day period in which meetings and negotiations shall occur exclusively between the currently licensed collectors to develop a proposal to collect solid waste from designated sections of the city. This proposal shall include city identified priorities including issues related to zone creation, traffic, safety, environmental performance, service provided, and price.

Based on the information received through community feedback and prior values expressed by the Saint Paul City Council, the Department of Public Works recommends that, if the City Council proceeds forward with the consideration of Organized Trash Collection (OTC), they adopt the following goals for consideration in negotiations with trash collectors.

A measure of importance has been assigned to help identify those goals that should be given a higher priority during negotiations:

1 = Key Priority
2 = High Priority
3 = Would Like to Achieve

Zone Creation

- Maintain opportunities for small, local, minority and women owned trash haulers (1)
- Support living wage jobs and labor peace agreements (1)
- Create zones that fairly recognize differing neighborhood characteristics and complications (2)
- Coordinate trash and recycling collection days (3)

Traffic & Safety

- Reduce the number of trucks on alleys and streets (1)
- Reduce noise from equipment and operations (2)

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Environmental Performance

- Create routes that minimize the use of fuel and air pollution (1)
- Provide financial incentives to residents to recycle more and divert organic material from the waste stream (1)
- Process trash at Ramsey Washington Recycling and Energy Center (1)
- Use of trucks that utilize best environmental fuel technology (i.e. biogas, compressed natural gas) (3)

Service Provided

- Provide customer service that includes ability to talk to a customer service representative (1)
- Provide options for the disposal of bulky items such as appliances, mattresses, tires, etc. (1)
- Provide consistent customer service across the city (1)
- Provide options for the disposal of yard waste (2)
- Improve access to information for non-English speakers (2)
- Provide arrangements for pickup from less able-bodied residents (2)
- Provide option to increase amount of material removed (i.e. extra bag) (3)

Price

- Provide stable and uniform rates for residents throughout the city (1)
- Reduce costs for a majority of residents (1)
- Provide prices for different size containers (1)
- Provide options for less frequent or temporary suspension of service (3)

Alley Snow Plowing

The City Council requested that Public Works solicit feedback from residents about alley plowing within the city. Residents did express some interest in seeing a more coordinated system for alley plowing. However, given the complexity involved in creating such a system, Public Works would recommend that any consideration of the coordination of alley snow plowing be considered separately from the discussion OTC.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

City of Saint Paul

Signature Copy

Resolution-Public Hearing: RES PH 16-174

City Hall and Court House
15 West Kellogg Boulevard
Phone: 651-266-8560

File Number: RES PH 16-174

Accepting "Organized Trash Collection in Saint Paul: Report on Community Input and Draft Goals and Objectives" from the Saint Paul Department of Public Works.

WHEREAS, on February 24, 2016, the Saint Paul City Council passed a resolution directing the Saint Paul Department of Public Works to solicit input from residents using a variety of techniques in order to develop draft goals and objectives for implementing a system of organized trash collection within the city of Saint Paul; and,

WHEREAS, the Department of Public works conducted a public information campaign utilizing a variety of tools to collect information including a survey on Open Saint Paul; a written survey; general information on the city's web page; notice to traditional, local media outlets; promotion through social media including the city's Facebook page and Twitter account; paid social media to targeted zip codes; articles on city council and district council websites and news outlets; printed brochures available at all libraries and district council offices; a direct mail piece; direct outreach and focus groups through trusted multi-cultural community organizations; and one-on-one conversations with currently licensed trash collectors and at several community meetings and events; and,

WHEREAS, the feedback received through this campaign is summarized in the document *Organized Trash Collection in Saint Paul: Report on Community Input and Draft Goals and Objectives*; and,

WHEREAS, based on the information received through community feedback and prior values expressed by the Saint Paul City Council, the Department of Public Works recommends that, if the City Council proceeds forward with the consideration of organized trash collection, they consider the following goals for meeting the city's objectives for handling solid waste and in preparation for negotiations with trash collectors. A measure of importance has been assigned to help identify those goals that should be given a higher priority: 1 = Key Priority; 2 = High Priority; 3 = Would Like to Achieve

Zone Creation

- Maintain opportunities for small, local, minority and women owned trash haulers (1)
- Support living wage jobs and labor peace agreements (1)
- Create zones that fairly recognize differing neighborhood characteristics and complications (2)
- Coordinate trash and recycling collection days (3)

Traffic & Safety

- Reduce the number of trucks on alleys and streets (1)
- Reduce noise from equipment and operations (2)

Environmental Performance

- Create routes that minimize the use of fuel and air pollution (1)

EXHIBIT E

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

- Provide financial incentives to residents to recycle more and divert organic material from the waste stream (1)
- Process trash at Ramsey Washington Recycling and Energy Center (1)
- Use of trucks that utilize best environmental fuel technology (i.e. biogas, compressed natural gas) (3)

Service Provided

- Provide customer service that includes ability to talk to a customer service representative (1)
- Provide options for the disposal of bulky items such as appliances, mattresses, tires, etc. (1)
- Provide consistent customer service across the city (1)
- Provide options for the disposal of yard waste (2)
- Improve access to information for non-English speakers (2)
- Provide arrangements for pickup from less able-bodied residents (2)
- Provide option to increase amount of material removed (i.e. extra bag) (3)

Price

- Provide stable and uniform rates for residents throughout the city (1)
- Reduce costs for a majority of residents (1)
- Provide prices for different size containers (1)

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul City Council accepts the report *Organized Trash Collection in Saint Paul: Community Input and Draft Goals and Objectives* from the Saint Paul Department of Public Works; and,

BE IT FURTHER RESOLVED, that the Saint Paul City Council will consider the goals identified in the report, and further community input received through a public hearing on those goals, in its continued deliberations about organized trash collection within the city.

At a meeting of the City Council on 6/1/2016, this Resolution-Public Hearing was Passed.

Yea: 6 Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker, and Councilmember Prince

Nay: 0

Absent: 1 Councilmember Thao

Vote Attested by Council Secretary Trudy Moloney **Date** 6/1/2016

Approved by the Mayor Melvin Carter III **Date** 6/3/2016

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Clerk Shari Moore **Date** _____

Shari Moore

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

City of Saint Paul

Signature Copy

Resolution: RES 16-1300

City Hall and Court House
15 West Kellogg Boulevard
Phone: 651-266-8560

File Number: RES 16-1300

Establishing the 60-day negotiation period between the City of Saint Paul and licensed residential trash collectors as per Minnesota statute 115 A.94 Organized Collection.

WHEREAS, Minnesota Statute 115 A.94 authorizes that a city may organize collection of trash, 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; and

WHEREAS, on February 24, 2016, the Saint Paul City Council passed a resolution (RES 16-337) directing the Saint Paul Department of Public Works to solicit input from residents using a variety of techniques in order to develop draft goals and objectives for implementing a system of organized trash collection within the City of Saint Paul; and,

WHEREAS, the Saint Paul Department of Public Works conducted a public information campaign utilizing a variety of tools to collect information including a survey on Open Saint Paul; a written survey; general information on the city's web page; notice to traditional, local media outlets; promotion through social media including the city's Facebook page and Twitter account; paid social media to targeted zip codes; articles on city council and district council websites and news outlets; printed brochures available at all libraries and district council offices; a direct mail piece; direct outreach and focus groups through trusted multi-cultural community organizations; and one-on-one conversations with current Saint Paul residential licensed trash collectors and at several community meetings and events; and

WHEREAS, on June 1, 2016, the Saint Paul City Council accepted the report Organized Trash Collection in Saint Paul: Report on Community Input and Draft Goals and Objectives from the Saint Paul Department of Public Works and conducted a public hearing regarding the goals outlined in the resolution (RES PH 16-174); and,

WHEREAS, Minnesota Statute 115A.94 subd. 4d of the statute requires that a city or town with more than one licensed collector must notify the public and all residential licensed collectors in the community of the city's intent to consider organized collection. The city must also provide a 60-day period in which meetings and negotiations shall occur exclusively between the currently licensed collectors to develop a proposal to collect solid waste from designated sections of the city. This proposal shall include city identified priorities including issues related to zone creation, traffic, safety, environmental performance, service provided, and price, and shall reflect existing haulers maintaining their respective market share of business as determined by each hauler's average customer count during the six months prior to the commencement of the 60-day negotiation period; and,

WHEREAS, based on the information received through community feedback and prior values expressed, the City seeks to implement an Organized Trash Collection (OTC) system with the following priorities (in no particular order within categories):

Must Achieve

- Provide customer service that is consistent across the city and includes ability

EXHIBIT F

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

to talk to a customer service representative.

- Have only one hauler service residences on any given block.
- Require every household to have trash service. (see 4th bullet point below)
- Provide options for the disposal of bulky items such as appliances, mattresses, tires, etc., to reduce illegal dumping and the City's cost of removing dumped items.
- Provide arrangements for pickup from less able-bodied residents.
- Improve access to information for non-English speakers.
- Create routes that fairly recognize differing neighborhood characteristics and challenges.
- Maintain opportunities for small, local, minority and women-owned trash haulers.
- Support living wage jobs and labor peace agreements.
- Provide stable, equitable, and uniform rates for residents throughout the city.
- Realize greater efficiencies to reduce costs for a majority of residents.
- Provide prices for different size containers.
- Create routes that minimize the use of fuel and air pollution and reduce wear and tear on streets and alleys.
- Provide meaningful financial incentives to residents to recycle more and divert organic material from the waste stream.
- Process trash at Ramsey Washington Recycling and Energy Center.
- Design service such that organics collection can be added in the near future.

Would like to achieve

- Provide options for the disposal of yard waste
- Provide option to increase amount of material removed (i.e. extra bag).
- Coordinate trash and recycling collection days.
- Provide options for shared service and temporary suspension of service.
- Use trucks that utilize best environmental fuel technology (i.e. biogas, compressed natural gas).

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul City Council has designated August 15, 2016, as the official date to begin the required 60-day period of exclusive negotiations between existing licensed collectors and the City;

BE IT FURTHER RESOLVED, the Saint Paul City Council approves the City of Saint Paul Priorities document that will be used during the negotiations with the existing licensed residential collectors; and

BE IT FURTHER RESOLVED, the Saint Paul City Council authorizes City staff to work with the existing licensed residential collectors as per the requirements of Minnesota Statute 115A.94 subd.4d; and

BE IT FURTHER RESOLVED, the City shall negotiate in good faith with the existing licensed residential collectors as per the Minnesota Statute toward a mutually agreed upon proposal for consideration by the Saint Paul City Council.

At a meeting of the City Council on 7/27/2016, this Resolution was Passed.

Yea: 6 Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker, and Councilmember Prince

Nay: 0

Absent: 1 Councilmember Bostrom

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Vote Attested by Council Secretary Trudy Moloney — **Date** 7/27/2016

Approved by the Mayor Melvin Carter III — **Date** 7/29/2016

Clerk Shari Moore — **Date**

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

City of Saint Paul

Signature Copy

Resolution-Public Hearing: RES PH 17-203

City Hall and Court
House
15 West Kellogg
Boulevard
Phone: 651-266-8560

File Number: RES PH 17-203

Authorizing staff to begin final contract negotiations with the currently licensed residential trash collectors and suspending the Organized Collection Options Committee.

WHEREAS, Minnesota Statute § 115 A.94, et. seq. (hereinafter "Statute") authorizes a city to organize trash collection and creates a required procedure a city must follow to organize collection of trash; and

WHEREAS, on February 24, 2016, the Saint Paul City Council in RES 16-337 directed the Saint Paul Department of Public Works to solicit input from residents in order to develop draft goals and objectives for implementing a system of organized residential trash collection within the City of Saint Paul; and

WHEREAS, the Saint Paul Department of Public Works conducted a public information campaign and on June 1, 2016, the Saint Paul City Council in RES PH 16-174 accepted the report *Organized Trash Collection in Saint Paul: Report on Community Input and Draft Goals and Objectives* from the Saint Paul Department of Public Works and conducted a public hearing regarding the goals outlined in RES PH 16-174; and

WHEREAS, prior to establishing a committee under subdivision 4a of the Statute, the city must meet and negotiate for a 60-day period exclusively with existing licensed residential trash collectors to develop a proposal to collect trash from designated sections of the city; and

WHEREAS, if the City does not reach an agreement with existing licensed residential trash collectors, the City must create and receive a report from an Organized Collection Options Committee; and

WHEREAS, the Saint Paul City Council in RES 16-1300 designated August 1, 2016 as the official date to begin the required 60-day period of exclusive negotiations between existing licensed residential trash collectors and the City; approved priorities and parameters to guide the negotiations; and authorized staff to conduct the negotiations; and

WHEREAS, the Council on April 12, 2017 in RES 17-579 created an Organized Collections Options Committee to begin work in the event that the negotiations with the existing licensed residential trash collectors does not result in an agreement; and

WHEREAS, since August 2016, City staff and the fifteen existing licensed residential trash collectors, which includes Advanced Disposal, Aspen Waste Systems, East Metro Environmental, Gene's Disposal Service, Highland Sanitation, Garbage Man 1, Garbage Man 2, Ken Berquist & Sons, Krupenny & Sons, Pete's Rubbish Hauling, R&M Sanitation, Republic Services, Triangle Rubbish Service, Walters Recycling and Refuse Inc., and Waste Management, have held sixteen negotiating meetings, both parties have negotiated in good faith, and the collectors have submitted seven proposals for consideration; and

WHEREAS, the City strived to reach all of the priorities outlined in RES 16-1300 including, but not

EXHIBIT G

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

limited to, maintaining current, small, local haulers with one hauler servicing a block; providing consistent and high quality customer service throughout the city with residents able to talk with a customer service representative; providing stable, uniform and equitable rates; realizing greater efficiencies to reduce costs for the majority of residents; reducing truck traffic, noise, air pollution and wear and tear on streets and alleys; providing options for proper disposal of bulky items such as appliances, mattresses, tires, electronics and furniture to reduce illegal dumping; providing financial incentives to residents to recycle more; supporting living wage jobs and labor peace agreements; requiring every household to have trash service; arranging for pickup from less able-bodied residents; providing improving access to information for non-English speakers; and processing trash at the Ramsey Washington Recycling and Energy Center; and

WHEREAS, the final proposal, signed by all fifteen haulers, includes, but is not limited to: one hauler servicing residents on any given block; uniform prices for weekly garbage service in a small, medium and large cart and the option of every other week service; free walk up service for elderly and people with disabilities; up to three large bulky items per year per household and a disposal of a holiday tree included in the base price; easy access for all residents with all households having service with set prices; haulers providing consistent billing and customer service; wage standards that abide by the Living Wage Ordinance and include a $20 per hour minimum wage for drivers; the city providing garbage carts and haulers providing cart management; and

WHEREAS, the final proposal includes an agreed upon Price Work Sheet with additional optional services at a negotiated price, Term Sheet, Cart Management, Billing and Delinquent Account Procedures, Liquidated Damages, Single Entity Contract Framework, and St. Paul Haulers' Service Quality and Service Disruption Avoidance Program; and

WHEREAS, the Council wants to ensure that organized residential trash collection can be implemented in Saint Paul as soon as possible and recognizes that there will be administrative costs associated with implementing and managing a coordinated trash collection system in Saint Paul and will require additional time (Minimum of 12months) for implementation planning; and

WHEREAS, if the negotiations with the existing residential haulers are not completed in a timely manner to ensure logistical and operational processes are in place for a smooth transition by fall of 2018, the City will return to the Options Committee Process in order to establish organized collection in Saint Paul;

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul City Council authorizes City staff to negotiate a final contract with representative(s) of the existing licensed residential trash collectors to be approved by the Council no later than October 4, 2017; and

BE IT FURTHER RESOLVED, that the agreement shall be consistent with the terms contained in the Seventh Proposal from the existing licensed residential haulers which is attached to this resolution, and such agreement shall be executed between the City and an LLC made up of the existing licensed residential trash collectors; and

BE IT FURTHER RESOLVED, the Organized Collection Options Committee is hereby suspended and will be dissolved upon adoption of a final agreement between the City and the LLC consisting of the existing licensed residential trash collectors.

At a meeting of the City Council on 7/26/2017, this Resolution-Public Hearing was Passed.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Yea: 6 Councilmember Bostrom, Councilmember Brendmoen, Councilmember Tolbert, Councilmember Stark, Councilmember Noecker, and Councilmember Prince

Nay: 0

Absent: 1 Councilmember Thao

Vote Attested by Council Secretary Trudy Moloney **Date** 7/26/2017

Approved by the Mayor Melvin Carter III **Date** 7/28/2017

Clerk Shari Moore **Date**

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

City of Saint Paul

Signature Copy

Resolution: RES 17-1776

City Hall and Court House
15 West Kellogg Boulevard
Phone: 651-266-8560

File Number: RES 17-1776

Approving the final contract with an LLC comprised of the currently licensed residential trash collectors to provide trash collection to residents of the City of Saint Paul.

WHEREAS, Minnesota Statute § 115A.94, et. seq. authorizes a city to organize trash collection and creates a required procedure a city must follow to organize collection of trash which includes a requirement that a city negotiate with currently licensed residential trash collectors for a minimum of sixty (60) days before considering any other options; and

WHEREAS, in RES 16-1300, the City Council designated August 1, 2016 as the official date to begin the statutorily-required 60-day negotiation period with currently licensed residential trash collectors; and

WHEREAS, after eleven months of preliminary negotiations, on July 26, 2017 in RES 17-203, the City Council authorized City staff to negotiate a final and complete contract with representatives of the existing licensed residential trash collectors; and

WHEREAS, City Staff and the representatives of the existing licensed residential trash collectors have completed final negotiations that have resulted in a final contract, such contract and its attachments are attached hereto; now, therefore, be it

RESOLVED, that the City Council hereby authorizes the execution of the attached contract between the City of Saint Paul and St. Paul Haulers, LLC for the LLC to provide trash collection services and authorizes the proper City officials to execute an agreement with St. Paul Haulers, LLC, which shall be signed by the LLC no later than November 13, 2017.

At a meeting of the City Council on 11/8/2017, this Resolution was Passed.

Yea: 5 Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Stark, and Councilmember Noecker

Nay: 2 Councilmember Bostrom, and Councilmember Prince

Vote Attested by Council Secretary Trudy Moloney

Date 11/8/2017

EXHIBIT H

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Approved by the Mayor Melvin Carter III **Date** 11/9/2017

Clerk Shari Moore **Date**

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Exhibit 1

List of St. Paul Haulers, LLC Members

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Exhibit 1

Advanced Disposal Services Solid Waste Midwest, LLC

Allied Waste Services of North America, LLC d/b/a Republic Services of the Twin Cities

East Metro Environmental

Gene's Disposal Service

Highland Sanitation, Inc.

Garbage Man 1

Garbage Man 2

Ken Berquist & Son Disposal, Inc.

Krupenny & Son's Disposal Service, Inc.

Pete's Rubbish Hauling

R&M Sanitation

Aspen Waste Systems of Minnesota, Inc.

Triangle Rubbish Service

Waste Management of Minnesota, Inc.

Walter's Recycling and Refuse, Inc.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Exhibit 2

Collection Day and Collection Zone Map

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Exhibit 3

Cart Management Plan

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Exhibit 3
Cart Management: Procedures & Guidelines

1. Transition Plan

1.1 Trash Carts

Current hauler-owned Trash Carts at homes in St. Paul shall be picked up in coordination with the delivery of new City Trash Carts. The delivery schedule shall be coordinated with the Consortium and Consortium Members, so that when the City Trash Carts are delivered, the hauler-owned Carts shall be removed within thirty (30) days of delivery. Exact time frames for Trash Cart delivery and removal will be determined in greater detail as part of the ongoing implementation process with the City.

1.2 Yard Waste Carts

Yard Waste Carts will be owned, managed and inventoried by the Consortium or a Consortium Member. Pick-up and delivery of Yard Waste Carts shall be coordinated by the Consortium and between Consortium Members so the RDU is not without a Yard Waste Cart during the transition. The exact time frames for Cart delivery and removal to be determined in greater detail as part of the ongoing implementation process with the City.

2. Cart Management

This Section is for one-time Cart management around the time of the launch of the new coordinated collection service.

2.1 The City will provide a list of addresses and the associated Cart serial numbers to the Consortium. Each Consortium Member is responsible for recording and updating this list with any changes in Carts including serial numbers.

2.2 RDU contacts the Consortium Member or is directed by the City to contact the Consortium Member.

2.3 RDU is eligible for one free Cart size switch per year (with the exception for new owners, but not new renters). No Cart switching will occur during the first 90 days of service under the new coordinated collection system.

2.4 If request is for the same size Cart, the Consortium Member determines whether the Cart replacement requires a fee or if damage was from normal wear & tear/usage of the Cart or cracks or damage from the Cart unloading process, in which case the RDU is not liable for replacement costs. The City will be notified of determination of cause of damage as part of the monthly Cart reporting process.

2.4.1 Exact specifications of what is covered by warranty or what warrants a replacement Cart fee to be determined in greater detail as part of the ongoing implementation process with the City.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

2.5 If the request is for a different size Cart, the Consortium Member determines whether the RDU has used their 1 free Cart size exchange for the year.

2.5.1 If the RDU has used their 1 free exchange, the Consortium Member shall notify the RDU about the charge to switch sizes.

2.5.2 If the RDU has not used their 1 free exchange, the Consortium Member shall notify the RDU that this is their only free exchange until the following year.

2.6 The Cart is to be replaced on a day of the Consortium Member's choosing, no later than 1 week from being notified of the request to exchange Carts. The RDU will be given notice as to the day the swap will be made. The RDU will be instructed to keep the Cart empty for removal.

2.7 In the event an RDU did not receive a Cart during the initial distribution, the City shall negotiate a fee with the Consortium to deliver a Cart within seven (7) days from the time of the request.

3. Ongoing Cart Management

This Section is for new account starts and cancellations.

3.1 When a property owner moves, the Cart is left at the RDU until the new property owner sets up service. The Consortium Member is not to provide service until the new property owner sets up service.

3.2 If the new property owner does not want to use the same size Cart, the RDU is allowed to swap the Cart out for a different size at no charge.

3.2.1 The property owner will be informed that this Cart size change counts as their one free exchange for the year.

3.3 The Cart is to be exchanged on a day of the Consortium Member's choosing, no later than 1 week from being notified of the request to exchange Carts. The RDU will be given notice as to the day the swap will be made. The RDU will be instructed to keep the Cart empty for removal.

3.4 The Consortium shall remove a Cart or deliver a Cart to a Registered Vacant property as described in Section 2.11 of the Contract.

3.5 For new properties and those RDU's that did not receive a Cart during the initial distribution, the Consortium shall deliver a Cart within seven (7) days from the time of the request.

4. Ongoing Cart Management Repairs

4.1 To the best of Consortium Member ability, the Cart is to be repaired (or replaced if needed) on site on a day of the Consortium Members choosing, no later than 1 week from being notified of the request for a repair.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

4.2 If a replaceable component on the Cart is damaged, the Consortium Member is responsible for repairing the Cart. The Cart may be repaired at the RDU or replaced and the Cart repaired elsewhere.

4.3 If the Cart cannot be repaired on site, the Consortium Member must notify the RDU that the removal of the Cart to be repaired or replaced will count as a Cart exchange for a fee if one Cart exchange has been recorded to date.

5. Ongoing Cart Management (Inventory Control)

5.1 Each Consortium Member will be responsible to store and maintain a variety of sizes of Carts that is representative of supply currently in use per their market share.

5.2 The Consortium Member is responsible for tracking repairs and size swaps as well as documenting and handling all warranty requirements.

5.2.1 The Consortium Member is responsible to keep a supply of spare parts (i.e. lids, wheels and axels) to be used for repairs.

5.2.2 The Consortium Member may not recycle or dispose of a Cart without City approval. The City reserves the right to either provide services to recycle or dispose of the Cart or require the Consortium Member to recycle or dispose of the Cart.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Exhibit 4a

Price Worksheet

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Exhibit 4.a

All prices shall be in units of "$ per household per month" ($ / HH / month) unless specified otherwise

Prices in this schedule are for the base collection and disposal services only without the Ramsey County Environmental Charge (CEC) and the Minnesota State Solid Waste Management Tax, which will be billed to RDUs by the Consortium Members. Prices also do not include other applicable taxes pursuant to Section 3.1.4 of the Contract Agreement to be billed to RDUs as provided for in the Contract..

Disposal costs adjustments will be made for changes (up or down) based on the contracted hauler tipping fees at the Ramsey/Washington Recycling & Energy Center.

Annual increases on the non-fuel portion of the base collection price only (not the disposal price or other prices) will be allowed annually.

Fuel surcharge increases or decreases on the fuel portion of the base collection price only (not the disposal price or other prices) will be allowed annually.

Prices on this Exhibit 4.a, except for disposal, are guaranteed for the first contract period, currently estimated to start on October 1, 2018 and end on December 31, 2019. Annual adjustments thereafter shall be made pursuant to the Contract Section 2.15.2.

Service Level		Collection	+	Disposal (2017 - As Proposed)	=	TOTAL		(Units)
"Base" Trash - Carted Service ($ per household per month)								
Small cart (e.g., 35-gallon)	Every other week (EOW)	**$9.07**	+	**$1.99**	=	**$11.06**		($ / HH / month)
Small cart (e.g., 35-gallon)	Weekly	**$10.88**	+	**$2.40**	=	**$13.28**		($ / HH / month)
Medium cart (e.g., 65-gallon)	Weekly	**$11.88**	+	**$6.29**	=	**$18.17**		($ / HH / month)
Large cart (e.g., 95-gallon)	Weekly	**$11.88**	+	**$7.59**	=	**$19.47**		($ / HH / month)
Trash - Overflow service								
Extra per bag outside cart	As needed					**$3.00**		($ / bag)
Extra Cart		**$5.00**	+ Appropriate disposal price by cart size					($ / HH / month)
Bulky Items:								
For small: EOW and weekly Trash service levels, Bulky Waste price for "up to 2" Bulky Waste items for ongoing Bulky Waste collection service, year-round.	As needed					**$1.32**		($ / HH / month)
For medium and large Trash service levels, Bulky Waste price for "up to 3" bulky items for ongoing Bulky Waste collection service, year-round.	As needed					**$1.99**		($ / HH / month)
(See Exhibit 4.b for the added charges for Bulky Waste items above the 2 or 3 maximum per year)								
Additional Service Charges:								
Walk up service up to 100 feet (Residents who do not meet criteria for No Charge)	As needed					**$25**	per trash cart	($ / HH / month)
Walk up service over 100 feet (Residents who do not meet criteria for No Charge)	As needed					**$50**	per trash cart	($ / HH / month)
Return fee or Off day service pick up	As needed					**$40**		(per request)

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Cart size change fee (if more than one per year)	As needed		**$25**	(per request)
Yard Waste: (Yard waste prices shall be inclusive of collection and processing/composting.)				
Subscription (Ongoing 2019 and beyond):				
Full season yard waste subscription service with a 65 gallon cart (includes up to 8 extra compostable bags outside of cart)	Weekly during season	April 15 through November 30, (weather permitting).	**$120**	($ / HH / year)
Subscription (Prorated for 2018 only):		October 1 through November 30, 2018 (weather permitting).	**$35**	($ / HH / remainder of season)
Non-subscription service: Per compostable bag	As needed	April 15 through November 30, (weather permitting).	**$3.00**	($ / bag)
Holiday Tree Pickup - 6 ft. limit; January 1-15th			**"No charge"**	
Additional Price: Cart Removal Fee from Vacant Properties			**"No charge"**	
Additional Price for the Haulers Do the Billing			**$1.99**	($ / HH / month)

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Exhibit 4b

Bulky Price List

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Exhibit 4.b Bulky Waste Items

All Prices shall be in units of "**$ per item.**"

Prices in this schedule are for the base collection and disposal services only without the Ramsey County Environmental Charge (CEC,) without the Minnesota State Solid Waste Management Tax, or without other applicable taxes pursuant to Section 3.1.4 of the Contract Agreement. No additional administrative fees, environmental charges, or fuel surcharges are allowed.

This list is intended as a general guide of the types of Bulky Waste items to be collected in each of the three (3) price categories. It is not intended to be an exhaustive list of all potentially Bulky Waste items eligible for collection under this Contract. Rather, these items represent the size and general handling characteristics as examples under each price category. The Consortium or City may request amendments to this list from time to time.

$10 Bulky Waste Items	$20 Bulky Waste Items	$35 Bulky Waste Items
Car seats Baby or booster seat large/regular **Carpet** Area rug (3 feet by 5 feet average) **Chairs** Dining room/desk/kitchen/stool/high chair **Children's toys** (doll house, big wheel) **Additional Holiday tree** - Up to 6 feet **Holiday tree** - 6 feet or taller **Doors** Bi-fold **Dressers** Child/nightstand **Medicine Cabinets Mirror** Small - Up to 3.5 feet in length and width **Table** Card/plastic **Toilets** Without tank **Vacuum Cleaner** **Windows** Screen **Tires** Car without rim Truck without rim	**Bathtubs** Fiberglass **Beds** Bed frame headboard, footboard **Baby Crib Bikes** Child or adult **Book Case Carpet** Pad (5 feet max. length: cut and rolled) **Chairs** Stuffed or recliner **Couches** Sectional - each piece (non-sleeper) **Desks** Child wood **Doors** Screen or hollow interior shower door **Dressers** Large **Electronic Recyclables** Small items like keyboard, VCRs, DVD players **Garage Door Opener** (Rails must be broken down) **Mirrors** - Up to 6 feet in length **Sinks** Bath (single or pedestal) kitchen **Tables** Coffee or end **Tires** Car with rim Truck with rim **Toilets** With tank **Water softener (empty only) Windows** Single	**Appliances - large** Non-Freon (washer, dryer, water heater, etc.) Freon (refrigerator, freezer, air conditioner, etc.) **Bathtubs** Cast iron (must be broken up) **Beds** Mattress and box spring **Carpet** - per room (average room size: 12 feet X 12 feet) (5 feet max. length: cut and rolled) **Couches** Love seats Hide-a-bed couch/frame (mattress-separate item) Futon (mattress-separate item) **Desks** Metal **Doors** Interior (solid) exterior siding glass (each piece) **Exercise equipment Electronic recyclables** *TVs and computer monitors **Gas grill** (no tank) **Lawn mower or snow blower** (gas & oil drained) **Mirror** - 6 feet or larger in length or width **Sinks** Bath (vanity) Laundry tub (non-concrete) **Tables** Kitchen or dining room **Trampoline** **Windows** Double triple or larger

* TVs larger than 26 inch screens, console TVs and rear projection - $20.00 surcharge

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Exhibit 5

Saint Paul Service Quality and Service Disruption Avoidance Program

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Exhibit 5

Service Quality and Service Disruption Avoidance Program

St. Paul Haulers, LLC, leveraging over 700 years of experience in St. Paul, will provide quality, consistent, efficient and effective service with minimal disruptions in accordance with the published city goal to the citizens of St. Paul. The LLC will achieve this objective through a commitment to avoiding service interruptions and through specific minimum expectations across all haulers on wages, safety and training. The LLC commits to the specified compliance plans for each of the four sections listed below. The outlined Service Quality and Service Disruption Avoidance Program ensures that the needs of the city, its residents, the haulers and their employees are met by avoiding disruption of trash collection, by compensating drivers with wages well above both the minimum requirement and the living wage standard, and maintaining highly skilled and safety-conscious team of professional drivers.

1. Service Disruption Avoidance Plan

If any Hauler is unable to service its accounts, the LLC will provide backup service.

Haulers shall perform all obligations of the LLC in a professional and workmanlike manner in compliance with the agreement and abide by all applicable federal, state and local statutes, rules, regulations, ordinances, permits and orders for the City of St. Paul, Ramsey County, the Recycling and Energy Center and the state of Minnesota. Each hauler shall bear all costs of performing the waste collection in its respective Hauling District.

Compliance Plan: For the first six (6) months of the Contract, the City and the LLC will meet at least once per week to review the prior week's service performance. This will identify any gaps in service that have or have not been rectified by the LLC. The LLC will meet with the City a minimum of onetime per month throughout the remainder of the Contract. The City or LLC can schedule a meeting to discuss service performance or contract related issues as needed anytime throughout the term of the Contract.

2. Wage & Benefits Plan

The LLC is committed to paying drivers involved in waste collection of residential customers in St. Paul at a rate well above the Living Wage, as specified in the Saint Paul Living Wage Ordinance. The LLC agrees that individual Haulers shall pay drivers working on St. Paul routes a minimum hourly rate of $20.00/hour, excluding benefits. This is currently more than double the prevailing minimum wage of $9.50 and over 50% higher than the Living Wage Standard, excluding benefits. The LLC agrees that individual Haulers shall pay drivers servicing St. Paul residential routes both health insurance and other benefits valued at a minimum of 20% above the base rate of $20.00/hour ($4.00 per hour) or pay the drivers the equivalent of such health insurance and other benefits in wages. This will ensure that the Haulers maintain a substantial premium above the living wage standards with and without benefits and above the federal

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Drug and Alcohol Policy - Each Member will be required to have a Drug and Alcohol Policy that meets the requirements of the Federal Motor Carrier Safety Administration.

Personal Protective Equipment –All drivers will be required to have the below Personal Protective Equipment and use it when the Member company's management deems it necessary to the safe completion of their job.

1. Safety Glasses
2. 6 inch lace up boots with steel toe
3. Gloves
4. High Visibility outer layer
5. Hard Hat

New Driver Training - Additionally, drivers servicing residents of St. Paul will have completed a minimum of one week behind the wheel training conducted by a certified driver trainer.

Compliance Plan. Quarterly certification of safety and training programs to include written validation of OSHA training, including training logs. On a recurring basis, the City and St. Paul Haulers will - review the prior quarter's safety performance with the purpose of identifying any gaps in safety or training that have or have not been rectified by that hauler and/or the hauler consortium. If desired after review of the prior quarter's service performance, the City or the Haulers can schedule a meeting to discuss the prior quarter's service performance.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Exhibit 6

Affirmative Action

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

DEPARTMENT OF HUMAN RIGHTS AND
EQUAL ECONOMIC OPPORTUNITY
Jessi Kingston, Director

CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

280 City Hall
15 Kellogg Boulevard West
Saint Paul, MN 55102-1659

Telephone: (651) 266-8900
Facsimile: (651) 266-8919
TDD: (651) 266-8977

AFFIRMATIVE ACTION / EQUAL EMPLOYMENT OPPORTUNITY
CONTRACT SPECIFICATIONS

Definition of Terms:

1. **What is considered City Funds?** money originating from the City of Saint Paul or other federal and state funds. This is defined as money originating from Capital Investment Bonds (CIB), U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG), Federal Low Income Housing Tax Credits (LIHTC), Housing Redevelopment Authority (HRA), Home Investment Partnership Program (HOME), Metropolitan Council funding programs, multi-family Housing Revenue Bonds, Sales Tax Revitalization (STAR), Tax Increment Financing (TIF), and any combination of loans, grants, and land write-down or other funding vehicles.
2. **What is considered a Contract?** (for AA/EEO compliance monitoring, the word "contract" is use to refer to all agreements) a formal agreement between the City of Saint Paul and a contractor or other business. A contract is defined as a development agreement, master contract, a professional service agreement, a purchase order, a service agreement, and any other contract where the City provides funding.
3. **Who is a Contractor?** Any person entering into a contract or agreement with the City of Saint Paul.
4. **Person:** includes natural persons, firms, corporations, partnerships, joint ventures, companies, organizations, for profit and nonprofit, agencies, clubs, groups, or any other association of natural persons, legal entities, or both.

1. The City of Saint Paul Human Rights Ordinance, Section 183.04 of the Saint Paul Legislative Code and Rules Governing Affirmative Requirement in Employment requires persons who have been awarded or enter into a contract with the City that meets or exceeds $50,000 within the preceding twelve-month period to submit the company's Affirmative Action Program (AAP) to the City for certification.
    a. There is a fee of $75 to cover the costs of certifying the affirmative action plan for compliance.
    b. An Affirmative Action Program (AAP) Registration document is provided by the City for contractor to use as needed in lieu of submitting an AAP. Affirmative Action Program certification shall apply at all times during the performance and term of the contract.
2. The AAP certification document indicates that equal employment opportunity is the policy of the contractor, that the contractor is committed to affirmative action, that the contractor fully supports incorporation of non-discrimination and affirmative action rules and regulations into contracts and agreements, and that the contractor intends to implement those policies.
3. The contractor shall take specific actions to ensure equal employment opportunity. The evaluation of the contractor's compliance with these specifications must be based upon its effort to achieve maximum results from its actions. Good faith effort affirmative action steps are as follows but not limited to:

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

a. Designating a responsible official to monitor employment activities.

b. Maintaining an environment free of harassment, intimation, coercion and discriminatory acts.

c. Establishing and maintaining face-to-face relationships with recruitment sources for people of colors and individual with disabilities.

d. Annually reviewing the affirmative action plan activities.

4. If the contractor fails to comply with the requirements of Section 183 of the Saint Paul Legislative Code, its implementing rules, or these specifications, the Director may proceed with appropriate sanctions, including: suspension, termination, cancellation of existing contracts until corrective steps are taken, and declarations of non-eligibility to bid or a combination these.

5. The contractor shall not enter into any contract or agreement with any person or firm debarred from government contracts under Section 183 of the Saint Paul Legislative Code, Chapter 139 of the Minneapolis Ordinances, Federal Executive Order 11246, or whose state certificate of compliance has been suspended or revoked pursuant to Minnesota Statutes, Section 363.073.

Contact:

HREEO
AA/EEO Contract Compliance Officer
Email: affirmativeaction@ci.stpaul.mn.us
Phone: 651-266-8900

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

SUPPLEMENTAL
WORKFORCE INCLUSION GOALS FOR CONSTRUCTION CONTRACTS
Effective July 17, 2017

The following supplemental AA/EEO specifications shall apply to all contracts for construction which receive City funding. All contractors shall include these Supplemental AA/EEO Specifications for construction contracts in all lower tier contracts for construction work. Developer and Prime contractor shall communicate to all subcontractors the following:

City workforce utilization goals for City funded construction projects of $50,000 or more are expressed as a percentage of the total hours performed by female and minority construction workers.

32% Minority Total Project hours
20% Female Total Project hours

After the contract has been awarded, but before construction begins, all contractors that have been selected to work on the project will be required to meet in a Pre-Construction Conference with the Compliance Officer been assigned to monitor the project. This conference will be held to discuss the utilization goals for minority and women, how the goals will be met, and any problems that may affect the project's ability to achieve the goals.

Every contractor must submit the **Identification of Prime Contractors** identifying the names, addresses, telephone numbers, start date, completion date and nature of work must be listed for the each contractor, as well as all lower tier contractors (including material suppliers).

All lower tier or sub-contractor must complete and submit to the Prime the Mandatory **Project Employment Utilization (PEU)** form indicating the total number of project work hours they anticipate it will take to complete their scope of work on the construction project, the total women work hour and total minority work hours. All contractors must indicate on the bottom of the PEU form if they will meet the goals through their internal work force or by hiring additional employees. If they are unable to meet the goals, they must indicate the reason at the bottom of the PEU form. The Prime must collect and submit all the PEU forms to the City's AA/EEO Compliance Officer at: affirmativeaction@ci.stpaul.mn.us

Workforce inclusion on construction projects is generally monitored via certified payroll in **LCP Tracker.** The LCP Tracker service is a paperless, online system of entering Certified Payroll Reports. Payroll data may be entered directly into the system or uploaded from major construction accounting and payroll programs. In LCP Tracker, contractors are required to select the job classification, gender and race of each individual worker. In the rare instances where LCP Tracker is not used, contractors shall report monthly workforce inclusion manually on the Monthly Employment Utilization (MEU) form.

Failure to make Good Faith Efforts:
Should a contractor fail to make and demonstrate a good faith effort to meet the goals for participation of women and minorities set forth in these specifications, the Director may take appropriate measures to sanction the contractor pursuant to Section 183 of the Saint Paul Legislative Code.

Questions/Concerns:
AA/EEO Contract Compliance Officer
Email: affirmativeaction@ci.stpaul.mn.us
Phone: 651-266-8900

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

City of Saint Paul

MANDATORY: PROJECT EMPLOYMENT UTILIZATION (PEU)

(To be completed by all contractors performing labor on the job. Please return completed form to the General Contractor or email the completed form to affirmativeaction@ci.stpaul.mn.us)

PROJECT DESCRIPTION_____

CONTRACTOR NAME_____PRIME_____SUB_____

ADDRESS_____TELEPHONE

TYPE OF WORK TO BE PERFORMED_____

CONTRACT AMOUNT_____EST START DATE_____EST COMPLETION DATE_____

WORKFORCE INCLUSION GOALS (City Funded Projects):

Minority Skilled/Unskilled Hours	**32% of Total Project Work Hours**
Female Skilled/Laborer Hours	**20% of Total Project Work Hours**

Please complete the section below and include your company's anticipated construction work hours on the project:

A. TOTAL PROJECT WORK HOURS _____

B. TOTAL MINORITY WORK HOURS _____ _____% **[(B÷A) ×100]**

C. TOTAL FEMALE WORK HOURS _____ _____% **[(C÷A) ×100]**

D. TOTAL NO. OF EMPLOYEES TO WORK ON PROJECT _____

Indicate if company will use current employees and/or hire additional workers to meet the utilization goals for this project. If you are unable to meet the goals, indicate the reason below. Include the name, job title, race, gender and hire date for all current employees in the job categories which will be used on this project:

_____

_____

_____

_____

_____ _____

NAME (PLEASE PRINT) SIGNATURE

_____ _____

TITLE DATE

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Exhibit 7

Vendor Outreach

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

VENDOR OUTREACH PROGRAM
Human Rights & Equal Economic Opportunity

The goal of the Vendor Outreach Program ("VOP") is to encourage contracting with local small business

VOP helps local small, small minority-owned and small woman-owned businesses take part on City contracts. The Saint Paul Administrative Code (chapter 84) governs VOP. Generally, there is a $50,000 threshold for VOP applicability. A small business set-aside program does exist for contracts under $50,000, in certain circumstances.

VOP strives to award as many purchases goods, services, and construction to eligible local businesses. The Central (CERT) Certification Program certifies eligible businesses. Generally, there is a goal to award at least 25% of opportunities to certified businesses. The 25% business inclusion is broken down as follows

- 5% to minority-owned business enterprises (MBE)
- 10% to woman-owned business enterprises (WBE)
- 10% to other small business enterprises (SBE).

However, VOP evaluates each project and contract on its own. Goals may vary for several reasons, such as actual available business opportunity.

The federal DBE program will govern certain City contracts. If that is the case, you are subject to DBE requirements and not VOP. If DBE applies, information pertaining to such requirements will be included.

Procedure

Under VOP, you must seek vendors that are currently certified. The searchable database of certified companies is at https://cert.smwbe.com. There is information on this page explaining how to get a Vendor List or access. CERT staff will attempt to respond to your request within 2 business days. You will report on VOP through our online Contract Compliance Monitoring Software, B2Gnow.

How a business can be certified

Generally, businesses can be certified if they are located in the eligible area and qualify as a small business. Once a business meets those two qualifications, they can also certify as being woman-owned or minority-owned.

Eligible businesses may be located in any of the following counties: Anoka, Benton, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Stearns, Washington Wright, Pierce (WI), St. Croix (WI).

Whether a business qualifies as small depends on their revenue and their applicable NAICS codes. Certain types of businesses (such as subsidiaries and franchisees) may not be eligible for certification. For specific information please e-mail cert@ci.stpaul.mn.us or call 651-266-8900 and ask for CERT staff.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

DEPARTMENT OF HUMAN
RIGHTS AND EQUAL ECONOMIC
OPPORTUNITY

CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

280 City Hall
15 West Kellogg Boulevard
Saint Paul, MN 55102-1681

Telephone: (651) 266-8904
Facsimile: (651) 266-8919
TDD: (651) 266-8977

City of Saint Paul
Vendor Outreach Program
Good Faith Effort Standards
Excerpted From Chapter 84 of the Saint Paul Administrative Code

The steps listed below are not a checklist, but rather a set of guidelines meant to provide various ways to exhibit good faith efforts. This is not an exhaustive list. To truly display a good faith efforts showing within the spirit of the Saint Paul Administrative Code good faith efforts will be evaluated throughout the life of the contract. If a contract fails to meet the VOP goals at the end of the contract, appropriate documentation must be submitted to the Vendor Outreach Coordinator explaining why.

(a) *Good faith efforts required.* On any contract with the City where a contracting party has failed to meet the established level of certified vendor participation, good faith efforts to meet such levels must be shown. Levels of certified vendor participation are evaluated throughout the duration of the contract.

(b) *Factors to be considered.* When determining whether a good faith effort has been established the City will consider all relevant efforts, including but not limited to the following factors:

(1) List each possible subcontract opportunity in the contract, indicating where possible the NAICS Code (or NIGP Code) of such work, seeking the assistance of the department in ascertaining such subcontract opportunities.

(2) Obtain access to the CERT Certified Vendor Online Directory or an exported list of the CERT certified businesses from CERT staff and search for current CERT certified SBEs, MBEs and WBEs.

(3) Attend all pre-bid and pre-construction conferences to obtain information about the Vendor Outreach Program, the levels of participation of CERT certified SBEs, MBEs, and WBEs, and the outreach requirements herein.

(4) Request assistance from local small business related organization; minority and women community organizations; minority and women contractor groups; or other organizations that provide assistance in the recruitment and placement of SBEs, MBEs, and WBEs.

(5) Solicit bids from CERT certified SBEs, MBEs and WBEs, which have been identified as being available and capable of performing the necessary work for the business opportunity within the contract within sufficient time for such business to provide a response, but at no time less than (10) business days prior to bid opening, by phone, fax, electronic mail, internet or other social media.

(6) Advertising available business opportunities in local papers, minority publications, and women publications.

(7) Solicit bids from a minimum of three (3) such certified businesses for each business opportunity available within the contract. Bidders who continuously list the same certified SBEs, MBEs and WBEs as having been contacted and listed as unavailable, when contact has previously been unsuccessful as a result of disconnected phone numbers or returned mail, will not be deemed to have made good faith efforts.

(8) Provided plans and specifications; information regarding the location of plans and specifications; or other necessary information regarding the opportunity to SBEs, MBEs and WBEs in a timely manner.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

(9) Where applicable, advise and make efforts to assist interested CERT certified SBEs, MBEs and WBEs to obtain bonds, lines of credit or insurance, or other potential capacity barriers required to perform the contract.

(10) Submit documentation if responses from CERT certified SBEs, MBEs or WBEs were rejected, giving the complete basis for the rejection and evidence that the rejection was justified.

(11) Encourage potential SBE, MBE and WBE candidates to become CERT certified.

(c) *Failure to meet good faith efforts.*

(1) A contracting party who fails to meet established goals and provide sufficient good faith efforts shall be subject to a penalty, the amount of which shall be calculated as follows:

The difference between the established Vendor Outreach Program goal based off of the available business opportunity on the contract that failed to establish good faith efforts and the actual goal achieved/actual amount contracted with CERT certified businesses.

(2) Additionally, a contracting party who fails to meet established goals and provide sufficient good faith efforts on a project will be deemed a non-responsible bidder and placed on a list of ineligible bidders for a period of one year. During the period of ineligibility, the contracting party may request a review of its subsequent efforts to work with SBEs, MBEs, and WBEs on projects with other entities within the Marketplace for the purpose of being removed from the list and reinstated as an eligible bidder.

(3) A contracting party found to have failed to provide good faith efforts shall be notified in writing of the determination. The notice must contain the amount of penalty being imposed, the date upon which placement on the ineligible list occurs, and the method for appealing the determination.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

DEPARTMENT OF HUMAN
RIGHTS AND EQUAL ECONOMIC
OPPORTUNITY

CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

290 City Hall
15 West Kellogg Boulevard
Saint Paul, MN 55102-1681

Telephone: (651) 266-8900
Facsimile: (651) 266-8919
TDD: (651) 266-8977

The Most Livable City in America

VENDOR OUTREACH PROGRAM-PRIME CONTRACTOR PROCESS OVERVIEW

Directions: Once you receive the Vendor Outreach Program Packet from your project manager, please complete the steps in Phase I immediately.

PHASE I: PRIOR TO PROJECT START

- Locate and identify certified vendors to include in your bid specifications by accessing the CERT certified vendor list on https://cert.smwbe.com/ (see "Vendor Lists" in the left hand column to request an updated list)
- Submit VOP ID of Prime & Subs Sheet (this will be an Excel spreadsheet)
- Log into B2Gnow and click on the relevant project/contract
  - If you do not see your project/contract listed on your dashboard then the contract has not been inserted into the database. Please e-mail Rory.Slater@ci.stpaul.mn.us and provide the contract amount, contract start date, contract end date, and a primary contact person. Please indicate: "Request for B2Gnow Project Setup" in the subject line.
- The prime must insert all vendors into B2Gnow
  - **NOTE:** Listing all vendors includes first tier, second tier, third tier, etc. subs and suppliers. The prime may delegate to first tier subs to report their second tier subs, and so on.
  - Please go to www.stpaul.diversitycompliance.com and login using your username and password. If you have forgotten your username and/or password, your e-mail address is your username and if you need to reset your password, there is link on the login page that reads "Forgot Password". Place your username in the field provided and the system will send you a temporary password.
  - Once logged in, click on the contract you wish to add subs. At the top of the page you should see a tab entitled "Subs." Click on this tab. Once on the page, you should see a button (closer to the top) that reads "Add Subcontractor." Click this. Once on this page, start typing the company name in the "Vendor" search window. If the vendor is listed in our database a dropdown list should appear. If it is not, then you will need to click the red "Get Vendor." If, after clicking the red "Get Vendor" you are unable to find the vendor, the vendor will need to be added to the database.
- Once all subcontractors are added to the database, they will need to be approved before the prime can insert a payment. As a result, **make sure subs are inserted prior to a Draw Request.** If all subs to date are not inserted prior to a Draw Request, **VOP will not approve the Draw Request until the most recent Sub ID sheet corresponds with the subs in B2Gnow.**

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

PHASE II: CONSTRUCTION:

- After subs are approved, the prime **must** insert all payments made to the subs by clicking on the "Compliance Audit List" tab at the top of the page.
- After a payment is entered for a sub, the sub will be notified by B2Gnow and will need to confirm the payment.
    - To "Confirm" a payment the sub will need to login to B2Gnow at https://stpaul.diversitycompliance.com . Once logged in, the sub should see the "Data dashboard" form there he/she can click on the appropriate contract and "Confirm" the payment amount made to him/her.
- **NOTE: If payments to subs are not inserted in B2Gnow and confirmed prior to a Draw Request, this will hold up approval of Draw Requests.**

Directions: When you have completed work on a project, it is very important to signify completion in B2Gnow. This is the final step of compliance.

PHASE III: PROJECT END:

- Verify that all subs and all payments to subs have been entered into B2Gnow.
- Verify that the most recent Subcontractor ID Sheet submitted to the Vendor Outreach Coordinator matches up with the entries in B2Gnow.
- Verify that all subs have confirmed all payments prior to the final draw request.
- Indicate in B2Gnow that the audit is final.
- **NOTE: A final Draw Request will not be approved unless everything is up to date and completed in B2Gnow.**

For questions, contact:
Human Rights and Equal Economic Opportunity Department
Vendor Outreach Program
15 Kellogg Blvd. W.
Saint Paul, MN 55102
ContractCompliance@ci.stpaul.mn.us / (651) 266-8904

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

DEPARTMENT OF HUMAN
RIGHTS AND EQUAL ECONOMIC
OPPORTUNITY

CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

290 City Hall
15 West Kellogg Boulevard
Saint Paul, MN 55102-1681

Telephone: (651) 266-8900
Facsimile: (651) 266-8919
TDD: (651) 266-8977

The Most Livable City in America

VENDOR OUTREACH PROGRAM CONTRACTOR COMPLIANCE CHECK-LIST

Directions: Once you receive this Vendor Outreach Program Packet from your project manager, please complete the steps in Phase I immediately.

PHASE I: PRIOR TO PROJECT START

- ☐ Locate and identify certified vendors to include in your bid specifications by accessing the CERT certified database at https://cert.smwbe.com/
- ☐ Submit VOP ID of Prime & Subs Sheet in Excel format (this will be an Excel spreadsheet)
- ☐ Verify that your contract is listed in B2Gnow
- ☐ The prime must insert all subs that are on the draw request (note: all subs includes second tier subs, third tier subs, etc) into B2Gnow

PHASE II: CONSTRUCTION:

- ☐ The prime **must** insert all payments made to the subs by clicking on the "Compliance Audit List" tab at the top of the page
  - o **Prime MUST insert subs prior to a Draw Request.**
  - o **Draw Request will not be approved until current sub ID sheet and/or pay application matches sub list in B2Gnow.**
- ☐ Prime must instruct subs to confirm payments prior to submitting a draw request
- ☐ Subs will need to approve each of their payments entered by the prime per audit period in B2Gnow
- ☐ **NOTE: If payments to subs are not inserted in B2Gnow, this will hold up approval of Draw Requests**

Directions: When you have completed work on a project, it is very important to signify completion in B2Gnow. This is the final step of compliance.

PHASE III: PROJECT END:

- ☐ Verify that all subs and all payments to subs have been entered into B2Gnow.
- ☐ Verify that the most recent Subcontractor ID Sheet submitted to the Vendor Outreach Coordinator matches up with the entries in B2Gnow.
- ☐ Verify that all subs have confirmed all payments prior to the final draw request.
- ☐ Indicate in B2Gnow that the audit is final.
- ☐ **NOTE: A final Draw Request will not be approved unless everything is up to date and completed in B2Gnow.**

For questions, contact:
Human Rights and Equal Economic Opportunity Department
Vendor Outreach Program
City Hall 280
Saint Paul, MN 55102
ContractCompliance@ci.stpaul.mn.us / (651) 266-8904

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

DEPARTMENT OF HUMAN
RIGHTS AND EQUAL ECONOMIC
OPPORTUNITY

CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

290 City Hall
15 West Kellogg Boulevard
Saint Paul, MN 55102-1681

Telephone: (651) 266-8900
Facsimile: (651) 266-8919
TDD: (651) 266-8977

VENDOR OUTREACH PROGRAM-SUBCONTRACTOR CHECKLIST

PHASE I: PRIOR TO PROJECT START

- ☐ Provide prime contractor with a list of all of your subcontractors and suppliers.

PHASE II: CONSTRUCTION:

- ☐ Confirm all payments entered by the prime. The database will send you an e-mail instructing you to log in and confirm payments per monthly audit.
- ☐ Report your subs and suppliers in B2Gnow, as well as their payments. (See the "Contractor Compliance Checklist" on the previous page for instructions on how to do this).
- ☐ **NOTE: Draw Requests will be held up until subs confirm payments and report accordingly.**

PHASE III: PROJECT END:

- ☐ Make sure you have confirmed all payments made to you by the prime once your work is complete.
- ☐ Ensure all of your subs and suppliers have been reported, as well as their payments.
- ☐ **NOTE: Failure to confirm payments will result in payments being withheld until B2Gnow reflects a payment confirmation.**

For questions, contact:
Human Rights and Equal Economic Opportunity Department
Vendor Outreach Program
City Hall 280
Saint Paul, MN 55102
ContractCompliance@ci.stpaul.mn.us / (651) 266-8904

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Exhibit 8

Living Wage

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Summary of Saint Paul Living Wage Ordinance

January 31, 2017

The Saint Paul City Council has adopted a new Living Wage Ordinance (File 06-1071). This Ordinance replaces the Living Wage Resolution passed by the Council in 1997 for contracts executed and subsidies given after February 14, 2007.

Application

- The Ordinance applies to the "City" which includes both the City of Saint Paul and the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota.
- The Ordinance applies to a (a) City Contract which means a contract and any amendments for services not covered by Administrative Code Section 82.07 valued in the aggregate at $100,000 or more. A City Contract does not include certain contracts of the Parks Department and Office of Financial Services or contract health care benefits.
  (b) City Business Subsidy which means financial assistance with a value of $100,000 or more in any of the following forms: grant; contribution of personal or real property; reduction in interest rates on a loan which is the present value of the difference in the interest rate given by the City and that rate commercially available to the recipient; reduction or deferral of any tax, assessment or fee; guaranty of any loan, lease or other obligation; tax increment financing; revenue bonds; tax credits; or other City participation. Conduit bonds and infrastructure are not a City Business Subsidy.
  (c) City Subcontract which means a contract for services valued at $100,000 or more to perform a portion of the services described in a City Contract.
  (d) Tenant which means the initial for-profit or not-for-profit entity or person that leases from a City Business Subsidy recipient space in the specific location for which the subsidy was given, and if there is more than one such initial entity or person, it means the entity or person that leases the greatest amount of space and any entity or person that leases space of 15,000 or more square feet.

Requirements-Payment of Living Wage

- Any City Contract or City Subcontract must require payment of a living wage for the duration of a contract to each employee who is working pursuant to the contract or subcontract or who is employed in the specific location for which the contract or subcontract is intended to benefit.
- Any recipient of a City Business Subsidy and Tenant must pay a living wage to each employee (and in the case of a Tenant to an independent contractor as well) who is employed in the location for which the subsidy was provided for the longer of the duration of a City Business Subsidy or 3 years.
- A living wage is 130 percent of the federal poverty level for a family of four **($15.38 for 2017)** or 110 percent **($13.01 for 2017)** if the employer provides basic health insurance as that term is defined in the Ordinance.

Exemptions:

- Entities- The following entities are exempt from paying a living wage: for-profit entity that qualifies as a small business under Minn Stat 645.445; 501(c) entity that qualifies under Minn Stat 645.445, subd. 2; a recipient of a job readiness and training services contract; a recipient bound by a collective bargaining agreement; an intermediary such as a community development corporation, community investment group or community bank, who serve as a pass-through agency for the assistance; and 501(c) entities that are sole source providers of product or service.
- Employees- A recipient of a City Contract, City Subcontract or City Business Subsidy and a Tenant may request and obtain from the City Council exemptions from paying a living wage to the following types of employees: (a) temporary internships

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Summary of Saint Paul Living Wage Ordinance
January 31, 2017

intended to provide career exposure to new entrants to the workforce lasting no more than 12 consecutive months; (b) individuals placed as a result of a job readiness or job training program or those persons with serious mental and physical barriers to employment; and (c) seasonal, part-time or temporary employees whose employment does not reduce or offset the work of permanent employees provided that no more than 10 percent of such employees can be exempted and use of such employees is not intended to avoid the requirements of the Ordinance.

Waiver

- The requirements of the Ordinance may be waived by the City Council or HRA Board prior to the execution of a City Contract or City Business Subsidy after a public hearing and a finding of a compelling public purpose.
- After the execution of a City Business Subsidy a recipient who can demonstrate it will suffer an economic hardship due to the occurrence of significant unforeseen circumstances beyond its control may request a waiver.

Reporting

- The City may require submission of a yearly report on compliance by all recipients for the duration of its obligation to pay living wages.

Enforcement/Penalties

- PED will enforce the Ordinance with respect to a City Business Subsidy and will propose regulations to the City Council to administer compliance.
- Office of Financial Services and The Department of Human Rights and Equal Economic Opportunity (HREEO) will enforce the Ordinance with respect to a City Contract and will propose regulations to the City Council to administer compliance.
- Any recipient of a City Contract, City Business Subsidy, City Subcontract or Tenant must provide written notice to its employees of the Ordinance and a copy of the Ordinance.
- Any recipient that fails to meet the living wage requirements of the Ordinance is not eligible for a City Contract or City Business Subsidy in the next contract cycle or calendar year; and must repay a portion of the contract or subsidy depending on the level of noncompliance.

645.445 Small business; definitions
Subd. 2. Small business. "Small business" means a business entity organized for profit, including but not limited to any individual, partnership, corporation, joint venture, association or cooperative, which entity:

(a) Is not an affiliate or subsidiary of a business dominant in its field of operation; and
(b) Has 20 or fewer full-time employees; or
(c) In the preceding fiscal year has not had more than the equivalent of $ 1,000,000 in annual gross revenues; or
(d) If the business is a technical or professional service, shall not have had more than the equivalent of $ 2,500,000 in annual gross revenues in the preceding fiscal year.

Subd. 3. Dominant in field of operation. "Dominant in its field of operation" means having more than 20 full-time employees and more than $ 1,000,000 in annual gross revenues or $ 2,500,000 in annual gross revenues if a technical or professional service.

Subd. 4. Affiliate or subsidiary of business dominant in field of operation. "Affiliate or subsidiary of a business dominant in its field of operation" means a business which is at least 20 percent owned by a business dominant in its field of operation, or by partners, officers, directors, majority stockholders, or their equivalent, of a business dominant in that field of operation.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Exhibit 9

Billing Timeline

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Exhibit 9: Billing Timeline

	C1	C2 (C1+14 days)	C3 (C2+90 days)	C4 (Dates set by City)	C5 (Dates set by City/RC)	C6 (C5-C4)	C7 (C5-C2)	C8 (C6-C5)	C9 (Date Set by City/RC)	C10 (Date Set by City/RC)	C11 (C10-C5)	C12 (C11-C5)
Service Period	**Hauler Invoice RDU**	**RDU Payment Due to Hauler (10 bus. days)**	**90 day Late Notice to City**	**City Pay Hauler for Delinquent Accounts**	**City Turn File over to RC for Assessments**	**Days from invoice receipt to paying haulers**	**Days Late**	**Days between when city pays hauler to city files with RC**	**City Collects 1st 1/2from RC**	**City Collects 2nd 1/2from RC**	**Days between City Pays Hauler and Collects 1st 1/2 from RC**	**Days between City Pays Hauler and Collects 2nd 1/2 from RC**
4Q-2018												
October-18	9/20/2018	10/4/2018	1/2/2019	3/1/2019	11/1/2019	58	148	245	7/15/2020	12/15/2020	502	655
November-18												
December-18												
1Q-2019												
January-19	12/20/2018	1/3/2019	4/3/2019	9/1/2019	11/1/2019	151	241	61	7/15/2020	12/15/2020	318	471
February-19												
March-19												
2Q-2019												
April-19	3/20/2019	4/3/2019	7/2/2019	9/1/2019	11/1/2019	61	151	61	7/15/2020	12/15/2020	318	471
May-19												
June-19												
3Q-2019												
July-19	6/20/2019	7/4/2019	10/2/2019	3/1/2020	11/1/2020	151	241	245	7/15/2021	12/15/2021	501	654
August-19												
September-19												
4Q-2019												
October-19	9/20/2019	10/4/2019	1/2/2020	3/1/2020	11/1/2020	59	149	245	7/15/2021	12/15/2021	501	654
November-19												
December-19												
1Q-2020												
January-20	12/20/2019	1/3/2020	4/2/2020	9/1/2020	11/1/2020	152	242	61	7/15/2021	12/15/2021	317	470
February-20												
March-20												
2Q-2020												
April-20	3/20/2020	4/3/2020	7/2/2020	9/1/2020	11/1/2020	61	151	61	7/15/2021	12/15/2021	317	470
May-20												
June-20												
3Q-2020												
July-20	6/20/2020	7/4/2020	10/2/2020	3/1/2021	11/1/2021	150	240	245	7/15/2022	12/15/2022	501	654
August-20												
September-20												
4Q-2020												
October-20	9/20/2020	10/4/2020	1/2/2021	3/1/2021	11/1/2021	58	148	245	7/15/2022	12/15/2022	501	654
November-20												
December-20												
1Q-2021												
January-21	12/20/2020	1/3/2021	4/3/2021	9/1/2021	11/1/2021	151	241	61	7/15/2022	12/15/2022	317	470
February-21												
March-21												
2Q-2021												
April-21	3/20/2021	4/3/2021	7/2/2021	9/1/2021	11/1/2021	61	151	61	7/15/2022	12/15/2022	317	470
May-21												
June-21												
3Q-2021												
July-21	6/20/2021	7/4/2021	10/2/2021	3/1/2022	11/1/2022	150	240	245	7/15/2023	12/15/2023	501	654
August-21												
September-21												
4Q-2021												
October-21	9/20/2021	10/4/2021	1/2/2022	3/1/2022	11/1/2022	58	148	245	7/15/2023	12/15/2023	501	654

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

November-21												
December-21												
1Q-2022												
January-22	12/20/2021	1/3/2022	4/3/2022	9/1/2022	11/1/2022	151	241	61	7/15/2023	12/15/2023	317	470
February-22												
March-22												
2Q-2022												
April-22	3/20/2022	4/3/2022	7/2/2022	9/1/2022	11/1/2022	61	151	61	7/15/2023	12/15/2023	317	470
May-22												
June-22												
3Q-2022												
July-22	6/20/2022	7/4/2022	10/2/2022	3/1/2023	11/1/2023	150	240	245	7/15/2024	12/15/2024	502	655
August-22												
September-22												
4Q-2022												
October-22	9/20/2022	10/4/2022	1/2/2023	3/1/2023	11/1/2023	58	148	245	7/15/2024	12/15/2024	502	655
November-22												
December-22												
1Q-2023												
January-23	12/20/2022	1/3/2023	4/3/2023	9/1/2023	11/1/2023	151	241	61	7/15/2024	12/15/2024	318	471
February-23												
March-23												
2Q-2023												
April-23	3/20/2023	4/3/2023	7/2/2023	9/1/2023	11/1/2023	61	151	61	7/15/2024	12/15/2024	318	471
May-23												
June-23												
3Q-2023												
July-23	6/20/2023	7/4/2023	10/2/2023	3/1/2024	11/1/2024	151	241	245	7/15/2025	12/15/2025	501	654
August-23												
September-23												
4Q-2023												
October-23	9/20/2023	10/4/2023	1/2/2024	3/1/2024	11/1/2024	59	149	245	7/15/2025	12/15/2025	501	654
November-23												
December-23												

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Exhibit 10

Access to Private Property Release

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

November 7, 2017

Insert Name of Property Owner
Street Address
City, State & Zip Code

Re: Consent and Release of Liability for Road and Driveway Damages

Dear :

As you may know, the City of St. Paul recently entered into a contract with a group of trash collectors ("INSERT NAME OF CONSORTIUM") to provide trash collection services to St. Paul residents. In the past, these services were provided by individual haulers in a contract with individual residents.

Because you live off of a privately owned road, the NAME OF CONSORTIUM, needs permission to access your property. If you choose not to grant this permission, your trash will be picked up at the nearest public roadway. If you would like to grant NAME OF CONSORTIUM permission to use your private road to provide you and your residence with residential trash, yard waste, bulky waste and organic and any other collection services performed und the contract between the Consortium and the City ("Collection Services"), you must sign this release and mail it back to the company identified below.

Agreement:

By signing below, you agree to allow NAME OF CONSORTIUM to drive its garbage truck(s) on your road and driveway to provide Collection Services. You acknowledge that all roads and driveways are not made strong enough to carry the weight of garbage trucks and that the garbage trucks used to provide your residence with Collection Services may damage your road, driveway and/or other similar property. You further agree to provide unobstructed access over and across your road and driveway so that Hauler may provide safe and efficient Collection Services.

Accordingly, you hereby consent to the use of your private roadway and/or driveway for Collection Services and agree to release, indemnify, defend and hold the Consortium, Hauler and any member or subcontractor of the Consortium and their respective insurers harmless from any liability for damages to your road, driveway, curb, sidewalk and/or any other similar property damage arising out of Hauler, Consortium or any of Consortium's subcontractors' providing of Collection Services, including, but not limited to, the servicing or retrieval of any cart(s), unless the damages are solely caused by Hauler, Consortium or Consortium subcontractor's negligence or misconduct. By signing below, you also agree that this consent and release may be assigned by Hauler or the Consortium to any other subcontractor used by the Consortium without your written consent.

You further understand and agree that this consent and release is binding upon you and any co-owner or subsequent owner of your property.

This consent and release does not grant any right or privilege to receive Collection Service. The Hauler, the Consortium or their respective designees may terminate Collection Services over and across your roadway and/or driveway at any time upon the occurrence of: (i) your breach of this agreement, including your failure to provide safe and unobstructed access across your private roadway or driveway; (ii) the termination of the Consortium's agreement with the City; or (iii) at the direction of the City. In addition, you may terminate access to your roadway and/or driveway at any time by providing thirty (30) days

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

advanced written notice to the Hauler at _____ (which shall be delivered via certified mail / return receipt requested). Upon any termination Collection Services will be provided to you for the duration of the agreement between the City and the Consortium at a collection location along the nearest public roadway. Your release and indemnification obligations with respect to Collection Services provided to you during the term of this agreement however shall survive any termination.

You acknowledge that you have carefully read this consent and release, understand its contents and that you are signing as a free and voluntary act. Once you sign below, please mail this release back to [Insert Name of Hauler] at Insert Hauler Address in the enclosed pre-stamped envelope. If you have any questions regarding the content of this letter, please contact Insert Name of Hauler employee at Insert employee's phone number or by email at Insert employee's email address.

Sincerely,

_____
Insert Name of Property Owner

Insert Name of Hauler employee
Job Title

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Chapter 220. - Residential Coordinated Collection

Sec. 220.01. - Definitions:

The following words or terms shall have the following meanings, unless the context clearly indicates otherwise.

a. *Additional service options* . Collection services above base level services that may include, but are not limited to: overflow trash bags beyond the contents of the first trash cart, yard waste subscription, yard waste without subscription, bulky waste in excess of bulky base service per calendar year, walk-up service (and over 100-foot walk-up service) for non-eligible RDU, return fee or off-day service fee, cart size change fee, and extra cart fee.

b. *Base level services* . The trash collection and disposal services common to all RDUs, as defined herein, and includes weekly or bi-weekly collection and disposal of one (1) trash cart at each RDU and a designated number of bulky waste items each year.

c. *Bulky waste* . Consists of large items that should not be put into carts including, but not limited to: stoves, refrigerators, water heaters, washing machines, bicycles, lawn mowers, mattresses, box springs, furniture, electronics and other such materials.

d. *Carts* . The wheeled and lidded trash and yard-waste labeled containers in which materials can be stored and later rolled out for collection on the designated collection day.

e. *Collection hours* . The time-period during which services are authorized by the city, from 6:00 a.m. to 8:00 p.m. Monday through Friday, or Monday through Saturday during weeks that contain a holiday.

f. *Collection location* . The city-designated location for placement of carts, bulky waste and yard waste, no more than four (4) feet from the cub or alley-line.

g. *Compostable bags* . Paper kraft bags or bags that meet ASTM standard certification for compostable plastics (d6400) within a composting operation as required by Minn. Stat. § 115A.931, subd. (c) and Minn. Stat. § 325e.046, as they may be amended from time to time, for collection of any yard waste that is not contained in a yard waste cart or yard waste bundle.

h. *Coordinated collection invoice* . The bill sent by a designated hauler to an RDU owner for services.

i. *Designated hauler* . The hauler assigned to provide services to an individual RDU.

j. *Electronic waste* . Consists of any discarded consumer electronic device with a circuit board including, but not limited to: televisions, computers, laptops, tablets, computer monitors, peripherals (e.g., keyboard, printer, mouse, etc.), cell phones, DVD recorders/players and video cassette recorders/players and fax machines as specifically referenced in Minn. Stat. § 115A.1310, as it may be amended from time to time.

k. *Extended leave suspension* . A suspension of services due to an absence from the RDU for at least four (4) but no more than twenty-six (26) consecutive weeks due to a vacation or other travel, temporary employment or education relocation, health concern, or other similar absence.

l. *Hazardous waste* . Any hazardous, biohazardous, infectious, radioactive, flammable, explosive, biomedical, or toxic waste as defined by applicable laws or regulations, including without limitation, any hazardous waste regulated under the resource conservation & recovery act, 42 U.S.C. §§ 6901 et seq, and associated regulations, 40 C.F.R. part 261; or the toxic substance control act, 15 U.S.C. §§ 2601 et. seq and associated regulations, 40 C.F.R. part 761, or the materials described in Minn. Stat. § 116.06, subd. 11, as it may be amended from time to time.

m. *Holidays* . The following six (6) major holidays observed each year: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

n. *Holiday tree* . A tree no larger than six (6) feet in length, twenty (20) pounds in weight which is set at the collection location for collection between January 1 and January 15 of each year.

o. *Late set out collection* . The failure of an RDU to set out trash, yard waste, or bulky wastes, electronic wastes, and other additional collection service options for collection by 6:00 a.m. on the scheduled day for collection of the material(s). An RDU that sets out a cart or materials after 7:00 a.m. may request a late set out collection for a fee as adopted by the Council by resolution.

p. *Mixed municipal solid waste* . Has the meaning prescribed in Minn. Stat. § 115A.03, subd. 21, as it may be amended from time to time.

q. *Opt-in* . An option for attached dwelling units with more than four units that have carted service to participate in services. Once an RDU has opted in, it may not withdraw.

r. *Overflow trash bag* . Extra bag of trash that does not fit into the trash cart which is set out by an RDU at the collection location next to the trash cart. Overflow trash must be placed in a bag that is securely closed, no larger than thirty-five (35) gallons, and less than forty (40) pounds.

s. *Overflow yard waste bag* . Extra compostable bag of yard waste that does not fit into the yard waste cart. Overflow yard waste must be placed in a compostable bag that is securely closed, no larger than thirty-five (35) gallons, and less than forty (40) pounds.

t. *Property owner* . The RDU owner of record with Ramsey County Taxation.

u. *Residential dwelling unit (RDU)* . Any dwelling unit in any one-, two-, three-, of four-unit residential building within the city, including dwelling units in residential buildings with more than four attached dwelling units using carted service that opt-in to receive services.

v. *Residential solid waste* . All solid waste from an RDU which normally results from the operation of a household including, but not limited to: mixed municipal solid waste (trash), recyclables, yard waste, and bulky waste. Residential solid waste does not include hazardous waste.

w. *Residential collection services or Services* . The regular collection from an RDU of trash, yard waste, and bulky waste which normally results from the operation of a household.

x. *Special waste* . Waste that requires special management or treatment, including, but not limited to, auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, lead acid batteries, motor and vehicle fluids and filters, asbestos containing materials, and other materials that require special handling or disposal.

y. *Source-separated recyclable materials* . Recyclable materials, including comingled recyclable materials, that are separated by the generator and separately placed for collection by the city's designated recyclable materials collection contractor.

z. *Trash* . Garbage, refuse, and other discarded waste materials in solid form resulting from residential activities as generated by an, specifically excluding unacceptable materials, bulky waste, yard waste, and source-separated recyclable materials.

aa. *Trash disposal facility* . The facility(s) where trash is deposited.

bb. *Trash collection* . The taking of trash placed by the RDU at the collection location at the RDU chosen service level.

cc. *Trash collection costs* . Cost of base level services and additional service options.

dd. *Trash collection day* . Designated trash collection day of the week for an RDU. For weeks containing a holiday, trash collection day may be delayed one (1) day and may be provided on a Saturday.

ee. *Unacceptable materials* . Items which an RDU is prohibited from placing for collection from any of the waste streams (e.g. trash, yard waste, bulky waste) that are not allowed because they may contaminate the specific waste stream, cause an unsafe handling/management situation, or otherwise may harm the environment. Examples include, but are not limited to:

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

1. Prohibited trash: biomedical waste such as hypodermic needles, hazardous waste, special waste, source-separated recyclable materials, electronic waste.
2. Prohibited yard waste: prohibited trash items referenced above and any items not specifically identified in the definition of yard waste.
3. Prohibited bulky waste: prohibited trash items referenced above (with the exception of electronic waste) and any items not specifically identified as being accepted.
4. Hazardous materials.

ff. *Walk-up service* . Means the collection of a trash cart from a location other than the collection location. Walk-up service specifically excludes bulky waste and yard waste.

gg. *Yard waste* . Means garden waste, leaves, lawn cuttings, weeds, shrub and tree waste, prunings, and holiday trees; but does not include dirt, rocks, tree stumps, or any woody items more than three (3) inches in diameter or three(3) feet in length.

hh. *Yard waste bundle* . Yard waste that is fastened together which shall not exceed forty (40) pounds or two (2) feet in diameter and three (3) feet in length.

ii. *Yard waste cart* . A cart provided by the designated hauler to an RDU who purchases a yard waste subscription that has a maximum capacity of ninety-eight (98) gallons.

jj. *Yard waste collection* . The pick-up, transportation and delivery to an appropriate processing facility of yard waste discarded in a yard waste cart, or compostable bag not in excess of forty (40) pounds, or yard waste bundle not in excess of forty (40) pounds.

kk. *Yard waste collection day* . Designated yard waste collection day of the week for an RDU, which may be the same as the trash collection day. If the yard waste collection day falls on a holiday, services will be delayed one day and may be provided on a Saturday.

ll. *Yard waste subscription* . Separate weekly yard waste collection from April 15 through November 30 that an RDU may receive upon request. The designated hauler will provide the yard waste cart to a subscribing RDU. A subscribing RDU may fill the yard waste cart and up to eight (8) compostable bags each week.

(Ord 18-39, § 1, 9-5-18)

Sec. 220.02. - Care of trash, residential solid waste and yard waste.

It shall be the duty of every RDU to, at least once every fourteen (14) days, with the exception of RDU's who are on an extended leave suspension, deposit all trash in approved containers for collection by a designated hauler.

a. Trash shall be kept in an appropriate cart provided by the city. Carts shall be maintained and cleaned, and in a state of repair which will prevent leakage. Overflow bags shall be kept inside a building until put out for collection.

b. A RDU may not include any unacceptable materials with trash.

c. All uncontained bulky waste, trash, or yard waste shall be kept in an enclosed building until put out for collection. These requirements do not apply to dumpsters used for construction debris, or refuse as part of an active project or clean-up of that property.

d. Yard waste shall be kept separate from other solid waste until put out for collection in a yard waste cart, compostable bag, or yard waste bundle. Yard waste may be removed by the designated hauler when placed at the collection location, self-hauled by an RDU, or removed by a lawn or landscape business. If yard waste is kept on the site, it is to be composted.

e. RDUs shall not store trash, residential solid waste, yard waste, or bulky waste in a way that creates a nuisance as defined in Chapter 45.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

(Ord 18-39, § 1, 9-5-18)

Sec. 220.03. - Hauling and collection of residential solid waste services.

All trash collected, conveyed and disposed of by residential solid waste haulers for RDUs shall be pursuant to a written contract with the city that will specify the residential hauling districts, base level services, collection hours, additional service options, extended leave policies, and other details relating to services. No person or entity shall engage in the business of residential solid waste collection from RDU's in the city unless it is pursuant to a contract with the city. All previous private contracts between solid waste haulers and RDUs became null and void on October 1, 2018. No new private contract between a solid waste hauler and an RDU for services will be valid.

(Ord 18-39, § 1, 9-5-18)

Sec. 220.04. - Duties of RDU owners.

It shall be the responsibility of every owner of an RDU to:

a. Choose a trash cart size (and frequency if choosing a small cart) and utilize the base level solid waste services from the designated hauler as contracted by the city. An RDU who fails to choose a trash cart size will be assigned a medium trash cart.

b. Follow the City's guidelines and instructions for storing and setting out residential solid waste materials, including placement of their residential trash and yard waste in designated carts for each type of waste with the lid fully closed.

c. Place the trash, bulky waste, yard waste cart and any overflow bags, compostable bags, and yard waste bundles at the collection location no more than eighteen (18) hours before, but no later than 6:00 a.m. on the day of collection and remove the cart(s) the same day as the scheduled collection day unless the RDU receives walk-up collection.

d. Make certain that no yard waste is placed out for collection unless in a designated yard waste cart, compostable bag, or in a yard waste bundle.

e. Make certain that all bulky items placed out for collection are empty of all food and liquids.

f. Make certain that no bulky waste or, for an RDU who does not purchase yard waste subscription, compostable bags containing yard waste or yard waste bundles is placed out for collection unless the RDU notifies the designated hauler at least forty-eight (48) hours prior to the collection day.

g. Make certain that no unacceptable materials are placed out for collection within any trash cart, yard waste cart, overflow trash bag, compostable bag, or yard-waste bundle. Haulers will not knowingly pick up unacceptable materials.

h. Provide at least two (2) weeks advance notice to the designated hauler that the RDU will not require services for at least four (4) consecutive weeks because of an extended leave so as to obtain credit on the next coordinated collection invoice. An RDU may be on an extended leave suspension no more than twice per calendar year and the total suspension time in any calendar year shall not exceed twenty-six (26) weeks.

i. Properly maintain trash and yard waste cart in a secure location and be responsible for the cleanliness and safekeeping of the cart(s). An RDU who, through negligence or intentional acts, causes damage to a cart shall be charged for the repair or replacement of the cart.

j. Contact the designated hauler for all customer service requests or inquiries.

k. Make certain that the RDU has a street address number on the dwelling and garage, if applicable, of the RDU in a manner and place that is easily and readily discernible from the collection location by the designated hauler as indicated in SPLC Chapter 71.02 (4).

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

(Ord 18-39, § 1, 9-5-18)

Sec. 220.05. - Base level service and additional service options.

a. *Base level service:* Each RDU shall be charged one hundred (100) percent of the fixed costs and one hundred (100) percent of the variable costs for services. Base level service includes pickup of trash in one (1) of the service levels listed below and one (1) free cart change per year. In 2018, the base level service includes pickup of one (1) bulky waste item and one (1) holiday tree. In 2019 and after, the base level service includes pickup of two (2) bulky waste items and one (1) holiday tree for RDUs who choose a small trash cart, and three (3) bulky waste items and one (1) holiday tree for RDUs who choose a medium or large trash cart. The rates for additional service options shall be adopted by the council by resolution. Beginning October 1, 2018, the cost per month, which includes state and county tax, shall be as follows for base level services:

   1. Small trash cart every other week $20.28
   2. Small trash cart every week: 23.44
   3. Medium trash cart every week: 32.02
   4. Large trash cart every week: 34.15

b. Additional service options:

   1. An RDU shall pay an additional fee for the disposal of overflow trash bags. An RDU may be charged for an overflow trash bag if its trash cart is not fully closed. An RDU is not required to notify the designated hauler for collection of overflow trash bags.
   2. An RDU shall pay an additional fee for a yard waste subscription and must contact the designated hauler to arrange service. The designated hauler shall provide the subscribing RDU a yard waste cart. The subscription entitles an RDU to weekly collection of the contents of the yard waste cart and up to eight (8) compostable bags or yard waste bundles for no additional fee.
   3. An RDU who does not purchase a yard waste subscription may set out yard waste in compostable bags or in yard waste bundles for a per bag or per bundle fee. An RDU must provide at least forty-eight (48) hours' advance notice to the designated hauler in order for yard waste to be collected on the yard waste collection day.
   4. An RDU shall pay an additional fee for all bulky items not included in the base level services.
   5. An RDU may apply to the designated hauler for free walk-up service if all occupants residing at the RDU are physically unable to place trash at the collection location. An RDU who is not eligible for free walk-up service may apply to the designated hauler to receive walk-up service for a fee; there shall be an additional fee for any non-eligible RDU whose collection location is more than one hundred (100) feet from the public roadway.
   6. An RDU, who fails to comply with set-out requirements, who requests the designated hauler to return to pick up trash or yard waste or requests off day service pickup from the designated hauler may receive such service for a fee.
   7. Each RDU is entitled to receive one (1) cart change per year for no fee. Generally, a cart change occurs when an RDU changes the base service level. If an RDU receives a second change in any calendar year, the RDU shall be charged a fee for that change. Replacement of a lost, stolen, or damaged cart due to misuse or neglect by the RDU shall be considered a cart change.

(Ord 18-39, § 1, 9-5-18)

Sec. 220.06. - Payment of charges.

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Each RDU shall receive a quarterly coordinated collection invoice from a designated hauler. Each RDU shall be billed for all trash collection costs. Failure to pay for services shall result in the special assessment of the costs of those services, along with any applicable fees, penalties or administrative costs against the real property on which the RDU is situated.

(Ord 18-39, § 1, 9-5-18)

Sec. 220.07. - Delinquent accounts.

a. *Payment options.* Each RDU owner must pay the total amount set forth in the quarterly coordinated collection invoice on or before the due date listed on the invoice. Failure to make payment by the due date listed on the invoice may result in a late fee of five (5) percent of the total amount due and owing and additional monthly late fees of five (5) percent of the total amount due and owing for the first ninety (90) days of nonpayment.

b. *Delinquent accounts.* Accounts shall be considered delinquent when any portion of the balance due exceeds ninety (90) days past due.

c. Notice to City. The designated hauler shall notify the City of delinquent accounts.

d. *Notice to owner.* The city shall notify property owners deemed to have delinquent accounts. Property owners shall have thirty (30) days to make payment in full to the city. Such notice shall include the name of the designated hauler, the time period for which the account is delinquent, the amount of delinquency and a list of the delinquent items on the account. Such notice shall also state that if the city does not receive payment within thirty (30) days, the amount owed shall be assessed to the property.

e. *Assessment of delinquent accounts.* The delinquent account shall be a debt owed to the city and any unpaid costs shall be collected by special assessment under the authority of Minn. Stat. § 443.29 and the Saint Paul City Charter by the procedure outlined in Chapter 60 of the Saint Paul Administrative Code. Unpaid costs shall not include additional interest beyond that charged in section (a) above. Action under this section does not preclude any other civil or criminal enforcement procedure.

(Ord 18-39, § 1, 9-5-18)

Sec. 220.08. - Severability.

In the event that any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid by a court of competent jurisdiction, the invalidity shall extend only to the section, subsection, sentence, clause or phrase affected, and shall not affect the validity of the remaining portions of this article.

(Ord 18-39, § 1, 9-5-18)

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Petitioning the St. Paul City Council for a Referendum on Ordinance 18-39: Residential Coordinated Collection

We, being registered voters residing in the City of Saint Paul, Minnesota, petition the Saint Paul City Council to hold a referendum on Ordinance 18-39, **creating Saint Paul Legislative Code Chapter 220, entitled "Residential Coordinated Collection,"** to regulate coordinated collection of certain residential trash, including service levels, billing rates and the duties of property owners.

SIGNER'S OATH: "I swear (or affirm) that I know the contents and purpose of this petition and that I signed the petition only once and of my own free will."

All information must be filled in by person(s) signing the petition unless disability prevents the person(s) from doing so.

Signature	Date	Print Full Legal Name	Birth Year	Home Address	Ward & Precinct
1. Donald L. Knoepke	8/27/18	DONALD L. KNOEPKE	1955	1340 Edmund St. Paul & Ramsey County	4 W-4 – P14
2. Christine Schiefelbein	8/27/18 8/27/18	Christine Schiefelbein	1963	1341 Edmund St. Paul & Ramsey County	4 W-4- P14
3.			19	St. Paul & Ramsey County	
4.			19	St. Paul & Ramsey County	
5.			19	St. Paul & Ramsey County	
6.			19	St. Paul & Ramsey County	
7.			19	St. Paul & Ramsey County	
8.			19	St. Paul & Ramsey County	
9.			19	St. Paul & Ramsey County	
10.			19	St. Paul & Ramsey County	

All information on this petition is subject to public inspection.

KSPDC

2 1-1

EXHIBIT K

Filed in District Court
State of Minnesota
5/6/2019 4:29 PM

Affidavit of the Circulator

State of Minnesota)
) ss.
County of Ramsey)

I, Donald L. Knoepke, swear (or affirm) that I am a resident of the City of Saint Paul and that each signature on this petition was affixed in my presence by the person purporting to have signed this petition.

Signed Donald L Knoepke
(Signature of Circulator)

Subscribed and sworn to before me this 27th day of August, 2018

Notary Public (or other officer)
authorized to administer oaths

KWEN M. JOHNSON
NOTARY PUBLIC - MINNESOTA
My Commission Expires
January 31, 2021