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STATE OF MINNESOTA

COUNTY OF RAMSEY

DISTRICT COURT

SECOND JUDICIAL DISTRICT

Case Type: Civil Other/ Ballot Omission

Bruce Clark, Peter Butler, and Ann Dolan,

Petitioners,

vs.

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

and,

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

Respondents.

Judge Leonardo Castro
Case File No: 62-CV-19-857

ORDER

The above-entitled matter came before the Honorable Leonardo Castro, Judge of District Court, on the Petition filed February 7, 2019, requesting this Court to enter an Order pursuant either Minn. Stat. § 204B.44 or Minn. Stat. Chap. 555, directing the immediate suspension of Saint Paul City Ordinance 18-39 concerning organized trash collection of solid waste pending Referendum. The Petitioners were represented by Gregory J. Joseph, *Esq.*, and the Respondents were represented by Megan D. Hafner, Assistant Saint Paul City Attorney.

The Court being fully advised and based upon the record, memoranda, files, and arguments of counsel, makes the following:

ORDER

1. The enforcement of Ordinance 18-39 will be suspended on June 30, 2019, pursuant to § 8.05 of the Saint Paul City Charter and in accordance with Minn. Stat. § 204B.44.

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2. The Referendum of Ordinance 18-39 will be placed on the General Election Ballot of November 5, 2019, or the City Council may, in accordance with § 8.05 of the Saint Paul City Charter, call a Special Election prior to the General Election date.
3. In accordance with Minn. Stat. § 204B.44, failure to obey this Order is contempt of court.
4. The Court's Memorandum of Law is attached and incorporated as part of this order.

BY THE COURT:

Dated: May 30, 2019

Leonardo Castro
Judge of District Court

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MEMORANDUM OF LAW

A petition was initiated by a resident group of the City of Saint Paul, Minnesota (the "City" or "Saint Paul") seeking to exercise their right to referendum on Ordinance 18-39 concerning the organized collection of solid waste on the municipal election ballot. For many years, the City has utilized an open hauling system whereby its residents contracted privately with haulers who are licensed to collect mixed municipal solid waste in the City, and compete with one another for business. At some point in 2016, City officials began exploring the possibility of organizing collection of mixed municipal solid waste in the City pursuant to Minnesota Statute § 115A.94 of the Waste Management Act.

Minn. Stat. § 115A.94 sets out processes to be followed by the governing body of a city in deciding and implementing organized collection. The statute provides that a "local government unit may organize collection as a municipal service or by ordinance, franchise, license, negotiated or bidded contract, or other means...." § 115A.94, Subd. 3. Pursuant to § 115A.94, the Saint Paul City Council ("City Council") notified the public and the licensed garbage collectors in the City and held public hearings on the issue. Because the City had more than one licensed garbage collector within the City, it was required to meet and negotiate exclusively with those collectors. § 115A.94, Subd.4(d). Under this provision of the statute, licensed collectors and the City negotiated and discussed various priorities and worked to develop a proposal "in which interested licensed collectors, as members of an organization of collectors, collect solid waste from designated sections of the city...." *Id.* The statute further provides that:

> 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... § 115A.94, Subd. 4(d).

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Eventually, pursuant to this section of the statute, the City entered into a contract (the "Contract") with the licensed garbage collectors (referred to as the "Consortium" in the Contract) for a term of five years. The City executed the Contract with the Consortium on November 14, 2017. The Contract sets the agreed upon rates to be charged for those service levels, requires the Consortium to provide collection services to all residential dwelling units as defined in the Contract, states that the Consortium has the sole and exclusive right to provide the garbage services during the term of the Contract, and sets out detailed terms of billing, invoicing and payment.

Once the Contract was executed, the City was required to "establish organized collection through *appropriate local controls*." § 115A.94, Subd. 4(d) (emphasis added). Due to the requirements of other applicable state statutes, the local control used to establish organized collection took the form of ordinances. On September 5, 2018, the City enacted two ordinances (18-39 and 18-40) to implement organized collection. The ordinance at issue in this petition is Ordinance 18-39 which created Chapter 220 of the City Code entitled "Residential Coordinated Collection." Chapter 220 created general regulations related to coordinated collection and established rates, billing and collection procedures.

Petitioners are residents of the City who oppose the City's organized collection scheme and seek to exercise their right to referendum. The City Charter provisions at issue in this lawsuit are contained in § 8 of the Charter which is a general provision allowing residents to require ordinances to be submitted to a vote upon submission of a petition. § 8.05 of the City Charter states that:

> Any ordinance or resolution upon which a petition is filed, other than an emergency ordinance, shall be suspended in its operation as soon as the petition is found sufficient. If the ordinance or resolution is not thereafter entirely repealed, it shall be placed on the ballot at the next election, or at a special election called for that purpose, as the council shall determine…..

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Charter § 8.05 mandates that any ordinance may be subject to referendum by a petition filed within forty-five (45) days after its publication. Petitioners collected a total of 6,469 signatures on petitions related to Ordinance 18-39 and timely filed the petition within the forty-five day requirement. The petition at issue in this case, seeking a referendum to repeal Ord. 18-39, was received by the City Clerk on October 16, 2018. Ultimately, the City Council found that the petition was sufficient to satisfy the minimum signature requirements under the City Charter based on the report of the City Clerk (via the Ramsey County Elections Manager). However, the City Council also found that "the provision of the City Charter allowing referendum for the subject matter of the Petition is preempted by Minnesota Statutes §§ 443.28 and 115A.94, and is an unconstitutional interference with the Contract between the City and the Consortium, and conflicts with state public policy." Resolution 18-1922. As a result the City Council directed the City Clerk not to submit Ordinance 18-39 as a ballot question for the next election. *Id.*

On February 7, 2019, Petitioners commenced the current lawsuit against Respondents City of Saint Paul, Minnesota, the City Clerk and the Ramsey County Elections Manager. Petitioners ask this Court to issue an Order pursuant to Minn. Stat. § 204B.44 or Minn. Stat. §555, that directs the immediate suspension of Ordinance 18-39 pending approval or disapproval by the voters in Saint Paul." Petitioner argues that the City Charter provides its residents the broadest allowable authority under the home rule amendment of the Minnesota Constitution, and that referendum power on any ordinance and power to amend the Charter are all expressly reserved for the residents in Saint Paul.[1] Petitioners are seeking an order from this Court requiring the City to place the issue on the ballot for the election in November, pursuant to Minnesota Statute § 204B.44 or for declaratory relief under Minnesota's Declaratory Judgment Act (Minn. Stat. § 555.11).

[1] The City of Saint Paul is a Home Rule Charter city as classified under Minnesota Statutes Chapter 410.

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I. THE CITY COUNCIL DID NOT PROPERLY EXERCISE ITS AUTHORITY IN REFUSING TO HAVE ORDINANCE 18-39 PLACED ON THE BALLOT.

Saint Paul, like other home rule charter cities, has broad authority to regulate its affairs, and home rule charters prevail over general statutes pertaining to subjects proper for municipal regulations. *State ex. rel. Lowell v. Crookston*, 252 Minn. 526, 91 N.W.2d 81, 83 (1958). Under Minnesota Statute, and consistent with the Minn. Const. art. XII § 4, a home rule charter "may provide for the establishment and administration of all departments of a city government, and for the regulation of all local municipal functions, as fully as the legislature might have done." Minn. Stat. § 410.07. When interpreting statutes the first place the court must look to for meaning is the text of the statute itself. *Caminetti v. United States*, 242 U.S. 470, 485 (1917). In judicial construction of statutes courts are guided by well-established rules. This Court cannot assume a legislative intent in plain contradiction to words used by the legislature. *Loew v. Hagerle Brothers*, 222 Minn. 258, 24 N.W.2d 278. The primary object in the interpretation of any statute is to ascertain, if possible, and to give effect to the intention of the legislature that enacted the law. *Badger Dome Oil Co. v. Hallam,* 99 F.2d 293 (8th Cir. 1938). The general rule is that where language is unambiguous, the clearly expressed intent must be given effect and there is no room for construction. *Montgomery Ward & Co. v. Snuggins*, 103 F.2d 458 (8th Cir. 1939); *Hickok v. Margolis*, 221 Minn. 480, 22 N.W.2d 850 (1946).

Furthermore, a city's charter is, in effect, its local constitutions. *See Woo v. Superior Court*, 83 Cal.App.4th 967, 974 (2000) (A city charter is the city's constitution), citing, *City and County of San Francisco v. Patterson,* 202 Cal.App.3d 95, 102 (1988). In municipal law, a city charter is the city's constitution. *See Phillips v. City of Atlanta*, 77 S.E.2d 723, 727 (Ga. 1953) (charters "confer and define powers and provide for machinery to operate the government."); *Bivens v Grand Rapids*, 443 Mich. 391, 401; 505 N.W.2d 239 (1993) ("A charter is a city's constitution").

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Saint Paul reserved legislative power for its people including the right to a referendum on *any* ordinance pursuant to § 8.05 of the City Charter. Specifically, the Charter provides that a petition "signed by registered voters equal in number to eight (8) percent of those who voted for the office of mayor" at the last election may compel immediate suspension of an ordinance, pending its approval by the voters, upon a finding of sufficiency by the city clerk and council. Charter at §8.02(1). The mayoral election on November 7, 2017, had 64,646 first choice votes for mayor. Petitioners Butler and Dolan are voter residents of Saint Paul and helped circulate the Petition for Referendum. As a result, the number of required signatures for a petition for referendum is 4,932 (or eight percent). A petition for referendum on Ordinance 18-39 was timely filed in October 2018, and the Ramsey County Elections Manager determined that it contained enough valid signatures to comply with the Charter requirements. The City Council directed the City Clerk not to submit the Referendum for placement on the ballot.[2]

Petitioners brought this Petition in an effort to have this Court order that the Referendum be immediately placed on the municipal election ballot. This Court looks to § 8.05 which states that the ordinance which is subject of a referendum must be "suspended in its operation as soon as the petition is found sufficient." The Charter specifically outlines the method by which a referendum must be brought. Here, there is no evidence in the record that the petition presented in October 2018 was deficient in anyway. Respondents concede that the petition was sufficient. Consequently, it was an improper exercise of power for the Council to refuse to place the Referendum on the November 2019 ballot.

[2] The City Elections Office accepted 5,541 signatures as valid and referred the Petition to the City Clerk to present to the City Council. On November 14, 2018, the City Council accepted the Petition as sufficient to satisfy the signature requirements of Section 8.02 of the Charter. That same day, however, the Council simultaneously voted not to place the Referendum on the ballot. Resolution 18-1922 reflects the City Council's refusal to include the Referendum of Ordinance 18-39 on the ballot for the November 5, 2019 election.

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II. ALLOWING REFERENDUM OF ORDINANCE 18-39 DOES NOT CONFLICT WITH THE REQUIREMENTS OF MINNESOTA STATUTE SECTION 115A.94 AND CHAPTER 443.

Conflict preemption exists between state law and municipal regulation when the law and the regulation "contain express or implied terms that are irreconcilable with each other", when the "regulation permits what the statute forbids", or when the "regulation forbids what the statute permits." *Bicking v. City of Minneapolis,* 891 N.W. 2d 304, 313 (Minn. 2017). In Resolution 18-1922, the City states that the Referendum is expressly preempted by the organized collection statute. Minn. Stat. § 115A.94, Subd. 6 reads as follows:

> **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.
>
> (emphasis added).

The City contends that §115A.94 is a detailed statute that provides the process for how organized collection is done, which this Court does not dispute. The City, however, goes on to argue that conflict preemption exists because a referendum allowing repeal of the ordinance contradicts the process mandated in §115A.94, and will result in a local law that is irreconcilable with the process in §115A.94. This Court disagrees. While §115A.94 is specific and detailed in the process that must be followed if organized trash collection is implemented, it is not the exclusive process.

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The Petitioners do not take issue with the process the City followed in entering into the Contract with the Consortium or passing ordinances based on the resolution. Rather, the Petitioners argue that the statute establishes the *minimum* requirements for organized trash collection and is not the exclusive process to follow. Furthermore, Petitioners argue that the statute itself allows for a referendum due to the "other law" provision in the statute. The City contends that the "other law" provision relates to the possible existence of another charter provision that specifically deals with solid waste and garbage collection, consistent with its interpretation of the ruling in *Jennissen v. City of Bloomington,* 913 N.W.2d 457, 462 (2018) .[3]

This Court finds that in §115A.94, the legislature is clear, and organized trash collection is: 1) optional; 2) in addition to authority granted by "other law"; and 3) can be subject to a home rule charter and referendum. One of the defining characteristics of a home rule charter city is the power of the citizens to engage in initiative, referendum, recall, and charter amendment power under Minn. Stat. Chap. 410. The plain meaning of the statute if further confirmed by *Jennissen* in which the Minnesota Supreme Court found that:

> The strongest signal of the Legislature's intent not to preempt, but to provide municipalities with considerable flexibility, is found in subdivision 6. In addition to clarifying that organizing collection is optional for municipalities, subdivision 6 expressly states that "the authority granted in this section . . . is *in addition to authority* to govern solid waste collection *granted by other law*," id., subd. 6(a) (emphasis added), *"including a home rule charter."* Id., subd. 6(c) (emphasis added). Thus, section 115A.94 expressly leaves room for any municipal action that is authorized under a city charter or other law relating to organized collection or the governance of solid waste collection. *Id. at* 462.
>
> (emphasis in original).

The legislature contemplated that municipalities would exercise additional authority with

[3] The Court in *Jennissen* only considered the matter of "field preemption" and found that the legislature did not intend to occupy the field of regulation of the process by which municipalities organize collection of solid waste. *Id.* at 460, 461.

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respect to a home rule charter or other law. The referendum power granted by the Charter, if passed, would meet the meaning of "other law."

The City also argues that Minn. Stat. § 443.28 also expressly preempts the Referendum for similar reasons in that a referendum would contradict the statutory process set forth under § 443.28 because the statute delegates authority to the governing body of a city without the need for voter approval. Again, this Court disagrees.

Minn. Stat. § 443.34 provides that:

> The provisions of sections 443.26 to 443.35 shall be construed as *an addition to existing charter or statutory powers of any city* of the first class and *not as an amendment to or repeal thereof,* the purpose of these sections being to permit any city of the first class to engage in the activities hereinbefore authorized, to promote the public health, safety, welfare, convenience, and prosperity of the city.

(emphasis added).

Here again, the legislature clearly provides that while the City Council is authorized to set rates for garbage collection, this authority is in addition to the powers of a charter city of the first class[4] and is not intended to preempt or circumvent already delineated powers of a home rule charter.

Additionally, the City argues that it is implicit as a practical matter that § 115A.94 does not allow for a city's decision as to organized collection to be undone by voters after the contract was executed. *See e.g.* § 115A.94, Subd. 4(a) (providing for a different process to be followed if a city does not negotiate a contract with licensed collectors that must be started "before implementing an ordinance, franchise, license, contract, or other means of organizing collection"). Subd. 4(d) of § 115A.94 required the City to negotiate with licensed collectors first, then use local controls (such as an ordinance) to establish organized collection in the City. Indeed, the City did

[4] There are three others in cities of the first class: Minneapolis, Duluth, and Rochester.

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engage in negotiation with licensed collectors before implementing the ordinance, however, the process of negotiation does not necessarily result in the end of discourse or that the electorate, due to a cease in negotiation, does not have any other options for influencing the passing of ordinances. This notion is contradictory to the broad § 8 referendum power that allows for this mechanism on *any* ordinance.

The City goes on to argue that an implied conflict also exists because the legislature intended for the "governing body" of the City to be limited to the City Council. Saint Paul as a Charter City is, by nature, a city that can make changes to fit its own needs and educates voters to be engaged in law making. (The Home Rule Charter and Mission *available at* https://www.stpaul.gov/departments/city-council/charter-commission). Notably, the City Charter does not include any modifying language as to what types of ordinances can be submitted for referendum. As § 8.01 of the City Charter states that "the people shall have the right to...require ordinances to be submitted to a vote." Given the absence of limiting language in § 8.01 and Saint Paul's status as a charter city, this Court is not convinced that "governing body" is limited to the City Council.

III. THE REPEAL OF ORDINANCE 18-39 WOULD NOT BE AN UNCONSITUTITONAL IMPAIRMENT OF CONTRACT.

Both the United States Constitution and the Minnesota State Constitution contain a Contract Clause that prohibits the passage of laws that unconstitutionally impair contracts. U.S. Const. art. I, § 10, cl. 1; Minn. Const. art I, § 11. To that end, the City takes the position that the repeal of Ordinance 18-39 would unconstitutionally impair the Contract between the City and the Consortium. In addition, the City argues that not every contract that it enters into is subject to the referendum provision. The City concedes that not every contract requires an ordinance.

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The test for the presence of a contract clause violation is found in *Christensen v. Minneapolis Municipal Employees Retirement Board, et al.,* 331 N.W. 2d 740, 750- 51. (Minn. 1983). The Minnesota Supreme Court analyzed three factors. First, the court asks whether the law caused substantial impairment of a contract at all. Second, in the event a substantial impairment is found, it may still be permissible if there is a significant and legitimate public purpose behind the legislation. Third, the legislature's action is examined in the light of this public purpose to see whether the adjustment of the rights and liabilities of the contracting parties is reasonable and appropriate given the public purpose justifying the legislation's adoption. *Id.*

A. The Referendum Would Not Substantially Impair the Contract if Passed.

Section 13.6 of the Contract includes a Force Majeure clause which contemplates a variety of acts, including legislative, judicial, or executive acts, which could render performance of the contract unattainable. The Minnesota Supreme Court has long held that the power of referendum is limited to acts which are legislative in character. *Hanson v. City of Granite Falls*, 529 N.W.2d 485, 487 (Minn. Ct. App. 1995). Because the power of referendum fundamentally applies to the legislative powers of a city, the power of the electorate to place a referendum on an ordinance is a legislative act, and one that is also broadly granted by the City Charter. Furthermore, it naturally follows that the City which drafted, negotiated, and signed the contract knew that a referendum was a bargained for reality. Additionally, the City Charter includes language that the ordinance should immediately be suspended upon a proper petition for referendum being brought. This is a legislative act.

The City was also well aware of the existence of Minn. Stat. § 204B.44, which allows for the very type of petition that was filed in this action, to be presented to the judiciary to correct an error or omission upon a ballot—which if granted, would satisfy the meaning of a judicial act

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under the Force Majeure clause. The City counters stating that the clause is merely generic and non-specific in nature. "If the contract language is plain, clear, and unambiguous, there is no interpretation necessary and the court's task is to enforce the agreement." *Minneapolis Pub. Hous. Auth. v. Lor,* 591 N.W. 2d 700, 704 (Minn. 1999). This Court will not ignore the plain language of the contract and, moreover, it is difficult to understand how a contract could be "impaired" by the very types of events for which it specifically provides.

The City also relies, in part, on *Davies v. City of Minneapolis* to support its arguments. 316 N.W.2d 498 (Minn. 1982). *Davies* involved a challenge to the funding mechanisms for the Metrodome's construction. To pay for construction, the State issued revenue bonds, which were to be funded by a new hotel-motel liquor tax. The levying of such a tax was a statutory prerequisite for any municipality that sought to build a stadium within its borders. On October 15, 1979, the State issued revenue bonds, and on November 1, 1979, a group of residents introduced a proposed charter amendment that sought to repeal the hotel-motel liquor tax. The city council refused to place the proposed charter amendment on the ballot, and the residents sued. The Minnesota Supreme Court affirmed the city's decision not to place the proposed amendment on the ballot, noting that it would unconstitutionally impair the contractual rights of stadium bondholders. Specifically, the court noted that state law required the tax to be used to pay debt service on the bonds, and that the tax agreement "constituted a contract with and for the security of all bondholders of the bonds and revenue anticipation certificates secured by the tax." *Id.* at 502 (internal quotations omitted). As such, the amendment, if passed, would impair that contract "by totally eliminating an important security provision" therein. *Id.*

This Court distinguishes the present case from *Davies*, in that the appellants argued that the proposed charter amendment would not impair contractual rights and supported this argument

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by stating that the bondholders had "actual notice" that a citizens' petition would be filed prior to issuance of the bonds. That is, the bondholders knew when they entered into the bond contract that the citizens intended to challenge the new proposed liquor tax, and therefore they cannot claim that subsequent passage of the charter amendment would impair their contract. The Minnesota Supreme Court found this unconvincing and stated "the mere possibility that a valid petition for charter amendment would be filed cannot be viewed as somehow qualifying or diminishing the contractual rights of the bondholders." *Id.* at 503.

In the present case before this Court, however, there was more than a "mere possibility" of an "impairment" because the Contract the City has with the Consortium expressly agreed to terms that contemplated the impairment of the contract due to a legislative, judicial, or executive act. This City was also well aware of its own charter that provides for a very broad referendum power on any ordinance. This goes beyond knowledge – this is a bargained for exchange. In *Davies*, the bondholders contract *knew* of the *possibility* of a change in law, but they did not expressly contract for such a possibility. In the present case, the City of Saint Paul *did*. *Davies* further points out that an illogical outcome would occur if citizens were allowed to supersede the bond contract: "If that were the case, a municipality would be able to escape its own contractual obligations with impunity merely by later proposing a city charter amendment to supersede the special legislation which enabled it to act in the first place." *Id.* Such an outcome does not occur in the present case because the Force Majeure clause dictates that the legislative act must be "beyond the party's reasonable control." Additionally, in *Davies*, the City of Minneapolis did not reserve for its people any of the powers of initiative, referendum, or recall, unlike the present case before the court. *See Vasseur v. Minneapolis*, 887 N.W. 2d at 472 (Minn. 2016). Here, the Petitioners are not reaching into the terms of the contract to materially alter the rights and

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responsibilities of one parties or purport to alter the terms of the contract itself. The referendum is a binary choice-up or down on an ordinance already passed by the City; the very sort of legislative act that is allowed by the Charter.

B. The Referendum Presents a Valid, Important Public Purpose.

It appears that the public purpose exception exists, at least in part, to ensure that the public, at large, is benefitted. Here, the entire city of Saint Paul is impacted by the City Council's decision to engage in organized collection. This Referendum does not by itself eliminate the process for organized collection, it simply ensures that the public indeed supports the idea of organized collection with the mechanism of a public vote. Without doubt, this Referendum may be frustrating for the City Council and city departments which spent countless hours carefully implementing the process for organized collection, but this tension between the electorate and its council is a healthy byproduct of Saint Paul being a home rule charter city.

Furthermore, in addressing the question of whether the subject matter of the local legislation would have "unreasonably adverse effects upon the general populace of the state", the Minnesota Supreme Court held that the process of organizing collection will "differ from community to community. It follows that local regulation would not have unreasonably adverse effects upon the general populace of the state." *Jennissen v. City of Bloomington*, 913 N.W.2d 456, 462 (Minn. 2018). Within the City, the proposed Referendum upon the ordinance for organized collection represents the very type of flexibility that the legislature anticipated based on the plain language of § 115A.94. Notably, the Appellants in *Davies* did not argue that an important public purpose existed and instead clung to the proposition that no impairment of the contract existed. *Davies v. City of Minneapolis,* 316 N.W.2d 498, 502 (Minn. 1982). This Court finds that even if a substantial contractual impairment exists, the important public purpose of ensuring that

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the constitution of a city is being followed and that the City Council is not infringing upon the clearly delegated voting rights granted to the people, justifies any alleged impairment.

C. The Balancing Test Favors Allowing the Referendum.

The third element of the *Christensen* framework essentially requires the Court to balance the reasonableness of any impairment with the public purposes advanced by the legislation. So, in the event that impairment were found, the Court must determine whether the Referendum's impact on the Contract is "based upon reasonable conditions and is of a character appropriate to the public purpose justifying the law's adoption." *Jacobson v. Anheuser-Busch, Inc.,* 392 N.W.2d 868, 872 (Minn. 1986).

The City argues that placing the Referendum on the ballot "would create unnecessary uncertainty and chaos in the garbage collection currently happening within the City" and could cause "serious public health concerns." The record is devoid of any evidence to support these claims. This Court also ordered that the enforcement of Ordinance 18-39 will be suspended on June 30, 2019, thereby allowing residents sufficient time to obtain private solid waste collection services and functions to minimize any potential risk of uncertainty or chaos.

This Court has already established that the Referendum supports an important public purpose because it ensures that the constitution of Saint Paul is being a followed and protects voter rights. The suspension of Ordinance 18-39 will undoubtedly present an inconvenience to the City and its departments; however, this inconvenience cannot justify the circumvention of the plain language within the City's Charter and the right of the citizens to cast a vote.

CONCLUSION

For the reasons stated more fully above, this Court directs the City to include the Referendum on Ordinance 18-39 on the ballot for the November 5, 2019 General Election or

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a Special Election held prior to the General Election, in accordance with Minn. Stat. §204B.44.

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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-1

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

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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 Chris Coleman — **Date** 2/26/2016

Clerk Shari Moore — **Date** _____

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

Saint Paul Public Works

EXHIBIT D

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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.

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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.

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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.

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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.

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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.

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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.

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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%

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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

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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

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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.

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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

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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.

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- 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.

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- 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.

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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	2[illegible]	17	37	2[illegible]1	199

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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

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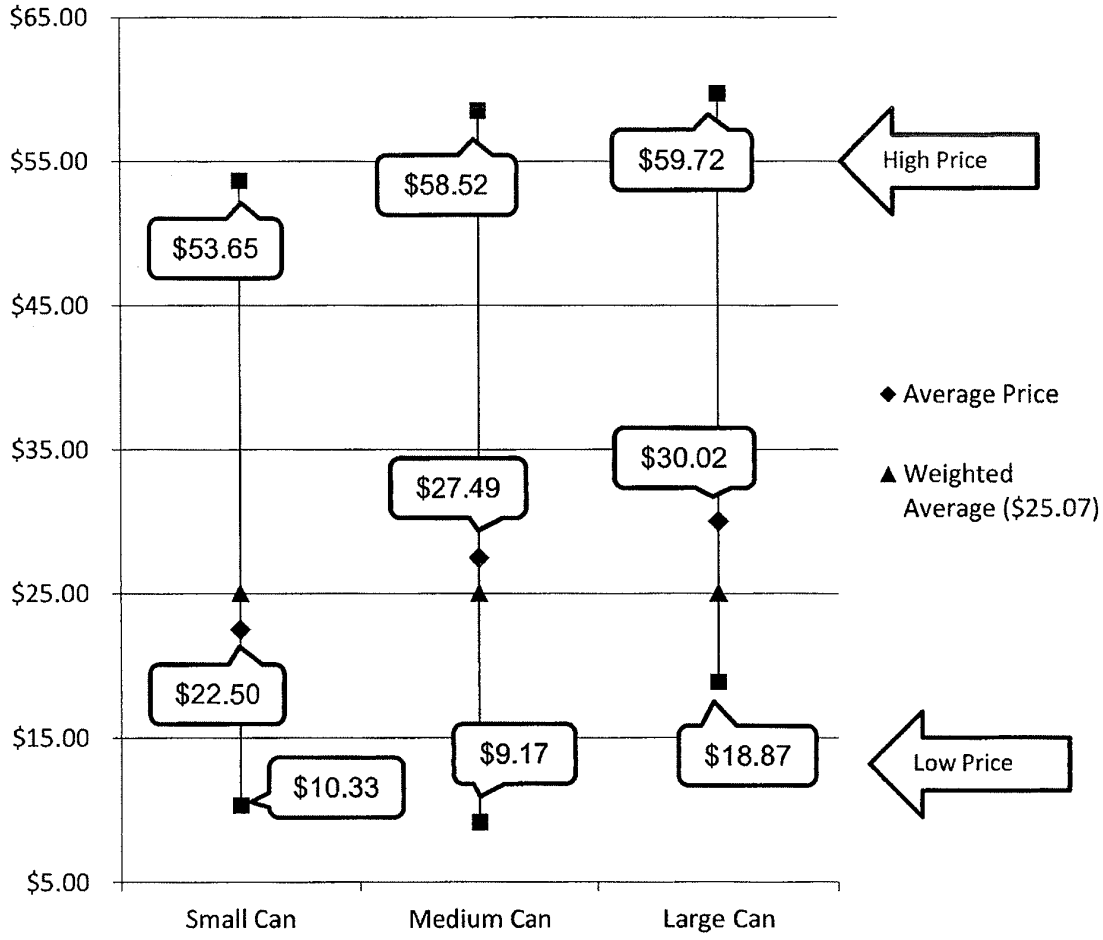
Monthly Price Range and Average Breakdown Chart (n=214 invoices) (Figure 1)



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	23	14	6	3
55105	39	22	11	6
55106	29	14	11	4
55107	3	3	0	0

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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)

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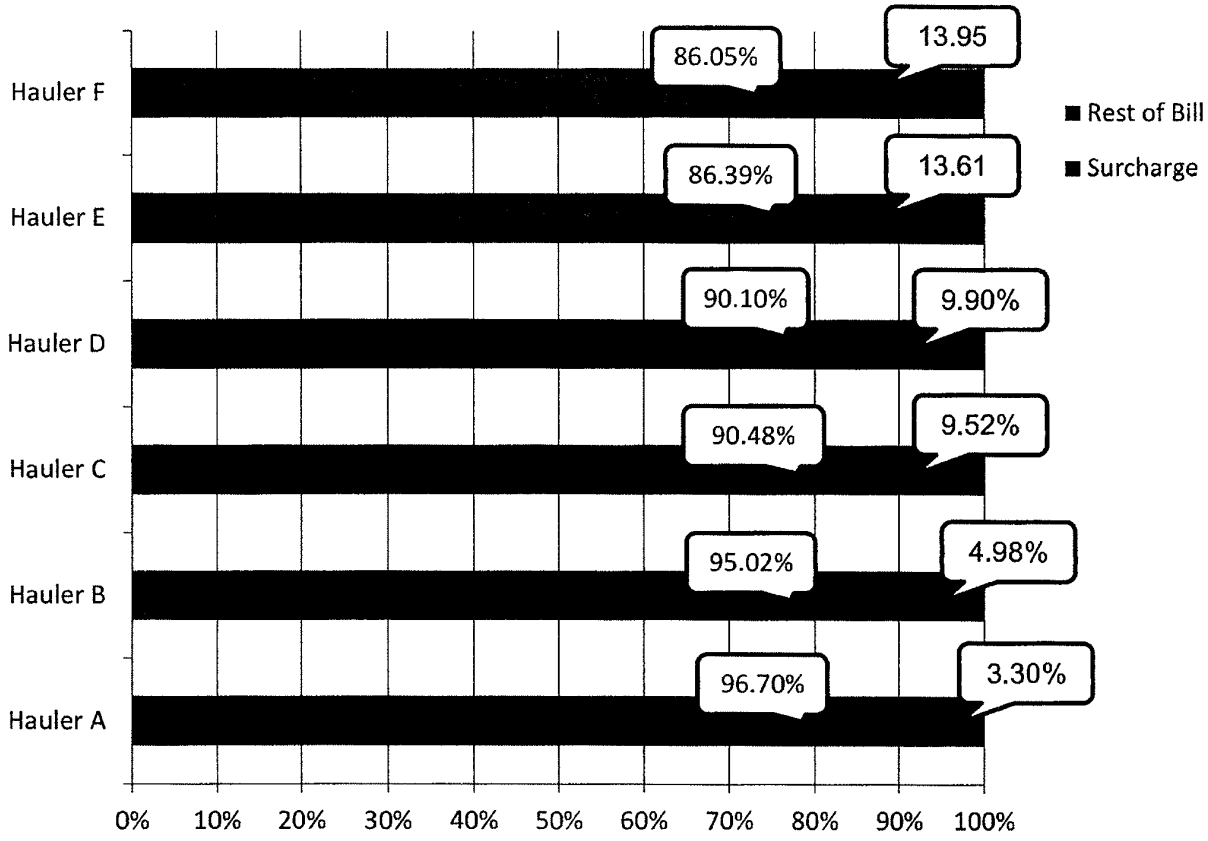

Summary of Observations

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.

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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.

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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)

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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.

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State of Minnesota
5/20/2019 4:07 PM

City of Saint Paul

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

Signature Copy

Resolution-Public Hearing: RES PH 16-174

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 D-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)

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 Chris Coleman **Date** 6/3/2016

Filed in District Court
State of Minnesota
5/20/2019 4:07 PM

File Number: RES PH 16-174

Clerk Shari Moore **Date** _____

Shari Moore

Filed in District Court
State of Minnesota
5/20/2019 4:07 PM

City of Saint Paul

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

Signature Copy

Resolution: RES 16-1300

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-1

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
5/20/2019 4:07 PM

File Number: RES 16-1300

Vote Attested by Council Secretary Trudy Moloney **Date** 7/27/2016

Approved by the Mayor Chris Coleman **Date** 7/29/2016

Clerk Shari Moore **Date**

Filed in District Court
State of Minnesota
5/20/2019 4:07 PM

City of Saint Paul

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

Signature Copy

Resolution-Public Hearing: RES PH 17-203

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-1

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
5/20/2019 4:07 PM

File Number: RES PH 17-203

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 Chris Coleman **Date** 7/28/2017

Clerk Shari Moore **Date**

Filed in District Court
State of Minnesota
5/20/2019 4:07 PM

City of Saint Paul

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

Signature Copy

Resolution: RES 17-1776

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-1

Filed in District Court
State of Minnesota
5/20/2019 4:07 PM

File Number: RES 17-1776

Approved by the Mayor Chris Coleman **Date** 11/9/2017

Chris Coleman

Clerk Shari Moore **Date**

Shari Moore

Filed in District Court
State of Minnesota
2/7/2019 11:31 PM

City of Saint Paul

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

Legislation Text

File #: Ord 18-39, **Version:** 3

Creating Chapter 220 of the Saint Paul Legislative Code regulating coordinated collection of certain residential trash.

Chapter 220 Of the Saint Paul Legislative Code Entitled "Residential Coordinated Collection" Is Hereby Created To Read As Follows:

Section 1

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 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.

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 1st and January 15th 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 35 gallons, and less than 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 35 gallons, and less than 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 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:

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 itmes 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 15th through November 30th 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 compostable bags each week.

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.

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.

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 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 weeks advance notice to the designated hauler that the RDU will not require services for at least four 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).

Sec. 220.05

Base Level Service And Additional Service Options.

a. Base Level Service: Each RDU shall be charged one hundred percent (100%) of the fixed costs and one hundred percent (100%) of the variable costs for services. Base level service includes pickup of trash in one of the service levels listed below and one free cart change per year. In 2018, the base level service includes pickup of one bulky waste item and one holiday tree. In 2019 and after, the base level service includes pickup of two bulky waste items and one holiday tree for RDUs who choose a small trash cart, and three bulky waste items and one 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

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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 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 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 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.

Sec. 220.06

Payment of Charges. 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.

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 percent (5%) of the total amount due and owing and additional monthly late fees of five percent (5%) 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.

Sec. 220.08

Severability. In the event that any section, subsection, sentence, clause or phrase of this chapter is for any

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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.

Section 2

~~This Ordinance shall take effect and be in force beginning October 1, 2018, following its passage, approval and publication~~.
This Ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.

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City of Saint Paul

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

Legislation Text

File #: RES 18-1922, **Version:** 1

Finding the Petition for a referendum of Ord 18-39 is legally sufficient but that the subject matter is not appropriate to submit to the electorate.

WHEREAS, Saint Paul City Charter Section 8.01 states that "[t]he people shall have the right to ... require ordinances to be submitted to a vote ... by a process known as ... referendum"; and

WHEREAS, a petition seeking a referendum to repeal Ord. 18-39 which created Chapter 220 of the Saint Paul Legislative Code in order to regulate coordinated collection of certain residential trash In Saint Paul, was filed with the Office of the City Clerk on October 16, 2018 (the "Petition"); and

WHEREAS, City Charter Chapter 8 requires a petition for referendum to be signed by registered voters equal in number to eight (8) percent of those who voted for the office of mayor in the last preceding city election; and

WHEREAS, the last preceding city election was held November 7, 2017; and

WHEREAS, according to the Ramsey County Elections Manager, there were 61,646 first choice votes cast for Mayor in the 2017 election, meaning that the required number of signatures for the Petition is 4,932; and

WHEREAS, the Ramsey County Elections Manager, who supervises elections on behalf of the City, has reported to the Council that Petition signatures have been checked for compliance with the requirements of Chapter 8 of the Saint Paul City Charter; and

WHEREAS, the Ramsey County Elections Manager reports that the Petition contains 6,469 signatures, and that 5,541 of those comply with the Charter's requirements; and

WHEREAS, Minnesota Statute § 443.28, part of the Rubbish Removal chapter of Minnesota Statutes, requires a City to adopt rates for rubbish removal by ordinance; and

WHEREAS, Minnesota Statute § 115A.94 authorizes a city to organize collection as a municipal service by various methods including by negotiated or bidded contract, and creates a required procedure a city must follow to organize collection of trash; and

WHEREAS, Minnesota Statute § 115A.94 further states that once an agreement is made between a city and participating haulers, the city "shall" use its appropriate local controls to establish coordinated collection; and

WHEREAS, after following the statutorily-required process, on November 8, 2017 in RES 17-1776, the City Council authorized the execution of the Agreement ("Agreement") between the City and a Consortium of then-licensed trash haulers (the "Consortium") to collect residential trash for approximately 78,000 residential units in the City of Saint Paul; and

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WHEREAS, following the City's execution of the Agreement, the City adopted Ord. 18-39 creating Leg. Code Chapter 220; and

WHEREAS, in compliance with Minnesota Statutes §§ 443.28 and 115A.94, Ord 18-39 established regulations for the collection of trash and set the rates to be charged to residential owners for the collection of trash; and

WHEREAS, the Agreement, has a number of inter-related terms that govern coordinated collection including agreed-upon rates, a requirement that the Consortium bill residents directly, and a requirement that the City pay Consortium Members for outstanding invoices they are unable to collect from residents; and

WHEREAS, the office of the City Attorney has reviewed the requirements and procedures for establishing coordinated collection and has provided a legal analysis and opinion to the City Council regarding whether the subject matter of the Petition is appropriate to submit to the electorate; now, therefore, be it

RESOLVED, that the City Council hereby adopts the report of the Ramsey County Elections Manager and finds that the Petition is sufficient to satisfy the minimum signature requirements under City Charter Chapter 8; and be it

FURTHER RESOLVED, based upon the legal opinion of the City Attorney, the City Council finds that the provision of the City Charter allowing referendum for the subject matter of the Petition is preempted by Minnesota Statutes §§ 443.28 and 115A.94, is an unconstitutional interference with the Agreement between the City and the Consortium, and conflicts with state public policy; and be it

FINALLY RESOLVED that, based on these findings, the City Clerk is hereby directed not to submit Ord. 18-39 as a ballot question to the County Auditor for placement on the ballot for the next election.

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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)

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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)