

1. 5:00 P.M. City Council Special Meeting Agenda

Documents:

[JULY 17, 2023 SPECIAL COUNCIL MEETING AT 5 PM.PDF](#)

2. 5:00 P.M. City Council Special Meeting Packet

Documents:

[JULY 17, 2023 SPECIAL COUNCIL MEETING PACKET AT 5 PM.PDF](#)



City Council Agenda - Special Meeting
Monday, July 17, 2023 at 5:00 p.m.
Council Chambers
(meeting will be cablecast)

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **COUNCIL BUSINESS and/or DISCUSSION ITEMS**
 - 3.1 Organized Garbage Collection with Residential Haulers.
4. **ADJOURNMENT**

Members of the Anoka City Council may participate remotely in City Council meetings by interactive technology rather than by being physically present. Members of the public can monitor council meetings by streaming them live online, this meeting will be broadcast live on Comcast channel hd799/sd16 and can be streamed online at <http://qctv.org/anoka/>. Members of the public who desire to give input or testimony remotely may do so by attending via video conference (Zoom Webinar). The Zoom Webinar link will be posted prior to the meeting on the City of Anoka's website calendar at: <https://www.anokaminnesota.com/calendar.aspx?CID=14>. To access the link, from the online calendar, find the correct meeting date and click "More Details." Meetings by telephone or other electronic means in accordance with Minnesota Statute 13D.021



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SPECIAL MEETING COUNCIL MEMO

Agenda Item # 3.1

Meeting Date: July 17, 2023
Item Description: Organized Garbage Collection with Residential Haulers
Submitted By: Amy Oehlers, ACM

BACKGROUND INFORMATION

Included in your packet is an Organized Waste Collection Process and Procedures Step-by-Step document.

The City Council has approved that the City will be following the process laid out in Minnesota Statutes §115A.94.

Step 1 of the process is to provide notice to the public and to the licensed collectors that the City is considering implementing an organized collection system.

- This step has been completed, for the February 27, 2023 Worksession and the April 24, 2023 Worksession.

Tonights meeting will be completing **Step 2** of the process. Licensed collectors were notified of this meeting via USPS mail, in a letter dated July 7, 2023, and via a reminder email on July 13, 2023.

The purpose of **Step 2** of this process is to meet and discuss waste collection issues, including but not limited to:

- Road deterioration
- Public Safety
- Pricing Mechanisms
- Contractual considerations unique to organized collection.

Step 3 of this process is the beginning of a negotiation period with the licensed collectors. This 60-day negotiation period will begin on July 18, 2023. The purpose of this negotiation period is to allow the licensed collectors to develop a proposal in which they, as members of an organization of collectors, will collect solid waste from designated sections of the City.

Any proposal reached must contain identified City priorities, including issues related to:

- Zone creation
- Traffic
- Safety
- Environmental performance
- Service provided
- Pricing
- Must reflect existing collectors maintaining their respective market share of business as determined by each hauler's average customer count during the 6 months before the beginning of the 60-day negotiation period

If an agreement with not reached between the City and the licensed collectors during the 60-day negotiation period, the City must form a "Solid Waste Collection Options Committee". This would be **Step 4** in the process.

FINANCIAL IMPACT

N/A

REQUESTED COUNCIL ACTION

Complete **Step 2** of the process by discussing waste collection issues, including but not limited to:

- Road deterioration
- Public Safety
- Pricing Mechanisms
- Contractural considerations unique to organized collection.

ORGANIZED WASTE COLLECTION PROCESS AND PROCEDURES

1. Notice to public and to licensed collectors

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

2. Meet and discuss waste collection issues

Before exclusive negotiations identified in number 3 below begin, elected officials and participating licensed collectors must meet and discuss waste collection issues, including but not limited to road deterioration, public safety, pricing mechanisms, and contractual considerations unique to organized collection.

3. 60-day negotiation period with licensed collectors

After the city provides notice of its intent to consider adopting organized collection and meeting with participating licensed collectors as noted in number 2 above, it must provide a 60-day negotiation period that is exclusive between the city council and any collectors licensed to operate in the city, regarding waste collection issues including, but not limited to:

- (a) road deterioration;
- (b) public safety;
- (c) pricing mechanisms; and
- (d) contractual considerations unique to organized collection

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

Any proposal reached must contain identified city priorities, including issues related to zone creation, traffic, safety, environmental performance, service provided, and price, and must reflect existing collectors maintaining their respective market share of business as determined by each hauler's average customer count during the six months before the beginning of the 60-day negotiation period.

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

If an organized collection agreement is established as a result of the 60-day negotiation period, it must be in effect for a period of seven years. Upon execution of an agreement between the participating licensed collectors and the city, the city shall establish organized collection through appropriate local controls. The city does not need to establish an organized collections options committee if it reaches an agreement with the licensed haulers during the 60-day negotiation period; however, the city must first provide public notice and a public

hearing before officially deciding to implement organized collection. Organized collection may begin no sooner than six months after the effective date of the city's decision to implement organized collection.

4. Organized collection options committee

If a city does not reach an agreement with its licensed collectors during the 60-day negotiation period, it must form by resolution a "solid waste collection options committee" to study various methods of organized collection and to issue a report. The city council appoints the committee members. The committee is subject to the open meeting law and has several mandatory duties.

First, the committee shall determine which methods of solid waste collection to examine, which must include:

- (a) the existing system of collection;
- (b) a system in which a single collector collects solid waste from all sections of the city; and
- (c) a system in which multiple collectors, either singly or as members of an organization of collectors, collect solid waste from different sections of the city.

Second, the committee shall establish a list of criteria on which the solid waste collection methods selected for examination will be evaluated, which may include:

- (a) costs to residential subscribers;
- (b) impacts on residential subscribers' ability to choose a provider of solid waste service based on the desired level of service;
- (c) costs and other factors;
- (d) the impact of miles driven on city streets and alleys, and the incremental impact of miles driven by collection vehicles;
- (e) initial and operating costs of implementing the solid waste collection system, providing incentives for waste reduction;
- (f) impacts on solid waste collectors; and
- (g) other physical, economic, fiscal, social, environmental, and aesthetic impacts.

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

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

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

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

5. Public notice and public hearing

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

6. Implementation

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

ORGANIZED HAULING IMPLEMENTATION STEPS

January 17, 2023 Regular Meeting

- ☒ City Council direction to postpone discussion on the item at the 01/17/2023 Regular meeting, setting discussion for City Council Worksession on 02/27/2023.
 - Notice sent to licensed residential haulers on 01/30/2023 regarding 02/27/2023 Worksession.
 - Notice to public published in Anoka County Union 02/10/2023 regarding 02/27/2023 Worksession.

February 27, 2023 Worksession

- ☒ City Council discussed this topic at their 02/27/2023 Worksession and took public comment. Council consensus was to place this item the next agenda 03/03/2023 for discussing the process. No further direction was provided to staff at this meeting.

March 6, 2023 Regular Meeting

- ☒ Official action by City Council to move forward in the process of consideration of implementing an organized collection system.
 - At the 03/06/2023 City Council regular meeting, by motion/vote, staff was directed to begin the process according to Minnesota Statutes §115A.94. At this meeting, the Council also voted and unanimously approved that this become a ballot question at the 2024 Municipal Election. The Council was not clear if a dual track system of following Minnesota Statutes and scheduling it for a 2024 Election Ballot. Attorney directed to research and provide guidance on how the Council should proceed.
- ☒ Residential Licensed Haulers to be notified of a meeting with the City Council to informally discuss implementing an Organized Collection System.
 - Haulers were notified that a meeting was scheduled with the City Council for the April 24, 2023 City Council Worksession.
 - Notified by mailing on 03-28-2023 (regular & certified/return receipt)
 - Notified licensed residential collectors by phone and confirmed their availability to be in attendance.
 - Notice to Public published in Anoka Union 03-31-2023

April 24, 2023 Worksession

- ☒ City Council discussed this topic at the April 24, 2023 Worksession, where the Haulers and the residents were notified and invited to attend.
 - Consensus of the Council at this Worksession was to discuss the topic of organized hauling further at either another Worksession or at a regular meeting.

May 15, 2023 Regular Meeting

Request to place this on the Agenda was received by the Mayor and Councilmember Skogquist.

- ☒ At May 15, 2023 City Council Regular Meeting a discussion was held regarding the dual-track system of following State Statute and placing it as a Ballot question in 2024. A motion was made and seconded to Rescind the motion to put it on the ballot, subsequently a motion was made and seconded to postpone this discussion until the June 5 Regular Meeting and to notify the licensed haulers that the Council will be discussing this topic and a motion to Rescind one of the motions taken at the March 6, 2023 City Council may be made.
 - Haulers were notified that a meeting was scheduled with the City Council for the June 5, 2023 Regular Meeting.
 - Notified by mailing on 05-24-2023 (USPS regular mail)

June 5, 2023 Regular Meeting

- ☒ At the June 5, 2023 May 15, 2023 Councilmember Skogquist made a motion to rescind the previous motion to place this on the 2024 Election Ballot. The motion was seconded by Councilmember Scott. This motion passed on a 3-2 vote of the City Council. At this time, this item is not scheduled to be a 2024 Election Ballot question.

July 17, 2023 Special Meeting

- ☐ A Special Meeting between the City Council and the Licensed Haulers was scheduled for July 17, 2023 at 7:00 p.m.
 - Haulers were notified that a special meeting was scheduled with the City Council for the July 17, 2023 at 5:00 p.m.
 - Notified by mailing on 07-07-2023 (USPS regular mail)
 - Reminder of special meeting date, time and location was emailed to haulers on 07-13-2023.