



# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## City Council Work Session

February 24, 2020

**CALL TO ORDER**

The work session was called to order by Mayor Maria Regan Gonzalez at 5:15 p.m. in the Bartholomew Room.

*Council Members Present:* Maria Regan Gonzalez, Mayor; Mary Supple; and Ben Whalen

*Council Members Absent:* Edwina Garcia; and Simon Trautmann

*Staff Present:* Katie Rodriguez, City Manager; Amy Markle, Recreation Services Director; Rachel Lindholm, Sustainability Specialist; Neil Ruhland, Communications and Engagement Manager; and Kelly Wynn, Senior Office Assistant

*Others Present:* Brian Grogan, Moss & Barnett Attorney

<b>Item #1</b>	<b>PRESENTATION FROM SOUTHWEST SUBURBAN CABLE COMMISSION</b>
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City Manager Rodriguez presented the item and Brian Grogan from Moss & Barnett.

Attorney Grogan introduced himself and began by describing what the commission does and why it exists. He went on to describe the FCC 621 Order. The Order effective date was Thursday, September 26, 2019 and it is reinterpreting a 35 year old Cable Act. In the Order it addressed Mixed Use which states the city cannot impose any fees on non-cable services and PEG Capital which refers to costs incurred in improving PEG facilities. Attorney Grogan also discussed Cable Franchises and PEG Channel Capacity. He continued with the Franchise Modification Process and how the FCC encourages parties to negotiate franchise modifications. He spoke of the FCC 621 Appeal and how all cases have been consolidated into City of Eugene, Oregon v. FCC as of January 15, 2020. As of today, it is unlikely to see a decision before 2021.

Mayor Regan Gonzalez thanked Attorney Grogan for coming and sharing the information.

Council Member Whalen appreciated Attorney Grogan for mentioning that this is separate from politics but wonders if a new President could come in and change the FCC members later this year. Attorney Grogan confirmed this is a possibility.

Council Member Whalen questioned this limbo period for negotiations. Attorney Grogan stated it is slightly unknown at this point. The City should budget for worst case scenario.

Mayor Regan Gonzalez asked if there were recommended actions of any kind. Attorney Grogan stated there is no action at this time, only an information update.

City Manager Rodriguez proposed a resolution to show support.

Council Member Supple believes the resolution was well written and will provide support.

Council Member Whalen also would support the resolution.

Mayor Regan Gonzalez thanked Attorney Grogan again for attending. She realizes this is a very concerning issue and looks forward to future updates.

<b>Item #2</b>	<b>PRESENTATION UPDATE ON ORGANIZED RECYCLING AND ORGANICS</b>
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City Manager Rodriguez introduced the item and staff.

Director Markle gave an overview of the collection process including a county recycling rate goal of 75% by the year 2030. Currently, the rate is approximately 46%.

Sustainability Specialist Lindholm updated Council on the most recent letter from Garbage Haulers for Citizen Choice, a meeting with Minnesota Pollution Control Agency, and letters written to Hennepin County and Commissioner Goettel. She then listed the options for next steps (1) Follow state statute procedure for organizing solid waste collection and organize everything; (2) Do not organize and license haulers for organics collection to fulfill county mandate; or (3) Follow state statute procedure for organizing solid waste collection which would be organizing recycling and organics collection. She then listed pros and cons for each option.

Council Member Supple wondered if there would be a separate cart for organics. Sustainability Specialist Lindholm stated they will have to negotiate collection options but a cart could be one choice. She then proceeded to give a detailed timeline for organization by state statute.

Mayor Regan Gonzalez wondered about meetings and negotiations regarding current contracts with haulers. Sustainability Specialist Lindholm explained there would be meetings with the haulers first to attempt to come to an agreement but if communications break down or there is no consensus among the haulers, then the City can put out an RFP.

Mayor Regan Gonzalez then questioned how the process works in getting the best price for the residents. Sustainability Specialist Lindholm stated the City would have a strong hand in negotiations since it will be negotiating on behalf of approximately 16,000 households.

Council Member Supple wondered if it would be one company or multiple companies partaking in the collection. Sustainability Specialist Lindholm explained it would be determined by market share between the haulers. If the haulers are unable to come to an agreement, an RFP could be put out and potentially one company could do the collecting.

Council Member Whalen asked if it was beneficial for the City to have already put out an RFP for data purposes. Sustainability Specialist Lindholm confirmed and they also have costs from neighboring cities as well.

Council Member Whalen addressed that in St. Paul a decision was made regarding collection and a city wide vote was needed. Director Markle stated they will have to rely on City Charter but residents would have the right to petition, such as they did in St. Paul and Bloomington.

City Manager Rodriguez clarified in Bloomington, the residents petitioned to change the city charter. Sustainability Specialist Lindholm provided some legal wording provided by City Attorney Tietjen regarding petitions. City Manager Rodriguez stated they need to be prepared for residents to request the decision to go to a referendum.

Sustainability Specialist Lindholm went back to the timeline for collection and stated it could take nine months and starting a new contract wouldn't be ideal in the winter months. She then concluded with the two big reasons of why this important (1) equity and resident protection and (2) environmental benefits. She also explained the importance of the entire Council being on board with moving forward in this process and to not waiver.

Council Member Whalen expressed support to organize everything and would like to know more about defining winter months so as to determine when the process could start. Director Markle explained they have been advised to have the process take place in spring or fall as residents may be out of town in the winter and summer months. Sustainability Specialist Lindholm added that a start date can be negotiated in the contract.

City Manager Rodriguez recommends a long lead time in case there are issues.

Council Member Supple voiced support for option one and would like to see movement start sooner rather than later to accommodate the timeline.

Mayor Regan Gonzalez also supported option one. She voiced some concern on staffing resources, financial impact and would like to see big picture view of the process to understand any implications.

Council Member Supple followed up asking who would handle this task. Director Markle confirmed this falls under the charge of the Sustainability Commission. Council Member Whalen questioned if this would require establishment of another committee. Sustainability Specialist Lindholm believes a separate committee would need to be established but they will be utilizing the Sustainability Commission. Director Markle also spoke of using the Sustainability Commission resources to assist with public education.

Council Member Whalen suggested shooting for spring of 2021 instead of fall of 2021 so if issues do arise, people are not scrambling to get things done. City Manager Rodriguez spoke of flushing out a proper timeline and presenting it to Council soon.

Council Member Whalen commented on the insightful comment of Council and staff all being on board with moving forward with the process.

Sustainability Specialist Lindholm spoke of all the haulers involved have been a part of at least one consortium prior to this one so they are familiar with the process. She also clarified this presentation was for updates and recommendations on next steps but no voting necessary.

Mayor Regan Gonzalez thanked staff for the presentation.

**ADJOURNMENT**

The work session was adjourned by unanimous consent at 6:35 p.m.

Date Approved: March 10, 2020

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Maria Regan Gonzalez  
Mayor

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Kelly Wynn  
Senior Office Assistant

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Katie Rodriguez  
City Manager