

# HENNEPIN COUNTY

## MINNESOTA

### FINAL COMMITTEE AGENDA

#### BOARD OF HENNEPIN COUNTY COMMISSIONERS PUBLIC WORKS COMMITTEE

THURSDAY, NOVEMBER 15, 2018  
1:30 PM

Chair: Mike Opat, District 1

Vice-Chair: Peter McLaughlin, District 4

Members: Linda Higgins, District 2  
Marion Greene, District 3  
Debbie Goettel, District 5  
Jan Callison, District 6  
Jeff Johnson, District 7

### 1. Public Hearing

- A. Receive comments on the draft Hennepin County 2040 Comprehensive Plan

### 2. Minutes From Previous Meeting

- A. 10/30/2018 Public Works Minutes

### 3. New Business

#### Routine Items

#### A. 18-0480

Ratification of permits, leases, lease amendments, and related property agreements approved by the County Administrator, 07/01/18-09/30/18, total NTE \$15,000

#### B. 18-0481

Amd 1 to Agmt PR00000164 with the City of Mpls for an ERF grant for the Maya Commons project allowing lead abatement costs as eligible expenses, 07/13/18-07/13/20, no change to NTE

#### C. 18-0482

Amd 1 to Agmt PW 52-66-15 with SRF for design services on Wayzata Boulevard in Orono and Long Lake (CP 2091102), extending agreement period to 06/30/19, no change to NTE

#### D. 18-0483

Agmt A189198 with the City of Minnetonka for equipment storage and park land, 02/25/17-02/28/32, no county cost

#### E. 18-0484

Authorization to acquire right of way, by direct purchase or condemnation, and declare as surplus and dispose of excess right of way on various transportation capital improvement projects

#### F. 18-0485

Neg Agmts PR00000589 with East Side Neighborhood Svcs, PR00000590 with State of MN (North Hennepin Comm College) and PR00000591 with Tree Trust for Green Partners Environmental Education grants, 01/01/19-12/31/19, total combined NTE \$50,000

#### G. 18-0486

Joint Powers Agmt A189282 with the MPCA regarding hazardous waste inspections and enforcement, 01/01/19-12/31/23, no county cost

#### H. 18-0487

Amd 3 to Power Purchase Agmt with Northern States Power Company for electricity generated at HERC, extending the term to 12/31/19

#### Items for Discussion and Action

- I. **18-0488**  
Adopt revisions to Hennepin County Ordinance 13 – Recycling
- J. **18-0489**  
Amd 1 to Agmt A177984 with Gary Erickson, extending period to 03/31/19 and incr NTE by \$40,000 for a new total NTE of \$290,000
- K. **18-0490**  
Neg Amd 4 to Agmt A177882A with Met Council for the METRO Blue Line Extension project (CP 1005877); extend period from 12/31/18 to 06/30/19; no change to NTE
- L. **18-0491**  
Amd 3 to Agmt A177883A with Met Council for the Orange Line BRT project (CP 1005878) to extend the grant activity period to 12/31/19, increase max grant amount by \$659,000, and authorize disbursement of all remaining CTIB funds, which may include a further increase of no more than \$10,000 in the NTE amount
- M. **18-0492**  
Amd 2 to Agmt PW 01-67-16 with the Met Council for cost participation in design and construction engineering for the reconstruction of C-Line/Penn Ave (CP 2121100), extend period to 12/31/19; no change in cost
- N. **18-0493**  
Approve 2019 annual operating grant agmts with Metropolitan Council for Blue Line LRT (PR00000614), Green Line LRT (PR00000615), and Northstar Commuter Rail (PR00000616), 01/01/19-12/31/19, combined total NTE \$22,746,472

**Addendum**

- O. **18-0498**  
Amended and Restated Agmt A165757 with GRE for mgmt, operation, and maint of HERC, extend period to 12/31/25, est annual cost \$24,900,000

# HENNEPIN COUNTY

## MINNESOTA

### COMMITTEE MINUTES

### BOARD OF HENNEPIN COUNTY COMMISSIONERS

#### PUBLIC WORKS COMMITTEE

TUESDAY, OCTOBER 30, 2018

1:30 AM

Chair: Mike Opat, District 1  
Vice-Chair: Peter McLaughlin, District 4

Members: Linda Higgins, District 2  
Marion Greene, District 3  
Debbie Goettel, District 5  
Jan Callison, District 6  
Jeff Johnson, District 7

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Commissioner Mike Opat, Chair, called the meeting of the Public Works Committee for Tuesday, October 30, 2018 at 2:41 PM. All Commissioners were present except Commissioner Jeff Johnson who was absent.

#### 1. Minutes From Previous Meeting

- A. 10-16-2018 Minutes

#### APPROVED

Commissioner Linda Higgins moved to approve the Minutes, seconded by Commissioner Peter McLaughlin and approved - 6 Yeas 1 Absent: Johnson

#### 2. New Business

##### Routine Items

- A. **18-0452**

Agmts A189260 with MN BWSR accepting a Clean Water Fund SWCD Local Capacity Services and Buffer Law Implementation Prgm Grant, 10/09/18-12/31/21; A189261 with MN BWSR accepting a Natural Resources Block Grant Subsurface Sewage Treatment Systems Grant, DOE-12/31/21; total combined recv \$128,600

#### CONSENT

Commissioner Jan Callison moved to approve, seconded by Commissioner Marion Greene and approved - 6 Yeas 1 Absent: Johnson

- B. **18-0453**

Agmt PR00000577 with Xcel Energy to provide standby electrical power to HERC, 01/01/19-12/31/19, est NTE \$130,000

#### CONSENT

Commissioner Debbie Goettel moved to approve, seconded by Commissioner Mike Opat and approved - 6 Yeas 1 Absent: Johnson

- C. **18-0454**

Agmt PW 46-73-18 with Wright County for maintenance of three bridges spanning the Crow River between Hennepin County and Wright County, DOE-12/31/23, est annual recv \$1,500

#### CONSENT

Commissioner Debbie Goettel moved to approve, seconded by Commissioner Jan Callison and approved – 6 Yeas 1 Absent: Johnson

- D. **18-0455**

**CONSENT**

Commissioner Peter McLaughlin moved to approve, seconded by Commissioner Marion Greene and approved - 6 Yeas 1 Absent: Johnson

**Items for Discussion and Action**

**E. 18-0456**

Neg Agmt PR00000544 with the City of Rogers for the Rogers Business Expansion project, 10/26/18-12/31/20, NTE \$836,000

**CONSENT**

Commissioner Jan Callison moved to approve, seconded by Commissioner Debbie Goettel and approved - 6 Yeas 1 Absent: Johnson

**F. 18-0457**

Neg Amd 1 to Agmt PW 19-20-15 with the City of Mpls for maint and operations on county roadways located in Mpls, extending period to 12/31/19, est county cost \$1,400,000/yr

**PROCESSED**

Commissioner Marion Greene moved to approve, seconded by Commissioner Linda Higgins. After further discussion Commissioner Mike Opat moved to progress, seconded by Commissioner Jan Callison and approved - 6 Yeas 1 Absent: Johnson

**G. 18-0458**

Neg Agmt PW 49-20-18 with the City of Mpls for cost participation in C-Line partnership activities along Penn Ave; establish project budget (CP 2180400); transfer funds (CP 2180400) (est county cost \$600,000 – county state aid; est rcv \$200,000)

**CONSENT**

Commissioner Linda Higgins moved to approve, seconded by Commissioner Peter McLaughlin and approved – 6 Yeas 1 Absent: Johnson

**H. 18-0459**

Authorize supplemental appropriation of county state-aid funds (appropriation amount \$3,450,000)

**PROCESSED**

Commissioner Peter McLaughlin moved to approve, seconded by Commissioner Jan Callison. After further discussion Commissioner Peter McLaughlin moved to progress, seconded by Commissioner Mike Opat and approved - 6 Yeas 1 Absent: Johnson

**I. 18-0460**

Request to oppose the installation of five noise wall barriers as part of Bottineau Boulevard Reconstruction project (CP 2092200)

**PROCESSED**

Commissioner Mike Opat moved to progress, seconded by Commissioner Marion Greene and approved - 6 Yeas 1 Absent: Johnson

**2. Adjourn**

There being no further business, the meeting of the Public Works Committee for Tuesday, October 30, 2018 was declared adjourned at 3:01 PM.

Yolanda C Clark  
Deputy Clerk to the Board

# HENNEPIN COUNTY

## MINNESOTA

### Board Action Request 18-0480

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#### Item Description:

Ratification of permits, leases, lease amendments, and related property agreements approved by the County Administrator, 07/01/18-09/30/18, total NTE \$15,000

#### Resolution:

BE IT RESOLVED, that the agreements listed on the report entitled "Quarterly Summary of Real Estate Documents Executed by Administrator, Third Quarter 2018: 07/01/18-09/30/18, dated September 30, 2018," and the administration of all leases within the building located at 701 4th Avenue South, Minneapolis be ratified.

#### Background:

**History:** Pursuant to Resolution 97-04-238, approved on April 29, 1997, the County Board authorized the County Administrator to sign temporary permits, licenses, leases, lease amendments, and related property agreements, provided that the resulting expenditure does not exceed \$15,000 per year; and pursuant to Resolution 11-0339, approved on August 16, 2011, the County Board delegated the County Administrator the responsibility for the management and administration of all leases within the building located at 701 4th Avenue South, Minneapolis, and that following review and approval by the County Attorney's Office, the County Administrator be authorized to sign all leasing documents.

**Current Request:** Ratification is requested of those agreements signed by the County Administrator for the period July 1, 2018 through September 30, 2018, as identified on the report entitled, "Quarterly Summary of Real Estate Documents Executed by Administrator, Third Quarter 2018: 07/01/18-09/30/18, dated September 30, 2018," and the administration of all leases within the building located at 701 4th Avenue South, Minneapolis.

#### ATTACHMENTS:

Description	Upload Date	Type
Real Estated Documents Executed by Administrator Third Quarter 2018	10/22/2018	Backup Material

**Quarterly Summary of Real Estate Documents Executed by Administrator,  
Third Quarter 2018: 07/01/18 - 09/30/18  
Dated September 30, 2018**

<b>Contracting Party</b>	<b>Subject Matter and Property</b>	<b>Date Approved</b>	<b>Authorizing Resolution</b>
THE MIDTOWN GREENWAY COALITION	Permit Agreement A177478 between Hennepin County and The Midtown Greenway Coalition for the use of county owned Cepro site located at 2834 10 <sup>th</sup> Avenue South, Minneapolis on July 28, 2018 from noon to midnight and with tear down of the site to be completed by 2:00 AM on July 29, 2018. No rent.	7/26/18	97-4-238
SUBWAY REAL ESTATE, LLC	Amd 1 to Agreement A111001 between Hennepin County and Subway Real Estate, LLC for use in the space in Suite 230 in the building known as the 701 Building located at 701 Fourth Avenue South, Minneapolis extending the lease agreement through December 31, 2024, adding a third option to renew and adjusting the rent. Rec: \$16,740.00 for the first year plus 4% annually for sales over \$400,000.	7/31/18	11-0339
MINNEASOTA LITERACY COUNCIL	Amd 2 to Agreement A081488 between Hennepin County and the Minnesota Literacy Council for space utilized in the Sumner Library located at 611 Van White Boulevard, Minneapolis, extending the lease agreement through June 30, 2021 with annual increases of \$.75 per square foot. Rec: \$6,273.00 for the first year.	8/7/18	97-4-238
CITY OF CHAMPLIN	Amd 2 to License Agreement A142795 between Hennepin County and the City of Champlin for use of space in building located at 12450 Gettysburg Avenue North, Champlin, extending the license agreement through December 31, 2021. Rec: \$3,600.00 for the first year	8/7/18	97-4-238

**Quarterly Summary of Real Estate Documents Executed by Administrator,  
Third Quarter 2018: 07/01/18 - 09/30/18  
Dated September 30, 2018**

<b>Contracting Party</b>	<b>Subject Matter and Property</b>	<b>Date Approved</b>	<b>Authorizing Resolution</b>
AVIVO	Permit for Temporary Right of Entry Agreement A189063 between Hennepin County and AVIVO for use of the county's parking lot located at 1909 Columbus Avenue, Minneapolis on Tuesday, August 7, 2018 for National Night out basketball for the Avivo residents. No rent.	8/8/18	97-4-238
SMART ASSOCIATES, LTD and SMART PARA-LEGAL SERVICES, INC.	Amd 1 to Agreement A111000 between Hennepin County and Smart Associates, Ltd and Smart Para-Legal Services, Inc. for use of office space in the building known as the 701 Building located at 701 Fourth Avenue South, Minneapolis, extending the agreement through August 31, 2021. Rec: \$52,219.00 for the first year.	8/27/18	11-0339
AVIVO	Permit for Temporary Right of Entry Agreement A189170 between Hennepin County and AVIVO for use of the county's parking lot located at 1909 Columbus Avenue, Minneapolis on Tuesday, August 28, 2018 for a Three-On-Three Basketball Tournament for the Avivo residents from 5:00 PM-8:30 PM. No rent.	9/6/18	97-4-238
JOSEPH S. FRIEDBERG, CHARTERED and RIVERS LAW FIRM, PA	Amd 2 to Agreement A110996 between Hennepin County and Joseph S. Friedberg, Chartered and Rivers Law Firm, PA for use of office space in Suite 300 in the building known as the 701 Building located at 701 Fourth Avenue South, Minneapolis, extending the agreement through December 31, 2020. Rec: \$44,827.00 for the first year.	9/20/18	11-0339

# HENNEPIN COUNTY

## MINNESOTA

### Board Action Request 18-0481

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#### Item Description:

Amd 1 to Agmt PR00000164 with the City of Mpls for an ERF grant for the Maya Commons project allowing lead abatement costs as eligible expenses, 07/13/18-07/13/20, no change to NTE

#### Resolution:

BE IT RESOLVED, that Amendment 1 to Agreement PR00000164 with the City of Minneapolis for an Environmental Response Fund grant for the Maya Commons project in Minneapolis, allowing lead abatement costs as eligible expenses, during the period July 13, 2018 through July 13, 2020, with no change to the not to exceed amount of \$185,260, be approved; that following review and approval by the County Attorney's Office, the County Administrator be authorized to sign the Amendment on behalf of the county; that costs incurred by the grantee after the board approval date be eligible for reimbursement upon execution of the grant amendment; and that the Controller be authorized to disburse funds as directed.

#### Background:

**History:** In February 2018, the board awarded an Environmental Response Fund (ERF) grant for \$185,260 to the City of Minneapolis on behalf of Project for Pride in Living for the Maya Commons site in southeast Minneapolis (Resolution 18-0029). The site is located at 901 ½ 12th Avenue Southeast in Minneapolis. The site has a historically significant grain elevator that will be rehabilitated for reuse as a lobby and community space.

The grant was for contaminated soil cleanup required to construct 50 units of affordable housing at the site. Since the execution of the ERF grant agreement, lead-based paint has been identified in the grain elevator building.

Because lead-based paint abatement activities were omitted from the original agreement, an amendment is needed to allow reimbursement of these expenses. No change in the amount of the grant is needed. Project for Pride in Living staff indicated the \$185,260 originally awarded should be sufficient to cover the contaminated soil disposal and lead-based paint abatement costs for the project.

**Current Request:** This request seeks approval of Amendment 1 to Agreement PR00000164 with the City of Minneapolis for an ERF grant allowing lead-based paint abatement costs as eligible grant expenses during the period of July 13, 2018 through July 13, 2020, with no change to the not to exceed amount of \$185,260, which will allow for the renovation of the historic grain elevator building as part of the Maya Commons affordable housing development. This request also is for approval for the City of Minneapolis to incur lead abatement costs starting after the board approval date of Amendment 1, with reimbursements being paid upon the execution of the amendment. As the project proceeds, the City of Minneapolis will submit documentation for reimbursement of expenses.

**Impact/Outcomes:** Approval of this amendment will provide for the lead-safe renovation of the historic grain elevator building as part of the Maya Commons affordable housing project site.



# HENNEPIN COUNTY

## MINNESOTA

### Board Action Request 18-0482

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#### Item Description:

Amd 1 to Agmt PW 52-66-15 with SRF for design services on Wayzata Boulevard in Orono and Long Lake (CP 2091102), extending agreement period to 06/30/19, no change to NTE

#### Resolution:

BE IT RESOLVED, that Amendment 1 to Agreement PW 52-66-15 with SRF Consulting Group, Inc. for design services on Wayzata Boulevard (County Road 112) in Orono and Long Lake under Capital Project (CP) 2091102, extending the agreement period from December 31, 2018 to June 30, 2019, with no change to the not to exceed amount of \$800,000, be approved; that the Chair of the Board be authorized to sign the Amendment on behalf of the County; and that the Controller be authorized to disburse funds as directed.

#### Background:

**History:** Agreement PW 52-66-15 (Resolution 16-0146) with SRF Consulting Group (SRF) provides for final design of Wayzata Boulevard (County State Aid Highway 112) to reconstruct the roadway to a three-lane design with shoulders and an off-road trail from Wolf Pointe Trail to Wayzata Boulevard in the cities of Orono and Long Lake under capital project (CP) 2091102 (county cost NTE \$800,000).

Construction completion date is June 2019. More coordination for utility relocation was needed which pushed stage three construction into 2019.

Agreement PW 52-66-15 with SRF expires on December 31, 2018, and the construction work is not yet complete. Public Works staff recommends extending the agreement period to allow staff to continue to utilize the services of SRF for the remainder of the construction project.

**Current Request:** This request seeks approval of Amendment 1 to Agreement PW 52-66-15 with SRF Consulting Group, Inc., extending the agreement period from December 31, 2018 to June 30, 2019, within the previously established budget. By extending the period, county staff will be able to call upon SRF staff as needed to respond to contractor's questions that may arise during the last stage of the construction project.

A review of the SRF agreement balance indicates that there is approximately \$8,000 available to finance any services that may be required through June 30, 2019.

**Impact/Outcomes:** Amendment 1 to Agreement PW 52-66-15 will allow the county to respond to contractor's questions that may arise during the last stage of the reconstruction project, utilizing SRF's professional services as needed until the project construction is substantially complete.

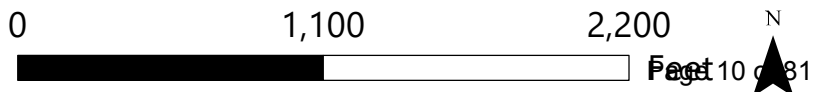
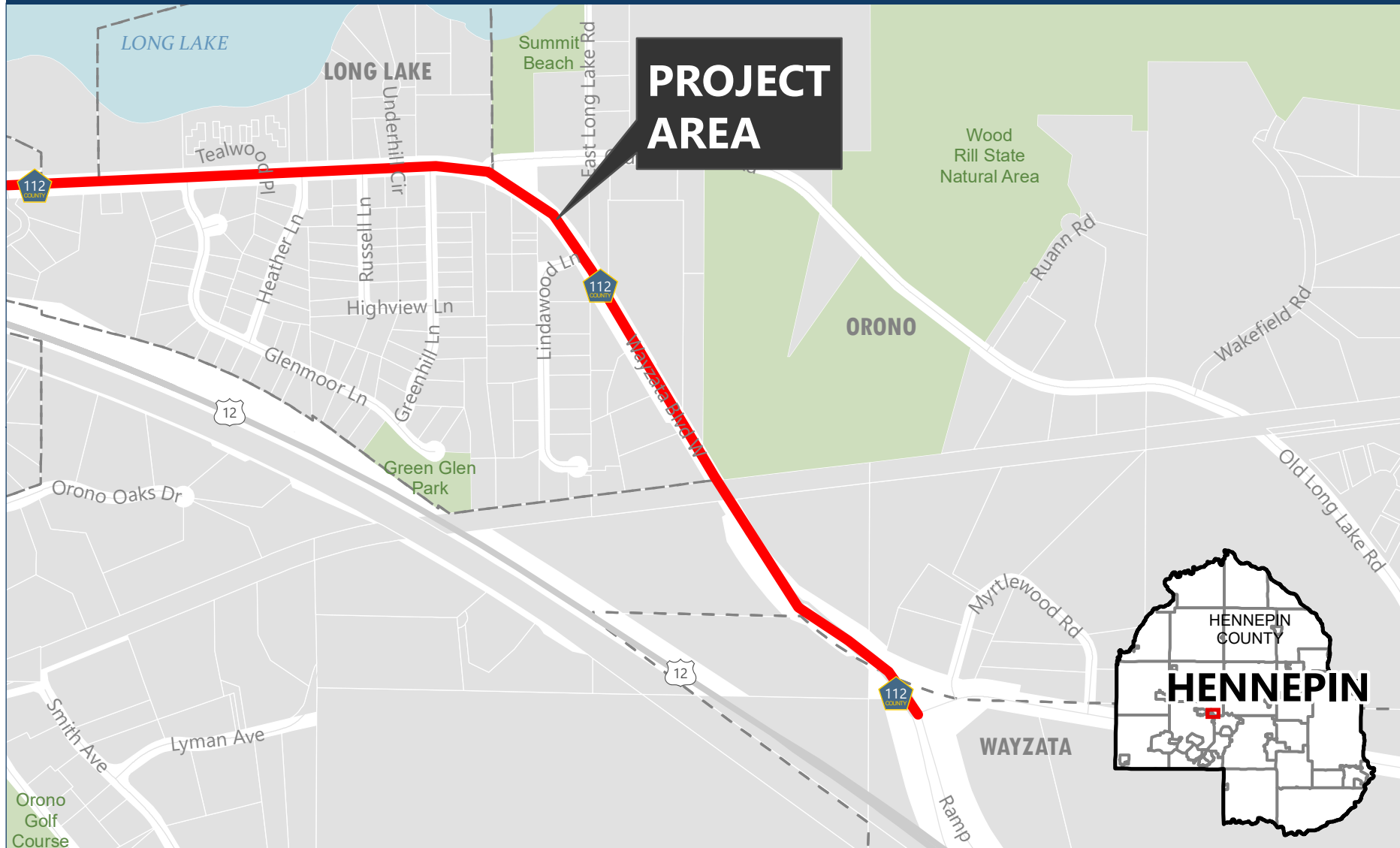
#### ATTACHMENTS:

Description	Upload Date	Type
Map of Wayzata Boulevard in Long Lake and Orono	10/26/2018	Map

# PW 56-32-17

CSAH 112 Reconstruction

HENNEPIN COUNTY  
MINNESOTA



**Hennepin County** Public Works

# HENNEPIN COUNTY

## MINNESOTA

### Board Action Request 18-0483

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#### Item Description:

Agmt A189198 with the City of Minnetonka for equipment storage and park land, 02/25/17-02/28/32, no county cost

#### Resolution:

BE IT RESOLVED, that Reciprocal Lease Agreement A189198 with the City of Minnetonka for county use of approximately 8,800 square feet of city-owned property located at 11522 Minnetonka Boulevard in Minnetonka for equipment storage, and county-owned land known as Grays Bay, lot 20, plat of Intpa-Nini on Lake Minnetonka to be utilized by the City of Minnetonka for public park purposes during the period February 25, 2017 through February 28, 2032, with no financial impact, be approved; and that the Chair of the Board be authorized to sign the Agreement on behalf of the county.

#### Background:

**History:** Since 2001, the City of Minnetonka (Agreement A15891) has leased county-owned land for public park purposes including picnic areas, shore fishing sites and a public canoe launch. In turn, the county (Agreement A12151) leased approximately 8,800 square feet in the Minnetonka Public Works facility for the storage of county-owned equipment (Resolution 01-558).

As originally authorized, the term of Agreement A15891 for the city's rental of county-owned land was for a 20-year period, and the term of Agreement A12151 for the county's rental of city-owned land was for a five-year period with three consecutive five-year renewals.

Agreement A12151 expired on February 24, 2017, which caused Agreement A15891 to terminate automatically as of the same date. The parties wish to re-establish the previous relationship and Reciprocal Lease Agreement A189198 would replace the former Agreements A12151 and A15891 for the remainder of the originally agreed upon term.

The county will be responsible for repairing any damage to the county's leased space within the facility and will not be responsible for any utilities used. The City of Minnetonka will be responsible for all utilities and for maintaining the city's leased land in a safe condition and in compliance with all applicable laws.

**Current Requests:** This request seeks to authorize Reciprocal Lease Agreement A189198 with the City of Minnetonka for county use of city-owned property located at 11522 Minnetonka Boulevard in Minnetonka for equipment storage, and county-owned land known as Grays Bay, lot 20, plat of Intpa-Nini on Lake Minnetonka to be utilized by the City of Minnetonka for public park purposes during the period February 25, 2017 through February 28, 2032, with no financial impact.

**Impact/Outcomes:** Approval of the lease will allow the county to continue to lease equipment storage space from the City of Minnetonka and for the City of Minnetonka to continue to lease land for the city's park at no cost to either party.

#### ATTACHMENTS:

Description	Upload Date	Type
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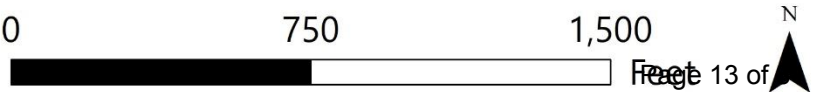
Map of 11522 Minnetonka Boulevard  
Map of 16501 Grays Bay Boulevard

10/24/2018    Map  
10/24/2018    Map



# Reciprocal Lease Agreement A189198

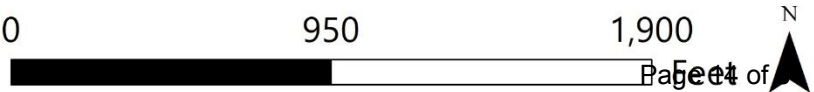
11522 Minnetonka Blvd





# Reciprocal Lease Agreement A189198

16501 Grays Bay Blvd



Date: 10/22/2018

**Hennepin County** Public Works

# HENNEPIN COUNTY

## MINNESOTA

### Board Action Request 18-0484

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#### Item Description:

Authorization to acquire right of way, by direct purchase or condemnation, and declare as surplus and dispose of excess right of way on various transportation capital improvement projects

#### Resolution:

BE IT RESOLVED, that the County Administrator be authorized to acquire fee title and/or easements by negotiation for direct purchase or condemnation, and declare as surplus and offer for sale excess right of way property, on various transportation capital improvement projects described herein; and that the County Administrator be authorized to sign purchase agreements, deeds and all other conveyance documents relating to said acquisitions, declarations, and sales on behalf of the county.

#### Background:

**History:** Many transportation capital improvement projects in Hennepin County's Capital Improvement Program require the acquisition of properties in fee title and/or permanent or temporary easements to accommodate the needed improvements. While most acquisitions have modest or partial impacts, there are occasions when total purchase of the property is required.

Additionally, roadway projects may involve realignments in which old right of way becomes excess. After construction and condemnation proceedings (if applicable) are completed, this excess right of way may be declared and sold as surplus property.

**Current Request:** Consistent with past practice, this request is to authorize the County Administrator to acquire all required property interests and to declare and dispose of any surplus right of way for/created by the following projects. The locations of these projects are illustrated in the attachment.

County Project 2090600, County State Aid Highway 152 (Brooklyn Boulevard-Brooklyn Center)  
County Project 2154300, County State Aid Highway 35 (Portland Avenue-Minneapolis & Richfield)  
County Project 2161100, County State Aid Highway 92 (County Road 92 N-Independence)  
County Project 2163700, County State Aid Highway 9 (Rockford Road-New Hope)  
County Project 2165200, County State Aid Highway 81 (West Broadway-Minneapolis)  
County Projects 2167500/2167600, County State Aid Highway 81 (Bottineau Boulevard-Minneapolis & Robbinsdale)  
County Projects 2170500/2170600, County State Aid Highway 51 (North Shore Drive-Orono)  
County Project 2176500, County State Aid Highway 152 (Osseo Road-Minneapolis)  
County Project 2180300, County State Aid Highway 153 (Lowry Avenue-Minneapolis)

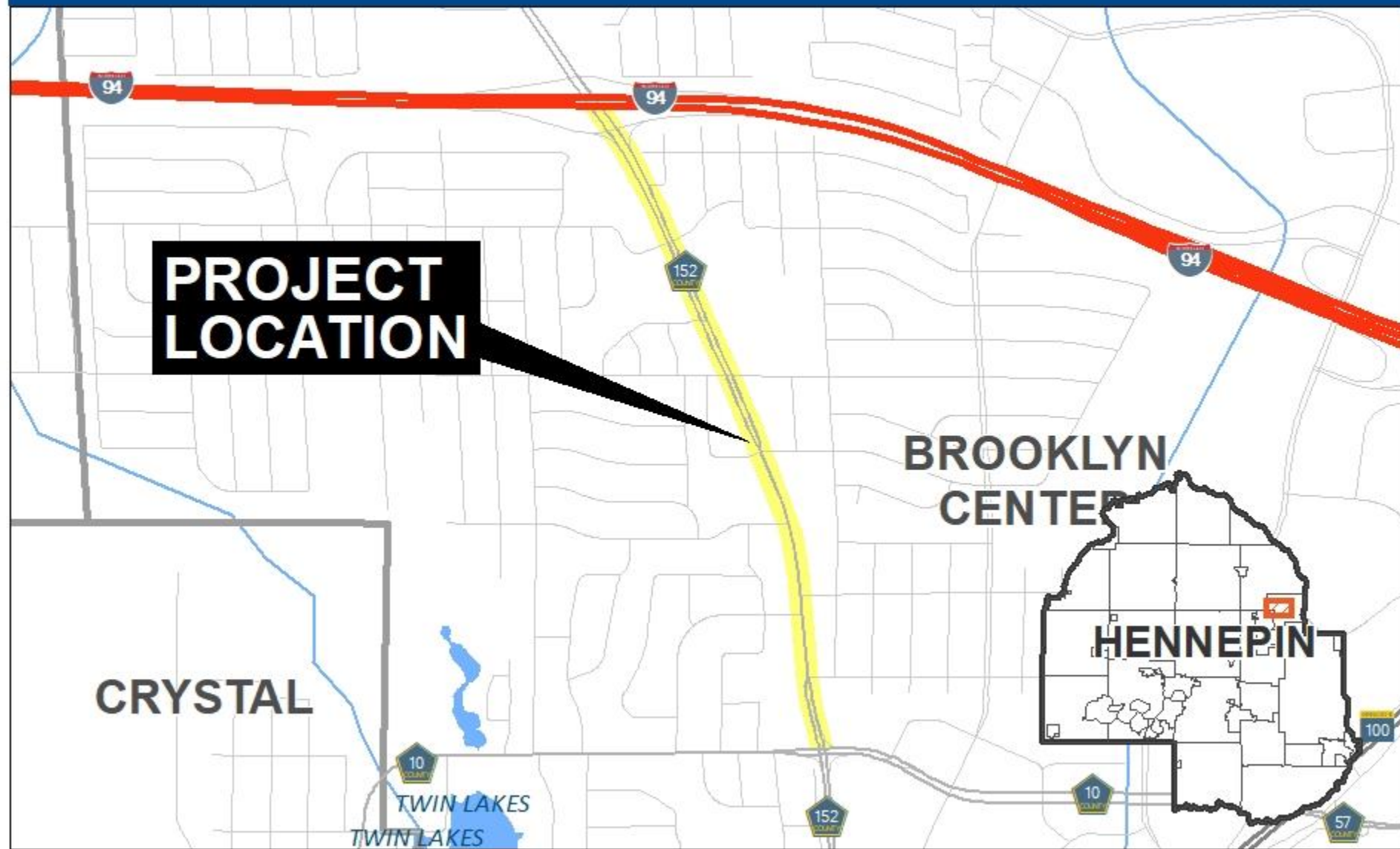
**Impact/Outcomes:** Approval of this request will allow for the timely acquisition of properties in support of planned transportation improvements and to dispose of excess right of way no longer needed for county use.

#### ATTACHMENTS:

Description	Upload Date	Type
2018 Transportation Project ROW Maps	10/30/2018	Map



## County Project 2090600 - CSAH 152 (Brooklyn Blvd Brooklyn Center)



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Hennepin County Public Works





# County Project 2154300 CSAH 35 (Portland Ave Minneapolis & Richfield)



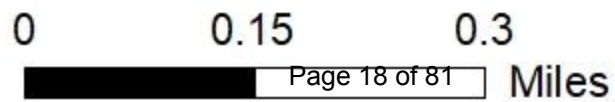
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Hennepin County Public Works



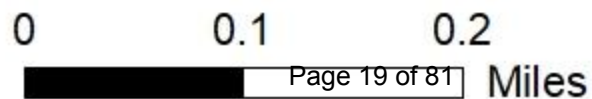
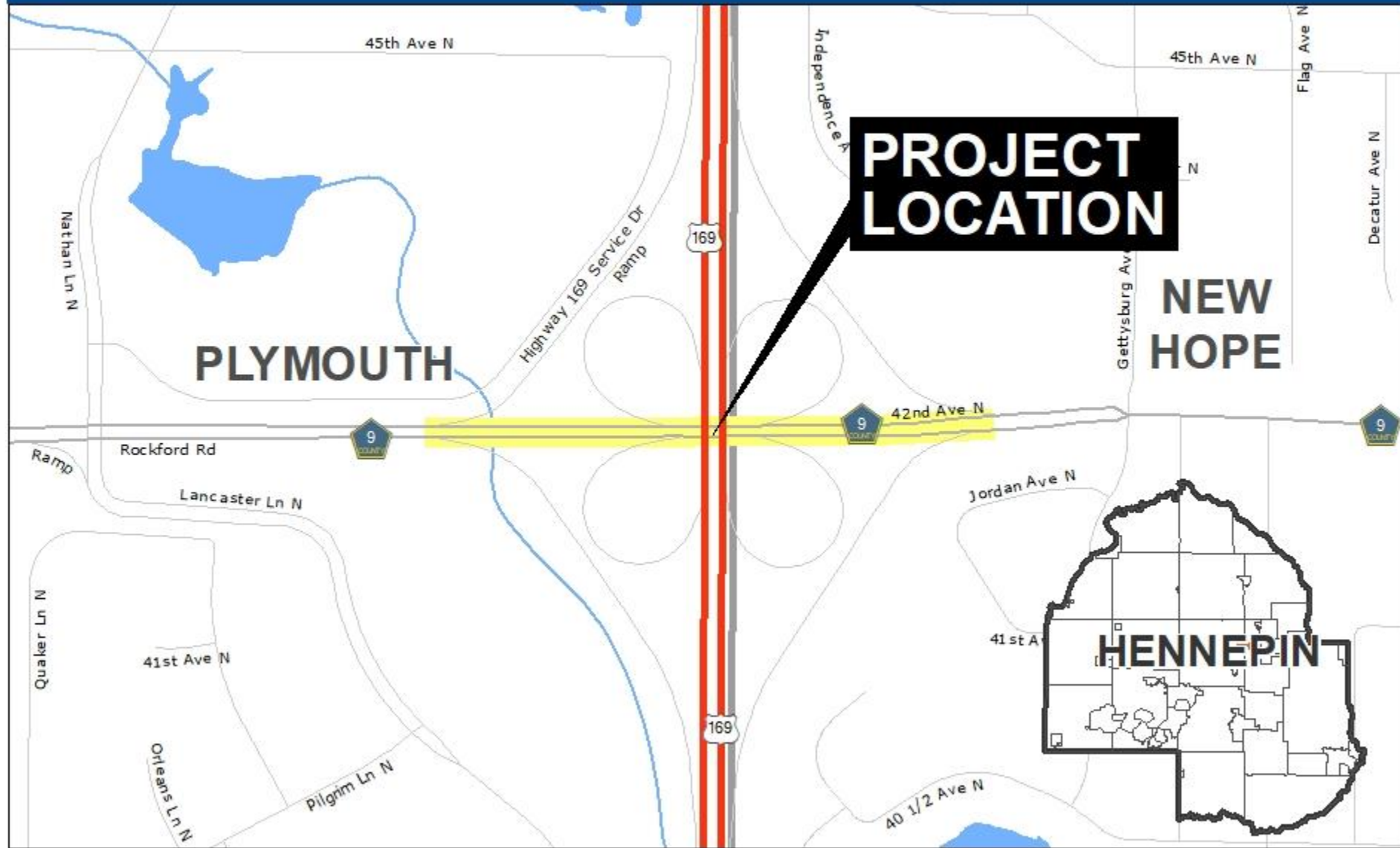
# County Project 2161100 CSAH 92 (Co Rd 92 N - Independence)



Hennepin County Public Works



# County Project 2163700 CSAH 9 (Rockford Rd New Hope)

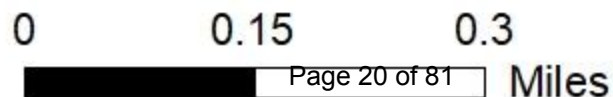
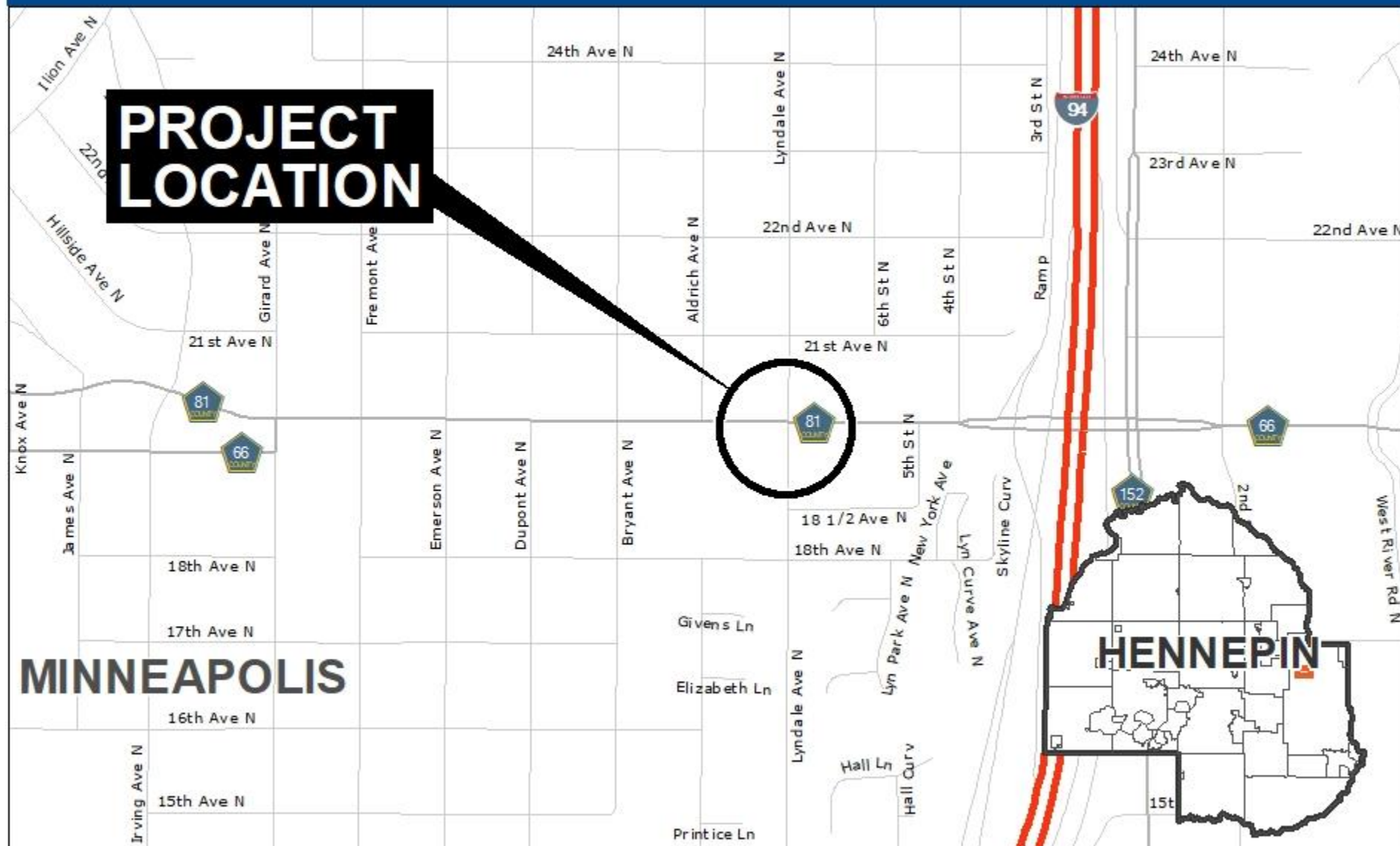


Hennepin County Public Works





# County Project 2165200 CSAH 81 (West Broadway Minneapolis)



Hennepin County Public Works



A map of the Minneapolis and Hennepin area. A black circle highlights the intersection of Theodore Wirth Pkwy and 31st Ave N. A black arrow points from a black box with the text "PROJECT LOCATION" to this intersection. The map shows various streets including 35th Ave N, 34th Ave N, 33rd Ave N, 31 1/2 Ave N, 29th Ave N, Van Demark Rd, Halifax Ave N, Grimes Ave N, France Ave, Ewing, Drew Ave, Chowen Ave, Abbott Ave, Zenith Ave N, York Ave N, Memorial Pkwy, Upton Ave N, Sheridan Ave N, Russell Ave N, Queen Ave N, Washburn Ave N, Vincent Ave N, and Meridian Dr. Major roads are marked with shields: 81 (County Road 81), 153 (County Road 153), and 2 (County Road 2). The city names "MINNEAPOLIS" and "HENNEPIN" are displayed in large, bold, black letters. The city of Robbinsdale is labeled in large, bold, black letters on the left side of the map. The city of St. Louis Park is labeled in large, bold, black letters on the right side of the map. The city of Eden Prairie is labeled in large, bold, black letters on the bottom right side of the map. The city of Plymouth is labeled in large, bold, black letters on the bottom right side of the map. The city of Maple Grove is labeled in large, bold, black letters on the bottom right side of the map. The city of Burnsville is labeled in large, bold, black letters on the bottom right side of the map. The city of Chaska is labeled in large, bold, black letters on the bottom right side of the map. The city of Shakopee is labeled in large, bold, black letters on the bottom right side of the map. The city of Eden Prairie is labeled in large, bold, black letters on the bottom right side of the map. The city of Plymouth is labeled in large, bold, black letters on the bottom right side of the map. The city of Maple Grove is labeled in large, bold, black letters on the bottom right side of the map. The city of Burnsville is labeled in large, bold, black letters on the bottom right side of the map. The city of Chaska is labeled in large, bold, black letters on the bottom right side of the map. The city of Shakopee is labeled in large, bold, black letters on the bottom right side of the map.



**Project 2170500 and 2170600 CSAH 51  
BRIDGE (North Shore Drive Orono)**



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Miles  
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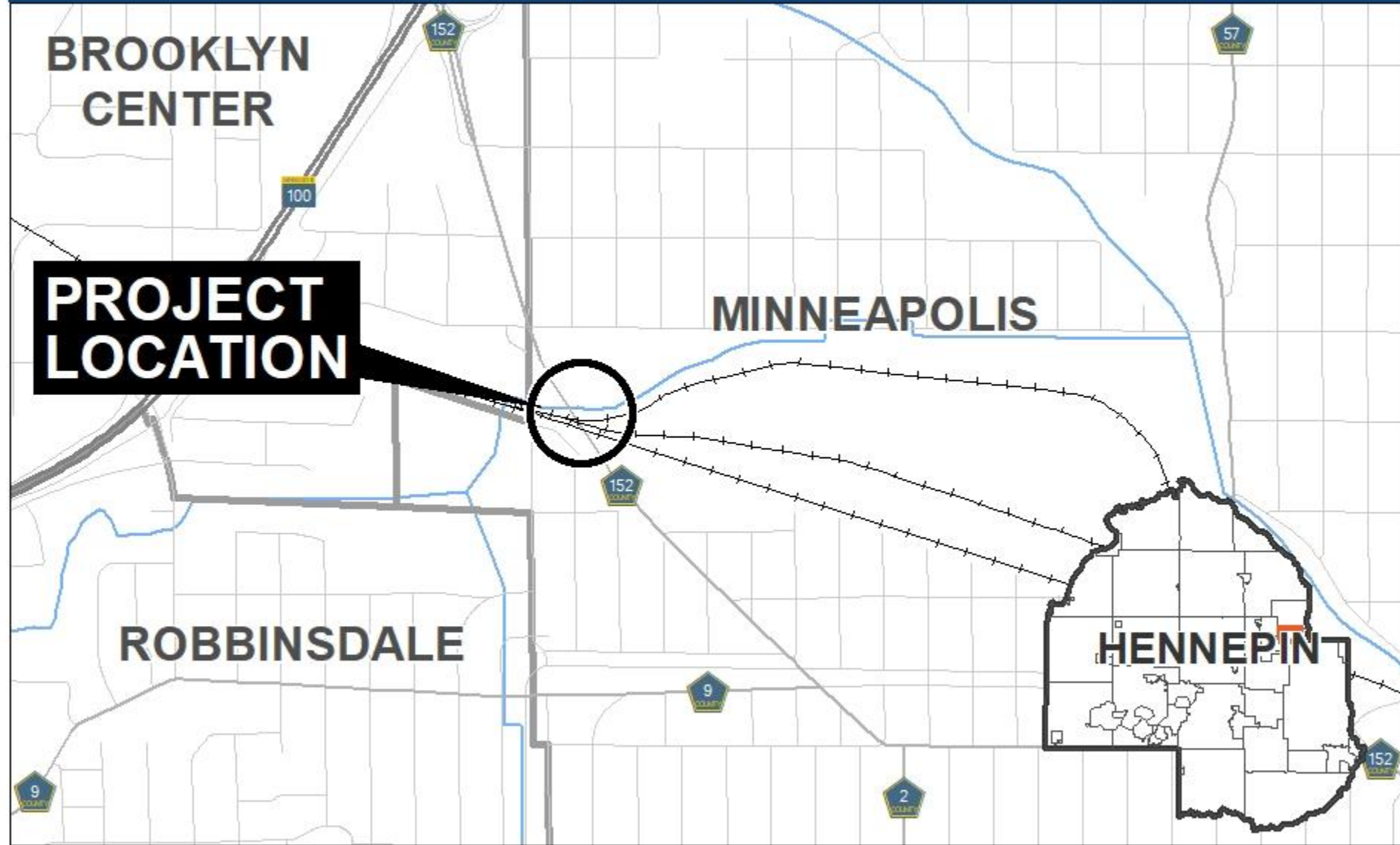


**Hennepin County Public Works**





# County Project 2176500 CSAH 152 BRIDGE (Osseo Road Minneapolis)



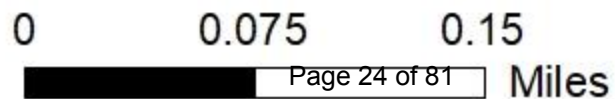
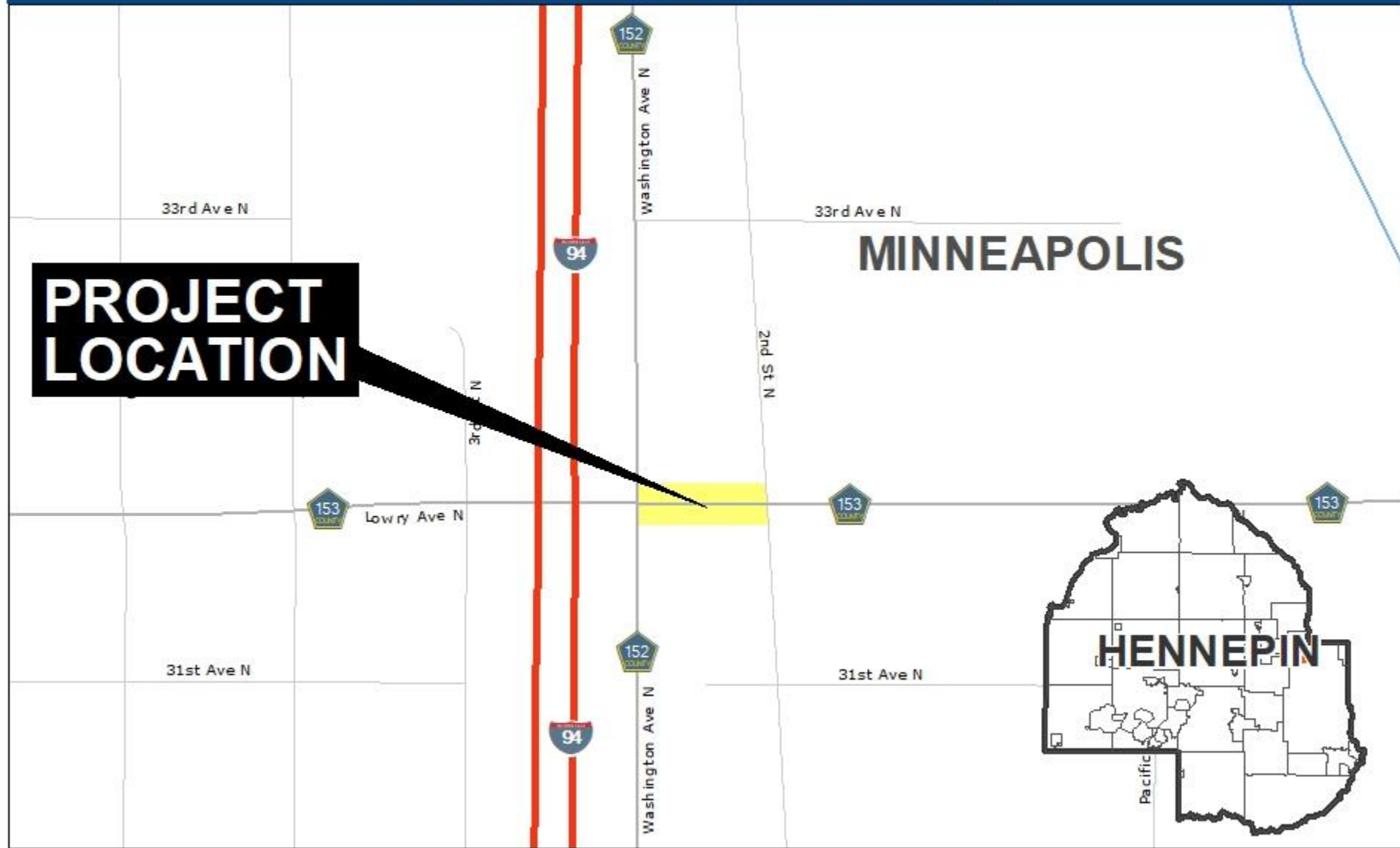
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Hennepin County Public Works



# County Project 2180300 CSAH 153 SIDEWALK (Lowry Ave N MPLS)



Hennepin County Public Works





# HENNEPIN COUNTY

## MINNESOTA

### Board Action Request 18-0485

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#### Item Description:

Neg Agmts PR00000589 with East Side Neighborhood Svcs, PR00000590 with State of MN (North Hennepin Comm College) and PR00000591 with Tree Trust for Green Partners Environmental Education grants, 01/01/19-12/31/19, total combined NTE \$50,000

#### Resolution:

BE IT RESOLVED, that the County Administrator be authorized to negotiate Agreements PR00000589 with East Side Neighborhood Services in an amount not to exceed \$20,000, PR00000590 with State of Minnesota (North Hennepin Community College) in an amount not to exceed \$20,000, and PR00000591 with Tree Trust in an amount not to exceed \$10,000 for Green Partners Environmental Education grants to engage residents in environmental education projects during the period of January 1, 2019 through December 31, 2019; that following review and approval by the County Attorney's Office, the County Administrator be authorized to sign the Agreements on behalf of the County; and that the Controller be authorized to disburse funds as directed.

#### Background:

**History:** The Green Partners Environmental Education Program provides support and funding to organizations to implement projects that engage and empower residents to protect and improve the environment. Funding for the Green Partners Environmental Education program comes from the Solid Waste Enterprise Fund.

The county recently concluded an evaluation of the grant program to reassess goals, analyze project outcomes, check alignment with community needs and county goals, and look for efficiencies in program management. A number of changes were made based on feedback gathered from a public engagement process that involved current and past grantees, past applicants, community groups, grant managers of other programs, and county staff. Key changes include:

- Updated project criteria and created separate applications to better support goals for adult and youth audiences. Youth projects focus on developing an environmental ethic and interest in environmental stewardship and projects with adults focus on motivating behavior change.
- Applications will be accepted once per year (previously twice a year) to provide more support for grantees throughout their projects.
- Allowed past grantees (organizations who have successfully completed a one-year Green Partners project) to be eligible for two-year grants, with the second year contingent upon successful progress in year one.
- Simplified grant reporting requirements by eliminating the mid-term report and updated questions in the final report to ensure what is collected is useful and timely.
- Improved resources provided to potential applicants, including sample applications, more training on behavior change and reporting, and project planning assistance.

Since the program was established in 2012, 133 grants totaling more than \$1.3 million have been awarded. The county released a request for proposals in July 2018 and 43 proposals were received.

There are 11 additional agreements for Green Partners environmental education projects that will be approved administratively because their funding requests and other agreements with the county are less than \$50,000 each. Those 11 grant projects total \$199,700 and include the following organizations: Clean Water Fund (Minneapolis), Cleveland Neighborhood Association (Minneapolis), Climate Generation: A Will Steger Legacy (Hennepin County), Congregations Caring for Creation (Hennepin County), Girl Scouts of Minnesota and Wisconsin River Valleys, Inc. (Hennepin County), Great Plains Institute (Saint Louis Park), Metro Blooms (Brooklyn Park, Minneapolis), Minneapolis Toy Library (Minneapolis), Northside Resident Redevelopment Council (Minneapolis), Partnership Academy (Richfield) and Spark Youth (Minneapolis).

**Current Request** This request is to authorize the County Administrator to negotiate three Green Partners environmental education grant agreements for environmental education projects with the following organizations:

- East Side Neighborhood Services (Minneapolis), \$20,000—East Side Neighborhood Services will engage 150 youth in Minneapolis learning about water protection through a project called H2 Whoa! during their out of school time programs.
- State of Minnesota, North Hennepin Community College (Brooklyn Park), \$20,000—North Hennepin Community College will engage 150 American Indian and indigenous youth and community members in environmental stewardship, waste reduction, and water protection through an immersion learning experience called the Dave Larsen American Indian Immersion Experience: Nimino-bimaadiziwininaan (environmental stewardship is our way of life) and Ganawendan nibi (care for the water).
- Tree Trust (Hopkins), \$10,000—Tree Trust will engage more than 200 residents in learning about and taking action to care for trees in Hopkins, including managing ash trees.

These three agreements require board action because each organization has other contracts with the county that in totality exceed \$50,000.

**Impact/Outcomes:** The recommended Green Partners environmental education projects support the county's goals of promoting environmental stewardship, engaging communities, enhancing quality of life and protecting the environment for current and future generations. Groups listed in this request will engage more than 500 residents becoming environmental stewards and in taking action to protect the environment by reducing waste, improving water quality, and protecting trees. These projects will reach more than 23,000 residents with environmental messages. Two of the projects engage underserved and hard-to-reach communities, and two of the projects engage youth. Organizations are required to administer evaluations developed by the county to assess changes in participants' environmental behaviors. Previous evaluations have shown that this model of environmental education is effective in motivating participants to make behavior changes that have a positive impact on the environment.

## ATTACHMENTS:

Description	Upload Date	Type
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# HENNEPIN COUNTY

## MINNESOTA

### Board Action Request 18-0486

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#### Item Description:

Joint Powers Agmt A189282 with the MPCA regarding hazardous waste inspections and enforcement, 01/01/19-12/31/23, no county cost

#### Resolution:

BE IT RESOLVED, that Joint Powers Agreement A189282 with the Minnesota Pollution Control Agency for hazardous waste inspections and enforcement activities during the period January 1, 2019 through December 31, 2023 at no county cost, be approved, and that the Chair of the Board be authorized to sign the Agreement on behalf of the county.

#### Background:

**History:** Hennepin County, along with the other metropolitan counties, regulates hazardous waste produced by businesses through county ordinance. Each county has established a licensing and inspection program to carry out this regulatory work. The Minnesota Pollution Control Agency (MPCA) regulates hazardous waste in greater Minnesota through program authorization from the U.S. Environmental Protection Agency (EPA). The county and state programs are based on hazardous waste regulations promulgated by the U.S. EPA. Over the years, the counties and the MPCA have coordinated their programs in an effort to maintain consistency throughout the state and to better assist businesses to properly manage their waste. Hennepin County and the MPCA have operated under a joint powers agreement since 2006 to cooperatively exercise their respective authorities and ensure businesses comply with hazardous waste management rules.

The agreement establishes a framework under which the MPCA includes county inspections with MPCA inspection reports to the U.S. EPA, which provides a more complete perspective of the hazardous waste regulatory efforts that exist in Minnesota. While the other metro counties also regulate hazardous waste management, Hennepin County is the only county in the state to have its inspections recognized by the U.S. EPA.

The county currently licenses 5,260 hazardous waste generators. All hazardous waste generators must comply with basic management requirements that provide for the safe handling and proper disposal of all hazardous waste. Additional requirements apply to certain generator size categories, which are determined by the quantity of waste generated. The larger the generator, the more extensive the requirements. To ensure compliance, hazardous waste generators are subject to unannounced inspections. Generators may face regulatory enforcement actions if they are not in compliance with the hazardous waste rules. Hennepin County staff provide on-line training and other resources to generators to assist them in maintaining compliance.

The delegated authority that comes from the MPCA through this agreement enables the county to more comprehensively protect human health and the environment through coordinated efforts to ensure compliance with hazardous waste management rules.

**Current Request:** This request is for approval of Agreement A189282 with the MPCA regarding hazardous waste inspections and enforcement activities during the period of January 1, 2019 through December 31, 2023. There are no significant changes to the terms in this agreement compared to the

previous joint powers agreement covering 2014 through 2018 (Resolution 13-0353). No funds will be exchanged.

**Impact/Outcomes:** Approval of this agreement enables the county to more comprehensively protect human health and the environment through coordinated efforts to ensure compliance with hazardous waste management rules. The county receives training opportunities for inspectors, improved data sharing and greater access to assistance from the U.S. EPA. The agreement minimizes duplication of efforts by the parties and results in efficient and cost effective use of staff and resources and a more consistent application of hazardous waste regulations. Approval of this agreement provides U.S. EPA with a more complete picture of hazardous waste regulatory efforts in Minnesota.

# HENNEPIN COUNTY

## MINNESOTA

### Board Action Request 18-0487

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#### Item Description:

Amd 3 to Power Purchase Agmt with Northern States Power Company for electricity generated at HERC, extending the term to 12/31/19

#### Resolution:

BE IT RESOLVED, that Amendment 3 to the Power Purchase Agreement with Northern States Power Company for electricity generated at the Hennepin Energy Recovery Center, extending the contract period from December 31, 2018 to December 31, 2019, be approved; that following review and approval by the County Attorney's Office, the Chair of the Board be authorized to sign the Amendment on behalf of the County; and that the Controller be authorized to disburse and receive funds as directed.

#### Background:

**History:** The Hennepin Energy Recovery Center (HERC) burns 365,000 tons of solid waste from homes and businesses each year to produce energy in the form of electricity and steam. HERC generates enough electricity to power about 25,000 homes per year.

Hennepin County and Northern States Power (NSP) entered into a Power Purchase Agreement (PPA) in 1986. The contract, which expired on December 31, 2017, included a clause allowing the county the option to extend the PPA for seven years based on fair market value of electricity. The county and NSP executed Amendment 1 to the PPA in June 2017, extending the term of the PPA to December 31, 2024 (Resolution 17-0217).

Amendment 1 was contingent upon approval by the Minnesota Public Utilities Commission (PUC). On November 16, 2017, the PUC rejected Amendment 1 and asked both parties to renegotiate its terms. The county filed a request for reconsideration that the PUC rejected on March 7, 2018. The county notified NSP (dba Xcel Energy) in June 2018 of its intent to arbitrate. The parties negotiated the selection of an arbitrator that was agreed to in September 2018. Following protocol, the county is now filing its complaint with the American Arbitration Association. Upon completing arbitration, the arbitrated decision must be reviewed by the PUC. It is not expected that a final contract will be resolved by the time the current Interim Power Purchase Agreement (Amendment 2) expires.

Amendment 2 extended the contract for sales of electricity by the county to NSP for a one-year period from January 1, 2018 to December 31, 2018 (Resolution 17-0513). Amendment 2 requires that the terms of a final agreement apply retroactively to January 1, 2018.

**Current Request:** This request seeks approval of Amendment 3 to the Power Purchase Agreement with Northern States Power Company for electricity generated at HERC, extending the contract period from December 31, 2018 to December 31, 2019. Amendment 3, which extends the Interim Power Purchase Agreement (Amendment 2), will be in effect until terms of a new Power Purchase Agreement are approved by the PUC.

**Impact/Outcomes:** This amendment will ensure that the county continues to receive between \$4 million and \$5 million in annual revenue from electricity generated by HERC. This revenue funds the county's

waste prevention, recycling, and organics recycling and environmental education programs.

# HENNEPIN COUNTY

## MINNESOTA

### Board Action Request 18-0488

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#### Item Description:

Adopt revisions to Hennepin County Ordinance 13 – Recycling

#### Resolution:

BE IT RESOLVED, that the Hennepin County Board of Commissioners adopts the revisions to Hennepin County Ordinance 13 – Recycling; and that the Clerk of the Board be directed to publish the revised ordinance pursuant to Minnesota Statutes, section 375.51, subdivision 3.

#### Background:

**History:** Ordinance 13 regulates recycling, which is the separation of recyclables and organic materials from trash, by residents, businesses, and other waste generators.

The State of Minnesota gives authority to counties to manage solid waste. Hennepin County Ordinance 13 was adopted in 1986 to create residential curbside recycling programs. Since then, recycling has expanded to serve residents everywhere, such as at work, school and public spaces. New programs have been created to capture organic materials.

The county's 2018 Solid Waste Management Master Plan calls for revising the county's recycling ordinance to improve conventional recycling and for requiring organics recycling for cities and businesses to meet the state goal of 75 percent recycling (mandated by Minnesota Statutes, section 115A.551, subdivision 2a) and the county goal of sending zero waste to landfills (Resolution 17-0479).

The county completed an extensive public engagement plan to revise the ordinance.

- From December 2017 to May 2018, county staff sought input on how to best engage key stakeholders and what provisions the county should pursue when revising the ordinance. Staff met with trade associations, held meetings, and conducted surveys. Staff received input from 316 participants, including city representatives, trade associations, waste haulers, property managers, businesses, and the broader community.
- The county distributed its draft revisions to the recycling ordinance on July 23, 2018, and notified 16,000 stakeholders through mailings, emails and surveys. Staff reviewed the 350 comments received and edited the ordinance based on this feedback.
- The next draft of the revisions was posted online on September 17, 2018, and stakeholders were notified about the opportunity to comment at the public hearing or in writing to the department.
- A public hearing on the proposed revision to Ordinance 13 was held before the Public Works Committee of the county board on October 2, 2018. The department received seven letters and the board heard comments from 18 individuals at the hearing. The department has since made additional edits to the ordinance and submitted it to the board for consideration.

**Current Request:** This request is to adopt the revisions to Ordinance 13 – Recycling. The revisions include:

- Cities must make organics recycling service available to all households with curbside recycling service (single-family and dwellings up to four units) by January 1, 2022. Cities of the fourth class (those with a population of 10,000 or less) that choose not to make curbside organics recycling service available to residents must provide at least one organics recycling drop-off site by January 1, 2022.
- Multifamily properties must provide recycling education to residents, offer adequate service for the

collection of recyclables (and organics if offered), increase service levels if insufficient, and provide recycling containers in common areas where trash is being collected and label waste containers.

- Businesses that generate large quantities of food waste; such as restaurants, hotels, grocers, residential care facilities, and office buildings with dining services; must implement food waste recycling by January 1, 2020. This requirement would apply to businesses in the identified sectors that generate one ton of trash or more per week or contract for weekly collection of eight or more cubic yards of trash.
- In addition to meeting state recycling requirements, businesses must offer adequate service for the collection of recyclables, increase service levels if insufficient, and label containers.
- The county will have the authority to enforce these requirements, including the ability issue warnings or citations for noncompliance. Businesses and multifamily properties will be given the opportunity to comply before the county would take enforcement action.

**Impact/Outcomes:** The revisions to Ordinance 13 would improve conventional recycling, provide residents with the opportunity to participate in organics recycling, and require businesses that generate large amounts of food waste to divert organics from the trash.

Revisions to the ordinance fulfill strategies included in the county's Solid Waste Management Master Plan to provide convenient and consistent recycling everywhere people go – at home, at work, and on-the go.

The revisions to the ordinance will:

- Provide residents with the opportunity to participate in organics recycling.
- Ensure residents who live in multifamily dwellings have adequate access to recycling service.
- Ensure recycling is available at work and create a level playing field for businesses that recycle.
- Support higher route density to make organics recycling more affordable for smaller businesses and continue to lower the cost for residents who participate in organics recycling.

Since organic materials make up 30 percent of trash, diverting food and other organic materials is the biggest opportunity to achieve the county's recycling goal of sending zero waste to landfills. Putting organics to a better use can help feed people in need, create compost for healthier soils, or create energy through anaerobic digestion. Diverting organics from the trash reduces emissions of greenhouse gases from the decomposition of organic materials in landfills, which produces methane. Composting organics also supports Minnesota jobs. Minnesota's composting industry supports about 700 jobs and produces \$148 million in gross economic activity per year. The composting industry supports four to eight times more jobs on a per ton basis than landfilling operations.

#### **ATTACHMENTS:**

Description	Upload Date	Type
Ordinance 13 revisions post-hearing redline with watermark	10/30/2018	Backup Material
Ordinance 13 revisions	10/30/2018	Backup Material



ORDINANCE NUMBER THIRTEEN  
RECYCLING  
FOR HENNEPIN COUNTY

Adopted by the  
Hennepin County Board of Commissioners  
October 30, 1986

Amended on XXX, XX, 2018

Section I Definitions

Section II General Provisions for Cities

Section III General Provisions for Multifamily Housing

Section IV General Provisions for Commercial Generators

Section V Shared Provisions for Multifamily Housing and Commercial Generators

Section VI Violations

Section VII Separability

Section VIII Provisions are Accumulative

**Purpose**

This Ordinance regulates the separation of Mixed Recyclables and Organic Material from Waste by Generators. This Ordinance is consistent with County adopted goals established by the Minnesota Pollution Control Agency in its Metropolitan Solid Waste Management Policy Plan and mandated by Minnesota Statute, section 115A.551, subdivision 2a, requiring a 75 percent Recycling rate by 2030. This Ordinance satisfies statutory obligations and is authorized pursuant to authority in Minnesota Statutes, section 115A.551 – 115A.553, and 473.811. The County Board of Hennepin County, Minnesota, does therefore ordain this Ordinance Thirteen.

**SECTION I DEFINITIONS**

The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section.

“Anaerobic Digestion” means the process during which microorganisms break down Organic Material in the absence of oxygen in an enclosed vessel to produce energy and beneficial soil or agricultural supplements.

“Back-of-House” means the kitchen, food preparation, dishwashing, and storage areas of a commercial establishment that are not accessed by customers or the public.

“Beneficial Use” means an activity that serves to reuse nutrients through processing of Organic Material, such as consumption by humans or animals, Composting, Anaerobic Digestion, and additional methods as designated by the Department in collaboration with local facilities that manage Organic Material and further defined in Section IV.

“Bin” means any receptacle including but not limited to a barrel or cart that is used for the Collection, storage, or transport of Waste to a Collection Container serviced by a Hauler for transport to a Disposal Facility, Organic Material Management Facility, or Materials Recovery Facility.

“Bulky Items” means those items that are not included in regular Collection Service by a Hauler and include large items like mattresses and furniture that cannot fit into Collection Containers.

“Bureau” means the County Violations Bureau.

"Cities" mean statutory and home rule charter cities authorized to plan under Minnesota Statutes, sections 462.351 to 462.364.

"Collection" means the aggregation of Waste from the place where it is generated and includes all activities up to the time when the Waste is delivered to a Materials Recovery Facility, Organic Material Management Facility, or a Disposal Facility.

“Collection Container” means the receptacle that is provided, designated, and serviced by the Hauler for the Collection of any Waste, including but not limited to barrels, carts, dumpsters, roll-off containers, or compactors.

“Collection Service” means a service providing scheduled Collection ~~and disposal~~ of any Waste.

“Commercial Composting Facility” means a site used to compost Organic Material, including Food Scraps, which have been Source Separated as defined in Minnesota Rules, part 7035.0300, Subpart 105b, and which meets applicable State and local requirements for composting Organic Material.

“Commercial Generator” means an entity that is neither housing with Curbside Collection nor Multifamily Housing.

“Compost” means the product resulting from the controlled biological decomposition of Organic Material that has been sanitized through the generation of heat during the composting process and stabilized to the point that it is beneficial to plant growth and can be used as a soil amendment without further processing.

“Compostable” means that a material or product will biodegrade without leaving a residue or any toxicity in the soil. Any compostable plastics or lined papers must meet ASTM D6400 and ASTM D6868, respectively, as certified by the Biodegradable Products Institute or other similar independent certification bodies.

“Composting” means the controlled biological decomposition of Organic Material through an aerobic method of accelerating natural decomposition.

"County" means Hennepin County.

"County Board" means the Hennepin County Board of Commissioners and authorized representatives.

"Covered Generators" are any Commercial Generators of Organic Material that must comply with this Ordinance as stated in Section IV.

"Curbside Collection" means the pickup of Waste from residential households that are single family through fourplex and other residential households where each household has its own Collection Container, such as a townhouse.

"Department" means the Hennepin County Environment and Energy Department.

"Disposal Facility" means a Waste facility permitted by the Minnesota Pollution Control Agency (MPCA) that is designed or operated for the purpose of disposing of Waste on or in the land together with any appurtenant facilities needed to process Waste for disposal or transfer to another Waste facility.

"Food Scraps" means all material resulting from the production, storage, preparation, processing, cooking, handling, selling, or serving of food for human or animal consumption, including but not limited to, meats, grains, dairy, fish, fruits, and vegetables.

"Food-to-Animal Programs" means all Food-to-Animal-Feed Processing and Food-to-Livestock programs.

"Food-to-Animal Feed Processing" means the process of using grains, cereals, vegetable and animal by-products to create a feed for animals.

"Food-to-Livestock" means the process of re-using and recycling food and Food Scraps as feed for livestock, subject to regulation in Minnesota Statutes, sections 35.751 and 35.76.

"Generation" means the act or process of producing Waste.

"Generator" means any Person who generates Waste.

"Hauler" means any Person who owns, operates or leases vehicles for the primary purpose of Collection and transportation of any type of Waste.

"Household Hazardous Waste" means materials generated in a residential household, which includes any dwelling from a single unit to Multifamily Housing properties, that are in solid, semi-solid, liquid, or contained gaseous form that, because of quantity,

concentration, or chemical, physical, or infectious characteristics, may (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (b) pose substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives. Household Hazardous Waste does not include source, special nuclear, or M by-product materials as defined by the Atomic Energy Act of 1954, as amended.

“Materials Recovery Facility” means a permitted facility where Mixed Recyclables are received to be prepared for reuse in their original form or for use in manufacturing processes that do not cause the destruction of the materials in a manner that precludes further use. It does not include a manufacturer using recyclable materials as feedstock. This includes a transfer station where Mixed Recyclables are delivered, temporarily stored and sent to a facility where it is processed for Recycling.

"Metropolitan Council" means the council established in Minnesota Statutes, section 473.123.

"Mixed Recyclables" means materials that are separated from Waste for the purpose of Recycling, whether or not these materials are commingled for Collection.

"Multifamily Housing" means an apartment building, ~~a manufactured home~~, a condominium, a townhouse, a cooperative housing unit, or any other property where a property manager or association coordinates Collection Service for residents of the housing.

“Organic Material” means the portion of Waste that is Source Separated for the purpose of Beneficial Use, and may include food, Food Scraps and other materials as designated by the Department in collaboration with local Organic Material Management Facilities. For the purpose of this Ordinance, Organic Material excludes Yard Waste regulated in Minnesota Statute, section 115A.931.

“Organic Material Drop-off Site” is a site that accepts Organic Material self-hauled by residents for the purpose of collection and transport to an approved facility for Beneficial Use. The site may be a stand-alone site or be co-located at an existing Disposal Facility, Materials Recovery Facility, or transfer station.

“Organic Material Management Facility” means a facility where Organic Material is received and processed for Beneficial Use. This includes a transfer station where Organic Material is delivered, temporarily stored and sent to a facility where it is processed for Beneficial Use.

"Person" means any human being, any city or other public agency, any public or private corporation, any partnership, any firm, association, or other organization, any receiver,

trustee, assignee, agent or other legal representative of any of the foregoing or any other legal entity.

"Recycling" means the process of collecting and preparing Mixed Recyclables and reusing the materials in their original form or using them in manufacturing processes that does not cause the destruction of those materials precluding further use.

"Responsible Party" means the owner or their designee of a commercial property or business including any Multifamily Housing building or complex covered under this Ordinance.

"Source Separation" means the separation of Mixed Recyclables and Organic Material from Trash at the source of Generation.

"Trash" means non-recyclable material that is designated for landfill or incinerator disposal by the Hauler. The term "Trash" does not include hazardous waste as defined in Minnesota Statutes, section 116.06, subdivision 11, or construction debris as defined in Minnesota Statutes, section 115A.03, subdivision 7.

"Waste" means all Trash, Mixed Recyclables, and Organic Material from residential, commercial, industrial, and community activities.

"Waste Reduction" or "Source Reduction" means an activity that prevents Generation of Waste or the inclusion of toxic materials in Waste, including reusing a product in its original form; increasing the life span of a product; reducing amount of material or the toxicity of material used in production or packaging; or changing procurement, consumption, or Waste Generation habits to result in smaller quantities or lower toxicity of Waste generated as defined in Minnesota Statutes, section 115A.03, subsection 36b.

"Yard Waste" means plant materials including grass clippings, leaves, weeds, garden plants, and brush and branches under four inches in diameter and four feet in length.

## **SECTION II GENERAL PROVISIONS FOR CITIES**

### **Subsection 1: Mixed Recyclables Collection requirements**

#### **A. Curbside Collection of Mixed Recyclables**

~~Cities shall have an ordinance that requires the separation of Mixed Recyclables for Curbside Collection.~~ Cities shall have an ordinance to ensure the provision of Curbside Collection of Mixed Recyclables to residential households that are single family through fourplex and other residential households where each household has its own Collection Container for Trash. It is the responsibility of each City to enforce its ordinance relating to the Curbside Collection of Mixed Recyclables within the boundaries of the City.

#### **B. Materials Accepted for Recycling**

A City's Curbside Collection program must accept a list of Mixed Recyclables as selected by the County in consultation with haulers, local Material Recovery Facilities, and end markets. The County will update the list of materials as needed, distribute the list to City recycling coordinators, and post the list on the County's website.

## Subsection 2: Organic Material Collection requirements

### A. Curbside Collection of Organic Material

By January 1, 2022, Cities shall provide the opportunity to participate in Curbside Collection of Organic Material to residential households that are single family through fourplex and other residential households where each household has its own Collection Container for Mixed Recyclables. Curbside Collection of Organic Material must be provided year round on a weekly basis. A City may adjust Collection Service frequency with prior approval by the Department.

Cities shall make Curbside Collection of Organic Material available by contracting for citywide service or by requiring Haulers to provide the service. If a City does not provide Curbside Collection of Organic Material by contracting for citywide service, the City shall require Haulers to provide it. Haulers shall provide Curbside Collection of Organic Material upon request to households that have Curbside Collection for Mixed Recyclables.

Cities shall require Haulers to provide the following information annually, to the City:

- A description of how Organic Material will be collected.
- A communications plan that includes the method(s) and frequency of communications that notify residents of the availability of Curbside Collection of Organic Material.
- Instructions on how residents sign up for the Curbside Collection of Organic Material.
- A Curbside Collection schedule or calendar.
- Instructions on how residents should prepare Organic Material for Curbside Collection.
- The number of participants and tonnage collected.
- The Organic Material Management Facility where Organic Material is delivered.
- The contact information of a representative who works for the Hauler who can respond to inquiries related to the requirements of this Ordinance.

Cities shall share this information with the County as required by the reporting requirements in Section II, Subsection 4 of this Ordinance.

### B. Curbside Collection exemption for Cities of the fourth class

If a City of the fourth class, as defined in Minnesota Statutes, section 410.01, chooses not to meet Section II, Subsection 2A of this Ordinance, it must provide at least one Organic

Material Drop-off Site within its geographic boundaries by January 1, 2022. A City of the fourth class may partner with nearby Cities to meet this requirement with prior approval by the Department.

#### ~~C. Preferable practices for Curbside Collection of Organic Material~~

~~The County has established the following program preferences for Curbside Collection of Organic Material:~~

~~It is preferable for the City to contract for Curbside Collection of Organic Material with Haulers on behalf of residents. It is less preferable when a City enacts a Hauler requirement to ensure Curbside Collection of Organic Material is available to residents.~~

~~It is preferable for a City to implement a program where everyone pays. In this system, all households pay for the Curbside Collection of Organic Material whether or not a household has signed up for the service. It is less preferable for a City to implement a program where only subscribers pay. In this system, a household pays only when signed up for Curbside Collection of Organic Material.~~

~~It is preferable for a City to implement an opt-out program where households automatically receive Curbside Collection of Organic Material and must opt-out to stop receiving the service. It is less preferable for a City to implement an opt-in program where households must take action to sign up for and receive Curbside Collection of Organic Material.~~

#### ~~D. Approval for less preferable management~~

~~A City shall not change its existing program for the Curbside Collection of Organic Material in a manner that replaces a preferable practice with a less preferable practice unless the County provides written approval of the program changes.~~

### Subsection 3: Education requirements

Cities shall:

- Use County terminology on promotional materials when describing Mixed Recyclables and Organic Material guidelines, including the description of materials accepted and not accepted, as well as preparation guidelines.
- Use images approved by the County if using images of Mixed Recyclables and Organic Material.
- Provide information on the City's website, including materials accepted and not accepted, a Curbside Collection calendar, and links to County resources on waste management.
- Provide a guide on Mixed Recyclables and Organic Material to residents each year. The guide shall contain information on Curbside Collection, materials accepted and not accepted, and a Curbside Collection calendar.



- Complete two educational activities each year to promote Curbside Collection. The County will provide a list of activities to city recycling coordinators.

#### Subsection 4: City reporting requirements to the Department

Each City shall report all information relating to Waste Generation, Collection, and disposal within its boundaries to the Department. Such information shall include data on tonnage of Waste generated in the City, licensing and contract information, a description of Waste management programs, financial information, and any additional information as requested by the Department. Such information shall be provided on an annual basis by or on February 15th of each year or as otherwise directed by the Department.

#### Subsection 5: Failure to meet requirements

##### A. Compliance

It is the responsibility of each City to meet the requirements of this Ordinance. The implementation of the County requirements for Cities shall be the responsibility of each respective City. Nothing in this Ordinance shall preclude the Collection of Yard Waste, although Yard Waste Collection alone is not sufficient for a City to be compliant with the Ordinance. If a City should fail to implement the requirements by January 1, 2022, the enforcement provisions in this Ordinance, Section II, Subsection 5.B, shall come into effect.

##### B. County Enforcement

If any City fails to establish or implement any or all of the requirements in Section II of this Ordinance, the County Board may implement any of the requirements of this Ordinance within the boundaries of the City. The County Board, to the extent that it has assumed the responsibilities that the City has failed to assume, may seek reimbursement from a City for all costs, expenses, and expenditures that the County has incurred incident to the adoption, implementation, administration, and enforcement of this Ordinance within the boundaries of a City through any means available under Minnesota law.

### **SECTION III GENERAL PROVISIONS FOR MULTIFAMILY HOUSING**

#### Subsection 1: Mixed Recyclables Collection requirement

Upon execution, Cities shall have an ordinance that requires property owners of Multifamily Housing to provide Collection Service for lessees. Mixed Recyclables Collection Service must be available at all Multifamily Housing buildings within Hennepin County. It is the responsibility of each City to enforce its ordinance(s) relating to the Collection of Mixed Recyclables from Multifamily Housing within the boundaries of the City.



Responsible Parties must enter into an agreement with a Hauler or arrange service through a City contract to provide Collection Service to collect Mixed Recyclables from each building.

The agreement between the Responsible Party and Hauler must also provide for the Collection and delivery of these materials to a Materials Recovery Facility. Mixed Recyclables must go to a Materials Recovery Facility, and if Organic Material Collection Service is provided, Organic Material must be delivered to an Organic Material Management Facility.

#### Subsection 2: Education requirements

The Responsible Party must distribute written information about the Collection Service to each occupied building unit at the time of leasing and at least annually thereafter. If Collection Service for Organic Material is available, this information must include details pertaining to that program.

Educational material and instructions may be provided in print or electronic form and shall include, but not be limited to:

- Reasons to properly manage Mixed Recyclables, Organic Materials, and adopt practices that result in Waste Reduction.
- Mixed Recyclables and Organic Material guidelines, including the description of materials accepted and not accepted, as well as preparation guidelines.
- Disposal options for Household Hazardous Waste and Bulky Items.
- Location of Collection Containers for lessees to use.
- Contact information for the City or County for additional information.

Educational materials are available from the County. The County has the authority to request verification of annual education practices. A record must be kept to meet the self-inspection requirement in Section V, Subsection 3.A of this Ordinance.

#### Subsection 3: Bin and labeling requirements

Responsible Parties must make Collection for Mixed Recyclables convenient for lessees. Responsible Parties shall:

- Provide separate Bins for the disposal of Mixed Recyclables where Trash is also being collected in common areas, including, but not limited to laundry rooms, mail pickup area, and community rooms.
- Conveniently locate sufficiently sized Bins for the amount or volume of Waste generated.
- Affix a label on each Bin to indicate which Waste type should be placed inside the Bin. Replace label if it becomes damaged, faded, illegible, or when images or text conflict with the acceptable materials.

Labels on Bins must:

- Clearly and legibly state a Waste type and show images of acceptable materials for Mixed Recyclables and Organic Material.
- Be color-coded to differentiate the material being collected. The color blue must be used for Mixed Recyclables; green for Organic Material for Composting or Anaerobic Digestion; and red, gray or black for Trash.
- Include standardized and relevant terminology.
- Include preparation instructions where applicable.

Labels and signs that meet these requirements are available from the County.

## SECTION IV GENERAL PROVISIONS FOR COMMERCIAL GENERATORS

### Subsection 1: Mixed Recyclables Collection requirement

This Ordinance incorporates by reference the obligations placed on public entities, commercial buildings and sports facilities in Minnesota Statutes, section 115A.151, and all subsequent codifications.

### Subsection 2: Organic Material Collection requirement

In addition to the obligations in Minnesota Statutes, section 115A.151, Covered Generators must implement a Collection program to divert food and Food Scraps from Back-of-House for Beneficial Use by January 1, 2020.

#### A. Covered Generators

Commercial Generators covered under this Ordinance include the following business ~~types~~ classifications: restaurants, grocery stores; food wholesalers, distributors and manufacturers; hotels; hospitals; sports venues; event centers; caterers; nursing and residential care facilities; office buildings with dining services; farmers markets; food shelves and food banks; colleges and universities with dining services; shopping centers; airports; golf clubs and country clubs; and rental kitchens or shared use commercial public/rentable commissaries or kitchens. The County Board may annually designate by resolution additional business classification types and list them on the County website. Obligations under Section IV, Subsection 2 of this Ordinance will become effective for all added businesses one year after the County Board's resolution. The County will maintain a list of Covered Generators on its website.

Covered Generators are those aforementioned public, nonprofit, and for profit businesses that generate one ton of Trash per week or contract for eight cubic yards or more per week of Collection Service for Trash as of January 1, 2020.

#### B. Beneficial Use

For the purpose of this Ordinance, Beneficial Use of Organic Material includes the following:

- Donation of edible food for human consumption (must be done in combination with other management methods)
- Collection of food and Food Scraps for Food-to-Animal Programs (this may include either Food-to-Livestock or Food-to-Animal-Feed Processing).
- Collection of food, Food Scraps and other Compostable materials for Composting at a Commercial Composting Facility.
- Collection of food, Food Scraps, and other Compostable materials accepted for Anaerobic Digestion at an Anaerobic Digestion facility.
- Additional methods may be included but must be reviewed and approved by the Department.

In accordance with the 2013 Metropolitan Council Environmental Services Waste Discharge Rules, Prohibited Waste Discharges, section 406.21, directly disposing of any more than incidental amounts of food and Food Scraps through the public sewer system to avoid off-site disposal is prohibited and is not compliant with this Ordinance.

Nothing in this Ordinance shall preclude a Covered Generator or other licensed food establishment from donating leftover or unsold food that is fit for human consumption to a food shelf, food bank, shelter, or other food reuse program, or from implementing Source Reduction strategies to reduce their Generation of excess food and Food Scraps. In fact, the Department considers these management options of food to be of highest priority. However, ~~unless otherwise petitioned by the Covered Generator and approved by the Department~~ unless the Covered Generator requests and receives a Variance in writing and signed by the Department, these actions alone shall not be considered sufficient compliance with this Ordinance.

#### C. Collection requirements

Food and Food Scraps must be Source Separated from other Waste in all Back-of-House areas where Organic Material is Generated and Collected. The Covered Generator shall abide by the following requirements:

- Provide sufficiently sized Bins for the amount or volume of Organic Material generated in any Back of House area.
- Conveniently locate each Bin in a manner to promote its use. Bins must be readily accessible to employees any time there is access to Bins for Trash.
- Affix a label on each Bin to indicate only Organic Material may be placed in the Bin. Replace label if it becomes damaged, faded, illegible or when images or text conflict with the acceptable materials.

Covered Generators must either obtain the proper license to self-haul or contract with a Hauler or service provider to collect and deliver all of a Covered Generator's food and Food Scraps to one or more Organic Material Management Facilities.

Where a building owner rents, leases, or lets space to a business that is a Covered Generator, the building owner is responsible to either provide a Collection system on behalf of the tenant or to facilitate and allow the tenant to set up their own Collection Service for Organic Material.

The building owner and Covered Generator shall not contaminate or commingle Organic Material that has been Source Separated in a manner that would make it unfit for an Organic Material Management Facility.

A Covered Generator may collect other Compostable material in addition to food and Food Scraps provided that the collected materials are appropriate for the intended Organic Material Management Facility.

#### D. Education requirements

Covered Generators shall post instructions on the separation requirements for Organic Materials in an area where such instructions will be visible to employees who are disposing of Organic Materials. The instructions shall state that Organic Material is required to be Source Separated and shall explain which materials must be Source Separated according to the intended Beneficial Use. The Department will post guidelines on accepted materials on the County website and regularly update such information.

Covered Generators shall provide training opportunities to all new employees and subcontractors performing work regulated by this Ordinance and review Collection procedures of Organic Materials with all employees and such subcontractors at least once per year. A record of trainings must be kept to meet the self-inspection requirement in Section V, Subsection 3.A of this Ordinance.

#### Subsection 3: Bin and labeling requirements

Responsible parties shall:

- Provide sufficiently sized Bins for the amount or volume of Mixed Recyclables generated if Bins for Trash are also provided.
- Conveniently locate sufficiently sized Bins for the amount or volume of Waste generated.
- Affix a label on each Bin to indicate which Waste type should be placed inside the Bin. Replace label if it becomes damaged, faded, illegible, or when images or text conflict with the acceptable materials.

Labels on Bins must:

- Clearly and legibly state a Waste type and show images of acceptable materials for Mixed Recyclables and Organic Material.
- Be color-coded to differentiate the material being collected. The color blue must be used for Mixed Recyclables; green for Organic Material for Composting or Anaerobic Digestion; and red, gray or black for Trash.
- Include standardized and relevant terminology.

- Include preparation instructions where applicable.

Labels and signs that meet these requirements are available from the County.

#### E. Variances

A Covered Generator or Responsible Party may seek a waiver from the Department of all or portions of Section IV, Subsection 2 of the Ordinance if one or all of the following special circumstances apply:

- Lack of adequate storage space for Bins and Collection Containers.
- Generation of Organic Material has been eliminated or substantially eliminated.
- Determination by a local health authority that Collection of Organic Material would conflict with MN Rules 4626 (Food Code) or other applicable state or federal food regulations.

The applicant must submit a form specified by the Department and include a signed affidavit. This form and guidelines will be supplied by the Department upon request.

When a Covered Generator requests a variance for Section IV, Subsection 2 of this Ordinance the Department will issue a written determination regarding that variance request within thirty working days.

To be effective, the variance must be in writing and signed by the Department or its designee. A variance may be revoked if one or more of the factors justifying the exemption no longer exist, or other changes in circumstances warrant revocation. Unless earlier revoked, a variance shall be effective for a period of three years from the date it was granted.

### **SECTION V: SHARED PROVISIONS FOR MULTIFAMILY HOUSING AND COMMERCIAL GENERATORS**

#### Subsection 1: Collection requirements

##### A. Collection Container and Collection Service requirements:

The Responsible Party shall ensure that Collection Containers for Mixed Recyclables and Organic Material are as conveniently located for tenants and lessees to access as are Collection Containers for Trash. Collection Containers must be located in an accessible room or area, having appropriate aisle space that allows unobstructed access for the user. Access to Collection Containers for Mixed Recyclables and Organic Material must be allowed any time there is access to a Collection Container for Trash.

The Responsible Party shall ensure Collection Service ~~is must be~~ adequate for the Mixed Recyclables and Organic Material generated onsite. In the event that Mixed Recyclables or Organic Material are overflowing Collection Containers and subsequently being discarded as Trash, hauling frequency or Collection Container size must be adjusted within 30 days to accommodate the material being generated.

Collection Containers provided by contracted Haulers shall be maintained in clean and sanitary condition in accordance with all pertinent health statutes, ordinances, rules, and regulations. Collection Containers must be located in such a manner to prevent them from being overturned or from obstructing pedestrian or motor vehicle traffic or be in violation of any statute, ordinance, rule, or regulation.

#### B. Labeling requirements

Collection Containers must be labeled by Haulers to designate the type of material to be placed therein and must meet the following requirements. Labels must:

- Be visible from all points of access for the user.
- Clearly and legibly state a Waste type and show images of acceptable materials for Mixed Recyclables and Organic Material.
- Be color-coded to differentiate the material collected. The color blue must be used for Mixed Recyclables; green for Organic Material for Composting or Anaerobic Digestion; and red, gray or black for Trash.
- Include standardized and relevant terminology.
- Include preparation instructions where applicable.
- Be sized a minimum of 8 ½ inches by 11 inches and include Waste type in letters at least one inch high for Collection Containers that are barrels or carts.
- Be sized a minimum of 11 inches by 17 inches and include Waste type in letters at least one inch high for Collection Containers other than barrels or carts that are up to four yards in volume.
- Be sized a minimum of 18 inches by 24 inches and include Waste type in letters at least two inches high for Collection Containers larger than four yards in volume.
- Be replaced if damaged, faded, illegible or when images or text on the label conflict with materials accepted in Collection of Mixed Recyclables and Organic Material.

Labels and signs that meet these requirements are available from the County. Further specifications relating to Collection Containers may be designated by the Department and will be posted on the County's website.

#### Subsection 2: Enforcement

Enforcement provisions shall be applicable to any Responsible Party that fails to implement the requirements of this section by January 1, 2020. The implementation and enforcement shall be coordinated through the Department, which may cooperate with other governmental agencies in the furtherance of Section III, Section IV, and Section V of this Ordinance.

#### A. Warnings

The Department or any of its authorized representatives may issue a warning notice to any Person observed to be not in compliance with any provision of this Ordinance. The warning notice shall be on a form provided by the Department.

#### B. Misdemeanor

Any Person who fails to comply with the provisions of this Ordinance may be charged with a misdemeanor. It is a separate offense for each day that the violation occurs or continues.

#### C. Remedies Cumulative

No remedy established by this Ordinance is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Ordinance in equity or by statute.

#### D. Injunctive Relief

In the event of a violation or a threat of violation of this Ordinance, the County may institute appropriate actions or proceedings, including application for injunctive relief, action to compel performance, or other appropriate action to prevent, restrain, correct, or abate such violations or threatened violations.

#### E. Costs and Special Assessments

If any Person within the County collects or disposes of Mixed Recyclables or Organic Material in violation of this Ordinance, the County may take the necessary steps to correct such violations, and the resulting costs may be recovered in a civil action in any court of competent jurisdiction or, at the discretion of the County Board, the costs may be certified to the County Auditor as a special tax against the real property owned by such Person.

#### F. Citations

The Department or any of its authorized representatives shall have the power to issue citations for violations of this Ordinance.

a) Form of Citations: Citations shall contain at least the following:

1. The name and address of the Person charged with the violation or the owner or Person in charge of the premises at which the violation occurs.
2. The date and place of the violation.
3. A short description of the violation followed by the section of this Ordinance violated.
4. The date and place at which the Person receiving the citation shall appear and a notice that if such Person does not respond, a warrant may be issued for such Person's arrest.
5. The name of the representative issuing the citation.
6. Such other information as the Court may specify.



b) Issuance of Citations: Whenever any representative of the Department discovers any violation of this Ordinance, that representative may issue a citation to the Person alleged to have committed the violation and such citation shall be in the form specified in paragraph a) of this subsection. Such citation shall be made out in quadruplicate (4). One copy thereof shall be issued to the Person alleged to have committed the violation; one copy shall be filed with the Department; two copies thereof shall be filled with the Bureau.

#### G. Other Options allowed under Minnesota Law.

In addition to the above enforcement options, the Department reserves the right to exercise any other option available under Minnesota law existing at the time of an Ordinance 13 violation.

### Subsection 3: Implementation

#### A. Self-inspection program

Every Responsible Party shall arrange for and maintain a program for self-inspection. The self-inspection program shall include confirmation acceptable to the Department that requirements listed under Section III; Section IV; and Section V, Subsection 1 are met. The Department may establish a self-reporting form to be completed within a regular interval no more frequent than annually, which may include, but is not limited to, program description, proof of hauling or other Waste management contract information, Waste Collection Service volumes and frequency, training plan, and financial information related to all Waste.

#### B. Department Inspection

Inspection and evaluation listed in Section V, Subsection 2 and Section V, Subsection 3 shall be completed in such a frequency to ensure consistent compliance by Responsible Parties and Haulers with Section III, Section IV, and Section V of this Ordinance. The Department shall provide the Responsible Party with written notice of any deficiencies, corrections, and the date by which the corrections shall be accomplished. At the Department's election, the Responsible Party shall allow the authorized representative of the Department to collect samples of Waste to evaluate contamination levels. The Responsible Party shall allow free access at all reasonable times to inspect and copy all business records related to Waste collection. The Responsible Party shall report to the County upon request information such as the business name, address, and telephone number of each contracted Hauler, as well as the day(s) of pickup and days which Disposal Facility, Materials Recovery Facility or Organic Material Management Facility is receiving the material. The Responsible Party shall allow the authorized representative from the Department to record and document their findings in any reasonable and appropriate manner including, but not limited to, notes, photographs, photocopies, video recordings, audio recordings, and computer storage systems or other electronic media. When requested by an authorized representative of the Department, the Responsible Party



shall provide photocopies or electronic copies of records including scans, electronic image files, or other electronic files of records.

### **C. Right of entry**

Whenever necessary to perform an inspection to enforce any of the provisions of this Ordinance or whenever the Department has reasonable cause to believe that a Responsible Party is not compliant, the authorized representative of the Department may enter such building or premises during business hours to inspect to ensure compliance with this Ordinance. If such building or premises is occupied, the authorized representative shall first present proper credentials and demand entry. Advanced notice is not required. If such entry is refused or cannot be obtained, the Department shall have recourse to every remedy provided by law to secure entry including administrative search warrants. If the Responsible Party or other Person having control of the premises has previously stated that they will refuse to allow the authorized representative of the Department entry for inspections, then the Department shall have the authority to obtain an administrative search warrant in advance of an inspection at that premises, without first being denied entry.

## **SECTION VI VIOLATIONS**

It shall be unlawful for any Person other than Haulers to distribute, collect, remove or dispose of Mixed Recyclables after said materials have been placed or deposited for Collection Service.

Pursuant to Minnesota Statutes, sections 115A.95 and 115A.553, it shall be unlawful for a Hauler to dispose of any Source Separated Mixed Recyclables or Source Separated Organic Material at a waste-to-energy facility or landfill.

Nothing in this Ordinance shall abridge the right of any Person to give or sell their Mixed Recyclables or Organic Material to any Recycling program lawfully operated for profit, non-profit or charitable purposes.

Nothing in this Ordinance shall abridge the right of any authorized Recycling program to lawfully operate within the County, subject to such other licenses or other regulations as may be required by law.

## **SECTION VII SEPARABILITY**

The provisions of this Ordinance are separable. If any court of competent jurisdiction adjudges any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in the judgment.

## **SECTION VIII PROVISIONS ARE ACCUMULATIVE**

The provisions of this Ordinance are accumulative to all other current or future laws, ordinances, and regulations, covering any subject matter in this Ordinance.

10-25-18: edits since public hearing

ORDINANCE NUMBER THIRTEEN  
RECYCLING  
FOR HENNEPIN COUNTY

Adopted by the  
Hennepin County Board of Commissioners  
October 30, 1986

Amended on XXX, XX, 2018

Section I Definitions

Section II General Provisions for Cities

Section III General Provisions for Multifamily Housing

Section IV General Provisions for Commercial Generators

Section V Shared Provisions for Multifamily Housing and Commercial Generators

Section VI Violations

Section VII Separability

Section VIII Provisions are Accumulative

**Purpose**

This Ordinance regulates the separation of Mixed Recyclables and Organic Material from Waste by Generators. This Ordinance is consistent with County adopted goals established by the Minnesota Pollution Control Agency in its Metropolitan Solid Waste Management Policy Plan and mandated by Minnesota Statute, section 115A.551, subdivision 2a, requiring a 75 percent Recycling rate by 2030. This Ordinance satisfies statutory obligations and is authorized pursuant to authority in Minnesota Statutes, section 115A.551 – 115A.553, and 473.811. The County Board of Hennepin County, Minnesota, does therefore ordain this Ordinance Thirteen.

**SECTION I DEFINITIONS**

The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section.

“Anaerobic Digestion” means the process during which microorganisms break down Organic Material in the absence of oxygen in an enclosed vessel to produce energy and beneficial soil or agricultural supplements.

“Back-of-House” means the kitchen, food preparation, dishwashing, and storage areas of a commercial establishment that are not accessed by customers or the public.

“Beneficial Use” means an activity that serves to reuse nutrients through processing of Organic Material, such as consumption by humans or animals, Composting, Anaerobic Digestion, and additional methods as designated by the Department in collaboration with local facilities that manage Organic Material and further defined in Section IV.

“Bin” means any receptacle including but not limited to a barrel or cart that is used for the Collection, storage, or transport of Waste to a Collection Container serviced by a Hauler for transport to a Disposal Facility, Organic Material Management Facility, or Materials Recovery Facility.

“Bulky Items” means those items that are not included in regular Collection Service by a Hauler and include large items like mattresses and furniture that cannot fit into Collection Containers.

“Bureau” means the County Violations Bureau.

"Cities" mean statutory and home rule charter cities authorized to plan under Minnesota Statutes, sections 462.351 to 462.364.

"Collection" means the aggregation of Waste from the place where it is generated and includes all activities up to the time when the Waste is delivered to a Materials Recovery Facility, Organic Material Management Facility, or a Disposal Facility.

“Collection Container” means the receptacle that is provided, designated, and serviced by the Hauler for the Collection of any Waste, including but not limited to barrels, carts, dumpsters, roll-off containers, or compactors.

“Collection Service” means a service providing scheduled Collection of any Waste.

“Commercial Composting Facility” means a site used to compost Organic Material, including Food Scraps, which have been Source Separated as defined in Minnesota Rules, part 7035.0300, Subpart 105b, and which meets applicable State and local requirements for composting Organic Material.

“Commercial Generator” means an entity that is neither housing with Curbside Collection nor Multifamily Housing.

“Compost” means the product resulting from the controlled biological decomposition of Organic Material that has been sanitized through the generation of heat during the composting process and stabilized to the point that it is beneficial to plant growth and can be used as a soil amendment without further processing.

“Compostable” means that a material or product will biodegrade without leaving a residue or any toxicity in the soil. Any compostable plastics or lined papers must meet ASTM D6400 and ASTM D6868, respectively, as certified by the Biodegradable Products Institute or other similar independent certification bodies.

“Composting” means the controlled biological decomposition of Organic Material through an aerobic method of accelerating natural decomposition.

"County" means Hennepin County.

"County Board" means the Hennepin County Board of Commissioners and authorized representatives.

"Covered Generators" are any Commercial Generators of Organic Material that must comply with this Ordinance as stated in Section IV.

"Curbside Collection" means the pickup of Waste from residential households that are single family through fourplex and other residential households where each household has its own Collection Container, such as a townhouse.

"Department" means the Hennepin County Environment and Energy Department.

"Disposal Facility" means a Waste facility permitted by the Minnesota Pollution Control Agency (MPCA) that is designed or operated for the purpose of disposing of Waste on or in the land together with any appurtenant facilities needed to process Waste for disposal or transfer to another Waste facility.

"Food Scraps" means all material resulting from the production, storage, preparation, processing, cooking, handling, selling, or serving of food for human or animal consumption, including but not limited to, meats, grains, dairy, fish, fruits, and vegetables.

"Food-to-Animal Programs" means all Food-to-Animal-Feed Processing and Food-to-Livestock programs.

"Food-to-Animal Feed Processing" means the process of using grains, cereals, vegetable and animal by-products to create a feed for animals.

"Food-to-Livestock" means the process of re-using and recycling food and Food Scraps as feed for livestock, subject to regulation in Minnesota Statutes, sections 35.751 and 35.76.

"Generation" means the act or process of producing Waste.

"Generator" means any Person who generates Waste.

"Hauler" means any Person who owns, operates or leases vehicles for the primary purpose of Collection and transportation of any type of Waste.

"Household Hazardous Waste" means materials generated in a residential household, which includes any dwelling from a single unit to Multifamily Housing properties, that are in solid, semi-solid, liquid, or contained gaseous form that, because of quantity, concentration, or chemical, physical, or infectious characteristics, may (a) cause or



significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (b) pose substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives. Household Hazardous Waste does not include source, special nuclear, or M by-product materials as defined by the Atomic Energy Act of 1954, as amended.

“Materials Recovery Facility” means a permitted facility where Mixed Recyclables are received to be prepared for reuse in their original form or for use in manufacturing processes that do not cause the destruction of the materials in a manner that precludes further use. It does not include a manufacturer using recyclable materials as feedstock. This includes a transfer station where Mixed Recyclables are delivered, temporarily stored and sent to a facility where it is processed for Recycling.

"Metropolitan Council" means the council established in Minnesota Statutes, section 473.123.

"Mixed Recyclables" means materials that are separated from Waste for the purpose of Recycling, whether or not these materials are commingled for Collection.

"Multifamily Housing" means an apartment building, a condominium, a townhouse, a cooperative housing unit, or any other property where a property manager or association coordinates Collection Service for residents of the housing.

“Organic Material” means the portion of Waste that is Source Separated for the purpose of Beneficial Use, and may include food, Food Scraps and other materials as designated by the Department in collaboration with local Organic Material Management Facilities. For the purpose of this Ordinance, Organic Material excludes Yard Waste regulated in Minnesota Statute, section 115A.931.

“Organic Material Drop-off Site” is a site that accepts Organic Material self-hauled by residents for the purpose of collection and transport to an approved facility for Beneficial Use. The site may be a stand-alone site or be co-located at an existing Disposal Facility, Materials Recovery Facility, or transfer station.

“Organic Material Management Facility” means a facility where Organic Material is received and processed for Beneficial Use. This includes a transfer station where Organic Material is delivered, temporarily stored and sent to a facility where it is processed for Beneficial Use.

"Person" means any human being, any city or other public agency, any public or private corporation, any partnership, any firm, association, or other organization, any receiver, trustee, assignee, agent or other legal representative of any of the foregoing or any other legal entity.

"Recycling" means the process of collecting and preparing Mixed Recyclables and reusing the materials in their original form or using them in manufacturing processes that does not cause the destruction of those materials precluding further use.

"Responsible Party" means the owner or their designee of a commercial property or business including any Multifamily Housing building or complex covered under this Ordinance.

"Source Separation" means the separation of Mixed Recyclables and Organic Material from Trash at the source of Generation.

"Trash" means non-recyclable material that is designated for landfill or incinerator disposal by the Hauler. The term "Trash" does not include hazardous waste as defined in Minnesota Statutes, section 116.06, subdivision 11, or construction debris as defined in Minnesota Statutes, section 115A.03, subdivision 7.

"Waste" means all Trash, Mixed Recyclables, and Organic Material from residential, commercial, industrial, and community activities.

"Waste Reduction" or "Source Reduction" means an activity that prevents Generation of Waste or the inclusion of toxic materials in Waste, including reusing a product in its original form; increasing the life span of a product; reducing amount of material or the toxicity of material used in production or packaging; or changing procurement, consumption, or Waste Generation habits to result in smaller quantities or lower toxicity of Waste generated as defined in Minnesota Statutes, section 115A.03, subsection 36b.

"Yard Waste" means plant materials including grass clippings, leaves, weeds, garden plants, and brush and branches under four inches in diameter and four feet in length.

## **SECTION II GENERAL PROVISIONS FOR CITIES**

### **Subsection 1: Mixed Recyclables Collection requirements**

#### **A. Curbside Collection of Mixed Recyclables**

Cities shall have an ordinance to ensure the provision of Curbside Collection of Mixed Recyclables to residential households that are single family through fourplex and other residential households where each household has its own Collection Container for Trash. It is the responsibility of each City to enforce its ordinance relating to the Curbside Collection of Mixed Recyclables within the boundaries of the City.

#### **B. Materials Accepted for Recycling**

A City's Curbside Collection program must accept a list of Mixed Recyclables as selected by the County in consultation with haulers, local Material Recovery Facilities, and end markets. The County will update the list of materials as needed, distribute the list to City recycling coordinators, and post the list on the County's website.

## Subsection 2: Organic Material Collection requirements

### A. Curbside Collection of Organic Material

By January 1, 2022, Cities shall provide the opportunity to participate in Curbside Collection of Organic Material to residential households that are single family through fourplex and other residential households where each household has its own Collection Container for Mixed Recyclables. Curbside Collection of Organic Material must be provided year round on a weekly basis. A City may adjust Collection Service frequency with prior approval by the Department.

Cities shall make Curbside Collection of Organic Material available by contracting for citywide service or by requiring Haulers to provide the service. If a City does not provide Curbside Collection of Organic Material by contracting for citywide service, the City shall require Haulers to provide it. Haulers shall provide Curbside Collection of Organic Material upon request to households that have Curbside Collection for Mixed Recyclables.

Cities shall require Haulers to provide the following information annually, to the City:

- A description of how Organic Material will be collected.
- A communications plan that includes the method(s) and frequency of communications that notify residents of the availability of Curbside Collection of Organic Material.
- Instructions on how residents sign up for the Curbside Collection of Organic Material.
- A Curbside Collection schedule or calendar.
- Instructions on how residents should prepare Organic Material for Curbside Collection.
- The number of participants and tonnage collected.
- The Organic Material Management Facility where Organic Material is delivered.
- The contact information of a representative who works for the Hauler who can respond to inquiries related to the requirements of this Ordinance.

Cities shall share this information with the County as required by the reporting requirements in Section II, Subsection 4 of this Ordinance.

### B. Curbside Collection exemption for Cities of the fourth class

If a City of the fourth class, as defined in Minnesota Statutes, section 410.01, chooses not to meet Section II, Subsection 2A of this Ordinance, it must provide at least one Organic Material Drop-off Site within its geographic boundaries by January 1, 2022. A City of the fourth class may partner with nearby Cities to meet this requirement with prior approval by the Department.

### Subsection 3: Education requirements

Cities shall:

- Use County terminology on promotional materials when describing Mixed Recyclables and Organic Material guidelines, including the description of materials accepted and not accepted, as well as preparation guidelines.
- Use images approved by the County if using images of Mixed Recyclables and Organic Material.
- Provide information on the City's website, including materials accepted and not accepted, a Curbside Collection calendar, and links to County resources on waste management.
- Provide a guide on Mixed Recyclables and Organic Material to residents each year. The guide shall contain information on Curbside Collection, materials accepted and not accepted, and a Curbside Collection calendar.
- Complete two educational activities each year to promote Curbside Collection. The County will provide a list of activities to city recycling coordinators.

### Subsection 4: City reporting requirements to the Department

Each City shall report all information relating to Waste Generation, Collection, and disposal within its boundaries to the Department. Such information shall include data on tonnage of Waste generated in the City, licensing and contract information, a description of Waste management programs, financial information, and any additional information as requested by the Department. Such information shall be provided on an annual basis by or on February 15th of each year or as otherwise directed by the Department.

### Subsection 5: Failure to meet requirements

#### A. Compliance

It is the responsibility of each City to meet the requirements of this Ordinance. The implementation of the County requirements for Cities shall be the responsibility of each respective City. Nothing in this Ordinance shall preclude the Collection of Yard Waste, although Yard Waste Collection alone is not sufficient for a City to be compliant with the Ordinance. If a City should fail to implement the requirements by January 1, 2022, the enforcement provisions in this Ordinance, Section II, Subsection 5.B, shall come into effect.

#### B. County Enforcement

If any City fails to establish or implement any or all of the requirements in Section II of this Ordinance, the County Board may implement any of the requirements of this Ordinance within the boundaries of the City. The County Board, to the extent that it has assumed the responsibilities that the City has failed to assume, may seek reimbursement from a City for all costs, expenses, and expenditures that the County has incurred incident

to the adoption, implementation, administration, and enforcement of this Ordinance within the boundaries of a City through any means available under Minnesota law.

### **SECTION III GENERAL PROVISIONS FOR MULTIFAMILY HOUSING**

#### **Subsection 1: Mixed Recyclables Collection requirement**

Upon execution, Cities shall have an ordinance that requires property owners of Multifamily Housing to provide Collection Service for lessees. Mixed Recyclables Collection Service must be available at all Multifamily Housing buildings within Hennepin County. It is the responsibility of each City to enforce its ordinance(s) relating to the Collection of Mixed Recyclables from Multifamily Housing within the boundaries of the City.

Responsible Parties must enter into an agreement with a Hauler or arrange service through a City contract to provide Collection Service to collect Mixed Recyclables from each building.

The agreement between the Responsible Party and Hauler must also provide for the Collection and delivery of these materials to a Materials Recovery Facility. Mixed Recyclables must go to a Materials Recovery Facility, and if Organic Material Collection Service is provided, Organic Material must be delivered to an Organic Material Management Facility.

#### **Subsection 2: Education requirements**

The Responsible Party must distribute written information about the Collection Service to each occupied building unit at the time of leasing and at least annually thereafter. If Collection Service for Organic Material is available, this information must include details pertaining to that program.

Educational material and instructions may be provided in print or electronic form and shall include, but not be limited to:

- Reasons to properly manage Mixed Recyclables, Organic Materials, and adopt practices that result in Waste Reduction.
- Mixed Recyclables and Organic Material guidelines, including the description of materials accepted and not accepted, as well as preparation guidelines.
- Disposal options for Household Hazardous Waste and Bulky Items.
- Location of Collection Containers for lessees to use.
- Contact information for the City or County for additional information.

Educational materials are available from the County. The County has the authority to request verification of annual education practices. A record must be kept to meet the self-inspection requirement in Section V, Subsection 3.A of this Ordinance.

#### **Subsection 3: Bin and labeling requirements**



Responsible Parties must make Collection for Mixed Recyclables convenient for lessees. Responsible Parties shall:

- Provide separate Bins for the disposal of Mixed Recyclables where Trash is also being collected in common areas, including, but not limited to laundry rooms, mail pickup area, and community rooms.
- Conveniently locate sufficiently sized Bins for the amount or volume of Waste generated.
- Affix a label on each Bin to indicate which Waste type should be placed inside the Bin. Replace label if it becomes damaged, faded, illegible, or when images or text conflict with the acceptable materials.

Labels on Bins must:

- Clearly and legibly state a Waste type and show images of acceptable materials for Mixed Recyclables and Organic Material.
- Be color-coded to differentiate the material being collected. The color blue must be used for Mixed Recyclables; green for Organic Material for Composting or Anaerobic Digestion; and red, gray or black for Trash.
- Include standardized and relevant terminology.
- Include preparation instructions where applicable.

Labels and signs that meet these requirements are available from the County.

## **SECTION IV GENERAL PROVISIONS FOR COMMERCIAL GENERATORS**

### **Subsection 1: Mixed Recyclables Collection requirement**

This Ordinance incorporates by reference the obligations placed on public entities, commercial buildings and sports facilities in Minnesota Statutes, section 115A.151, and all subsequent codifications.

### **Subsection 2: Organic Material Collection requirement**

In addition to the obligations in Minnesota Statutes, section 115A.151, Covered Generators must implement a Collection program to divert food and Food Scraps from Back-of-House for Beneficial Use by January 1, 2020.

#### **A. Covered Generators**

Commercial Generators covered under this Ordinance include the following business classifications: restaurants; grocery stores; food wholesalers, distributors and manufacturers; hotels; hospitals; sports venues; event centers; caterers; nursing and residential care facilities; office buildings with dining services; farmers markets; food shelves and food banks; colleges and universities with dining services; shopping centers; airports; golf clubs and country clubs; and rental kitchens or shared use commercial kitchens. The County Board may annually designate by resolution additional business

classifications. Obligations under Section IV, Subsection 2 of this Ordinance will become effective for all added businesses one year after the County Board's resolution. The County will maintain a list of Covered Generators on its website.

Covered Generators are those aforementioned public, nonprofit, and for profit businesses that generate one ton of Trash per week or contract for eight cubic yards or more per week of Collection Service for Trash as of January 1, 2020.

## B. Beneficial Use

For the purpose of this Ordinance, Beneficial Use of Organic Material includes the following:

- Donation of edible food for human consumption (must be done in combination with other management methods)
- Collection of food and Food Scraps for Food-to-Animal Programs (this may include either Food-to-Livestock or Food-to-Animal-Feed Processing).
- Collection of food, Food Scraps and other Compostable materials for Composting at a Commercial Composting Facility.
- Collection of food, Food Scraps, and other Compostable materials accepted for Anaerobic Digestion at an Anaerobic Digestion facility.
- Additional methods may be included but must be reviewed and approved by the Department.

In accordance with the 2013 Metropolitan Council Environmental Services Waste Discharge Rules, Prohibited Waste Discharges, section 406.21, directly disposing of any more than incidental amounts of food and Food Scraps through the public sewer system to avoid off-site disposal is prohibited and is not compliant with this Ordinance.

Nothing in this Ordinance shall preclude a Covered Generator or other licensed food establishment from donating leftover or unsold food that is fit for human consumption to a food shelf, food bank, shelter, or other food reuse program, or from implementing Source Reduction strategies to reduce their Generation of excess food and Food Scraps. In fact, the Department considers these management options of food to be of highest priority. However, unless the Covered Generator requests and receives a Variance in writing and signed by the Department, these actions alone shall not be considered sufficient compliance with this Ordinance.

## C. Collection requirements

Food and Food Scraps must be Source Separated from other Waste in all Back-of-House areas where Organic Material is Generated and Collected. The Covered Generator shall abide by the following requirements:

- Provide sufficiently sized Bins for the amount or volume of Organic Material generated in any Back of House area.

- Conveniently locate each Bin in a manner to promote its use. Bins must be readily accessible to employees any time there is access to Bins for Trash.
- Affix a label on each Bin to indicate only Organic Material may be placed in the Bin. Replace label if it becomes damaged, faded, illegible or when images or text conflict with the acceptable materials.

Covered Generators must either obtain the proper license to self-haul or contract with a Hauler or service provider to collect and deliver all of a Covered Generator's food and Food Scraps to one or more Organic Material Management Facilities.

Where a building owner rents, leases, or lets space to a business that is a Covered Generator, the building owner is responsible to either provide a Collection system on behalf of the tenant or to facilitate and allow the tenant to set up their own Collection Service for Organic Material.

The building owner and Covered Generator shall not contaminate or commingle Organic Material that has been Source Separated in a manner that would make it unfit for an Organic Material Management Facility.

A Covered Generator may collect other Compostable material in addition to food and Food Scraps provided that the collected materials are appropriate for the intended Organic Material Management Facility.

#### D. Education requirements

Covered Generators shall post instructions on the separation requirements for Organic Materials in an area where such instructions will be visible to employees who are disposing of Organic Materials. The instructions shall state that Organic Material is required to be Source Separated and shall explain which materials must be Source Separated according to the intended Beneficial Use. The Department will post guidelines on accepted materials on the County website and regularly update such information.

Covered Generators shall provide training opportunities to all new employees and subcontractors performing work regulated by this Ordinance and review Collection procedures of Organic Materials with all employees and such subcontractors at least once per year. A record of trainings must be kept to meet the self-inspection requirement in Section V, Subsection 3.A of this Ordinance.

#### Subsection 3: Bin and labeling requirements

Responsible parties shall:

- Provide sufficiently sized Bins for the amount or volume of Mixed Recyclables generated if Bins for Trash are also provided.
- Conveniently locate sufficiently sized Bins for the amount or volume of Waste generated.

- Affix a label on each Bin to indicate which Waste type should be placed inside the Bin. Replace label if it becomes damaged, faded, illegible, or when images or text conflict with the acceptable materials.

Labels on Bins must:

- Clearly and legibly state a Waste type and show images of acceptable materials for Mixed Recyclables and Organic Material.
- Be color-coded to differentiate the material being collected. The color blue must be used for Mixed Recyclables; green for Organic Material for Composting or Anaerobic Digestion; and red, gray or black for Trash.
- Include standardized and relevant terminology.
- Include preparation instructions where applicable.

Labels and signs that meet these requirements are available from the County.

#### E. Variances

A Covered Generator or Responsible Party may seek a waiver from the Department of all or portions of Section IV, Subsection 2 of the Ordinance if one or all of the following special circumstances apply:

- Lack of adequate storage space for Bins and Collection Containers.
- Generation of Organic Material has been eliminated or substantially eliminated.
- Determination by a local health authority that Collection of Organic Material would conflict with MN Rules 4626 (Food Code) or other applicable state or federal food regulations.

The applicant must submit a form specified by the Department and include a signed affidavit. This form and guidelines will be supplied by the Department upon request.

When a Covered Generator requests a variance for Section IV, Subsection 2 of this Ordinance the Department will issue a written determination regarding that variance request within 30 working days.

To be effective, the variance must be in writing and signed by the Department or its designee. A variance may be revoked if one or more of the factors justifying the exemption no longer exist, or other changes in circumstances warrant revocation. Unless earlier revoked, a variance shall be effective for a period of three years from the date it was granted.

## **SECTION V: SHARED PROVISIONS FOR MULTIFAMILY HOUSING AND COMMERCIAL GENERATORS**

### Subsection 1: Collection requirements

#### A. Collection Container and Collection Service requirements:

The Responsible Party shall ensure that Collection Containers for Mixed Recyclables and Organic Material are as conveniently located for tenants and lessees to access as are Collection Containers for Trash. Collection Containers must be located in an accessible room or area, having appropriate aisle space that allows unobstructed access for the user. Access to Collection Containers for Mixed Recyclables and Organic Material must be allowed any time there is access to a Collection Container for Trash.

The Responsible Party shall ensure Collection Service is adequate for the Mixed Recyclables and Organic Material generated onsite. In the event that Mixed Recyclables or Organic Material are overflowing Collection Containers and subsequently being discarded as Trash, hauling frequency or Collection Container size must be adjusted within 30 days to accommodate the material being generated.

Collection Containers provided by contracted Haulers shall be maintained in clean and sanitary condition in accordance with all pertinent health statutes, ordinances, rules, and regulations. Collection Containers must be located in such a manner to prevent them from being overturned or from obstructing pedestrian or motor vehicle traffic or be in violation of any statute, ordinance, rule, or regulation.

#### B. Labeling requirements

Collection Containers must be labeled by Haulers to designate the type of material to be placed therein and must meet the following requirements. Labels must:

- Be visible from all points of access for the user.
- Clearly and legibly state a Waste type and show images of acceptable materials for Mixed Recyclables and Organic Material.
- Be color-coded to differentiate the material collected. The color blue must be used for Mixed Recyclables; green for Organic Material for Composting or Anaerobic Digestion; and red, gray or black for Trash.
- Include standardized and relevant terminology.
- Include preparation instructions where applicable.
- Be sized a minimum of 8 ½ inches by 11 inches and include Waste type in letters at least one inch high for Collection Containers that are barrels or carts.
- Be sized a minimum of 11 inches by 17 inches and include Waste type in letters at least one inch high for Collection Containers other than barrels or carts that are up to four yards in volume.
- Be sized a minimum of 18 inches by 24 inches and include Waste type in letters at least two inches high for Collection Containers larger than four yards in volume.
- Be replaced if damaged, faded, illegible or when images or text on the label conflict with materials accepted in Collection of Mixed Recyclables and Organic Material.

Labels and signs that meet these requirements are available from the County. Further specifications relating to Collection Containers may be designated by the Department and will be posted on the County's website.

#### Subsection 2: Enforcement

Enforcement provisions shall be applicable to any Responsible Party that fails to implement the requirements of this section by January 1, 2020. The implementation and enforcement shall be coordinated through the Department, which may cooperate with other governmental agencies in the furtherance of Section III, Section IV, and Section V of this Ordinance.

##### A. Warnings

The Department or any of its authorized representatives may issue a warning notice to any Person observed to be not in compliance with any provision of this Ordinance. The warning notice shall be on a form provided by the Department.

##### B. Misdemeanor

Any Person who fails to comply with the provisions of this Ordinance may be charged with a misdemeanor. It is a separate offense for each day that the violation occurs or continues.

##### C. Remedies Cumulative

No remedy established by this Ordinance is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Ordinance in equity or by statute.

##### D. Injunctive Relief

In the event of a violation or a threat of violation of this Ordinance, the County may institute appropriate actions or proceedings, including application for injunctive relief, action to compel performance, or other appropriate action to prevent, restrain, correct, or abate such violations or threatened violations.

##### E. Costs and Special Assessments

If any Person within the County collects or disposes of Mixed Recyclables or Organic Material in violation of this Ordinance, the County may take the necessary steps to correct such violations, and the resulting costs may be recovered in a civil action in any court of competent jurisdiction or, at the discretion of the County Board, the costs may be certified to the County Auditor as a special tax against the real property owned by such Person.

##### F. Citations

The Department or any of its authorized representatives shall have the power to issue citations for violations of this Ordinance.

a) Form of Citations: Citations shall contain at least the following:



1. The name and address of the Person charged with the violation or the owner or Person in charge of the premises at which the violation occurs.
2. The date and place of the violation.
3. A short description of the violation followed by the section of this Ordinance violated.
4. The date and place at which the Person receiving the citation shall appear and a notice that if such Person does not respond, a warrant may be issued for such Person's arrest.
5. The name of the representative issuing the citation.
6. Such other information as the Court may specify.

b) Issuance of Citations: Whenever any representative of the Department discovers any violation of this Ordinance, that representative may issue a citation to the Person alleged to have committed the violation and such citation shall be in the form specified in paragraph a) of this subsection. Such citation shall be made out in quadruplicate (4). One copy thereof shall be issued to the Person alleged to have committed the violation; one copy shall be filed with the Department; two copies thereof shall be filled with the Bureau.

#### G. Other Options allowed under Minnesota Law.

In addition to the above enforcement options, the Department reserves the right to exercise any other option available under Minnesota law existing at the time of an Ordinance 13 violation.

### Subsection 3: Implementation

#### A. Self-inspection program

Every Responsible Party shall arrange for and maintain a program for self-inspection. The self-inspection program shall include confirmation acceptable to the Department that requirements listed under Section III; Section IV; and Section V, Subsection 1 are met. The Department may establish a self-reporting form to be completed within a regular interval no more frequent than annually, which may include, but is not limited to, program description, proof of hauling or other Waste management contract information, Waste Collection Service volumes and frequency, training plan, and financial information related to all Waste.

#### B. Department Inspection

Inspection and evaluation listed in Section V, Subsection 2 and Section V, Subsection 3 shall be completed in such a frequency to ensure consistent compliance by Responsible Parties and Haulers with Section III, Section IV, and Section V of this Ordinance. The Department shall provide the Responsible Party with written notice of any deficiencies, corrections, and the date by which the corrections shall be accomplished. At the Department's election, the Responsible Party shall allow the authorized representative of

the Department to collect samples of Waste to evaluate contamination levels. The Responsible Party shall allow free access at all reasonable times to inspect and copy all business records related to Waste collection. The Responsible Party shall report to the County upon request information such as the business name, address, and telephone number of each contracted Hauler, as well as the day(s) of pickup and days which Disposal Facility, Materials Recovery Facility or Organic Material Management Facility is receiving the material. The Responsible Party shall allow the authorized representative from the Department to record and document their findings in any reasonable and appropriate manner including, but not limited to, notes, photographs, photocopies, video recordings, audio recordings, and computer storage systems or other electronic media. When requested by an authorized representative of the Department, the Responsible Party shall provide photocopies or electronic copies of records including scans, electronic image files, or other electronic files of records.

### C. Right of entry

Whenever necessary to perform an inspection to enforce any of the provisions of this Ordinance or whenever the Department has reasonable cause to believe that a Responsible Party is not compliant, the authorized representative of the Department may enter such building or premises during business hours to inspect to ensure compliance with this Ordinance. If such building or premises is occupied, the authorized representative shall first present proper credentials and demand entry. Advanced notice is not required. If such entry is refused or cannot be obtained, the Department shall have recourse to every remedy provided by law to secure entry including administrative search warrants. If the Responsible Party or other Person having control of the premises has previously stated that they will refuse to allow the authorized representative of the Department entry for inspections, then the Department shall have the authority to obtain an administrative search warrant in advance of an inspection at that premises, without first being denied entry.

## **SECTION VI VIOLATIONS**

It shall be unlawful for any Person other than Haulers to distribute, collect, remove or dispose of Mixed Recyclables after said materials have been placed or deposited for Collection Service.

Pursuant to Minnesota Statutes, sections 115A.95 and 115A.553, it shall be unlawful for a Hauler to dispose of any Source Separated Mixed Recyclables or Source Separated Organic Material at a waste-to-energy facility or landfill.

Nothing in this Ordinance shall abridge the right of any Person to give or sell their Mixed Recyclables or Organic Material to any Recycling program lawfully operated for profit, non-profit or charitable purposes.

Nothing in this Ordinance shall abridge the right of any authorized Recycling program to lawfully operate within the County, subject to such other licenses or other regulations as may be required by law.

#### **SECTION VII SEPARABILITY**

The provisions of this Ordinance are separable. If any court of competent jurisdiction adjudges any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in the judgment.

#### **SECTION VIII PROVISIONS ARE ACCUMULATIVE**

The provisions of this Ordinance are accumulative to all other current or future laws, ordinances, and regulations, covering any subject matter in this Ordinance.

# HENNEPIN COUNTY

## MINNESOTA

### Board Action Request 18-0489

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**Item Description:**

Amd 1 to Agmt A177984 with Gary Erickson, extending period to 03/31/19 and incr NTE by \$40,000 for a new total NTE of \$290,000

**Resolution:**

BE IT RESOLVED, that Amendment 1 to A177984 with Gary Erickson for the provision of transit project management and consulting services, extending the contract period to March 31, 2019 and increasing the not to exceed amount by \$40,000 for a new total not to exceed amount of \$290,000, be approved; that the Chair of the Board be authorized to sign the Amendment on behalf of the county; and that the Controller be authorized to disburse funds as directed.

**Background:**

**History:** The county board approved Agreement A177984 with Gary Erickson for his review, analysis, comment, and advice on plans, documents, reports, analyses, and applications or requests for funding to the federal, state, or local governments, prepared by the Metropolitan Council for the Southwest Light Rail Transit and the Bottineau Light Rail Transit projects (Resolution 17-0484). Mr. Erickson also consults and advises the county on engineering and financial oversight of the projects.

The need for Mr. Erickson's services has exceeded the initial projections due to issues related to the county's work with the Metropolitan Council and the railroads operating in the proposed transit corridor; consequently, an extension to the contract period and an increase to the not to exceed amount are necessary.

**Current Request:** The current request seeks approval of Amendment 1 to Agreement A177984, extending the contract period to March 31, 2019 and increasing the not to exceed amount by \$40,000 to a new total not to exceed amount of \$290,000.

**ATTACHMENTS:**

Description	Upload Date	Type
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# HENNEPIN COUNTY

## MINNESOTA

### Board Action Request 18-0490

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#### Item Description:

Neg Amd 4 to Agmt A177882A with Met Council for the METRO Blue Line Extension project (CP 1005877); extend period from 12/31/18 to 06/30/19; no change to NTE

#### Resolution:

BE IT RESOLVED, that the Hennepin County Board of Commissioners authorize negotiation of Amendment 4 to Agreement A177882A (Counties Transit Improvement Board Capital Grant Agreement #02-2017-01) with the Metropolitan Council for the Blue Line Extension project (Bottineau Light Rail Transit), as assumed and amended by Hennepin County, extending the grant activity period from December 31, 2018 to June 30, 2019, with no change to the not to exceed amount of \$66,000,000, and approving a revised disbursement schedule; and

BE IT FURTHER RESOLVED, the Board authorizes the Chair to execute Amendment 4 after review and approval by the County Attorney's Office; and

BE IT FURTHER RESOLVED, the Board authorizes the Controller to transfer and disburse funds as necessary to carry out the intent of this Resolution.

#### Background:

**History:** Resolution 17-0207, on June 13, 2017, approved the assumption of certain not yet paid funding commitments for the Blue Line Extension project (Capital Project 1005877), the assumption of the 2017 Counties Transit Improvement Board (CTIB) Capital Grant Agreement (CTIB #02-2017-01/Met Council #17I001) with the Metropolitan Council for the Blue Line Extension project, and the imposition of the 0.5% sales and use tax and \$20 motor vehicle excise tax that will be a source of funds for Hennepin County contributions to the project. Through these and other actions, Hennepin County agreed to take responsibility for the remainder of project funding formerly committed by CTIB and the remainder of funding formerly anticipated from the state of Minnesota.

Resolution 17-0493R1, on November 28, 2017, approved Amendment 1 to the 2017 CTIB Capital Grant Agreement. Amendment 1 authorized technical and conforming changes to reflect the county becoming the grantor under the assignment, authorized the county to provide \$11,087,084 in funding for a 20 percent share of project costs until CTIB funding is fully expended, and extended the contract period to April 30, 2018. As a result of Amendment 1, the Hennepin County Regional Railroad Authority's share of project costs during the term of the agreement decreased from 40 percent to 20 percent.

Resolution 18-0150, on April 24, 2018, approved Amendment 2 to the 2017 CTIB Capital Grant Agreement. Amendment 2 extended the contract term to September 30, 2018, and authorized the county to provide an additional \$19,800,000 million in funding for the project after CTIB funds are exhausted.

Resolution 18-0361, on September 6, 2018, approved Amendment 3 to the 2017 CTIB Capital Grant Agreement. Amendment 3 extended the contract term to December 31, 2018, with no change to the not to exceed amount.

Amendment 4 will extend the contract term from December 31, 2018 to June 30, 2019, with no change to the contract not to exceed amount of \$66,000,000.

As part of its commitment to fund the former state share of the project, the county has paid a 20% share of project expenses since January 1, 2018, totaling \$2.7 million through September 30, 2018. When the last remaining CTIB funds are expended, the county will begin paying an 80 percent share of project expenses until execution of a federal Full Funding Grant Agreement. Approximately \$5.5 million of CTIB grant funding remains available as of October 2018. This funding is currently anticipated to last until August 2019.

**Current Request:** Authorize negotiation of Amendment 4 to Agreement A177882A with the Metropolitan Council for the Blue Line Extension project (CP 1005877), extending the grant activity period from December 31, 2018 to June 30, 2019, with no change to the not to exceed amount, and approving a revised disbursement schedule.

**ATTACHMENTS:**

Description	Upload Date	Type
Budget Form A177882A	11/5/2018	Budget - Contract Amd form



# HENNEPIN COUNTY

## MINNESOTA

### Contract Amendment Details

Account coding provides clear direction to accounting staff as to which specific sources of revenues or expenditure accounts are to be modified by a board action request (BAR).

Amendment Number\* \_\_\_\_\_

Contract Number\* \_\_\_\_\_

Contractor/Supplier\* \_\_\_\_\_

Supplier ID \_\_\_\_\_

Begin Date\* \_\_\_\_\_ Original End Date\* \_\_\_\_\_

Amended End date\* \_\_\_\_\_

Fund\* \_\_\_\_\_

Account\* \_\_\_\_\_

DeptID\* \_\_\_\_\_

Project Number \_\_\_\_\_

#### Expenditure

#### Receivables

Amendment Amount\* \_\_\_\_\_

\_\_\_\_\_

Amended Not to Exceed\* \_\_\_\_\_

\_\_\_\_\_

Funding Source \_\_\_\_\_

Funds Included in Budget

Yes

No

**\* Mandatory fields: Amendment Number, Contract Number, Contractor/Supplier, all date fields, Fund, Account, Dept ID, Amendment Amount, and Amended Not to Exceed**

Intended use—communicate budget information relative to a specific board action request by uploading as an attachment under 'Attachments' tab in NovusAgenda



# HENNEPIN COUNTY

## MINNESOTA

### Board Action Request 18-0491

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#### Item Description:

Amd 3 to Agmt A177883A with Met Council for the Orange Line BRT project (CP 1005878) to extend the grant activity period to 12/31/19, increase max grant amount by \$659,000, and authorize disbursement of all remaining CTIB funds, which may include a further increase of no more than \$10,000 in the NTE amount

#### Resolution:

BE IT RESOLVED, the Hennepin County Board of Commissioners amends Resolutions 17-0494 and 18-0108 to substitute "Agreement A177883A" in lieu of "Agreement A177883" in the first sentence of the resolving clause; and

BE IT FURTHER RESOLVED, the Board authorizes negotiation of Amendment 3 to Agreement A177883A (Counties Transit Improvement Board (CTIB) Capital Grant Agreement #03-2017-01) with the Metropolitan Council for the Orange Line Bus Rapid Transit (BRT) project (CP 1005878), extending the grant activity period from December 31, 2018 to December 31, 2019, increasing the maximum grant amount by \$659,000, from \$14,450,000 to \$15,109,000, deeming the maximum grant amount to be increased by an additional amount of no more than \$10,000 to authorize disbursement of all remaining funds in the CTIB Depository Orange Line Capital Account, and approving a revised disbursement schedule; and

BE IT FURTHER RESOLVED, the Board authorizes the Chair to execute Amendment 3 after review and approval by the office of the County Attorney; and

BE IT FURTHER RESOLVED, the Board authorizes the Controller to transfer and disburse funds as necessary to carry out the intent of this Resolution.

#### Background:

**History:** The Orange Line BRT project extends for 17 miles along Interstate 35W, from downtown Minneapolis to Burnsville. The project will have 11 stations in Hennepin County and two stations in Dakota County. Construction began in 2017 after the Metropolitan Council received a Letter of No Prejudice from the Federal Transit Administration (FTA) to allow the Minnesota Department of Transportation (MnDOT) to construct the project's Lake Street Station and 12th Street Ramp as a part of MnDOT's 35@94: Downtown to Crosstown project.

The total capital cost for the Orange Line project is estimated to be \$150.7 million with the following funding partners:

- FTA Small Starts (\$74.1 million),
- Hennepin County (up to \$25.4 million),
- State/Metropolitan Council (\$15.5 million),
- Hennepin County Regional Railroad Authority (HCRRA) (\$12.8 million),
- Federal non-FTA (\$8.8 million),
- CTIB (at least \$7.9 million), and
- Dakota County Regional Railroad Authority (DCRRA) (up to \$6.2 million).

Resolution 17-0207 on June 13, 2017 approved the assumption of certain unpaid CTIB funding commitments for the Orange Line BRT project (CP 1005878) and the assumption of the 2017 CTIB Capital Grant Agreement (A177883A) for the project. Hennepin County and Dakota County now share responsibility for the former CTIB share of project costs. Hennepin County committed to provide up to \$25.4 million to the project, while Dakota County committed to providing up to \$4.1 million. These funds are in addition to funding committed by HCRRA (\$12.8 million) and DCRRA (\$2.1 million).

Resolution 17-0494 on November 28, 2017 approved Amendment 1 to the 2017 CTIB Capital Grant Agreement, and Resolution 18-0108 on March 27, 2018 approved Amendment 2 to the same agreement. These two amendments erroneously referred to the 2017 Capital Grant Agreement as Agreement A177883. That agreement number was assigned to the Agreement for the Assignment and Assumption of the 2017 CTIB Capital Grant Agreement. The 2017 CTIB Capital Grant Agreement has since been assigned agreement number A177883A. This Board Action Request would accordingly correct the resolutions for Amendments 1 and 2 by substituting the correct agreement number (A177883A).

Due to the timing of certain 2017 Orange Line project expenditures, Hennepin County and Dakota County agreed to fulfill the original 2017 grant amount before the final amount of CTIB funding was available to be disbursed. Now, however, the final disbursement of CTIB funds can be made.

Approximately \$659,000 of CTIB funding remains in the depository account. Since this account continues to earn interest, the final CTIB share of the project will be determined after all funds in the CTIB Depository Orange Line Capital Account are disbursed. Staff estimate that the account could earn up to \$10,000 more in interest before all final disbursements are made in 2019. Amendment 3 would allow for the final disbursement of all remaining CTIB funds. It would increase the maximum grant amount by \$659,000 to reflect the current balance of funds in the CTIB Depository Orange Line Capital Account.

Amendment 3 would also provide that the maximum grant amount can be increased by an additional amount of no more than \$10,000; this would authorize payment of all remaining CTIB funds in that account, reflecting still-accruing interest and any other amounts that may flow into the account prior to final disbursements but that cannot be determined at this point. Amendment 3 would also extend the grant activity period to December 31, 2019.

The Metropolitan Council is in the process of applying for a federal Small Starts grant from the Federal Transit Administration for the Orange Line BRT project in the amount of \$74.1 million. The amount of the county's 2019 funding contribution will be determined after the council learns whether a Small Starts Grant Agreement (SSGA) will be executed in the first quarter of 2019. If the project receives a Small Starts grant, then the council would not request any county funding in 2019. If the FTA does not award a Small Starts grant by early 2019, however, the council plans to request approximately \$5.1 million in 2019 funding. The amount of county funding provided to date is \$9,030,000.

**Current Request:** Amendment 3 to Agreement A177883A (CTIB Capital Grant Agreement #03-2017-01) with the Metropolitan Council for the Orange Line BRT project (CP 1005878), extending the grant activity period from December 31, 2018 to December 31, 2019, increasing the Maximum Grant Amount by \$659,000, deeming the maximum grant amount to be increased by an additional amount of no more than \$10,000 to authorize disbursement of all remaining CTIB funds, and approving a revised disbursement schedule.

**Impact/Outcomes:** Since October 1, 2017, Hennepin County has been managing the 2017 CTIB Capital Grant Agreement for the Orange Line BRT project (A177883A) as the Assignee County following the dissolution of the CTIB. Amendment 3 will allow for the final disbursement of CTIB funds to the Orange Line BRT project. The final CTIB share of funding for the project will then be determined.

## **ATTACHMENTS:**

Description

Upload Date    Type

# HENNEPIN COUNTY

## MINNESOTA

### Board Action Request 18-0492

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#### Item Description:

Amd 2 to Agmt PW 01-67-16 with the Met Council for cost participation in design and construction engineering for the reconstruction of C-Line/Penn Ave (CP 2121100), extend period to 12/31/19; no change in cost

#### Resolution:

BE IT RESOLVED, that Amendment 2 to Agreement PW 01-67-16 with the Metropolitan Council (Met Council) for county participation in the design and construction engineering costs for the reconstruction of Penn Avenue North (County State Aid Highway (CSAH) 2) between West Broadway Avenue (CSAH 81) and Lowry Avenue North (CSAH 153) in the city of Minneapolis, including the construction of Bus Rapid Transit (BRT) improvements at eight intersections along the Penn Avenue corridor under capital project (CP) 2121100, extending the agreement period from December 31, 2018 to December 31, 2019, with no change to county cost, be approved; and that the Chair of the Board be authorized to sign the Amendment on behalf of the county.

#### Background:

**History:** Agreement PW 01-67-16 with the Metropolitan Council (Met Council) provides for county cost participation in the design and construction engineering of eight intersections in coordination with BRT stops along Penn Avenue North (CSAH 2) (CP 2121100) in the city of Minneapolis at a county estimated cost of \$1,846,000 (Resolution 16-0099R1).

Agreement PW 01-67-16 expires on December 31, 2018, and although the project is on schedule and will be substantially completed this fall, the Met Council is requesting to extend the agreement period until December 31, 2019 to complete the project and submit final invoices in 2019. Public Works staff recommends extending the reimbursement terms in the agreement in order to allow the county time to complete cost participation obligations.

Amendment 1 increased the cost participation to \$2,100,000 to fund additional design and construction engineering along Penn Avenue North between West Broadway Avenue (CSAH 81) and Lowry Avenue North (CSAH 153) in Minneapolis (Resolution 17-0485 R1).

**Current Request:** This request seeks approval of Amendment 2 to Agreement PW 01-67-16 with the Met Council, extending the agreement period from December 31, 2018 to December 31, 2019 for county cost participation in the design and construction engineering for the C-Line/Penn Avenue project (CP 2121100), with no change in cost.

**Impact/Outcomes:** Amendment 2 to Agreement PW 01-67-16 will allow the county to fulfil its obligations and disburse funds to the Met Council for cost participation in the design and construction engineering for the C-Line/Penn Avenue project (CP 2121100).

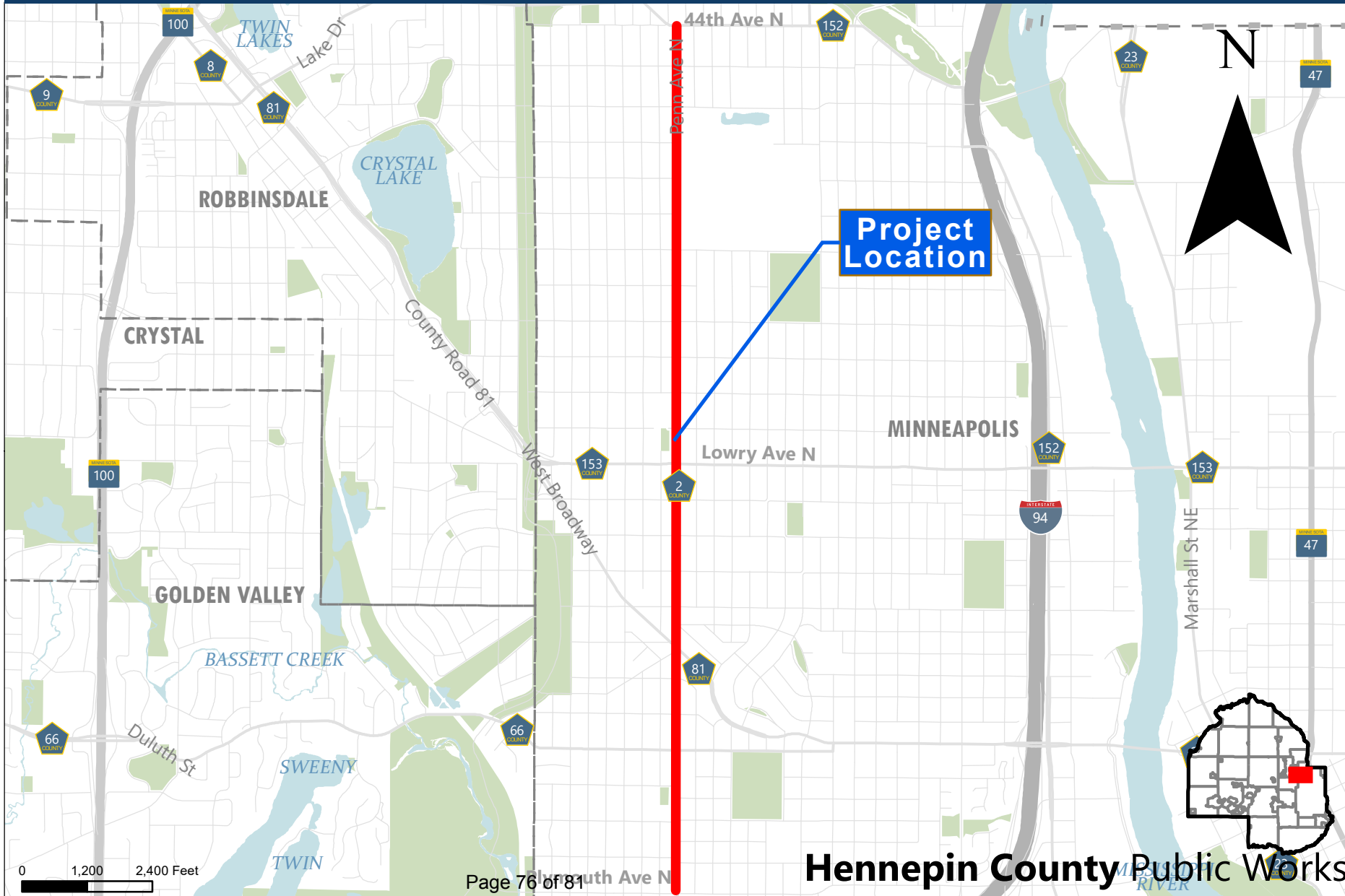
#### ATTACHMENTS:

Description	Upload Date	Type
Map of Penn Ave in Minneapolis	10/30/2018	Map

# PW 01-67-16

C-Line/Penn Ave Reconstruction

HENNEPIN COUNTY  
MINNESOTA





# HENNEPIN COUNTY

## MINNESOTA

### Board Action Request 18-0493

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#### Item Description:

Approve 2019 annual operating grant agmts with Metropolitan Council for Blue Line LRT (PR00000614), Green Line LRT (PR00000615), and Northstar Commuter Rail (PR00000616), 01/01/19-12/31/19, combined total NTE \$22,746,472

#### Resolution:

BE IT RESOLVED, that operating grant agreement PR00000614 with the Metropolitan Council for the Blue Line Light Rail Transit (LRT) transit service, during the period January 1, 2019 through December 31, 2019, with the amount not to exceed \$13,493,437, be approved; and

BE IT FURTHER RESOLVED, that operating grant agreement PR00000615 for the Green Line LRT transit service, during the period January 1, 2019 through December 31, 2019, with the amount not to exceed \$7,856,842, be approved; and

BE IT FURTHER RESOLVED, that operating grant agreement PR00000616 for the Northstar Commuter Rail transit service, during the period January 1, 2019 through December 31, 2019, with the amount not to exceed \$1,396,193, be approved; and

BE IT FURTHER RESOLVED, that the Chair of the Board be authorized to sign the Agreements on behalf of the county; and that the controller be authorized to transfer and disburse funds as directed.

#### Background:

**History:** BAR 17-0207, approved by the Board on June 13, 2017, commits Hennepin County to funding a portion of the net operating costs for the three transit lines located wholly or partially within Hennepin County: the Blue Line light rail (Project Number 1006448), the Green Line light rail (Project Number 1006449), and the Northstar commuter rail (Project Number 1006450).

BAR 18-0109, approved by the Board on March 27, 2018, authorized the execution of the 2018-2022 Master Operations Funding Agreement ("Master Agreement") (A188684) with the Metropolitan Council, Anoka County, Hennepin County and Ramsey County. This four-party agreement identifies the terms and conditions for county contributions to transitway operations, and limits the amount of funding the Metropolitan Council can request from the counties. The Master Agreement specifically prohibits the Council from using county grant funds for life cycle capital replacement needs, including rolling stock.

Pursuant to the Master Agreement, funding for transitway operations is provided through annual grant agreements. The proposed grant agreements would cover transit operations during the period of January 1, 2019 to December 31, 2019. The source of funds for Hennepin County's grants will be the 0.5% sales and use tax and \$20 motor vehicle excise tax ("Transportation Tax"), as designated by county's Sales and Use Transportation Tax Implementation Plan. Grant funding is allocated towards a base share plus a non-annual share, with the grant agreement providing specific conditions for how each share of grant funding can be used.

**Current Request:** On October 26, 2018, the Metropolitan Council submitted three grant applications

requesting a total of \$22,746,472 from Hennepin County for 2019 transit operating grants, as shown in the table below. The Administrator's proposed 2019 budget includes funding for transit operating grants for \$22,800,000.

In addition to Hennepin County's grant funds, other revenue sources used for transit operations include passenger fares, Anoka County, Ramsey County, state of Minnesota general fund appropriations, advertising income, and other miscellaneous sources.

The base share amount is capped at an annual growth rate of 3.15% and may be used for regular annual operating expenses, such as labor, fuel, parts, utilities, and contracted services. The base share is reconciled annually, and staff expect that Hennepin County will receive a partial refund of its base share contribution in the summer of 2020.

The non-annual share is also capped at an annual growth rate of 3.15% and may be used for periodic operating expenses. In 2019, Metro Transit plans to use these funds for rail grinding, station rehabilitation, and labor training costs for the rail overhaul program. A limited amount of non-annual share funding may accumulate in a separate account.

*Table 1: Metropolitan Council Requests for 2019 Transit Operating Grants*

<b>Transitway</b>	<b>2019 Hennepin Total</b>	<b>Hennepin Base Share</b>	<b>Hennepin Non-Annual Share</b>	<b>Allocation of County Share</b>
<b>Blue Line (PR00000614)</b>	\$13,493,437	\$12,874,537	\$618,900	100% Hennepin County
<b>Green Line (PR00000615)</b>	\$7,856,842	\$7,764,007	\$92,835	60% Hennepin County 40% Ramsey County
<b>Northstar (PR00000616)</b>	\$1,396,193	\$1,367,414	\$28,779	81.4% Anoka County 18.6% Hennepin County
<b>Total</b>	\$22,746,472	\$22,005,958	\$740,514	

**Impacts/Outcomes:** Approval of these three annual operating grant agreements will provide funding to support the 2019 operations and maintenance costs of the Blue Line LRT, Green Line LRT and Northstar Commuter Rail transit services. Metro Transit anticipates these three rail lines will serve 25.1 million people next year. Many of these riders are residents or visitors to Hennepin County.

## **ATTACHMENTS:**

Description	Upload Date	Type
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# HENNEPIN COUNTY

## MINNESOTA

### Board Action Request 18-0498

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#### Item Description:

Amended and Restated Agmt A165757 with GRE for mgmt, operation, and maint of HERC, extend period to 12/31/25, est annual cost \$24,900,000

#### Resolution:

BE IT RESOLVED, that the Amended and Restated Management, Operation and Maintenance Agreement A165757 with Great River Energy (GRE) for continued management, operation and maintenance of Hennepin Energy Recovery Center, extending the period through December 31, 2025 at an estimated annual cost of \$24,900,000, be approved; that the county is also authorized to reimburse GRE for any capital costs as identified in the Hennepin County Capital Improvement Program above the estimated annual cost; that the Chair of the Board be authorized to sign the amended agreement on behalf of the county; and that the Controller be authorized to disburse funds as directed.

#### Background:

**History:** The Hennepin County Board approved and amended Agreement A165757 with Great River Energy (GRE) to manage, operate and maintain the Hennepin Energy Recovery Center (HERC) (Resolutions 16-0312 and 17-0216). This agreement covers all the costs to manage, operate, and maintain HERC and complete any capital improvement projects requested by the county and is scheduled to terminate on June 30, 2019; however, it may be renewed upon six months' notice by mutual agreement of the parties. GRE recently notified the county of its desire to extend the agreement through December 31, 2025. Staff recommends extending the agreement based on its experience with GRE to effectively manage, operate, and maintain HERC in conformance with the standards and requirements in the agreement.

Over the past year, GRE has demonstrated its ability to comply with the terms and performance standards of the agreement. Performance standards include accepting and processing trash delivered by waste haulers in quantities required by the county, maintaining the facility in accordance with good industry standards and practices, producing electricity for sale to Northern States Power Company, producing steam for distribution to NRG and Target Field, complying with the Title V Clean Air Permit and other federal and state environmental standards, controlling odors and litter, and completing capital improvement projects.

In addition to meeting performance standards, GRE has been fully transparent in all aspects of its operations and maintenance activities, including financial reporting. GRE's engineering team has also implemented new processes to manage maintenance and capital projects, compiled maintenance records for staff review and inspection, and sought the county's review and input on all maintenance and capital projects. An operations committee comprised of representatives from the county and GRE meet monthly to discuss matters related to the implementation and performance of this agreement and compliance with federal and state environmental laws.

HERC is one part of the county's integrated waste management system that emphasizes waste prevention, reuse, recycling and composting. HERC burns 365,000 tons of solid waste from homes and businesses each year to produce energy in the form of steam and electricity. Revenues received from tip fees paid by

waste haulers delivering trash to HERC and the sale of electricity, steam, and recyclables pay for the costs to operate and maintain HERC. The continued operation of HERC ensures that the county complies with the state Waste Management Act (Minnesota Statutes, chapters 115A and 473), the Minnesota Pollution Control's Metropolitan Solid Waste Policy Plan, and the county's Solid Waste Management Master Plan, which was adopted in 2017 (Resolution 17-0479).

**Current Request:** This request seeks approval of the Amended and Restated Management, Operation and Maintenance Agreement A165757 with GRE, extending the contract period through December 31, 2025.

Under the terms of the agreement, the county reimburses GRE for all operating and maintenance expenditures. Additionally, the county reimburses GRE for any expenses it incurs to perform capital improvement projects authorized by the county as identified in the Capital Improvement Program. The county also pays GRE a management fee of \$166,250 per month to operate and maintain HERC on behalf of the county. The amended and restated agreement would adjust the management fee annually using the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index.

**Impact/Outcomes:** This agreement will continue the services provided by GRE to operate and maintain HERC at the performance standards and expectations established by the county. HERC will continue to reliably process 365,000 tons of waste per year to produce energy in the form of steam and electricity. HERC produces enough electricity to power 25,000 homes and provides steam to the downtown Minneapolis district energy system and Target Field

**ATTACHMENTS:**

Description	Upload Date	Type
A165757 GRE	11/14/2018	Budget - Contract Amd form

# HENNEPIN COUNTY

## MINNESOTA

### Contract Details

Account coding provides clear direction to accounting staff as to which specific sources of revenues or expenditure accounts are to be modified by a board action request (BAR).

Contract Number\* \_\_\_\_\_

Contractor /Supplier\* \_\_\_\_\_

Supplier ID \_\_\_\_\_

Begin Date\* \_\_\_\_\_ End Date\* \_\_\_\_\_

Fund\* \_\_\_\_\_

Account\* \_\_\_\_\_

DeptID\* \_\_\_\_\_

Project Number \_\_\_\_\_

PC Business Unit \_\_\_\_\_

Activity \_\_\_\_\_

Source Type \_\_\_\_\_

Category \_\_\_\_\_

Subcategory \_\_\_\_\_

Expenditure Amount\* \_\_\_\_\_

Receivable Amount\* \_\_\_\_\_

Funding Source \_\_\_\_\_

Funds Included in Budget      Yes      No

Substitute W-9 Obtained      Yes      No

**\* Mandatory fields: Contract Number, Contractor/Supplier, Date fields, Fund, Account, Dept ID, Expenditure Amount and Receivable Amount**

Intended use—communicate budget information relative to a specific board action request by uploading as an attachment under 'Attachments' tab in NovusAgenda

