

November 14, 2018  
Rebecca Noecker  
City Council Ward 2  
City of St. Paul  
15 Kellogg Blvd. West,  
310 City Hall  
Saint Paul, MN 55102  
Dear Rebecca,

First of all I would like to thank you for the good work you have done for the past couple years. I appreciate your commitment to the citizens of Ward 2, especially those of us on the West Side. I am writing in regards to the new trash hauling ordinances in St. Paul. Philosophically I agree with many of the goals for the ordinances. I agree that many garbage trucks running through the neighborhood streets and alleys is annoying, ruins the streets, unnecessarily pollutes the our air and has a heavier carbon footprint than I would like to see.

My opposition to the ordinances is personal, social and economic.

My spouse Mary and I own a duplex. We live in the whole house. She has an apartment upstairs, and I live in the apartment downstairs. We have lived here for over thirty years. Our trash hauling over the past few years has been minimal. We are avid recyclers, reusing and repurposing everything that we can. We have a compost pile for our organic materials.

Over the years Mary and I have shared our medium sized garbage can with my father, and then her brother, who lived(s) in the house across the street. The three of us did on occasion fill the one trash can, especially if we were doing a project of one sort or another. Our monthly bill was \$17./mo. from Triangle Rubbish. That made our trash bill \$51. per quarter. Our annual bill for three units was \$204.00.

With the new ordinance, we are required to have three trash containers for our three units. With three small containers between us (rather than the one medium one we all shared) our quarterly bill will be \$210.96. Our annual bill will be \$843.84.

The increase is for us is \$639.84 per year, and that for three trash cans when we really only need one. We are talking \$843.84 vs \$204. annually.

Another example is my elderly neighbor, who shared a trash can with her neighbor for years at no charge. Her one small bag a week went in on top of the neighbor's garbage. This woman, alone in her home on a very small monthly stipend is now spending that much less at the grocery store every month. Whether she can financially stay in her home is a pending question, especially with all the other additional taxes imposed by the City recently.

To say the least, we are all upset. As life long liberals, who have fought years for liberal values, we are very frustrated by what we all see as a totally unnecessary government intervention. WE are crying overreach.

The City plan is ill-designed. It doesn't work. It doesn't accomplish the important goals for trash .... to REDUCE TRASH and thereby consumption. The new ordinance ENCOURAGES more trash. More importantly, the new ordinance puts undo burden economic burden on citizens with no solution for that burden. I realize that these are unintended consequences of the ordinances, but they have real financial burdens to those who live on minimal budgets.

We could discuss the many better ways to solve the issues of trash production and management including neighborhood areas and citizens working together to get a great rate from one hauler, combining many neighbors into one central bin and agreements between neighbors for hauling. Encouraging these kinds of self-controlled programs would have been a much better step for the City Council to take.

I helped organize and attain petition signatures for having a citywide referendum on the ordinances. My understanding is that the City Council can put a stop to the referendum vote, if they simply choose to do that. That rule alone is pretty outrageous.

Rebecca, please let the people speak. Please allow the referendums to move forward for a vote.

Thanks very much,

*Craig David*

Craig David  
88 Morton St. W.  
St. Paul, MN 55107  
cc Mayor Melvin Carter

**From:** Kristin Becker [<mailto:ND4QEW@gmx.com>]

**Sent:** Wednesday, November 14, 2018 12:55 AM

**To:** #CI-StPaul\_Ward1 <[Ward1@ci.stpaul.mn.us](mailto:Ward1@ci.stpaul.mn.us)>; #CI-StPaul\_Ward3 <[Ward3@ci.stpaul.mn.us](mailto:Ward3@ci.stpaul.mn.us)>; #CI-StPaul\_Ward4 <[Ward4@ci.stpaul.mn.us](mailto:Ward4@ci.stpaul.mn.us)>; #CI-StPaul\_Ward5 <[Ward5@ci.stpaul.mn.us](mailto:Ward5@ci.stpaul.mn.us)>; #CI-StPaul\_Ward6 <[Ward6@ci.stpaul.mn.us](mailto:Ward6@ci.stpaul.mn.us)>; #CI-StPaul\_Ward2 <[Ward2@ci.stpaul.mn.us](mailto:Ward2@ci.stpaul.mn.us)>; #CI-StPaul\_Ward7 <[Ward7@ci.stpaul.mn.us](mailto:Ward7@ci.stpaul.mn.us)>

**Subject:** Win-win solution for trash petition 18-39 - URGENT

**Importance:** High

Before you make a decision today about the trash petition 18-39, I would like to bring to your awareness a few issues you may not have been informed of.

Speaking to Dai Thao today, I heard what he considered a worst case scenario. That if the contract is broken, the haulers will sue the city and that no one will haul the trash. Regarding the trash, we can be assured that all the haulers will not refuse to do business in St Paul. Everyone in St Paul is currently in a contract with a hauler until the end of the year and will have 6 weeks to make a new contract with a new hauler or keep their present one if the city contract is halted for any reason. Beyond this, I have been informed that some haulers have already been contacted and they are willing to continue to provide service if they are again allowed to do so. As for the price, free markets without monopolies because of competition tend to bring prices down.

But as for the worst case scenario, I believe it could be much worse. I have contact with StPaulTrash.com, the group that initiated the petition, and I have learned that they will definitely sue if the city does not accept this referendum, place it on the ballot and suspend the contract until the citizens have an opportunity to vote on it. They have already started interviewing lawyers and created a fundraising plan. They have been in contact with the Bloomington citizens group Hands off our Cans which has successfully won their appeal to the State Supreme Court for this same reason. This leaves open the potential for the two lawsuit scenario. If the city council denies the referendum on ordinance 18-39 to be placed on the ballot, StPaulTrash.com sues and gets it on the ballot. Once on the ballot, the citizens vote down the contract and the haulers sue the city. As you can see, it's not an either/or scenario, it's a one or two lawsuit scenario. And beyond this, if you vote to prevent the referendum, you are also voting to violate citizens' rights to petition – a very undemocratic choice and a horrible

path to take our city down and one that has already lost at the State Supreme Court when Bloomington City Council tried to do the same thing.

But there is a scenario that could be a win-win for the city AND the citizens. It is where this petition becomes the "Way out" rather than the obstacle for the city council. On page.48, 13.6 of the contract, there is a Force Majeure clause which states that parties...."shall not be held responsible for performance its performance is prevented by acts or events beyond the party's reasonable control, including" ...."legislative, judicial or executive acts." The Force Majeure, or unforeseen circumstance, in this case is the successful citizens' petition to place the contract on the ballot as a referendum. Clearly, this was unforeseen by the city council when they signed the contract and would be a sound legal reason to halt the contract until its put to a vote by citizens. This is when the haulers would be most motivated to renegotiate a good contract that would allow for cartsharing and opt out options for Zerowasters as well as truly reasonable rates with incentives to reduce trash, instead of giving discounts for those who make the most trash. And with all of the research done by St Paul citizens about trash and comparisons to other cities, the city would be in a much better position to negotiate as well.

I hope you take this into careful consideration. I can be reached with questions or to exchange ideas after 9 am -12 and 1 pm until the council meeting at 651 340 4145. Thank you in advance for your careful consideration to make the right decisions for ALL St Paul's citizens.

Dr. Kristin Becker, ND