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GOOD FOOD. THE QUALITY OF LIFE.

February 18, 2019

City Council Member Dai Thao,

I am writing in opposition of the Recyclable Black Plastic Ban and the upcoming council meeting on February 20, 2019 regarding agenda item "Chapter 236 Environmental Preservation: Plastic Packaging Ordinance". Recyclable Black Plastic is Recyclable.

My name is Dave Cossetta, owner of Cossettas since 1978, over 40 years. Cossetta's has been part of Saint Paul since 1911, over 107 years. I started working for my grandfather since I was 8 years old until I graduated from Monroe High School in 1974. I attended Dakota County Vo-Tech Meat Processing School and worked as a janitor the other half of my day. I then worked in a factory (Taystee Bread) for there weren't any jobs for meat cutters at the time until I finally found a job as a union meat cutter at Country Club Markets. It was there I would save my money to maybe try to keep Cossettas going. My time working there was short, for my Grandfather wanted to end his career as the owner of Cossettas, so I decided to try to continue the Cossetta Legacy at the age of 21 and leave this job that I loved, to follow my dreams and keep the Cossetta name alive. I borrowed \$20,000, remodeled Cossettas 500 sq. ft. store and reopened the tiny store in 1978. My first day in sales was \$10, and I was the only full-time employee. Since that day Cossettas has moved twice and remodeled five times. Cossettas renovation in 2012 named "Alimentari" took approximately 5 years of planning of Research and Development with adding a larger seating area for the Pizzeria and Eatery, a larger Market making new breads, sausages, and a larger selection of Italian Groceries, Deli Cheeses and Salumis. Also 2 New Venues were added; Louis Ristorante & Bar and Pasticceria Cossetta (Pastry Shop). Cossetta, "Saint Paul's Little Italy" project costs; \$18,000,000. Cossetta now employs approximately 300 people to serve over 1.3 million people per year in "St. Paul". Cossetta has invested in St. Paul, and we are all in.

In October of 2017 a meeting was held with three members of the City Council of St. Paul; President Russ Stark, Council Members Rebecca Noecker and Amy Brendmoen, and D.S.I. Directors Ricardo Cervantes and Dan Niziolek. Cossettas pledged to research with green compostable container manufacturers to see if this alternative option could replace our current containers. We also did additional due diligence and invested in attending the National Restaurant Association show in search of more options to change.

We have sought out alternate packaging containers with great effort on researching for a solution but, in the current marketplace could not find replacement for all our Recyclable Black Plastic Containers due to size constraints and limitations of other containers to HOLD "Liquid Based Products" in which Cossettas sells.

Over one year ago, the City of St. Paul City Council proposed an ordinance "Chapter 236 Environmental Preservation: Plastic Packaging Ordinance" to Ban Poly Styrofoam and Recyclable Black Plastic containers for Take-away in Small Businesses Only.

Their proposal would allow large corporations such as Hormel, Hillshire Farms, Johnsonville, Land O'Lakes and many other large producers of products to be Exempt from the ordinance to sell comparable products in St. Paul.

What incentive does a small business have when we are branded inferior and become victims of legislation that discriminates against us as second-class citizens. This makes no sense.

Cossetta's model has been built on use of Recyclable Black Plastic. We are absolutely in agreement for recycling, because we have done it since recycling has started. We will proudly invest in bins to sort ALL Recyclable Plastics for the Recycling company. We are and want to be responsible contributors to the environment as best we can within our four walls. But, we cannot; cannot be the Recycling Company ALSO!

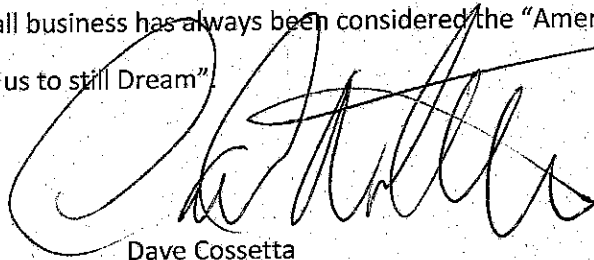
Cossetta's since 1911 has always tried to be a good example and champion of Saint Paul to the fullest, but if passed this mandate would cause a hardship, added with all the other mandates that may cause an effect that will not be sustainable.

Please take a moment to review the "Executive Summary" attached to this letter. I have listed a number of points that I feel demonstrate the inequitable impact the proposed ban will have on Cossetta's and other St. Paul businesses just like mine.

This "Chapter 236 Environmental Preservation: Plastic Packaging Ordinance" is premature and punitive against all the small food retailers singled out and targeted by this ordinance.

ASK- Please do Not allow this amazingly UNFAIR legislation pass and say NO to the potential irreversible hardship. Small business has always been considered the "American Dream".

"Please allow us to still Dream"



Dave Cossetta

CC: City Council Member Dai Thao
City Council Member Rebecca Noecker
City Council Member Chris Tolbert
City Council Member Mitra Jalali Nelson
City Council President Amy Brendmoen
City Council Member Kassim Busuri
City Council Member Jane Prince
Pioneer Press - Fredrick Melo
Pioneer Press - Joe Soucheray
The Villager - Jane McClure
MN Restaurant Association - Liz Rammer
Hylden Advocacy & Law - Nancy Hylden
Bring Me the News - Adam Uren
Fox 9 - Kelly Huffman & Lori Fischer
Kare 11 - Jon Croman
KSTP TV - Jessica Miles & Todd Wilson
MPR - Tim Nelson & Matt Sepic
MSP Business Journal - Mark Reilly & Alex Van Abbema
Star Tribune - Jim Walsh & Jessi Van Berkel
TPT - Eric Eskola
WCCO Radio - Dave Lee
WCCO TV - Susan Elizabeth Littlefield

Executive Summary – Cossetta’s

Fairness Summary

Below, please find a summary of issues with respect to the inequitable impact of passing the black plastic packaging ordinance:

- **COSTS:** Implementing alternative packaging options can only be done at significant cost to St. Paul businesses and these costs are potentially unmanageable to many.
- **UNFAIR EXEMPTION:** Large businesses using identical products are exempt from the ordinance, providing a competitive disadvantage to small businesses, effectively putting a restraint on trade. These large businesses have far greater resources and market power to produce affordable alternatives.
- **NEW COSTS TO SMALL BUSINESSES:** Small businesses in St. Paul are still adjusting to recent financial burdens of the Affordable Care Act, various actions on the minimum wage, safe and sick time, and property tax increases. (Note that Cossetta’s has provided health insurance and a pathway to financial security for our employees for nearly 40 years).
- **NEW AMERICAN OWNED BUSINESSES:** The recyclable black plastic ban would unfairly impact small businesses, including many owned by New Americans (which is exactly what Cossetta’s was over 100 years ago).
- **LIMITED PRODUCTS:** Many of these small businesses provide unique products where there is limited or no availability of alternative products. A ban on recyclable black plastic packaging could result in these products no longer being made available in St. Paul.
- **BLACK PLASTIC IS RECYCLABLE:** Why is the burden placed on so many small and emerging businesses, and not on the recycler? Could the City assist in financing for Eureka Recycling to improve their ability to process and market black plastic?

Financial Impact Summary

Cost of Removal of Recyclable Black Plastics from Cossetta’s:

Current Cost of Containers:	\$280,468
Alternative Yoshi Product Cost*:	\$596,254
Cost Impact:	\$315,786

*Please note that this is an assumption that alternative products for all Cossetta’s products are available in the marketplace.

Cossetta’s Action Plan if Ordinance Is Passed:

- **Wage reductions across Cossetta’s employee job classes**
- **Dramatic price increases passed on to customers**
- **Decreased availability or affordability of unique products**

For over 100 years, the Cossetta’s model has been to provide an affordable meal to residents and visitors. Cost increases to offset increased packaging costs would permanently impair our ability to deliver affordable products and result in a product available only to individuals far above area median incomes.

Also note that Cossetta’s is already assuming the financial burden of minimum wage efforts, despite almost 40 years of providing a pathway to financial security for our employees, including providing current policies on Paid Time Off, 401(k), and health insurance. By increasing costs of materials for our products, this pathway would be severely lengthened and could impact our ability to deliver quality service in a rapidly tightening job market and effect Cossetta’s Company Employee Benefits Policies.

JOHNSON, KILLEN & SEILER

A PROFESSIONAL ASSOCIATION

A TRADITION OF TRUST

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February 13, 2019

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Re: Proposed ordinance related to banning black plastic
Our Client: Cossetta's, Inc.
Our File No: 16671-90

Dear Ms. Olson, Ms. Tierney and Ms. Moore:

I am writing to you on behalf of my client, Cossetta's, Inc. It is my client's understanding that the St. Paul City Council is considering an ordinance on banning black plastic through amendment of St. Paul City Code of Ordinances Section 236. Moreover, it is my client's understanding that the City Council is planning to put the issue of banning black plastic to vote without public hearing. My client would like clarification on how the City Council is planning to vote on this ordinance without holding public hearings on the proposed ordinance.

The St. Paul Code of Ordinances Section 6.05 provides the procedures for a proposed ordinance which explicitly requires the City Council to read the proposed ordinance at at least three separate meetings of the City Council. This requirement along with the City Council's Order of Business, prescribed in Chapter A-1, Rule 10 of the City Code, wherein proposed ordinances are read, followed by public hearing, directly implies that every proposed ordinance is entitled to a public hearing on the issue.

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JOHNSON, KILLEN & SEILER, P.A.

City of St. Paul
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The City Council considered a measure to ban black plastic, titled Ord. 17-29, in 2017. This proposed ordinance did not pass on a vote after its third reading. See Council Minutes, Oct. 11, 2017. After the vote failed, the Council voted to lay over the proposed ordinance's fourth reading to October 2018. Subsequently, the fourth reading was laid over again to November 2018 and once more to February 2019. It is our understanding that the City Council will be treating the upcoming reading of a proposed ordinance to ban black plastic as a fourth reading of the failed 2017 proposed ordinance and will not hold a public hearing.

More than a year has passed since any public hearing on the issue of banning black plastic was held. The City Council has new members that were not on the Council at the time of these public hearings, nor at the time of the first, second, and third readings of the proposed ordinance. It also appears a new Council member—not present for any previous readings or public hearings—has sponsored the proposed ordinance. It is unclear how new City Council members were informed of the proposed ordinance and the information and testimony presented at public hearings. We assert that to move forward with a Council vote now without a further public hearing not only violates the spirit and the intent of the ordinance but also would fail to provide the necessary due process which is an essential element of the legislative function.

It also is our understanding that the only section of the City Code that relates to reconsideration of a proposed ordinance after a failed vote is Chapter A-1, Rule 14, which allows for reconsideration in either the same or next meeting after it has received a vote. Time has long passed for reconsideration of the 2017 proposed ordinance banning black plastic. Therefore, it would seem that the only process available to the City Council to consider a proposed ordinance banning black plastic is the one described above, in which the City Council is required to read the proposed ordinance at at least three separate Council meetings and hold public hearings on the matter.

Please advise as to the legal basis for the City Council to circumvent public hearings on the proposed ordinance banning use of black plastic.

Very truly yours,



Robert C. Pearson

RCP/AMM/clg

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cc: David Cossetta, Cossetta's, Inc.
Rebecca Noecker (e-mail: ward2@ci.stpaul.mn.us)