



City of Saint Paul

City Hall and Court House
15 West Kellogg Boulevard
Council Chambers - 3rd
Floor
651-266-8560

Minutes - Final

City Council

Council President Amy Brendmoen
Councilmember Kassim Busuri
Councilmember Mitra Jalali Nelson
Councilmember Rebecca Noecker
Councilmember Jane L. Prince
Councilmember Dai Thao
Councilmember Chris Tolbert

Wednesday, March 6, 2019

3:30 PM

Council Chambers - 3rd Floor

Public Hearings at 3:30 and 5:30 p.m.

ROLL CALL

The meeting was called to order by Council President Brendmoen at 3:31 p.m.

Present 7 - Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Chris Tolbert, Councilmember Rebecca Noecker, Councilmember Jane L. Prince, Councilmember Mitra Jalali Nelson and Councilmember Kassim Busuri

CONSENT AGENDA

Items listed under the Consent Agenda will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the Consent Agenda for separate consideration.

Approval of the Consent Agenda (Items 1 - 10)

Item 3 was removed from the Consent Agenda for separate consideration.

Councilmember Thao moved approval of the Consent Agenda as amended.

Consent Agenda adopted as amended

Yea: 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

- 1 [RES 19-361](#) Memorializing the decision to deny the appeal of George Hark, d/b/a M & A Hark, Inc. from a decision of the Board of Zoning Appeals denying a variance from the zoning code's separation requirements for tobacco product shops for property at 589 Dale Street North.

Adopted

- 2 [RES 19-374](#) Approving the use of grant funds through the Neighborhood STAR Year-Round Program for the Our Streets Our Stories Project.
Adopted
- 4 [RES 19-295](#) Approving the Labor Agreements between the Independent School District 625 and District Lodge No. 77 International Association of Machinists and Aerospace Workers AFL-CIO (7/1/2017- 6/30/2019); Professional Employees Association (1/1/2018 - 12/31/2019); Local Union 844 District Council 5 of the American Federation of State, County and Municipal Employees, AFL-CIO representing Clerical and Technical Employees (7/1/2018 - 6/30/2020); and the 2018-2019 Memorandum of Agreement for the United Association of Plumbers, Local Union No 34 wage and fringe adjustment.
Adopted
- 5 [RES 19-331](#) Changing the rates of pay for the classification of DSI Trainee in Grade 003 of EG 99, Special Employment Salary Schedule.
Adopted
- 6 [RES 19-332](#) Establishing the rate of pay for the new classification of City Council Executive Assistant I in Grade 031, of EG 01, AFSCME Clerical.
Adopted
- 7 [RES 19-358](#) Approving the Mayor's appointment of Kassim Busuri to serve on the Ramsey County Dispatch Policy Committee.
Adopted
- 8 [RES 19-359](#) Approving the Mayor's appointment of Mitra Jalali Nelson to serve on the Metro Cities Association of Metropolitan Municipalities.
Adopted
- 9 [RES 19-327](#) Authorizing the City of Saint Paul to re-grant \$90,000 in funds received from the Saint Paul Foundation and F.R. Bigelow Foundation to Great River Passage Conservancy fiscal agent PROPEL to support the mission of the GRP Conservancy.
Adopted
- 10 [RES 19-366](#) Approving adverse action against the Tree Trimmer & 1 Vehicle and Tree Trimmer-Each Additional Vehicle license application submitted by Urban Tree Service, LLC, d/b/a Urban Tree & Landscape.
Adopted

FOR DISCUSSION

- 3 [RES 19-356](#) Asking Congress for the reinstatement of deferred enforced departure for Liberians.

Councilmember Prince made brief comments, and invited representatives of the Liberian community to the podium to say a few words.

Elizabeth Itoka-Morris, Danlette Benson Sippy, and Kartumu King thanked the Council for their support and spoke about the Liberian community in Minnesota.

Council President Brendmoen said the City Council would also be sending a letter to the Congressional delegation as a follow-up to passage of the resolution.

Councilmember Prince moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

SUSPENSION ITEM

Councilmember Noecker moved suspension of the rules.

Rules suspended

Yea: 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

- [RES 19-450](#) Honoring Boca Chica Restaurante Mexicano y Cantina on their 55th Anniversary.

Councilmember Noecker read the resolution, made brief comments, and moved approval of the resolution.

Adopted

Yea: 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

ORDINANCES

An ordinance is a city law enacted by the City Council. It is read at four separate council meetings and becomes effective after passage by the Council and 30 days after publication in the Saint Paul Legal Ledger. Public hearings on ordinances are held at the third reading.

First Reading

- 11 [Ord 19-12](#) Granting the application of REZA Inc. to rezone property at 770 Grand Avenue from BC Community Business (Converted) to T2 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.
- Laid over to March 13 for second reading

PUBLIC HEARINGS (3:30 p.m.)

- 12 [RES PH 19-56](#) Approving the application of Patrick McGovern's for a sound level variance to present amplified music in an enclosed tent on Saturday, March 16, 2019 at 225 7th Street West.
- No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri
- Nay:** 0
- 13 [RES PH 19-58](#) Approving the application of Bennett's Chop & Railhouse for a sound level variance to present live amplified music in an enclosed tent on Friday, March 15, and Saturday, March 16, 2019 at 1305 7th Street West.
- No one was present to testify. Councilmember Noecker moved to close the public hearing and approve the resolution.*
- Adopted**
- Yea:** 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri
- Nay:** 0

LEGISLATIVE HEARING ITEMS FOR DISCUSSION

30 [RLH TA 19-28](#)

Ratifying the Appealed Special Tax Assessment for property at 1888 LACROSSE AVENUE. (File No. J1901G1, Assessment No. 198706)

Legislative Hearing Officer Marcia Moermond said this was a \$240 assessment for garbage hauling. She said the City provided garbage hauling at this property many times in 2017 and 2018. She said she didn't have a detailed staff report because it was a no-show Legislative Hearing on three separate occasions. She said because of the history of needing garbage hauling service and numerous orders, she recommended approval of this assessment, which was for four collections in June 2018.

Council President Brendmoen clarified that this was about garbage hauling, and the other two were for other types of abatement.

In opposition:

Tenant (no name given) said there was wood behind the shed, and he thought it was fire wood. He said there was a neighbor with history of calling in. He said the wood was hauled away, as well as a section of fence, and boxes from a roommate who moved in. He said he was present because he thought it was going to be assessed to the owner, and if there was any way for him (tenant) to take responsibility it would be great because it was his.

Council President Brendmoen asked if he was basically saying that he was taking responsibility on this assessment and the other two. The tenant said he had called about the assessments, and was confused about some of them but overall accepted responsibility.

Ms. Moermond said if the Council was considering all three assessments together, she would like to put in a staff report for the other two assessments so the tenant could respond. She said the second assessment was for a clean-up which occurred on August 2, and the total cost was \$506; she listed the items. Council President Brendmoen clarified that this was for Item 31. Legislative Hearing assistant Mai Vang showed the video of the clean-up.

The tenant said he accepted responsibility for those items; the only ones he was confused about was fence section and the wood.

Ms. Moermond said her recommendation was approval of the assessment; the City gave adequate notice and the work was done.

Ms. Moermond said for the third assessment, Item 32, after reviewing the video a few minutes earlier she would recommend deletion. She said it looked like a small amount was taken other than what was in the City container and that would be properly covered under the garbage hauling assessment.

Council President Brendmoen reviewed that the two assessments recommended for approval were \$240 and \$506, and the tenant was saying he was responsible and didn't want it to go to the landlord.

Councilmember Busuri moved to close the public hearing. Yeas - 6 Nays - 0 (Tolbert absent)

Councilmember Busuri moved to adopt Ms. Moermond's recommendation.

Council President Brendmoen said the City was allowed to bill the owner of the

property, and the tenant was within his rights to pay the owner, but the City couldn't bill a third party.

The tenant asked if he could get an itemized list. Council President Brendmoen staff would assist him after the hearing.

Adopted

Yea: 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

Absent: 1 - Councilmember Tolbert

- 31** [RLH TA 19-29](#) Ratifying the Appealed Special Tax Assessment for property at 1888 LACROSSE AVENUE. (File No. J1905A4, Assessment No. 198524)

See minutes for item 30.

Councilmember Busuri moved to close the public hearing and approve the resolution.

Adopted

Yea: 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

Absent: 1 - Councilmember Tolbert

- 32** [RLH TA 19-59](#) Ratifying the Appealed Special Tax Assessment for property at 1888 LACROSSE AVENUE. (File No. J1906A4, Assessment No. 198528)

See minutes for item 30.

Councilmember Busuri moved to close the public hearing and approve the resolution as amended.

Adopted as amended (assessment deleted)

Yea: 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

Absent: 1 - Councilmember Tolbert

LEGISLATIVE HEARING CONSENT AGENDA (3:30 p.m.)

Items listed under the Consent Agenda will receive a combined public hearing and be enacted by one motion with no separate discussion. Items may be removed from the Consent Agenda for a separate public hearing and discussion if desired.

Approval of the Consent Agenda (Items 14 - 50)

No one was present to testify. Councilmember Jalali Nelson moved to close the public hearing and approve the Legislative Hearing Consent Agenda as amended.

Legislative Hearing Consent Agenda adopted as amended

Yea: 6 - Councilmember Brendmoen, Councilmember Thao, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

Absent: 1 - Councilmember Tolbert

- 14** [RLH TA 19-49](#) Ratifying the Appealed Special Tax Assessment for property at 1232 ALBEMARLE STREET. (File No. J1910A, Assessment No. 198509)
Adopted
- 15** [RLH VO 19-2](#) Appeal of Arron King/Crystal Gullette to a Correction Notice - Re-Inspection Complaint at 341 ARBOR STREET.
Adopted
- 16** [RLH TA 19-33](#) Ratifying the Appealed Special Tax Assessment for property at 37 ATWATER STREET. (File No. J1909A, Assessment No. 198508)
Adopted
- 17** [RLH TA 19-40](#) Deleting the Appealed Special Tax Assessment for property at 500 BELLOWS STREET. (File No. J1909A, Assessment No. 198508)
Adopted
- 18** [RLH TA 19-27](#) Ratifying the Appealed Special Tax Assessment for property at 1818 BLAIR AVENUE. (File No. J1910A, Assessment No. 198509; amended to File No. J1910A3, Assessment No. 198548)
Public hearing continued to July 24
- 19** [RLH TA 19-37](#) Ratifying the Appealed Special Tax Assessment for property at 530 CHARLES AVENUE. (File No. J1909A, Assessment No. 198508)
Adopted

- 20 [RLH SAO 19-12](#) Appeal of JoAnn Lorvig-Tsoumanis to a Summary Abatement Order at 1400 CHARLES AVENUE.
Adopted
- 21 [RLH RR 19-7](#) Making finding on the appealed nuisance abatement ordered for 1332 DAYTON AVENUE in Council File RLH RR 18-28.
Adopted as amended (extension granted)
- 22 [RLH VBR 19-12](#) Appeal of Olga Lazareva to a Vacant Building Registration Notice at 733 EARL STREET.
Adopted
- 23 [RLH TA 19-20](#) Ratifying the Appealed Special Tax Assessment for property at 1230 EDGERTON STREET. (File No. J1910A, Assessment No. 198509)
Adopted
- 24 [RLH TA 19-52](#) Deleting the Appealed Special Tax Assessment for property at 977 FREMONT AVENUE. (File No. J1910A, Assessment No. 198509)
Adopted
- 25 [RLH TA 19-22](#) Ratifying the Appealed Special Tax Assessment for property at 763 HAWTHORNE AVENUE. (File No. J1910A, Assessment No. 198509; amended to File No. J1910A3, Assessment No. 198548)
Public hearing continued to July 24
- 26 [RLH TA 19-45](#) Deleting the Appealed Special Tax Assessment for property at 880 JACKSON STREET. (File No. J1909A, Assessment No. 198508)
Adopted
- 27 [RLH TA 19-53](#) Ratifying the Appealed Special Tax Assessment for property at 899 JENKS AVENUE. (File No. J1909A, Assessment No. 198508; amended to File No. J1909A1, Assessment No. 198544)
Public hearing continued to July 24
- 28 [RLH TA 19-30](#) Ratifying the Appealed Special Tax Assessment for property at 699 JESSAMINE AVENUE WEST. (File No. J1910A, Assessment No. 198509; amended to File No. J1910A1, Assessment No. 198546)
Public hearing continued to September 18
- 29 [RLH TA 19-36](#) Ratifying the Appealed Special Tax Assessment for property at 690 JUNO AVENUE. (File No. J1910A, Assessment No. 198509)
Adopted

- 33 [RLH TA 19-93](#) Ratifying the Appealed Special Tax Assessment for property at 1275 LAFOND AVENUE. (File No. J1910A, Assessment No. 198509; amended to File No. J1910A1, Assessment No. 19546)
Public hearing continued to September 18
- 34 [RLH FCO 19-16](#) Appeal of Alan Roers (representing David Wetherill) to a Fire Inspection Correction Notice at 602 LAWSON AVENUE WEST.
Adopted
- 35 [RLH TA 19-46](#) Ratifying the Appealed Special Tax Assessment for property at 1186 MARGARET STREET. (File No. J1909A, Assessment No. 198508; amended to File No. J1909A1, Assessment No. 198544)
Public hearing continued to July 24
- 36 [RLH TA 19-35](#) Ratifying the Appealed Special Tax Assessment for property at 1264 MARGARET STREET. (File No. J1909A2, Assessment No. 198545)
(Public hearing continued to September 25)
Referred to Legislative Hearings on March 19
- 37 [RLH TA 19-47](#) Ratifying the Appealed Special Tax Assessment for property at 325 MARIA AVENUE. (File No. J1910A, Assessment No. 198509)
Adopted
- 38 [RLH TA 19-39](#) Ratifying the Appealed Special Tax Assessment for property at 1650 MARION STREET. (File No. J1910A, Assessment No. 198509)
Adopted
- 39 [RLH TA 19-41](#) Ratifying the Appealed Special Tax Assessment for property at 155 MARYLAND AVENUE WEST. (File No. J1910A, Assessment No. 198509)
Adopted
- 40 [RLH VBR 19-13](#) Appeal of Boon Lor to a Vacant Building Registration Notice at 543 NEVADA AVENUE EAST.
Adopted
- 41 [RLH TA 19-48](#) Ratifying the Appealed Special Tax Assessment for property at 1475 PACIFIC STREET. (File No. J1909A, Assessment No. 198508)
Adopted

- 42 [RLH TA 19-51](#) Deleting the Appealed Special Tax Assessment for property at 883 PAYNE AVENUE. (File No. J1910A, Assessment No. 198509)
Adopted
- 43 [RLH VBR 19-10](#) Appeal of Margorie Pitz to a Vacant Building Registration Renewal Notice at 664 PLUM STREET.
Adopted
- 44 [RLH TA 19-34](#) Ratifying the Appealed Special Tax Assessment for property at 702 PREBLE STREET. (File No. J1910A, Assessment No. 198509; amended to File No. J1910A2, Assessment No. 198547)
Public hearing continued to October 9
- 45 [RLH TA 19-19](#) Ratifying the Appealed Special Tax Assessment for property at 733 SHERBURNE AVENUE. (File No. J1909A, Assessment No. 198508)
Adopted
- 46 [RLH TA 19-38](#) Ratifying the Appealed Special Tax Assessment for property at 1470 THOMAS AVENUE. (File No. J1909A, Assessment No. 198508)
Adopted
- 47 [RLH TA 19-120](#) Amending Council File RLH AR 18-88 to delete the assessment for Graffiti Removal services during June 20 to July 17, 2018 at 995 UNIVERSITY AVENUE WEST. (File No. J1901P, Assessment No. 198400)
Adopted
- 48 [RLH TA 19-122](#) Amending Council File RLH AR 19-5 to reduce the assessment for Collection of Vacant Building Registration Fees billed during March 12 to September 21, 2018 at 937 YORK AVENUE. (File No. VB1905, Assessment No. 198804)
Adopted
- 49 [RLH AR 19-8](#) Ratifying the assessments for Property Clean Up services during October 1 to 12, 2018. (File No. J1909A, Assessment No. 198508)
Adopted
- 50 [RLH AR 19-7](#) Ratifying the assessments for Property Clean Up services during October 12 to 29, 2018. (File No. J1910A, Assessment No. 198509)
Adopted

Council members shared news from the wards.

The Council recessed at 3:57 p.m.

PUBLIC HEARINGS (5:30 p.m.)

The Council reconvened for Public Hearings at 5:32 p.m.

Present 7 - Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Chris Tolbert, Councilmember Rebecca Noecker, Councilmember Jane L. Prince, Councilmember Mitra Jalali Nelson and Councilmember Kassim Busuri

51 [Ord 19-14](#)

Amending Chapter 409 of the Saint Paul Legislative Code establishing additional criteria for applicants to the charitable gambling eligible recipients list established under Section 409.235.

Councilmember Noecker recognized Councilmember Prince and St. Paul Youth Services for their work. She reviewed the changes and process. She said the changes came from research and recommendations made by participants in Youth Power, and brought the ordinance more in line with the needs of St. Paul's youth and the City's values.

Dr. Tracine Asberry, St. Paul Youth Services, made brief comments. Charles Thomas, Youth Power, spoke about his experience working on the ordinance.

Lance Van Elsen (6568 Upper 28th Street N.), 10% Club point of contact for Troop 294 out of St. Pascal's, said they had been receiving funds from the 10% Club for more than 10 years. He said he learned about the change the day before when a reporter contacted him. He said he didn't know the details but was afraid they were going to lose their funding, which provided about 50% of their operating budget. He said he was concerned that by targeting the funds, the City would be taking funds away from others. He said he supported the intent, but didn't know that tightening restrictions would open up availability.

Janet Lawson (1455 Chelmsford Street), executive director of Shakespeare in St. Anthony Park, spoke about her organization and in support of the ordinance change.

Councilmember Noecker moved to close the public hearing. Yeas - 7 Nays - 0

Councilmember Noecker and Council President Brendmoen made brief comments.

Public hearing held and closed; laid over to March 13 for final adoption

Yea: 7 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson and Councilmember Busuri

Nay: 0

52 [Ord 17-29](#)

Amending Chapter 236 of the Legislative Code regarding plastic packaging. (Public hearing held October 4, 2017; laid over from February 20, 2019 for public hearing on March 6)

Council President Brendmoen welcomed those present and made introductory comments. She said the Council would hold a public hearing and vote, following staff report by Dan Niziolek.

Dan Niziolek, Department of Safety and Inspections, gave a staff report. He reviewed the 18-month process. He said this was not a new ordinance but an amendment to an ordinance that been around since the 1990s. He said the goals were to make it meaningful, not put businesses at a competitive disadvantage, to look at it from a regional standpoint, and make sure there were resources along with the rules. He said they wanted to move the ball forward in partnership with businesses.

Council President Brendmoen asked Mr. Niziolek to provide more information on Ramsey County BizRecycling. Mr. Niziolek described the services provided. Council President Brendmoen noted that the greatest cost savings businesses were experiencing was reduction of the tax rate on the heavy tipping fee for garbage. Mr. Niziolek said in St. Paul there was a 70% tax on waste, and 0% on recycling and organics recycling.

Council President Brendmoen noted that it would go into effect in 22 months, and DSI would be doing proactive outreach during that time. She asked Mr. Niziolek for more details about the packaging fairs he had mentioned. Mr. Niziolek said all restaurants would receive at least one mailing and would be invited to a series of packaging fairs, which would include vendors who had experience working with Minneapolis and St. Louis Park. He said they'd also be working with the business associations and commercial development companies to make sure the City was getting to all of the businesses. He said they would continue to offer outreach in multiple languages and would work to with smaller businesses in creating collective buying opportunities. He said the goal was to make the small businesses even stronger and more vibrant.

Council President Brendmoen asked for more detail exemptions and the annual review of exemptions. Mr. Niziolek described the process for defining what was recyclable and compostable, and the annual review of exemptions.

In opposition:

Liz Rammer, President and CEO of Hospitality Minnesota (1959 Sloan Place, Suite 120) and representing the Minnesota Restaurant Association, said restaurants did not feel this ordinance would work or was fair. She said alternative products were costly, and small businesses operated on thin margins, and every additional mandate pushed them closer to financial vulnerability. She said many items the City proposed to ban were recyclable, and some of the items couldn't be replaced with recyclable alternatives. She said the ordinance arbitrarily singled out restaurants and small businesses, while exempting other organizations that contributed mightily to the waste stream.

Scott Van, Van Paper (2107 Stewart Avenue), said according to government figures only 2-3% of waste stream was take-out packaging, and since pre-packaged meals made by large corporations like Hormel and grocery stores were exempt, the effect on the waste stream would be even smaller. He said sales of their products indicated that businesses were making the change voluntarily, but for some, price was a big

consideration. He said manufacturers were still developing reasonable-priced alternatives. He said most of the fiber containers promoted by the ordinance were made in China and contained a bonding element which was under scrutiny as a health concern. He said he felt that businesses should be able to make their own decisions about products to get the results they desired.

Thomas Herr, representing Hmong Village (1001 Johnson Parkway), with approximately 300 businesses, said none of the outreach had reached them. He encouraged staff to come to Hmong Village and they would host a meeting. He said he was a builder and believed in green buildings, but felt it was still too early, and they hadn't found a way to address pricing. He said mom and pop businesses had difficulty making a living, and the cost differences were significant.

Council President Brendmoen said she heard a lot of businesses talk about the additional expense; she asked whether Mr. Herr thought it was unreasonable to charge a little more for food that was packaged to-go. Mr. Herr said if this ordinance passed they would have no choice, and the community would be hurt.

Bill Hosko (151 East 7th Street) read from the ordinance and said the stated goals should be applied uniformly to all commercial establishments businesses that served food and beverages, and any containers created to be recyclable should not be banned. He said if the standards couldn't be applied equitably, the City should continue to work until they could be.

Rhea Hail, WestRock (Wabash Avenue), said they were a 100% recyclable paper mill in Ward 4 and also make compostable and recyclable food service packaging. She said she had two concerns about the ordinance: as written it reinforced the recycling status quo and provided no incentive for the recycling vendor to add new materials; and it was not the case that composting was better for the environment than recycling.

Pat Mancini, Mancini's Restaurant (531 West 7th Street), said in the last year they had joined BizRecycling and chosen to transition to compostable items, and were going green. He said it was a fairness issue, and asked why their industry was the leader and why there were so many exemptions. He said the City get should get it right the first time, and he didn't think it was right this time.

Dave Cossetta, Cossetta's (211 West 7th Street) said he strongly believed in recycling but was saying no to the ordinance on the grounds of its fundamental fairness. He said a discriminatory ban that uniquely imposed a severe financial penalty on small and family-owned businesses while uniquely exempting large resource-rich businesses went far beyond the goal of ever achieving sustainability. He said he had spent the past year looking for alternatives for his business and encountered size limitations and liquid limitations. He said to ban the products today was premature and would be irresponsible to add this hardship on small businesses.

In support:

Erin Pavlica (1226 Charles Avenue), Zero Waste St. Paul, said 12 of 17 district councils had signed on to their support letter. She acknowledged the work of DSI, constituents, and businesses. She described the resources offered, and said the 2021 compliance date would coincide nicely with citywide curbside organics pick-up. She noted that the drop-off locations had been very successful. She said St. Paul wanted this, and they believed now was the time to put the health of the city first.

Wintana Melekin, owner of Momma's Kitchen (858 Payne Avenue), said she was 100%

in support, and had started with organics and recyclable when they opened the business a year before. She said she couldn't afford it but needed the City to create a standard so everyone was doing the same thing, which would allow her to raise her prices and work with other small businesses to buy in bulk, and would create a floor. She said she agreed with businesses that said it should apply to everyone else, but was fine doing this and then talking about the next thing.

Steve Patrin (2027 California Avenue E.), submitted a petition. He said businesses went into business to make a profit, and government's business was to take care of the welfare of its people, and he felt this took care of the welfare of its people. He said he agreed it should be extended to every business in the city.

Katrina Lund, Eureka Recycling, spoke in support. She said they saw this as a major step in the right direction but they were disappointed in the removal of the BPI certification ASTM standard language from the ordinance. She asked that the Council vote yes, but asked that the City make up for the omissions in language and be clear about certification standards and expectations as it prepared for an RFP for composting collection.

Moussa Doulaeh, Afro Deli Grill, said he totally supported the ordinance. He said he understood the concerns of the opposition and the costs, but before everything he was a father.

Jennifer Nguyen Moore (1039 Loeb Street) said she would like to see the City Council support policies that supported health equity, waste reduction, and reducing environmental impact. She spoke about the health concerns associated to Styrofoam.

Amber Garlan (9 West 7th Place) said if Afro Deli could do it, everyone could.

Chelsea DeArmond (667 North Street) founder St. Paul Climate Justice, spoke in support of the ordinance. She said not being able to do everything at once was not an excuse for doing nothing now.

Ann Mongoven (2104 Edgcumbe Road), leader of St. Paul ISIAH, said she wanted sustainable take out containers when she went to St. Paul businesses, and this ordinance helped make that happen. She said she loved the way it connected with the organics and composting programs. She said the phased-in timeline was long enough to give support to small and local businesses, and it was a good use of City resources.

Tim Schaefer (2625 Lyndale Avenue S.), state director of Environment Minnesota, spoke in support. He said defining things by what was actually recycled and composted in the St. Paul was smart.

Jake Duane (Rosemount, MN), Specialized Environmental Technologies, largest composter in the state, said they supported the ordinance and shared Eureka's concerns related to BPI certification ASTM standards.

Todd Tanner (922 Charles Avenue) said he was speaking for himself, but worked for University of Minnesota in waste recovery services and was two-term board president of re-use Minnesota and was a subject matter expert on many of these topics. He said Styrofoam was not recyclable, especially when contaminated, and the equipment was very expensive. He said the city needed to level the playing field for businesses trying to do the right thing. He said the chemical in fiber products was a problem, but saying that we're not going to allow compostable materials because of it was not an

acceptable choice; they were on a solution. He said BPI certification was very important and in early 2020 would include that the chemical had been removed from those products.

Stefan Pomrenke (950 Margaret Street), family physician, said he supported the ordinance. He noted that it was Ash Wednesday and in his tradition he remembered he was dust and shall return to dust; he said he would like his takeout to do the same.

Alexander Bourne (1270 Magnolia Street), said he supported the ordinance, and the only change would be to add financial resources for small businesses to ease the transition, and also do away with plastic bags city-wide.

Rich Holst (1284 Marion Street), North End Neighborhood Organization, said they engaged with businesses and residents and received no negative feedback, and their resolution passed unanimously.

Jenny Kedward (1090 Charles Avenue) said she and her husband recently moved from Minneapolis, and green to go packaging there was amazing. She said she worked in the recycling and waste arena and knew this was coming one way or another so it was good to get ahead of it and support out businesses.

Emma Finla (757 Laurel Avenue) said she was present on behalf of her five-year-old, and the Council needed to think about impact on the children who were paying attention.

Councilmember Noecker moved to close the public hearing. Yeas - 7 Nays - 0

Council President Brendmoen asked those in opposition to stand; she asked those in support to stand.

Councilmember Jalali Nelson thanked community members, City staff, recycling and composting experts, her predecessors on the Council, current and former City staff, the 12 of 17 district council partners, and Councilmember Prince. She spoke about the importance of acting now at the local level to address climate change, and about the successes of the businesses that had already made the change. She said there was a two-year period for implementation, and DSI and partners would lead further engagement and work with people so there could be reasonable exemptions for packaging items that didn't have a replacement.

Councilmember Prince said it had been a tough decision, and she appreciated the input from Mr. Cossetta and Mr. Mancini. for their testimony, and knew it was a tough issue. She thanked Zero Waste St. Paul, the Climate Justice group and other advocates who had helped many businesses move to sustainable packaging. She said she would support the ordinance because of the extension of implementation date which allowed time to implement curbside compostable pick-up, to pursue a secondary market for recycling of black plastics, and allow DSI to begin outreach to small and immigrant-owned businesses. She said there would be the opportunity in the coming year to assess those activities and determine if the implementation date needed to be pushed back further.

Councilmember Busuri said after significant research he was voting against the ordinance and urged his colleagues to do the same. He said the ordinance was simply unfair and held only one sector of businesses accountable. He said many restaurants in his ward were small, immigrant-owned, mom and pop shops which provided jobs and

income for people with limited English skills. He said instead of passing this unjust ordinance, he would propose offering a carrot instead of a stick, and developing a program to reward those businesses that used recyclables.

Councilmember Noecker echoed her colleagues' gratitude to community members, advocates and her colleagues. She said she entirely supported the goals of the ordinance, but felt it was not a solution but a band-aid. She said the City needed to go after the big players that were exempted. She said this put 100% of the burden on the local businesses that generated 2-3% of waste stream, and it was not acceptable to make an unfair ordinance and make it fair later. She said she couldn't support an ordinance that didn't address the problem and unfairly targeted small businesses while letting the real culprits off the hook.

Councilmember Thao said he didn't disagree with those in opposition, and understood the ordinance would impact small and micro business and require an adjustment in business operations. He said the City had asked a lot of businesses lately, and he understood passage of this ordinance would frustrate and disappoint those who opposed it. He said he had also come to understand our employer community were hard-working, determined and adaptive, and were a pillar of the community in sustaining the City with tax revenue. He said he wanted to thank them all, and it was an honor to have them do business and employ the people of St. Paul. He said he also understood there was no other earth, and humans' ability to survive was dependent on our accountability to each other and to our planet. He said after looking at the documents, testimony, research on climate change and health hazards, he believed this was not about a winner or loser but about the children in our community. He noted the continuing work on outreach related to the minimum wage, and said he was open to continuing outreach so those impacted could survive and thrive.

Council President Brendmoen said she appreciated the diversity of opinion at the table and in the room. She acknowledged the work of the organizers and thanked Mr. Niziolek for his report. She said she had been a supporter from the beginning, and when she engaged with youth in her political campaign, the first thing they always talked about was the environment. She said she was supporting it for them. She said she appreciated the speaker's perspective that not being able to do everything wasn't an excuse for not doing something.

Councilmember Jalali Nelson move approval.

Adopted

Yea: 5 - Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Prince and Councilmember Jalali Nelson

Nay: 2 - Councilmember Noecker and Councilmember Busuri

ADJOURNMENT

The meeting was adjourned at 7:08 p.m.

Meeting adjourned

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