



# 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*

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Friday, August 23, 2019

4:30 PM

Council Chambers - 3rd Floor

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### City Council Special Meeting

#### ROLL CALL

*The meeting was called to order by Council President Brendmoen at 4:33 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

#### FOR DISCUSSION

**1**      [RES 19-1401](#)

Directing the City Clerk notify the County Auditor to place a referendum of Ordinance ORD 18-39 on the November 5, 2019 ballot and approving the title and language for that ballot question.

*Deputy Mayor Jaime Tincher gave a staff report. She said the ballot language was developed by staff from the City Attorney's office, Public Works, Finance, and the Mayor's office. The goals in drafting were to comply with the law, and be as clear as possible so voters could understand their vote. She said they didn't yet have the Supreme Court's reasoning, and didn't know the impact the vote on Ordinance 18-39 might have on the contract with the haulers or trash collection on general.*

*Council President Brendmoen clarified that what the Council was voting on was the title and ballot language. She said the meeting was not noticed as a public hearing, but members of the community were present to comment on the ballot language. She said she would like to put 15 minutes on the clock for community members to provide input on the ballot language specifically. She noted the deadline of today at Ramsey County, and said she would keep the focus on the language itself. She confirmed that no Council members objected to taking public comment prior to Council discussion. She read the ballot title and question language, and said it was on the screen in the chambers.*

*Mike Schumann (541 Dayton Avenue) said he had no problem with the language but would like to talk about the fundamental questions and problems with the program.*

*Council President Brendmoen said they were talking that day about the ballot language and only the ballot language. She said the Council would be looking at the levy limit and planned to have a conversation about garbage collection at that time.*

*Mr. Schumann expressed frustrations about the program and the right-of-way cases, and asked when the Council was going to start talking to people with concerns and stop litigating and losing.*

*Eric Lein (361 Summit Avenue) thanked the Council for clear and direct language to go on the ballot.*

*Patricia Hartman (1294 Jefferson Avenue) said she was one of the people circulating the petition, and didn't believe the ordinance was actually in effect and was suspended because the petitioners did comply with the Charter requirement last October. She said the ballot language could reflect that; other than that she agreed with the way the yes and no votes would turn out.*

*Council President Brendmoen said they were taking a quick look at the language from the Supreme Court decision. Deputy City Attorney Rachel Tierney said the Supreme Court order explicitly said the stay entered by the District Court shall remain in effect until the results of the election were canvassed and declared. She said the effect of the stay was that the ordinance was in operation.*

*Ms. Hartman said the City didn't have the authority to enforce the ordinance and had been doing so in a manner that was ultra vires.*

*David Thom (365 Hope Street) congratulated the Council for doing a good job on the wording of the ordinance but said they all must do much better between now and when they were replaced on January 2.*

Charlotte Osborne (1471 Fulham) asked how it was counted if someone didn't vote. Ms. Tierney said under City Charter only votes were counted, so if there was no vote at all, that ballot was not part of the number of ballots considered. Ms. Osborne asked that the wording "certain" residential dwellings be changed, because she didn't feel it showed the extent of the what the ordinance covered.

Councilmember Prince moved to close public comment. Yeas - 7 Nays - 0

Councilmember Prince said she had raised the issue of the word "certain" and had offered "residential dwelling units of up to 1, 2, 3, and 4," and the feedback from the City Attorney's office was a concern that it would appear we were voting on the number of units it would apply to. She said she didn't know whether anyone else felt the word "certain" was something they should reconsider, and replace with something like "some."

Council President Brendmoen said something like "most" or "many."

Councilmember Noecker said she appreciated the points, and felt the last thing Council members wanted was concern that the question was framed in a way to weight one side or another. She said she would support something like "many," but understood why the City Attorney's office didn't want to get into the way trash was collected, since that was not at issue.

Council President Brendmoen said many residential units in the city were multi-family dwellings that this would not apply to.

Councilmember Noecker moved to move to change the word "certain" to "many."

Councilmember Tolbert said the most important thing to him was that it was short enough to not be the entire ordinance, and plain language for people to be able to understand, and he would be nervous about playing with any of the language now. He asked whether the ballots would be translated. Ms. Tierney said the ballots were printed only in English, but often interpreters were used for non-English speakers.

Councilmember Tolbert said the language needed to be able to be interpreted, and he was hesitant to change the language much unless there's a very big concern about the word. He said certain was very direct and clear. certain is very clear; it accurately answered the question of what units were part of the program.

Councilmember Jalali Nelson said they wanted factual language, and "many" was open to wide interpretation, and "certain" was accurate.

Council President Brendmoen said she shared the concern, and would not be in support of the amendment.

Councilmember Thao when he looked at the language from the perspective of an English as a second language person, the way it was written would make it more simple in expressing whether a person was a yes or a no. He said "certain" easier to translate than "many."

Councilmember Noecker said she appreciated that point, and hadn't thought of it. She said she was comfortable withdrawing the amendment.

*Councilmember Prince said she appreciated that consideration.*

*Council President Brendmoen said she appreciated the work of staff to create a very straightforward title and referendum question, that they all agreed on. She 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

**ADJOURNMENT**

*Council President Brendmoen adjourned the meeting.*

**Meeting adjourned at 4:56 p.m.**

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